EXECUTIVE NOTE

The Licensing (Transitional Provisions) (Scotland) Order 2008 SSI/2008/194

The above Order was made in exercise of the powers conferred by section 145 of the Licensing (Scotland) Act 2005. The Order is subject to negative resolution procedure.

Policy Objectives

The purpose of the Order is to modify the effect of section 26 of the Licensing (Scotland) Act 1976 in relation to the grant of provisional licences until the new regime under the Licensing (Scotland) Act 2005 comes fully into effect on 1 September 2005.
The Order amends when applicants for a 1976 Act provisional grant of a licence during the transitional period need to present appropriate Building Warrants and hygiene certificates Such documentation will now not be required at the point when the application for a licence is made. Instead it will be required when the applicant seeks to have the provisional grant made final. This reduces the cost for the applicant at the beginning of the process and also avoids the need for the applicant to obtain the Warrant and certificate when there is still a level of uncertainty over whether a licence would be awarded.

Consultation

The Scottish Government undertook a consultation on a draft of the Licensing (Transitional and Saving Provision) (Scotland) Order 2007, which prescribes the procedure to be followed during the period of transition from the regime under the 1976 Act to the regime under the 2005 Act, between October and December 2006. This consultation included all local authorities in Scotland, all Licensing Boards, the key licensed trade associations and a range of other stakeholder groups. This Order arises from a continued dialogue with representatives of the trade, their legal representatives and Licensing Boards.

Financial Effects

The instrument has no financial implications for the Scottish Government. It carries no additional costs for the Licensing Boards and lessens the cost for business should they be unsuccessful in an application for a licence.

Criminal Justice Directorate
2008