

2011 No. 150

LICENSING (LIQUOR)

**The Licensing (Scotland) Act 2005 (Consequential Provisions)
Order 2011**

<i>Made</i>	- - - -	<i>21st February 2011</i>
<i>Laid before the Scottish Parliament</i>		<i>23rd February 2011</i>
<i>Coming into force</i>	- -	<i>28th March 2011</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 145 and 146(3) of the Licensing (Scotland) Act 2005(a) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Licensing (Scotland) Act 2005 (Consequential Provisions) Order 2011 and comes into force on 28th March 2011.

Consequential modifications to enactments

2. The modifications in the Schedule have effect.

KENNY MACASKILL
A member of the Scottish Executive

St Andrew's House,
Edinburgh
21st February 2011

SCHEDULE

Article 2

The Gambling Act 2005 (Licensing Authority Policy Statement) (Scotland) Regulations 2006

1.—(1) Regulation 2 (interpretation) of the Gambling Act 2005 (Licensing Authority Policy Statement) (Scotland) Regulations 2006(a) is amended in accordance with this paragraph.

(2) In the definition of “authority” for “constituted” to the end, substitute “continued in existence or established under section 5 of the Licensing (Scotland) Act 2005”.

(3) In the definition of “authority’s area” for “1976” substitute “2005”.

The Gambling Act 2005 (Fees No. 2) (Scotland) Regulations 2007

2.—(1) The Gambling Act 2005 (Fees No. 2) (Scotland) Regulations 2007(b) are amended in accordance with this paragraph.

(2) In regulation 2 (interpretation)—

(a) after the definition of “the 1968 Act” insert ““the 2005 Act” means the Licensing (Scotland) Act 2005”;

(b) omit the definition of “the 1976 Act”; and

(c) for the definition of “relevant alcohol licence” substitute ““relevant alcohol licence” means any premises licence granted under the 2005 Act, except where such a licence only applies to the sale of alcohol for consumption off the premises”.

(3) In sub-paragraph (b) of regulation 3 (application of regulations 4 to 7), omit “a certificate of registration under section 105 of the 1976 Act or”.

The Club Gaming and Club Machine Permits (Scotland) Regulations 2007

3.—(1) The Club Gaming and Club Machine Permits (Scotland) Regulations 2007(c) are amended in accordance with this paragraph.

(2) In regulation 2 (interpretation)—

(a) after the definition of “the 1968 Act” insert ““the 2005 Act” means the Licensing (Scotland) Act 2005”;

(b) omit the definition of “the 1976 Act”; and

(c) omit the definition of “relevant alcohol licence”.

(3) For paragraph (3) of regulation 3 (making of application) substitute—

“(3) This paragraph applies to a members’ club, commercial club or miners’ welfare institute which holds a premises licence in terms of the Licensing (Scotland) Act 2005.”.

(4) In sub-paragraph (b) of regulation 12 (application of regulations) for “which now holds” to the end, substitute “which operates from premises which hold a premises licence in terms of the Licensing (Scotland) Act 2005”.

(a) S.S.I. 2006/154.
(b) S.S.I. 2007/311.
(c) S.S.I. 2007/504.

(5) For Schedule 2 substitute—

“SCHEDULE 2

Regulation 11(1)

This form is prescribed by regulation 11(1) of the Club Gaming and Club machine Permits (Scotland) Regulations 2007

Club Gaming Permit

No:.....[insert club gaming permit number]

This club gaming permit authorises.....
.....[name of permit holder]

to provide facilities for gaming in accordance with section 271 of the Gambling Act 2005, and to make available for use up to three gaming machines each of which must be of Category B3A, B4, C or D, on the following premises

.....
.....
.....
.....
.....(address of premises including postcode)

Date on which this permit takes effect or is renewed:.....

Date on which this permit expires:

This permit is issued by

.....
.....
.....
.....
.....[Name and address of Licensing Board issuing permit]”

- (c) omit the definition of “the 1976 Act”.
- (3) In regulation 3 (making of application)—
 - (a) for paragraph (1) substitute—

“(1) A person who applies to a Licensing Board (in its capacity as a licensing authority under the 2005 Act) for, or holds, a relevant alcohol licence may apply to that Board (in that capacity) for a licensed premises gaming machine permit.”;
 - (b) omit paragraph (3).
- (4) In regulation 19 (transfer of permit)—
 - (a) in sub-paragraph (1)(a) for “subsection (1) or (2) of section 25 of the 1976 Act” substitute “section 33 or 34 of the 2005 Act”;
 - (b) in paragraph (5) for “section 25 of the 1976 Act” substitute “section 33 or 34 of the 2005 Act”.
- (5) Omit regulation 20 (temporary transfer of permit).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to, and repeals provisions in secondary legislation relating to betting, gaming and lotteries. These amendments are consequential and supplemental to the purposes of, or in connection with the Licensing (Scotland) Act 2005 (asp 16). Article 2 and Schedule 1 set out amendments to the relevant secondary legislation.

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