

# Air Weapons and Licensing (Scotland) Bill

---

---

## Groupings of Amendments for Stage 3

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the day of Stage 3 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

### Groupings of amendments

**Note:** The time limits indicated are those set out in the timetabling motion to be considered by the Parliament before the Stage 3 proceedings begin. If that motion is agreed to, debate on the groups above each line must be concluded by the time indicated, although the amendments in those groups may still be moved formally and disposed of later in the proceedings.

#### **Group 1: Air weapons: requirements for grant or renewal of an air weapon certificate**

1, 2, 3, 4

*Notes on amendments in this group*

Amendment 2 pre-empts amendments 3 and 4

#### **Group 2: Alcohol licensing: licensing objectives**

5, 6, 7

#### **Group 3: Alcohol licensing: overprovision**

8, 9, 10, 11

---

**Debate to end no later than 35 minutes after proceedings begin**

---

#### **Group 4: Alcohol licensing: annual functions report**

12, 13

#### **Group 5: Alcohol licensing: register of alcohol premises licences and personal licences**

14

#### **Group 6: Private hire cars: overprovision**

15, 16

**Group 7: Testing of private hire car drivers**

17

---

**Debate to end no later than 1 hour 10 minutes after proceedings begin**

**Group 8: Notice of sexual entertainment venue licence application**

18

**Group 9: Sexual entertainment venues: access of persons under 18**

22, 19

*Notes on amendments in this group*

Amendment 22 pre-empts amendment 19

**Group 10: Sexual entertainment venue licensing policy statement**

20

---

**Debate to end no later than 1 hour 30 minutes after proceedings begin**

**THIS IS NOT THE MARSHALLED LIST**

**Amendments in debating order**

**Group 1: Air weapons: requirements for grant or renewal of an air weapon certificate**

**Alex Fergusson**

- 1 In section 2, page 2, line 4, at end insert—

<( ) Subsection (1) does not apply to a person who holds a firearm or shotgun certificate.>

**Alex Fergusson**

- 2 In section 5, page 3, line 16, leave out subsection (2)

**Alex Fergusson**

- 3 In section 5, page 3, line 16, leave out <may> and insert <must>

**Alex Fergusson**

- 4 In section 5, page 3, line 17, leave out <paragraphs (a) and (b) of>

**Group 2: Alcohol licensing: licensing objectives**

**Patrick Harvie**

- 5 After section 41, insert—

**<Licensing objectives: social and cultural life**

In section 4 of the 2005 Act (the licensing objectives), after subsection (1)(e) insert—

“(f) promoting social and cultural life.”.>

**Patrick Harvie**

- 6 After section 41, insert—

**<Licensing objectives to be considered in respect of the Licensing Board’s area as a whole**

In section 4 of the 2005 Act (the licensing objectives), at the end of subsection (1), insert as a fullout “considered across the Licensing Board’s area taken as a whole.”.>

**Patrick Harvie**

- 7 In section 45, page 26, line 1, at end insert—

<( ) in subsection (1)—

(i) for “any of” substitute “ensuring that”,

(ii) at the end insert “are achieved across the Licensing Board’s area taken as a whole”.>

## THIS IS NOT THE MARSHALLED LIST

### **Group 3: Alcohol licensing: overprovision**

#### **Michael Matheson**

- 8 In section 54, page 33, line 11, after <overprovision),> insert <—  
( )>

#### **Michael Matheson**

- 9 In section 54, page 33, line 12, at end insert—  
<( ) for “that description,” substitute “the same or similar description as the subject premises,”.>

#### **Michael Matheson**

- 10 In section 54, page 33, line 13, after <overprovision),> insert <—  
( )>

#### **Michael Matheson**

- 11 In section 54, page 33, line 14, at end insert—  
<( ) for “that description,” substitute “the same or similar description as the subject premises (taking account of the variation),”.>

### **Group 4: Alcohol licensing: annual functions report**

#### **Michael Matheson**

- 12 In section 55, page 33, line 17, at end insert—  
<“**9ZA Annual functions report**
- (1) Each Licensing Board must prepare and publish a report not later than 3 months after the end of each financial year.
  - (2) A report under this section must include—
    - (a) a statement explaining how the Board has had regard to—
      - (i) the licensing objectives, and
      - (ii) their licensing policy statement and any supplementary licensing policy statement (including the Board’s statement under section 7(1) (duty to assess overprovision)),in the exercise of their functions under this Act during the financial year,
    - (b) a summary of the decisions made by (or on behalf of) the Board during the financial year, and
    - (c) information about the number of licences held under this Act in the Board’s area (including information about the number of occasional licences issued during the year).
  - (3) A report under this section may include such other information about the exercise of the Licensing Board’s functions under this Act as the Board consider appropriate.

## **THIS IS NOT THE MARSHALLED LIST**

- (4) At the request of a Licensing Board the relevant council must provide the Board with such information as the Board may reasonably require for the purpose of preparing a report under this section.
- (5) In discharging their duties under subsection (1) and section 9A(1) (annual financial report), a Licensing Board may, if they consider it appropriate, prepare and publish a combined report containing the information required under this section and under section 9A (which combined report must be published not later than 3 months after the end of the financial year in question).
- (6) The Scottish Ministers may by regulations make further provision about reports under this section including, in particular, provision about—
  - (a) the form and required content of reports,
  - (b) the publication of reports.
- (7) In this section, “financial year” means a yearly period ending on 31 March.”.>

### **Michael Matheson**

- 13** In section 55, page 34, leave out lines 10 and 11

## **Group 5: Alcohol licensing: register of alcohol premises licences and personal licences**

### **Dr Richard Simpson**

- 14** After section 59, insert—

#### **<Register of alcohol premises licences and personal licences**

- (1) The Scottish Ministers must keep a register (referred to in this section as “the Register”) of—
  - (a) premises licences granted under section 23(4)(a) of the 2005 Act, and
  - (b) personal licences granted under section 74(2) of the 2005 Act.
- (2) The Scottish Ministers must by regulations make further provision in relation to the Register.
- (3) Regulations under subsection (2) may in particular make provision as to—
  - (a) the information that is to be recorded in the Register in relation to each such licence,
  - (b) the form and manner in which such information is to be recorded,
  - (c) arrangements to ensure that the Register accurately reflects the premises licences and personal licences currently in force,
  - (d) requirements on—
    - (i) licensing authorities,
    - (ii) premises licence holders and personal licence holders,to provide the Scottish Ministers with information for the purposes of the Register.

## **THIS IS NOT THE MARSHALLED LIST**

- (4) The Scottish Ministers must make such arrangements as they consider appropriate for publishing the Register and otherwise making it available to the public free of charge.>

### **Group 6: Private hire cars: overprovision**

#### **Cameron Buchanan**

- 15 In section 60, page 38, line 34, leave out <are satisfied> and insert <can prove>

#### **Cameron Buchanan**

- 16 In section 60, page 39, line 4, leave out <satisfying themselves as to> and insert <proving>

### **Group 7: Testing of private hire car drivers**

#### **Cameron Buchanan**

- 17 In section 61, page 39, line 10, leave out from <in> to the end of line 14 and insert <after subsection (5) insert—

“(5A) A licensing authority may require an applicant for a private hire car driver’s licence to take a test of such matters relating to the operation of the private hire car as the authority consider desirable, and the authority may refuse to grant a licence to a person if they are not satisfied that the person has adequate knowledge of any of these matters.

(5B) The matters referred to in subsection (5A) may not consist of a test of the person’s knowledge of the area to which the licence is to relate and of the layout of roads in that area.”>

### **Group 8: Notice of sexual entertainment venue licence application**

#### **Michael Matheson**

- 18 In section 68, page 49, line 34, at end insert—

<(3C) The applicant must also, not later than 7 days after the date of the application—

- (a) send a copy of the application to each person or body listed in the local authority’s determination under sub-paragraph (3D), and
- (b) submit to the local authority a certificate stating that the applicant has complied with this sub-paragraph.

(3D) For the purposes of sub-paragraph (3C), a local authority must—

- (a) from time to time determine the persons or bodies who must receive a copy of the application, and
- (b) publicise the determination in such manner as they consider appropriate.”>

## **THIS IS NOT THE MARSHALLED LIST**

### **Group 9: Sexual entertainment venues: access of persons under 18**

#### **Cara Hilton**

- 22 In section 68, page 50, line 12, leave out from beginning to <provided.> in line 24

#### **Michael Matheson**

- 19 In section 68, page 50, line 12, leave out from <19> to end of line 24 and insert <19(1)(e), for the words from “without” to the end of paragraph (e) substitute “knowingly permits any person under the age of 18 to enter the sexual entertainment venue—
- (i) at a time when sexual entertainment is being provided, or
  - (ii) without reasonable excuse, at any other time,” and>

### **Group 10: Sexual entertainment venue licensing policy statement**

#### **Michael Matheson**

- 20 In section 68, page 50, line 28, at end insert—

#### **<45BA Statements of policy in relation to sexual entertainment venues**

- (1) This section applies where a local authority passes a resolution under section 45B(1).
- (2) The local authority must prepare a statement of their policy with respect to the exercise of their functions in relation to the licensing of sexual entertainment venues (a “SEV policy statement”).
- (3) In preparing a SEV policy statement, a local authority must—
  - (a) consider the impact of the licensing of sexual entertainment venues in their area, having regard, in particular, to how it will affect the objectives of—
    - (i) preventing public nuisance, crime and disorder,
    - (ii) securing public safety,
    - (iii) protecting children and young people from harm,
    - (iv) reducing violence against women, and
  - (b) consult such persons or bodies as they consider appropriate.
- (4) The local authority must publish the SEV policy statement at the same time and in the same manner as they publish the notice of the resolution under section 45B(4).
- (5) The local authority must—
  - (a) from time to time review the SEV policy statement and make such revisions as they consider appropriate (if any), and
  - (b) publish the revised statement in such manner as they consider appropriate.

**THIS IS NOT THE MARSHALLED LIST**

- (6) Subsection (3) applies to a review of a SEV policy statement as it applies to preparing such a statement.
- (7) In exercising their functions in relation to the licensing of sexual entertainment venues, a local authority must have regard to their SEV policy statement or revised statement.
- (8) In this section—
  - (a) “children” means persons under the age of 16,
  - (b) “young people” means persons aged 16 or 17”.>