

**Changes to legislation:** Civic Government (Scotland) Act 1982, Paragraph 8 is up to date with all changes known to be in force on or before 19 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)

##### *Duration of licences*

- 8 (1) Subject to and in accordance with the provisions of this paragraph, a licence shall come into force on being granted by a licensing authority or on such later date as they may specify as a condition of the licence and shall continue in force on being renewed by them.
- (2) Subject to the provisions of this paragraph, a licence shall have effect—
- (a) for a period of three years from the date when it comes into force; or
- (b) for such shorter period as the licensing authority may decide at the time when they grant or renew the licence.
- (3) In the event of the death of a holder of a licence (except in the case of a licence referred to in section 13 of this Act) that licence shall be deemed to have been granted to his executor and shall, unless previously revoked, suspended or surrendered, remain in force until the end of the period of 3 months beginning with the death and shall then expire; but the licensing authority may from time to time, on the application of the executor, extend or further extend that period if they are satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make it undesirable.
- (4) Where one of the joint holders of a licence ceases to be such, the licence shall continue in force as if held by its remaining holder for a period of six weeks from the date of such cessation but, where the remaining holder has made an application under paragraph 1 above for a licence in respect of the same activity within that period of six weeks, that period shall be extended until the time specified in sub-paragraph (6) below.
- (5) If an application for the renewal of a licence is made before its expiry, the existing licence shall continue to have effect until the time specified in sub-paragraph (6) below.
- [<sup>F1</sup>(5A) On good cause being shown, a licensing authority may, for the purposes of sub-paragraph (5), deem an application for renewal of a licence made up to 28 days after the expiry of the licence to be an application made before the expiry.]
- (6) The time referred to in sub-paragraphs (4) and (5) above is—

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[<sup>F2</sup>(za) where—

- (i) at any time after the application 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 time when the licence applied for under paragraph 1 above is granted or renewed, whether as a result of an appeal under paragraph 18 below or not, or has been deemed to have been granted or renewed; 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) where such an appeal has been lodged, the time when it has been abandoned or determined.

[<sup>F3</sup>(6A) In sub-paragraph (6)(za) “the relevant period” means—

- (a) the period of 28 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-paragraphs (4) and (5)) the licence expires, the period ending with that later day.]

(7) Where a relevant objection or representation (within the meaning of paragraph 19 below) has been made in relation to an application for the grant of a licence, that licence shall not, unless it has been deemed to have been granted under section 3(4) of this Act, come into force until—

- (a) the time within which an appeal under paragraph 18 below against the grant of the licence may be made has elapsed; or
- (b) where such an appeal has been lodged, it has been abandoned or determined in favour of the applicant.

(8) This paragraph is subject to paragraphs [<sup>F4</sup>8A and] 11 to 14 below.

#### Textual Amendments

- F1** Sch. 1 para. 8(5A) inserted (28.2.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\), ss. 178\(2\)\(g\)](#), 206(1); S.I. 2010/413, art. 2, sch. (with sch.)
- F2** Sch. 1 para. 8(6)(za) inserted (11.7.2023) by [Finance \(No. 2\) Act 2023 \(c. 30\), s. 343\(7\)](#)
- F3** Sch. 1 para. 8(6A) inserted (11.7.2023) by [Finance \(No. 2\) Act 2023 \(c. 30\), s. 343\(8\)](#)
- F4** Words in Sch. 1 para. 8(8) inserted (1.12.2016) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 5 para. 32\(2\)](#) (with [Sch. 5 para. 54](#)); S.I. 2016/1037, reg. 5(i)

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

- C1** Sch. 1 para. 8(3) extended by [S.I. 1984/922, art. 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\(1\)\(b\)](#)