

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^(a) and all other powers enabling them to do so.

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.

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^(b) 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”.

^(a) 2018 c.16.

^(b) 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).

Amendment of the Crossbows Act 1987

- 3.**—(1) The Crossbows Act 1987(**a**) is amended as follows.
- (2) In section 1A (defences), in subsection (3), after paragraph (a) insert—
- “(aa) a UK driving licence,”.

Amendment of the Criminal Justice Act 1988

- 4.**—(1) The Criminal Justice Act 1988(**b**) 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,”.

Amendment of the Licensing (Scotland) Act 2005

- 5.**—(1) The Licensing (Scotland) Act 2005(**c**) 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,”.

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(**d**) are amended as follows.
- (2) In regulation 2(2)(c), omit “(other than the United Kingdom)”.

(a) 1987 c.32; section 1A was inserted by the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), section 35(3).

(b) 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).

(c) 2005 asp 16.

(d) S.S.I. 2007/93, as relevantly amended by S.S.I. 2013/199.

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 exit day.

St Andrew's House,
Edinburgh
15th January 2019

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.

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£4.90

S201901161007 01/2019 19585

<http://www.legislation.gov.uk/id/ssi/2019/6>

ISBN 978-0-11-104049-2



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