

2007 No. 397

LICENSING (LIQUOR)

The Licensing (Training of Staff) (Scotland) Regulations 2007

Made - - - - - *30th August 2007*

Laid before the Scottish Parliament *3rd September 2007*

Coming into force - - - *1st February 2008*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 147(1) of, and paragraph 6 of schedule 3 to, the Licensing (Scotland) Act 2005^(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Licensing (Training of Staff) (Scotland) Regulations 2007 and come into force on 1st February 2008.

(2) In these Regulations, “the Act” means the Licensing (Scotland) Act 2005.

Training requirement

2. The training requirement prescribed for the purposes of paragraph 6 of schedule 3 to the Act is that any person working in the capacity mentioned in sub-paragraph (2) of that paragraph must have received relevant training from a person who at the time of providing the training holds—

- (a) a personal licence; or
- (b) a qualification accredited for the purposes of this regulation by the Scottish Qualifications Authority.

Relevant training

3. In regulation 2, “relevant training” means training of at least 2 hours’ duration which covers each of the matters specified in the Schedule.

KENNY MACASKILL
A member of the Scottish Executive

St Andrew’s House,
Edinburgh
30th August 2007

(a) 2005 asp 16; see the definition of “prescribed” in section 147(1).

SCHEDULE

Regulation 3

TRAINING – MATTERS TO BE COVERED

1. The legal basis of the requirement for the training of staff under paragraph 6 of schedule 3 to the Act.
2. The licensing objectives.
3. The definition of “alcohol” in the Act.
4. What constitutes an unlicensed sale.
5. The functions of Licensing Standards Officers, including their powers of entry.
6. The nature of an operating plan and its place in the licensing system.
7. The different types of premises licence conditions under section 27 of the Act.
8. Special provision for clubs under section 125 of the Act.
9. Licensed hours under Part 5 of the Act.
10. Offences under the Act, particularly those involving persons under the age of 18.
11. Proof of age under sections 102 and 108 of the Act and the Sale of Alcohol to Children and Young Persons (Scotland) Regulations 2007(a).
12. Test purchasing of alcohol under section 105(2) of the Act.
13. Best practice as regards standards of service and refusing service.
14. Units of alcohol and the relationship between units and the strength of different alcoholic drinks.
15. The sensible drinking limits for males and females recommended by the British Medical Association.
16. Good practice in managing conflict situations.

(a) S.S.I. 2007/93, as amended by S.S.I. 2007/313.

EXPLANATORY NOTE

(This note is not part of the Regulations)

In terms of paragraph 6 of schedule 3 to the Licensing (Scotland) Act 2005, no person (other than a personal licence holder) is to sell or serve alcohol on licensed premises unless that person has complied with any training requirements prescribed by regulations. These Regulations provide that any person working in such a capacity must have received at least 2 hours' training from a personal licence holder or a person holding a qualification mentioned in regulation 2(b). The training must cover the matters specified in the Schedule to the Regulations.

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