

Air Weapons and Licensing (Scotland) Bill

Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 79
Long Title

Schedules 1 and 2

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 2

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.>

Section 5

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>

After section 41

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.”.>

Section 45

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”.>

Section 54

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),”.>

Section 55

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.
 - (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

After section 59

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.
- (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.>

Section 60

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>

Section 61

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.”>

Section 68

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.”>

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>

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.
- (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.”>

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