

**Changes to legislation:** Civic Government (Scotland) Act 1982, Cross Heading: Applications for the grant and renewal of licences is up to date with all changes known to be in force on or before 25 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

## SCHEDULES

### SCHEDULE 1

#### LICENSING—FURTHER PROVISIONS AS TO THE GENERAL SYSTEM

##### Modifications etc. (not altering text)

- C1** Sch. 1: power to apply conferred (18.11.1996) by 1996 c. 58, ss. 33(3), 48(6)
- C1** Sch. 1 applied (with modifications) (1.3.2022) by The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (S.S.I. 2022/32), arts. 1, 5(b), sch. 2 Pt. 2 (with art. 7)

##### *Applications for the grant and renewal of licences*

- 1 (1) An application to a licensing authority for the grant or renewal of a licence shall be—
- (a) made in writing in such form as may be determined by the licensing authority;
  - (b) signed by the applicant or his agent; and
  - (c) accompanied by such fee as the authority may charge under paragraph 15 below.
- (2) An application under sub-paragraph (1) above shall specify—
- (a) the kind of licence in respect of which the application is made;
  - (b) where the applicant is a natural person, his full name <sup>[F1]</sup>, address and date and place of birth] and, where the applicant himself is not to be carrying on the day-to-day management of the activity in relation to which the application is made, the full name <sup>[F1]</sup>, address and date and place of birth] of any employee or agent who is;
  - (c) where the application is made by or on behalf of a person other than a natural person,
    - (i) the full name of the person;
    - (ii) the address of its registered or principal office;
    - (iii) the names <sup>[F2]</sup>, private addresses and dates and places of birth ] of its directors, partners or other persons responsible for its management; and
    - (iv) the full name <sup>[F3]</sup>, address and date and place of birth ] of any employee or agent who is to carry on the day-to-day management of the activity in relation to which the application is made;
  - (d) the address of the premises, if any, in or from which and the area in which the activity is to be carried on; and
  - (e) such other information as the authority may reasonably require.
- (3) Where the application relates to a licence for an activity which is wholly or mainly to be carried on in premises, it shall contain one or other of the following declarations by the applicant, that is to say, a declaration that he is complying with paragraph 2(2)

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below or a declaration by him that he is unable to do so because he has not such rights of access or other rights in respect of the premises as would enable him to do so, but that he has taken such reasonable steps as are open to him (specifying them) to acquire those rights and has been unable to acquire them.

#### Textual Amendments

- F1** Words in Sch. 1 para. 1(2)(b) substituted (28.2.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 178(2)(a)**, 206(1); S.S.I. 2010/413, art. 2, sch. (with sch.)
- F2** Words in Sch. 1 para. 1(2)(c)(iii) substituted (28.2.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 178(2)(b)(i)**, 206(1); S.S.I. 2010/413, art. 2, sch. (with sch.)
- F3** Words in Sch. 1 para. 1(2)(c)(iv) substituted (28.2.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 178(2)(b)(ii)**, 206(1); S.S.I. 2010/413, art. 2, sch. (with sch.)

- 2 (1) A licensing authority shall, as soon as an application for the grant or renewal of a licence is made to them, send a copy of the application to the chief constable and, where the activity is wholly or mainly to be carried on
- [<sup>F4</sup>(a) in premises to which Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies, the enforcing authority;
- (b) in any other premises], the [<sup>F5</sup>Scottish Fire and Rescue Service] .
- (2) Where an application is for the grant or renewal of a licence in relation to an activity wholly or mainly to be carried on in premises, the applicant shall, for a period of 21 days beginning with the date on which the application was submitted to the licensing authority, display a notice complying with sub-paragraph (3) below at or near the premises so that it can conveniently be read by the public.
- (3) The notice shall state—
- (a) that application has been made for a licence;
- (b) the particulars required under paragraph 1(2) above to be specified in the application [<sup>F6</sup> (other than the date and place of birth of any person)] ;
- (c) that objections and representations in relation to the application may be made to the licensing authority in accordance with paragraph 3 below;
- (d) the effect of paragraph 3(1) to (3) below.
- (4) Where an application contains a declaration that the applicant is complying with sub-paragraph (2) above, the applicant shall, as soon as possible after the expiry of the period of 21 days referred to in that sub-paragraph, submit to the licensing authority a certificate stating that he has so complied.
- (5) An applicant shall not be treated as having failed to comply with sub-paragraph (2) above if the notice was, without any fault or intention of his, removed, obscured or defaced before the 21 days referred to in that sub-paragraph have elapsed, so long as he has taken reasonable steps for its protection and, if need be, replacement; and if he has cause to rely on this sub-paragraph, his certificate under sub-paragraph (4) above shall state the relevant circumstances.
- (6) Where an application contains a declaration that the applicant is complying with sub-paragraph (2) above, and—
- (a) he fails to submit the certificate required by sub-paragraph (4) above;
- (b) in the circumstances referred to in sub-paragraph (5) above, he has not, in the opinion of the licensing authority, taken reasonable steps for the protection or, as the case may require, replacement of the notice; or

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- (c) the licensing authority is, at any time before they reach a final decision on the application, satisfied that the notice was not displayed in accordance with this paragraph,

they may require the applicant to display the notice again for a period of 21 days beginning with such date as they may specify and the provisions of this paragraph shall apply in respect of such display as they apply in respect of display under sub-paragraph (2) above.

- (7) The licensing authority—

- (a) shall, in accordance with sub-paragraph (8) below, cause public notice to be given of every application made to them for the grant or renewal of a licence falling within a prescribed class;
- (b) shall, in accordance with sub-paragraph (8) below, cause public notice to be given of an application made to them for the grant or renewal of a licence in relation to an activity wholly or mainly to be carried on in premises if the application contains a declaration that the applicant has been unable to comply with the requirements of sub-paragraph (2) above;
- (c) may, if they think fit, cause public notice to be given, in accordance with sub-paragraph (8) below, of any application for the grant or renewal of a licence which is made to them and notice of which they are not obliged to give under this sub-paragraph.

- (8) Public notice of an application shall be given for the purposes of sub-paragraph (7) above by publication of a notice in a newspaper or newspapers circulating in the area of the authority [<sup>F7</sup>, or by publication of a notice on the licensing authority's website,] stating—

- (a) the particulars required under paragraph 1(2) above to be specified in the application [<sup>F8</sup>(other than the date and place of birth of any person)];
- (b) that objections or representations in relation to the application may be made to the licensing authority in accordance with paragraph 3 below; and
- (c) the effect of paragraph 3(1) to (3) below.

- (9) The Secretary of State may, by order made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, prescribe a class or classes of licences for the purposes of sub-paragraph (7) above.

#### Textual Amendments

- F4** Words in Sch. 1 para. 2(1) substituted (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, [sch. 1 para. 11\(6\)\(a\)](#)
- F5** Words in Sch. 1 para. 2(1)(b) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 7 para. 53\(6\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F6** Words in Sch. 1 para. 2(3)(b) inserted (28.2.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 178\(2\)\(c\)](#), 206(1); S.S.I. 2010/413, art. 2, sch. (with sch.)
- F7** Words in Sch. 1 para. 2(8) inserted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), [ss. 31\(2\)](#), 59(1)
- F8** Words in Sch. 1 para. 2(8)(a) inserted (28.2.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 178\(2\)\(d\)](#), 206(1); S.S.I. 2010/413, art. 2, sch. (with sch.)

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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\(1\)\(b\)](#)