
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st June 2006 subsections (1) to (3) and (6) of section 105 of the Licensing (Scotland) Act 2005 (“the Act”). Those subsections make it an offence for a person under 18 to buy or attempt to buy alcohol, but provide that no offence is committed where purchase is by a person under 18 who is authorised by a chief constable for the purpose of determining whether a person is committing the offence of selling alcohol to a person under 18. The Order also commences the repeal of the provision in the Licensing (Scotland) Act 1976 which currently criminalises the purchase of alcohol by a person under 18.

Articles 3 to 5 of the Order make transitional provision. In particular, only the chief constable of the Fife police force may meantime give an authorisation to a person under 18 for the purpose of section 105(2) of the Act.

Article 6 revokes the Licensing (Scotland) Act 2005 (Commencement No.1 and Transitional Provisions) Order 2006, which contained similar provisions to those in this Order but included no equivalent to article 5 of this Order.