
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 307 (C. 29)

LICENCES AND LICENSING

**The Air Weapons and Licensing (Scotland) Act 2015
(Commencement No. 5 and Saving Provisions) Order 2016**

Made - - - - 29th September 2016
*Laid before the Scottish
Parliament* - - - - 3rd October 2016
Coming into force - - 1st November 2016

The Scottish Ministers make the following Order in exercise of the powers conferred by section 88(2) and (3) of the Air Weapons and Licensing (Scotland) Act 2015⁽¹⁾.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Air Weapons and Licensing (Scotland) Act 2015 (Commencement No. 5 and Saving Provisions) Order 2016 and comes into force on 1st November 2016.

(2) In this Order, “the 2015 Act” means the Air Weapons and Licensing (Scotland) Act 2015.

Appointed day

2. The day appointed for the coming into force of the provisions of the 2015 Act specified in column 1 of the table in the schedule (the subject matter of which is described in column 2 of that table) is specified in column 3 of that table.

Saving provision: section 75 of the 2015 Act

3.—(1) Paragraph (2) applies in relation to premises in respect of which an application for an occasional licence is made to the Licensing Board, or an occasional licence is granted by the Licensing Board, prior to 1st November 2016.

(2) Where this paragraph applies, the amendment made by section 75 of the 2015 Act has no effect until the date on which the occasional licence referred to in paragraph (1) ceases to have effect.

(3) In this article—

“Licensing Board” means a Board continued in existence by or established under section 5 of the 2005 Act; and

(1) 2015 asp 10.

“occasional licence” means a licence granted under section 56 of the 2005 Act.

Saving provision: section 77 of the 2015 Act

4. Despite the commencement of section 77 of the 2015 Act, the amendments made by that section to the 1982 Act have no effect in relation to an application made prior to 1st May 2017.

Saving provision: section 78 of the 2015 Act

5.—(1) Despite the commencement of section 78 of the 2015 Act, the amendments made by that section to the 1982 Act have no effect in relation to proceedings to vary or suspend a licence where the date of notification by the licensing authority of their proposal to hold a hearing in accordance with paragraph 11(8) of schedule 1 of the 1982 Act is prior to 1st November 2016.

(2) In this article “licensing authority” has the same meaning given in section 2 of the 1982 Act.

St Andrew’s House,
Edinburgh
29th September 2016

MICHAEL MATHESON
A member of the Scottish Government

SCHEDULE

Article 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Provisions of the 2015 Act</i>	<i>Subject matter</i>	<i>Appointed day</i>
Section 63	Refusal to grant private hire car licences on grounds of overprovision	1st May 2017
Section 64	Testing of private hire car drivers	1st November 2016
Section 71	Register of dealers in metal	1st November 2016
Section 75	Restriction of exemption from requirement for public entertainment licence	1st November 2016
Section 77	Deemed grant of applications	1st May 2017
Section 78	Revocation of Part 2 licences	1st November 2016
Section 80 (in so far as not already in force)	Conditions for Part 3 licences	1st November 2016
Section 81	Conditions for Part 3 licences: displays or advertising	1st November 2016
Section 82	Civic licensing standards officers	1st May 2017
Section 83	Electronic communications under the 1982 Act	1st November 2016

EXPLANATORY NOTE*(This note is not part of the Order)*

This Order brings into force the following provisions of the Air Weapons and Licensing (Scotland) Act 2015 (“the 2015 Act”): sections 63, 64, 71, 75, 77, 78, 80, 81, 82 and 83 (article 2).

The Schedule to the Order appoints the 1st November 2016 for the commencement of section 64, 71, 75, 78, 80, 81, and 83 of the 2015 Act. The remaining provisions are brought into force on 1st May 2017.

Articles 3 to 5 contain saving provisions.

Article 3 makes a saving provision that has the effect that the commencement of section 75 of the 2015 Act, amending the exemption from holding a public entertainment licence for those in possession of an occasional licence, under section 56 of the Licensing (Scotland) Act 2005, has no effect where an application for an occasional licence is made or such a licence is granted prior to 1st November 2016. This saving provision will only apply for the duration of the occasional licence.

Article 4 makes a saving provision that has the effect that despite the commencement of section 77 of the 2015 Act, the amendments therein, which require a licensing authority to consider and decide

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applications within a set time period, otherwise the applications will be deemed to have been granted, have no effect in relation to an application made prior to 1st May 2017.

Article 5 makes a saving provision that has the effect that despite the commencement of section 78 of the 2015 Act, the amendments therein, permitting a licensing authority to revoke a licence, have no effect where a licensing authority has issued notification of a hearing to determine whether to vary or suspend a licence prior to 1st November 2016.

The Bill for the 2015 Act received Royal Assent on 4th August 2015. Sections 60(1) and (2), 84, 85, 86, 88 and 89 of the 2015 Act came into force on the following day.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2015 Act have been, or are due to be, brought into force by commencement orders made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 1	1st December 2015	2015/382
Section 2 (partially)	1st December 2015	2015/382
Section 2 in so far as not already in force	31st December 2016	2016/130
Sections 3–5	1st July 2016	2016/130
Section 6 (1) to (3)	1st July 2016	2016/130
Section 6 in so far as not already in force	31st December 2016	2016/130
Sections 7, 8(1), 9(1) and (2), 10 and 11(1) to (4) and (7)	1st July 2016	2016/130
Sections 8, 9 and 11 in so far not already in force	31st December 2016	2016/130
Sections 12, 13, 14, 15(1) to (3), 16(1) to (5) and (8) and 17(1), (2), (6) and (7)	1st July 2016	2016/130
Sections 15, 16 and 17 in so far as not already in force	31st December 2016	2016/130
Sections 18-22	1st July 2016	2016/130
Sections 23-27	31st December 2016	2016/130
Section 28	1st July 2016	2016/130
Sections 29 and 30	31st December 2016	2016/130
Sections 31(1) and (3)	1st July 2016	2016/130
Section 31 in so far as not already in force	31st December 2016	2016/130
Sections 32, 33 and 34 (other than subsection(2)(n))	1st July 2016	2016/130
Section 34 in so far as not already in force	31st December 2016	2016/130
Section 35(1), (2), and (4)	1st December 2015	2015/382
Section 35(3)	1st July 2016	2016/130

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 36	1st December 2015	2015/382
Section 37	1st July 2016	2016/130
Section 38	31st December 2016	2016/130
Section 39(1)	1st July 2016	2016/130
Section 39(2) and (3)	1st December 2015	2015/382
Section 40	1st December 2015	2015/382
Section 42	30th September 2016	2016/132
Section 55	30th September 2016	2016/132
Section 56 (partially)	1st December 2015	2015/382
Section 65(1), (2), (4) and (5)	1st December 2015	2015/382
Sections 66-69	1st September 2016	2016/85
Section 70(1) and (3) (partially)	1st December 2015	2015/382
Section 70 in so far as not already in force	1st September 2016	2016/85
Section 72 (partially)	16th March 2016	2016/85
Section 72 in so far as not already in force	1st September 2016	2016/85
Section 73	1st December 2015	2015/382
Section 76(1) and (3) (partially)	1st December 2015	2015/382
Section 79	1st December 2015	2015/382
Section 80(1) and (2) (partially)	1st December 2015	2015/382
Section 87 (partially)	31st December 2016	2016/130
Schedule 1	31st December 2016	2016/130
Schedule 2 part 1	31st December 2016	2016/130