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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 354 (C. 33)**

**CRIMINAL LAW**

**The Criminal Justice and Licensing (Scotland)  
Act 2010 (Commencement No. 9, Transitional  
and Savings Provisions) Order 2011**

<i>Made</i>	- - - -	<i>6th October 2011</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>10th October 2011</i>
<i>Coming into force</i>	- -	<i>1st November 2011</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 201(1) and (2) and 206(1) of the Criminal Justice and Licensing (Scotland) Act 2010(1).

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Criminal Justice and Licensing (Scotland) Act 2010 (Commencement No. 9, Transitional and Savings Provisions) Order 2011 and comes into force on 1st November 2011.

(2) In this Order—

“the Act” means the Criminal Justice and Licensing (Scotland) Act 2010;

“the 1982 Act” means the Civic Government (Scotland) Act 1982(2);

“the 2005 Act” means the Licensing (Scotland) Act 2005(3);

“occasional licence application” has the meaning given in section 56(4) of the 2005 Act; and

“premises licence” has the meaning given in section 17 of the 2005 Act.

**Commencement of provisions**

2.—(1) The provisions of the Act specified in column 1 of the Schedule (the subject matter of which is specified in column 2 of the Schedule) come into force on the corresponding date specified in column 3 of the Schedule.

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(1) 2010 asp 13.

(2) 1982 c.45.

(3) 2005 asp 16.

(2) Where a purpose is specified in column 4 of the Schedule, the corresponding provision specified in column 1 of the Schedule comes into force only for that purpose.

**Savings provision and transitional provision - section 174 (licensing of taxis and private hire cars)**

3.—(1) The commencement of section 174 of the Act has no effect as regards—

- (a) an application for a licence under section 13 of the 1982 Act made before 1st November 2011; or
- (b) a review under section 17(2) of the 1982 Act commenced before that date.

(2) The duty specified in section 17(2) of the 1982 Act (as substituted by section 174(3)(a) of the Act) does not apply in relation to scales which are in effect on 1st November 2011 and are the subject of a review commenced before that date.

**Transitional provision - section 184 (premises licences: connected persons and interested parties)**

4.—(1) For the purposes of section 40A of the 2005 Act (as inserted by section 184(2) of the Act) a premises licence holder who is an interested party in relation to licensed premises on 1st November 2011 is to be treated as having become an interested party on that date.

(2) Notwithstanding the commencement of section 184 of the Act, where a premises licence holder becomes or ceases to be an interested party in relation to the licensed premises on or after 1st November 2011 but before 1st April 2012 then notice of that fact must be given by the premises licence holder to the Licensing Board no later than 1st May 2012.

**Savings provision – schedule 6 (further modifications of the 2005 Act)**

5. The commencement of paragraphs 2 and 17 of schedule 6 to the Act is of no effect in relation to—

- (a) an occasional licence application received by a Licensing Board before 1st November 2011;
- (b) an application for a premises licence made to a Licensing Board before 13th December 2011;
- (c) an application for the transfer of a premises licence made to a Licensing Board before 13th December 2011; and
- (d) an application for a personal licence under section 72 of the 2005 Act made before 13th December 2011.

St Andrew's House, Edinburgh  
6th October 2011

*KENNY MACASKILL*  
A member of the Scottish Executive

## SCHEDULE

Article 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>(provisions of the Act)</i>	<i>(subject matter)</i>	<i>(date of commencement)</i>	<i>(purpose)</i>
Section 100	Sexual offences protection orders	1st November 2011	
Section 103	Risk of sexual harm orders	1st November 2011	
Section 109(1) and (2)	Spent alternatives to prosecution: Rehabilitation of Offenders Act 1974	1st November 2011	
Section 109(3)	Spent alternatives to prosecution: Rehabilitation of Offenders Act 1974	1st November 2011	For all purposes in respect of offences committed on or after the date specified in column 3.
Section 109(4)	Spent alternatives to prosecution: Rehabilitation of Offenders Act 1974	1st November 2011	
Section 110(1)	Medical services in prisons	1st November 2011	
Section 110(2)	Medical services in prisons	1st November 2011	For all purposes in respect of offences committed under section 41D of the Prisons (Scotland) Act 1989(4) on or after the date specified in column 3.
Section 110(3), (4) and (5)	Medical services in prisons	1st November 2011	
Section 174	Licensing of taxis and private hire cars	1st November 2011	
Section 184	Premises licences: connected persons and interested parties	1st November 2011	For all purposes insofar as not already in force.
Section 195	Liability for offences	1st November 2011	For all purposes insofar as not already in force in respect of offences committed on or after

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(4) 1989 c.45.

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>(provisions of the Act)</i>	<i>(subject matter)</i>	<i>(date of commencement)</i>	<i>(purpose)</i>
			the date specified in column 3.
Paragraph 2 of schedule 6	Further modifications of the 2005 Act	1st November 2011	
Paragraphs 9 and 10 of schedule 6	Further modifications of the 2005 Act	1st November 2011	For the purposes of occasional licence applications received by a Licensing Board on or after the date specified in column 3.
Paragraph 17 of schedule 6	Further modifications of the 2005 Act	1st November 2011	
Paragraphs 7, 9 and 10 of schedule 7	Modifications enactments	of 1st November 2011	

### EXPLANATORY NOTE

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

This Order brings into force certain provisions of the Criminal Justice and Licensing (Scotland) Act 2010. Article 2 provides that the provisions specified in column 1 of the Schedule come into force on the date specified in column 3. Those provisions come into force for all purposes unless otherwise specified in column 4 of the Schedule.

Articles 3 and 4 make transitional and savings provision.

The Bill for the Act received Royal Assent on 6th August 2010. Sections 201, 202, 204, 205 and 206 of the Act came into force on Royal Assent.

### NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Act have been 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 14(1) (in part)	1st February 2011	<a href="#">2010/413</a>

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 14(1) (in so far as not already in force)	1st April 2011	2010/413
Section 14(2)	1st February 2011	2010/413
Section 15	28th March 2011	2011/178
Section 16	13th December 2010	2010/413
Section 17	1st February 2011	2010/413
Section 19	28th March 2011	2011/178
Sections 20 and 21	1st February 2011	2010/413
Section 22	28th March 2011	2011/178
Section 23	13th December 2010	2010/413
Section 24	28th March 2011	2011/178
Sections 25 and 26	13th December 2010	2010/413
Section 27	28th March 2011	2011/178
Sections 28 to 31	13th December 2010	2010/413
Sections 32 and 33	28th March 2011	2011/178
Section 34	13th December 2010	2010/413
Section 35	28th March 2011	2011/178
Section 36	28th March 2011	2011/178
Section 37	13th December 2010	2010/413
Section 38	6th October 2010	2010/339
Sections 39 to 41	13th December 2010	2010/413
Section 42	28th March 2011	2011/178
Sections 43 and 44	1st December 2010	2010/357
Section 45	13th December 2010	2010/413
Section 46 to 53	28th March 2011	2011/178
Section 54	6th June 2011	2011/178
Section 55	28th March 2011	2011/178
Section 56	13th December 2010	2010/413
Sections 57 and 58	28th March 2011	2011/178
Sections 59 and 60	13th December 2010	2010/413
Sections 61 and 62	28th March 2011	2011/178
Sections 65 to 70	28th March 2011	2011/178
Section 71	13th December 2010	2010/413
Sections 72 to 76	28th March 2011	2011/178
Section 77(1) (in part)	28th March 2011	2011/178

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 77(1) (insofar as not already in force)	1st August 2011	2011/178
Section 77(2)(a)	28th March 2011	2011/178
Section 77(2)(b) and (c)	1st August 2011	2011/178
Section 77(3)	28th March 2011	2011/178
Sections 78 and 79	28th March 2011	2011/178
Section 80 (in part)	13th December 2010	2010/413
Section 80 (insofar as not already in force)	15th April 2011	2011/178
Section 81	28th March 2011	2011/178
Section 82	1st August 2011	2011/178
Section 83	5th November 2010	2010/385
Section 84	28th March 2011	2011/178
Section 85	6th June 2011	2011/178
Sections 86 to 91	28th March 2011	2011/178
Section 93	13th December 2010	2010/413
Sections 94 to 96	10th January 2011	2010/413
Section 97	6th October 2010	2010/339
Section 99	13th December 2010	2010/413
Section 101	13th December 2010	2010/413
Section 102	28th March 2011	2011/178
Sections 104 and 105	13th December 2010	2010/413
Sections 106 and 107	28th March 2011	2011/178
Section 108(1)(in part) and (4)	12th October 2010	2010/344
Section 108(1) to (3) and (4) (insofar as not already in force)	28th February 2011	2011/157
Sections 111 to 114	13th December 2010	2010/413
Section 115	28th March 2011	2011/178
Sections 116 to 167	6th June 2011	2011/178
Section 172(1) to (3), (4)(a), (5) and (6)	28th March 2011	2011/178
Section 173	13th December 2010	2010/413
Section 175	28th March 2011	2011/178
Section 176	1st April 2012	2011/178
Section 177	1st October 2012	2011/178
Section 178(3)(e)	16th August 2010	2010/297

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 178 (in so far as not already in force)	28th February 2011	2010/413
Sections 180 and 181	13th December 2010	2010/413
Section 182	28th February 2011	2010/413
Section 183	13th December 2010	2010/413
Section 184(1) and (2) and (3) (both partially)	13th December 2010	2010/413
Section 185	13th December 2010	2010/413
Section 186	28th March 2011	2011/178
Section 187	13th December 2010	2010/413
Section 188(1)	13th December 2010	2010/413
Section 188(2)	28th March 2011	2011/178
Section 188(3)	13th December 2010	2010/413
Sections 189 and 190	1st October 2011	2011/178
Section 191	28th December 2011	2011/178
Section 192 to 194	13th December 2010	2010/413
Section 195(1),(2) and (3) (partially)	13th December 2010	2010/413
Section 196	13th December 2010	2010/413
Sections 198 and 199	13th December 2010	2010/413
Section 203	28th March 2011	2011/178
Schedule 2 (with the exception of paragraph 38)	1st February 2010	2010/413
Schedule 2 (insofar as not already in force)	The day that section 25(2) of the Welfare Reform Act 2009 (c.24) (jobseekers allowance: sanctions for violent conduct etc. in connection with claim) comes into force	2010/413
Schedule 4 (with the exception of paragraph 12)	13th December 2010	2010/413
Schedule 5	28th March 2011	2011/178
Schedule 6 (with the exception of paragraphs 2, 9, 10 and 17)	13th December 2010	2010/413
Schedule 7, paragraphs—		
1 to 3	28th March 2011	2011/178
4	13th December 2010	2010/413
5	13th December 2010	2010/413

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
6	28th March 2011	2011/178
11 and 12	28th March 2011	2011/178
13	13th December 2010	2010/413
14 and 15	28th March 2011	2011/178
17 to 25	28th March 2011	2011/178
27 to 31	28th March 2011	2011/178
33	1st August 2011	2011/178
34 to 36	28th March 2011	2011/178
44 and 45	28th March 2011	2011/178
47	28th March 2011	2011/178
48	10th January 2011	2010/413
49	13th December 2010	2010/413
50	28th March 2011	2011/178
52 to 56	28th March 2011	2011/178
59 to 61	28th March 2011	2011/178
63 to 65	28th March 2011	2011/178
67 to 69	28th March 2011	2011/178
72	28th March 2011	2011/178
74	28th March 2011	2011/178
77 to 83	28th March 2011	2011/178
86	13th December 2010	2010/413