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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 6**

**EXITING THE EUROPEAN UNION  
CRIMINAL LAW  
LICENSES AND LICENSING**

**The Licensing (Amendment) (EU  
Exit) (Scotland) Regulations 2019**

*Made - - - - 15th January 2019*  
*Laid before the Scottish*  
*Parliament - - - - 17th January 2019*  
*Coming into force in accordance with regulation 1*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by paragraphs 1(1) and (3) of schedule 2, and paragraph 21(b) of schedule 7, of the European Union (Withdrawal) Act 2018 <sup>F1</sup> and all other powers enabling them to do so.

**F1** [2018 c.16.](#)

**PART 1**

Preliminary

**Citation and commencement**

**1.** These Regulations may be cited as the Licensing (Amendment) (EU Exit) (Scotland) Regulations 2019 and come into force on exit day.

**Commencement Information**

**II** Reg. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

## PART 2

### Amendment of primary legislation

#### Amendment of the Civic Government (Scotland) Act 1982

2.—(1) Schedule 2 (control of sex shops) of the Civic Government (Scotland) Act 1982 <sup>F2</sup> is amended as follows.

(2) In paragraph 9(3), in both sub-paragraphs (e) and (f), for “a member state of the European Union” substitute “ the United Kingdom ”.

**F2** 1982 c.45; paragraph 9(3) of schedule 2 was relevantly amended by the [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [section 178\(3\)\(e\)](#).

#### Commencement Information

**I2** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

#### Amendment of the Crossbows Act 1987

3.—(1) The Crossbows Act 1987 <sup>F3</sup> is amended as follows.

(2) In section 1A (defences), in subsection (3), after paragraph (a) insert—

“(aa) a UK driving licence,”.

**F3** 1987 c.32; section 1A was inserted by the [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [section 35\(3\)](#).

#### Commencement Information

**I3** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

#### Amendment of the Criminal Justice Act 1988

4.—(1) The Criminal Justice Act 1988 <sup>F4</sup> is amended as follows.

(2) In section 141A (sale of knives and certain articles with blade or point to persons under eighteen), in subsection (4B), after paragraph (a) insert—

“(aa) a UK driving licence,”.

**F4** 1988 c.33; section 141A was substituted by the [Police, Public Order and Criminal Justice Act 2006 \(asp 10\)](#), [section 75\(5\)](#) and amended by the [Criminal Justice \(Scotland\) Act 2010 \(asp 13\)](#), [section 36\(4\)](#).

#### Commencement Information

**I4** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

#### Amendment of the Licensing (Scotland) Act 2005

5.—(1) The Licensing (Scotland) Act 2005 <sup>F5</sup> is amended as follows.

(2) In section 102 (sale of alcohol to a child or young person), in subsection (4), after paragraph (a) insert—

“(aa) a UK driving licence,”.

(3) In section 108 (delivery of alcohol by or to a child or young person), in subsection (7), after paragraph (a) insert—

“(aa) a UK driving licence,”.

**F5** [2005 asp 16](#).

#### Commencement Information

**I5** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

## PART 3

### Amendment of subordinate legislation

#### Amendment of the Sale of Alcohol to Children and Young Persons (Scotland) Regulations 2007

6.—(1) The Sale of Alcohol to Children and Young Persons (Scotland) Regulations 2007 <sup>F6</sup> are amended as follows.

(2) In regulation 2(2)(c), omit “(other than the United Kingdom)”.

**F6** [S.S.I. 2007/93](#), as relevantly amended by [S.S.I. 2013/199](#).

#### Commencement Information

**I6** Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

## PART 4

### Saving provision

#### Saving provision

7. The amendments made by regulation 2 do not apply in respect of an application for the grant or renewal of a licence under paragraph 6 of schedule 2 of the Civic Government (Scotland) Act 1982 received by the local authority before [<sup>F7</sup>IP completion day].

**F7** Words in reg. 7 substituted (31.12.2020 immediately before IP completion day) by [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\)](#), regs. 1(2), **20(2)**

#### Commencement Information

**I7** Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

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**Status:** Point in time view as at 31/12/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Licensing  
(Amendment) (EU Exit) (Scotland) Regulations 2019. (See end of Document for details)

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St Andrew's House,  
Edinburgh

*ASH DENHAM*  
Authorised to sign by the Scottish Ministers

## EXPLANATORY NOTE

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

These Regulations are made in exercise of the powers in paragraphs 1(1) and (3) of schedule 2, and paragraph 21(b) of schedule 7, of the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), 8(2)(d) and 8(3)(a) of that Act) arising from the withdrawal of the UK from the European Union.

These Regulations make amendments to legislation relating to licensing. Part 2 amends primary legislation and Part 3 amends subordinate legislation. Part 4 provides that amendments made by regulation 2 do not apply to matters arising before exit day.

An impact assessment has not been produced for this instrument as it has no or minimal impact on business, charities or voluntary bodies.

**Status:**

Point in time view as at 31/12/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the The Licensing (Amendment) (EU Exit) (Scotland) Regulations 2019.