



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART II

#### LICENSING AND REGULATION—PARTICULAR ACTIVITIES

##### *Miscellaneous licences*

#### **42 Late hours catering licences.**

- (1) A licence, to be known as a “late hours catering licence”, shall be required for the use of premises between the hours of eleven o’clock in the evening and five o’clock the following morning for the sale to or consumption by the public of [F<sup>1</sup>food] .
- (2) The reference in subsection (1) above to the sale of [F<sup>2</sup>food] is a reference to the sale of [F<sup>2</sup>food] for consumption on as well as off the premises in which [F<sup>3</sup>it is] sold.
- (3) Without prejudice to paragraph 5 of Schedule 1 to this Act, a licensing authority may attach conditions to a late hours catering licence fixing the days and hours during which the premises may be open for business, and different days and hours may be fixed for the sale of [F<sup>4</sup>food] for consumption on the premises from those fixed for the sale of [F<sup>4</sup>food] for consumption off the premises.
- (4) A late hours catering licence shall not be required in respect of—
  - (a) the use as such of licensed premises within the meaning of the Licensing (Scotland) Act [F<sup>5</sup>2005 (asp 16)] ; or
  - (b) premises being used in accordance with a public entertainment licence.
- (5) A licensing authority may, on application made to them, exempt the use of premises requiring a late hours catering licence from the requirement to have such a licence—
  - (a) in respect of any particular occasion; or
  - (b) during a specified period not exceeding 2 months in any period of 12 months.
- (6) The licensing authority may attach conditions to an exemption granted under subsection (5) above, and the provisions of Part I of this Act relating to the attaching

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*Changes to legislation: Civic Government (Scotland) Act 1982, Section 42 is up to date with all changes known to be in force on or before 14 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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of conditions to licences and subsection (3) above shall apply to the attaching of conditions to exemptions under this subsection.

[<sup>F6</sup>(7) In this section “food” has the meaning given in section 1 of the Food Safety Act 1990 (c.16).]

#### Textual Amendments

- F1** Word in s. 42(1) substituted (1.10.2012) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 177(2), 206(1)**; S.S.I. 2011/178, art. 2, sch. (with art. 10)
- F2** Word in s. 42(2) substituted (1.10.2012) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 177(2), 206(1)**; S.S.I. 2011/178, art. 2, sch. (with art. 10)
- F3** Words in s. 42(2) substituted (1.10.2012) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 177(3), 206(1)**; S.S.I. 2011/178, art. 2, sch. (with art. 10)
- F4** Word in s. 42(3) substituted (1.10.2012) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 177(4), 206(1)**; S.S.I. 2011/178, art. 2, sch. (with art. 10)
- F5** Words in s. 42(4)(a) substituted (1.9.2009 at 5.00 a.m.) by Licensing (Scotland) Act 2005 (asp 16), s. 150(2), **sch. 6 para. 6(3)** (with s. 143); S.S.I. 2007/472, art. 3
- F6** S. 42(7) added (1.10.2012) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 177(5), 206(1)**; S.S.I. 2011/178, art. 2, sch. (with art. 10)

**Changes to legislation:**

Civic Government (Scotland) Act 1982, Section 42 is up to date with all changes known to be in force on or before 14 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.

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