

Changes to legislation: Civic Government (Scotland) Act 1982, Cross Heading: Temporary licences is up to date with all changes known to be in force on or before 09 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)

Temporary licences

- 7 (1) A licensing authority may grant a licence to have effect for such period not exceeding 6 weeks from its being granted as they may determine, and such a licence shall be known as a “temporary licence”.
- (2) This Schedule shall apply with the modifications specified in sub-paragraphs (3) to (5) below in relation to applications for temporary licences.
- (3) Paragraphs 1(3), 2 to 4, and 5(1), [F1(1A), (2), (2ZA), (2A)] and (4) to (6) shall not apply, but in relation to each application for a temporary licence the licensing authority—
- (a) shall consult the chief constable and, where the application relates to an activity wholly or mainly to be carried on
- [F2(i) in premises to which Part 3 of the Fire (Scotland) Act 2005 (asp 5) applies, the enforcing authority;
- (ii) in any other premises] , the [F3Scottish Fire and Rescue Service] ;
- and
- (b) may [F4, subject to sub-paragraph (3A) below,] grant it subject to such conditions as they think fit.
- [F5(3A) The conditions referred to in paragraph (b) of sub-paragraph (3) above shall not relate to any matter in relation to which requirements or prohibitions are or could be imposed by virtue of Part 3 of the Fire (Scotland) Act 2005 (asp 5).]
- (4) Paragraph 6 shall not apply so as to prevent a licensing authority from entertaining an application for the grant of a licence where they have, within one year, refused an application from the same applicant for a temporary licence for the same activity.
- (5) Paragraphs 8, 9, 10 and 18 shall not apply.
- (6) A temporary licence shall not be capable of being renewed but, where the holder of or the applicant for a temporary licence has also made an application for a licence under paragraph 1 above in respect of the same activity, the temporary licence, if granted, shall continue to have effect until—
- [F6(za) where—

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- (i) at any time after the application for the licence under paragraph 1 is made, the licensing authority requests the applicant to give it further information for the purpose of enabling it to make a request, or make a further request, under paragraph 3(2)(a) of Schedule 33 to the Finance Act 2021 (request for confirmation of completed tax check) in relation to the application, and
 - (ii) at the end of the relevant period, the licensing authority continues to be prevented from considering the application by paragraph 3(2) of that Schedule to that Act,
 the end of the relevant period; or]
 - (a) the licence applied for under paragraph 1 has been granted, whether as a result of an appeal under paragraph 18 below or not, or has been deemed to have been granted; or
 - (b) where the licensing authority have refused that application, the time within which an appeal under paragraph 18 below against that decision may be made has elapsed; or
 - (c) when such an appeal has been lodged, it has been abandoned or determined.
- [^{F7}(6A) In sub-paragraph (6)(za) “the relevant period” means—
- (a) the period of 7 days beginning with the day on which the request under sub-paragraph (6)(za)(i) is made, or
 - (b) if the final day of that period is earlier than the day on which (disregarding sub-paragraph (6)) the temporary licence expires, the period ending with that later day.]

Textual Amendments

- F1** Words in Sch. 1 para. 7(3) substituted (20.12.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), s. 88(2), **sch. 2 para. 5(2)(b)**; S.S.I. 2017/424, art. 2(c)
- F2** Words in Sch. 1 para. 7(3)(a) 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)(c)(ii)**
- F3** Words in Sch. 1 para. 7(3)(a)(ii) 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)
- F4** Words in Sch. 1 para. 7(3)(b) inserted (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)(c)(iii)**
- F5** Sch. 1 para. 7(3A) inserted (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)(d)**
- F6** Sch. 1 para. 7(6)(za) inserted (11.7.2023) by [Finance \(No. 2\) Act 2023 \(c. 30\)](#), s. 343(4)
- F7** Sch. 1 para. 7(6A) inserted (11.7.2023) by [Finance \(No. 2\) Act 2023 \(c. 30\)](#), s. 343(5)

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