

Changes to legislation: Civic Government (Scotland) Act 1982, Paragraph 23 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 2

CONTROL OF SEX SHOPS

Notification of decisions and giving of reasons

- 23 (1) A [F1local authority] shall, within 10 days of being required to do so under sub-paragraph (2) below, give reasons in writing for arriving at any decision of theirs under this Schedule—
- (a) to grant or renew a licence under this Schedule or to refuse to do so;
 - (b) to revoke a licence under this Schedule or not to revoke it;
 - (c) to consent or to refuse to consent to a material change in any premises, vehicle, vessel or stall;
 - (d) to vary or to refuse to vary the terms of a licence under this Schedule.
- (2) Reasons for a decision referred to in sub-paragraph (1) above shall be given by the [F1local authority] on a request being made to the [F1 authority] by a relevant person within [F221] days of the date of the decision.
- (3) Nothing in this paragraph affects the power of the sheriff under paragraph 24 below to require a [F1local authority] to give reasons for a decision of the council—
- (a) which is being appealed to the sheriff under that paragraph; and
 - (b) for which reasons have not been given under this paragraph.
- (4) In this paragraph, “relevant person” means—
- (a) in respect of a decision specified in sub-paragraph (1)(a) above, the applicant or any person who made a relevant objection or representation (within the meaning of paragraph 3 above) in relation to the application to which the decision relates;
 - (b) in respect of a decision specified in sub-paragraph (1)(b) to (d) above, the holder of the licence, the chief constable or
 - [F3(i) 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;
 - (ii) where Part 3 of that Act does not so apply,] the [F4Scottish Fire and Rescue Service] ; and
 - (c) in respect of a decision specified in sub-paragraph (1)(b) above, any person who in pursuance of paragraph 13(5)(b) above was heard by the [F1authority].

Textual Amendments

- F1** Words in Sch. 2 para. 23(1)-(3)(4)(c) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\), Sch. 13 para. 129\(22\)\(n\)](#); [S.I. 1996/323, art. 4\(1\)\(c\)](#)

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- F2** Word in Sch. 2 para. 23(2) substituted (28.2.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 178(3)(h)**, 206(1); S.S.I. 2010/413, art. 2, sch. (with sch.)
- F3** Words in Sch. 2 para. 23(4)(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(7)(g)**
- F4** Words in Sch. 2 para. 23(4)(b)(ii) 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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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\(1\)\(b\)](#)