



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### [<sup>F1</sup>PART 3A

#### CIVIC LICENSING STANDARDS OFFICERS

##### Textual Amendments

- F1** Pt. 3A inserted (1.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\), ss. 82, 88\(2\); S.S.I. 2016/307, art. 2, sch.](#)

#### **45G Civic licensing standards officers**

- (1) Each local authority must appoint for their area one or more officers (a “civic licensing standards officer”)—
  - (a) to exercise, in relation to the authority's area, the general functions conferred on civic licensing standards officers by virtue of section 45H, and
  - (b) to exercise any other functions that may be conferred on such an officer by virtue of this or any other enactment.
- (2) A civic licensing standards officer appointed by a local authority is taken to be an authorised officer of the authority for the purposes of Parts 1 to 3.
- (3) A person may hold more than one appointment under subsection (1) (so as to be a civic licensing standards officer for more than one local authority area).
- (4) Nothing in this section prevents an officer of a local authority other than a civic licensing standards officer from being an authorised officer of the authority for a purpose of Parts 1 to 3.
- (5) In this Part, a reference to a local authority includes a reference to that authority acting as the licensing authority for their area and a reference to an authorised officer of a local authority (however expressed) is to be construed accordingly.

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*Changes to legislation: Civic Government (Scotland) Act 1982, PART 3A is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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#### **45H General functions of a civic licensing standards officer**

- (1) The general functions of a civic licensing standards officer are—
  - (a) to provide to any interested person information and guidance concerning the operation of Parts 1 to 3 in the officer's area,
  - (b) to supervise the compliance by the holder of a licence granted under Parts 1 to 3 in the officer's area with—
    - (i) the conditions of the licence, and
    - (ii) the other requirements of Parts 1 to 3,
  - (c) to provide mediation services for the purposes of avoiding or resolving disputes or disagreements between—
    - (i) the holder of a licence granted under Parts 1 to 3 in the officer's area, and
    - (ii) any other person,concerning any matter relating to compliance with the conditions of the licence or the other requirements of Parts 1 to 3.
- (2) The function under subsection (1)(b) includes, in particular, power for a civic licensing standards officer, where the officer believes that a condition to which the licence is subject has been or is being breached—
  - (a) to give a notice to the holder of the licence requiring such action to be taken to remedy the breach as may be specified in the notice, and
  - (b) to refer the breach to the local authority which granted the licence for consideration at a meeting of the authority.
- (3) A civic licensing standards officer may only refer a breach of a condition under subsection (2)(b) if—
  - (a) the officer has given notice under subsection (2)(a) and the holder of the licence has failed to comply with it, or
  - (b) the officer considers that it is appropriate for the breach to be referred to the authority without such a notice being given.
- (4) In this section, a reference to an officer's area is a reference to—
  - (a) the local authority area for which the officer is appointed under section 45G(1), or
  - (b) where the officer is appointed for more than one local authority area, the area for which the officer is exercising a function at the relevant time.]

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 22(1)(c) repealed by [2015 asp 10 s. 65\(3\)](#)
- s. 49(9) added by [2010 asp 13 s. 200\(1\)\(b\)](#)