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**Changes to legislation:** Civic Government (Scotland) Act 1982, Paragraph 13 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

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## SCHEDULES

### SCHEDULE 2

#### CONTROL OF SEX SHOPS

##### *Revocation of licences*

- 13 (1) The [F<sup>1</sup>local authority] may at any time revoke a licence under this Schedule—
- (a) if, at any time of revocation, it could not, under sub-paragraph (3) of paragraph 9 above, be granted;
  - (b) if, in their opinion, any of the grounds specified in sub-paragraph (5)(a) or (b) of that paragraph apply; or
  - (c) if a condition of the licence has been contravened.
- (2) A [F<sup>1</sup>local authority] may revoke a licence under sub-paragraph (1)(c) above in respect of a contravention of a condition of a licence notwithstanding that there has been no conviction in that respect.
- (3) In considering whether to revoke a licence the appropriate authority may make such reasonable inquiries as they think fit and, subject to sub-paragraph (4) below, include the results of their inquiries in the matters to which they have regard in such consideration.
- (4) Where a [F<sup>1</sup>local authority] intend to include any of the results of their inquiries under sub-paragraph (3) above in the matters to which they have regard for the purposes of this paragraph, they shall notify the holder of the licence of that intention.
- (5) A [F<sup>1</sup>local authority], in considering whether or not to revoke a licence, may, but before deciding to revoke it shall, give—
- (a) the holder of the licence;
  - (b) any person who has made a complaint relevant to the matters to be considered at the hearing;
  - (c) the chief constable; and
  - (d) [F<sup>2</sup>where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies to the premises, vehicle, vessel or stall to which the licence relates, the enforcing authority or, where Part 3 of that Act does not so apply,] the [F<sup>3</sup>Scottish Fire and Rescue Service] ,
- an opportunity to be heard by them.
- (6) The [F<sup>1</sup>local authority] shall have complied with their duty under sub-paragraph (5) above if they have caused to be sent to the persons entitled under that sub-paragraph to an opportunity to be heard, not later than [F<sup>4</sup>14] days before the hearing, notice in writing that the [F<sup>1</sup>authority] propose to hold a hearing, together with written notice of the general terms of the complaint and a note of the grounds upon which the revocation of the licence is to be considered and, where they decide to exercise their

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power under that sub-paragraph, they shall cause such notices and note to be sent to those persons not later than that time.

- (7) Where a [F1local authority] decide to revoke a licence under this Schedule, the revocation shall not, subject to sub-paragraph (8) below, take effect until the expiry of the time within which the holder of the licence may appeal under paragraph 24 below against the revocation or, if such an appeal has been lodged, until it has been abandoned or determined in favour of the revocation.
- (8) If, in deciding to revoke a licence under this Schedule, a [F1local authority] determine that the circumstances of the case justify immediate revocation, they may, without prejudice to their other powers under this paragraph, order that the licence shall be revoked immediately.
- (9) A [F1local authority] shall, within 7 days of their decision under sub-paragraph (1) above, send written notice of their decision to the persons referred to in sub-paragraph (5)(a), (c) and (d) above in relation to the licence and to any person who, in pursuance of sub-paragraph (5)(b) above, was heard by the [F1authority] before they reached that decision.
- (10) Where a licence under this Schedule is revoked, its holder shall be disqualified from holding or obtaining such a licence in the area of the [F1local authority] which revoked it for a period of 12 months beginning with the date of revocation unless the revocation has been reversed on appeal.

#### Textual Amendments

- F1** Words in Sch. 2 para. 13(1)(2)(4)-(10) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 129(2)(f)**; S.I. 1996/323, **art. 4(1)(c)**
- F2** Words in Sch. 2 para. 13(5)(d) 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(7)(d)**
- F3** Words in Sch. 2 para. 13(5)(d) substituted (1.4.2013) by **Police and Fire Reform (Scotland) Act 2012 (asp 8)**, s. 129(2), **sch. 7 para. 53(7)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F4** Word in Sch. 2 para. 13(6) substituted (28.2.2011) by **Criminal Justice and Licensing (Scotland) Act 2010 (asp 13)**, **ss. 178(3)(g)**, 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\(1\)\(b\)](#)