
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 Act”): sections 41, 43-48, 50, 51, 53, 54, 56 (for limited purposes), 57, 58, 60 (for all remaining purposes), 62, 87 (for limited purposes) and Part 2 of schedule 2, paragraph 4(1), (3), (5) and (7). The provisions are brought into force on 15th May 2017 (article 2).

Articles 3 and 5 contain savings provisions.

Article 3 of the Order makes a saving provision that has the effect that, despite the commencement of sections 43 to 48 of the 2015 Act, the amendments therein shall not apply to the consideration of certain applications or hearings received, initiated or scheduled prior to 15th May 2017.

This includes an application for a premises licence (under section 20 of the 2005 Act); an application for the transfer of a premises licence (under section 33 or 34 of the 2005 Act); a premises licence review application (under section 36 of the 2005 Act); a premises licence review proposal initiated by a Licensing Board (under section 37 of the 2005 Act); an application for a personal licence (under section 72 of the 2005 Act); and an application for a renewal of a personal licence (under section 78 of the 2005 Act). Finally, this article provides that a hearing under sections 83 or 84 of the 2005 Act is unaffected where the date of the hearing has been scheduled before 15th May 2017.

Article 4 of the Order makes a saving provision that has the effect that despite the commencement of sections 43 to 48 of the 2015 Act, the amendments therein shall not apply to the consideration of certain appeals to decisions made by Licensing Boards, where those decisions were made prior to 15th May 2017.

This includes a decision to refuse a premises licence application (under section 23 of the 2005 Act); a decision to refuse an application for the transfer of a premises licence (under section 33 of the 2005 Act); a decision to revoke a premises licence upon review (under section 39 of the 2005 Act); a decision to refuse a personal licence application (under section 74 of the 2005 Act); and a decision to revoke a personal licence (under section 83 or 84 of the 2005 Act).

Article 5 of the Order makes a saving provision that has the effect that despite the commencement of sections 50 and 51 of the 2015 Act, the amendments therein shall not apply where the Licensing Board has received a notice from the chief constable in relation to a premises or personal licence, prior to 15th May 2017.

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