



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 [^{F2}relevant date], and
 - (b) subject to the following provisions of this section, reach a final decision on the application within the period of 6 months beginning with the end of the 3 month period referred to in paragraph (a).]

[^{F3}(1A) In subsection (1) “the relevant date” means—

- (a) the date on which the application is made, or
 - (b) if, on that date, the licensing authority is prevented from considering the application by paragraph 2(2) or 3(2) of Schedule 33 to the Finance Act 2021 (which contain requirements to be complied with before applications may be considered), the date on which the licensing authority ceases to be so prevented.]
- (2) On summary application by the licensing authority within the 6 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 6 month period referred to in subsection (1) above, or

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- (b) such further period as the sheriff may have specified on application under subsection (2) above,
the licence ^{F4}... shall be deemed to have been granted [^{F5}, renewed or, as the case may be, varied]^{F6}... on the date of such expiry ^{F7}....
- [^{F8}(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.
- (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.]
- [^{F9}(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)(a) substituted (11.7.2023) by [Finance \(No. 2\) Act 2023 \(c. 30\), s. 343\(2\)\(a\)](#)
- F3** [S. 3\(1A\)](#) inserted (11.7.2023) by [Finance \(No. 2\) Act 2023 \(c. 30\), s. 343\(2\)\(b\)](#)
- F4** 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)
- F5** 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)
- F6** 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.)
- F7** 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)
- F8** [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)
- F9** [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)

Changes to legislation:

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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\(1\)\(b\)](#)