



Civic Government (Scotland) Act 1982

1982 CHAPTER 45

PART I

LICENSING—GENERAL PROVISIONS

3 Discharge of functions of licensing authorities.

- (1) For the purpose of the discharge of their functions under this Part of this Act, every licensing authority ^{F1}must—
 - (a) consider each relevant application made to them within the period of 3 months beginning with the date on which the application was made, and
 - (b) subject to the following provisions of this section, reach a final decision on the application within the period of ^{F2}6 months^{F29} months] beginning with the end of the 3 month period referred to in paragraph (a).]
- (2) On summary application by the licensing authority within the ^{F3}6 month^{F39} month] period referred to in subsection (1) above, the sheriff may, if it appears to him that there is good reason to do so, extend that period as he thinks fit.
- (3) The applicant shall be entitled to be a party to a summary application under subsection (2) above.
- (4) Where the licensing authority have failed to reach a final decision on the application before the expiry of—
 - (a) the ^{F4}6 month^{F49} month] period referred to in subsection (1) above, or
 - (b) such further period as the sheriff may have specified on application under subsection (2) above,the licence ^{F5}... shall be deemed to have been granted ^{F6}, renewed or, as the case may be, varied^{F7} ... on the date of such expiry ^{F8}....

^{F9}(4A) A licence deemed to have been granted or renewed under subsection (4) is—

- (a) in the case of a temporary licence, to remain in force for the duration of the period sought in the application (up to a maximum period of 6 weeks), or
- (b) in any other case, to remain in force for the period of one year.

Status: Point in time view as at 07/04/2020. This version of this provision has been superseded.

Changes to legislation: Civic Government (Scotland) Act 1982, Section 3 is up to date with all changes known to be in force on or before 10 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)

(4B) A variation of the terms of a licence deemed to have been granted under subsection (4) is to have effect for the remaining period of the licence.

(4C) Subsections (4) and (4B) do not affect—

- (a) the powers of revocation under section 7(6)(a),
- (b) paragraph 8(5) of Schedule 1 (which relates to renewals of existing licences),
- (c) the powers of variation under paragraph 10 of that Schedule, or
- (d) the powers of suspension and revocation under paragraphs 11 and 12 of that Schedule.]

[^{F10}(5A) The deemed grant, renewal or variation of the terms of a licence under subsection (4) is, for the purposes of Schedule 1, to be treated as a decision of the licensing authority to grant, renew or vary the terms of a licence.

(5B) For the purposes of this section, a “relevant application” is an application under paragraph 1, 7 or 10 of Schedule 1.]

Textual Amendments

- F1** Words in s. 3(1) substituted (1.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 77\(2\)\(a\)](#), 88(2); S.S.I. 2016/307, art. 2, sch. (with art. 4)
- F2** Words in s. 3(1)(b) substituted (temp.) (7.4.2020) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), s. 17(1), [sch. 6 para. 1\(2\)\(a\)](#) (with ss. 11-13) (which affecting provision expires (1.10.2022) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), [s. 12\(1\)](#) (with saving in S.S.I. 2022/261, regs. 1, [14](#)))
- F3** Words in s. 3(2) substituted (temp.) (7.4.2020) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), s. 17(1), [sch. 6 para. 1\(2\)\(b\)](#) (with ss. 11-13) (which affecting provision expires (1.10.2022) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), [s. 12\(1\)](#) (with saving in S.S.I. 2022/261, regs. 1, [14](#)))
- F4** Words in s. 3(4)(a) substituted (temp.) (7.4.2020) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), s. 17(1), [sch. 6 para. 1\(2\)\(b\)](#) (with ss. 11-13) (which affecting provision expires (1.10.2022) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), [s. 12\(1\)](#) (with saving in S.S.I. 2022/261, regs. 1, [14](#)))
- F5** Words in s. 3(4) repealed (1.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 77\(2\)\(b\)\(i\)](#), 88(2); S.S.I. 2016/307, art. 2, sch. (with art. 4)
- F6** Words in s. 3(4) substituted (1.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 77\(2\)\(b\)\(ii\)](#), 88(2); S.S.I. 2016/307, art. 2, sch. (with art. 4)
- F7** Word in s. 3(4) repealed (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 172\(2\)](#), 206(1); S.S.I. 2011/178, art. 2, sch. (with sch.)
- F8** Words in s. 3(4) repealed (1.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 77\(2\)\(b\)\(iii\)](#), 88(2); S.S.I. 2016/307, art. 2, sch. (with art. 4)
- F9** S. 3(4A)-(4C) inserted (1.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 77\(2\)\(c\)](#), 88(2); S.S.I. 2016/307, art. 2, sch. (with art. 4)
- F10** S. 3(5A)(5B) substituted for s. 3(5) (1.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 77\(2\)\(d\)](#), 88(2); S.S.I. 2016/307, art. 2, sch. (with art. 4)

Status:

Point in time view as at 07/04/2020. This version of this provision has been superseded.

Changes to legislation:

Civic Government (Scotland) Act 1982, Section 3 is up to date with all changes known to be in force on or before 10 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.