

Status: Point in time view as at 01/10/2022.

Changes to legislation: Civic Government (Scotland) Act 1982, Paragraph 15 is up to date with all changes known to be in force on or before 06 May 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)

SCHEDULES

SCHEDULE 2

CONTROL OF SEX SHOPS

Variation of licences

- 15 (1) A [F¹local authority] may, at any time, whether or not upon an application made to them by the holder of the licence, vary the terms of a licence on any grounds they think fit and such variation shall come into force on such date as they may specify.
- (2) A [F¹local authority], before proceeding to vary the terms of a licence under sub-paragraph (1) above—
- (a) shall, not later than 7 days before the day on which the proposed variation is to be considered, notify the holder of the licence, the chief constable and the [F²Scottish Fire and Rescue Service] of the proposed variation; and
 - (b) shall give each of the persons mentioned in sub-paragraph (a) above an opportunity to be heard by the [F¹authority] on that day.
- [F³(2A) Where the proposed variation is in respect of a licence which relates to any premises, vehicle, vessel or stall to which Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies, sub-paragraph (2)(a) above applies as if the reference to the [F⁴Scottish Fire and Rescue Service] were a reference to the enforcing authority.]
- (3) A [F¹local authority] shall have complied with sub-paragraph (2)(b) above if they have invited each of the persons whom they must notify under that sub-paragraph to attend and to be heard by the [F¹local authority] when the variation of the licence is to be considered.
- (4) A variation in the terms of a licence shall come into force—
- (a) when the time within which an appeal under paragraph 24 below may be made has elapsed; or
 - (b) where such an appeal has been lodged, when the appeal has been abandoned or determined in favour of the variation.
- [F⁵(4A) Sub-paragraph (4) does not apply to a deemed variation of the terms of a licence under section 45D(4).]
- (5) A [F¹local authority] shall, within 7 days of their decision under sub-paragraph (1) above, send written notice of their decision to the holder of the licence, the chief constable and [F⁶either the enforcing authority where Part 3 of that Act applies in relation to the premises, vehicle, vessel or stall or, where Part 3 of that Act does not so apply,] the [F⁷Scottish Fire and Rescue Service] .

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Textual Amendments

- F1** Words in Sch. 2 para. 15(1)(2)(b)(3)(5) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 129(22)(h)**; S.I. 1996/323, **art. 4(1)(c)**
- F2** Words in Sch. 2 para. 15(2)(a) 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)
- F3** Sch. 2 para. 15(2A) 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)(f)(i)**
- F4** Words in Sch. 2 para. 15(2A) 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)
- F5** Sch. 2 para. 15(4A) inserted (1.5.2017) by **Air Weapons and Licensing (Scotland) Act 2015** (asp 10), **ss. 77(5), 88(2)**; S.S.I. 2016/307, **art. 2, sch.** (with art. 4)
- F6** Words in Sch. 2 para. 15(5) 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)(f)(ii)**
- F7** Words in Sch. 2 para. 15(5) 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)

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