



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART III

#### [<sup>F1</sup>CONTROL OF SEX SHOPS AND SEXUAL ENTERTAINMENT VENUES]

##### [<sup>F1</sup>45B Licensing of sexual entertainment venues

- (1) A local authority may resolve that Schedule 2 (as modified for the purposes of this section) is to have effect in their area in relation to sexual entertainment venues.
- (2) If a local authority passes a resolution under subsection (1), Schedule 2 (as so modified) has effect in their area from the day specified in the resolution.
- (3) The day mentioned in subsection (2) must not be before the expiry of the period of one year beginning with the day on which the resolution is passed.
- (4) A local authority must, not later than 28 days before the day mentioned in subsection (2), publish notice that they have passed a resolution under this section.
- (5) The notice must—
  - (a) state the general effect of Schedule 2 (as modified for the purposes of this section), and
  - (b) be published electronically or in a newspaper circulating in the local authority's area.
- (6) For the purposes of this section, paragraphs 1 and 3 to 25 of Schedule 2 apply with the following modifications—
  - (a) references to a sex shop are to be read as references to a sexual entertainment venue,
  - (b) references to the use by a person of premises, vehicles, vessels or stalls as a sexual entertainment venue are to be read as references to their use by the organiser,
  - (c) in paragraph 1—
    - (i) in sub-paragraph (b)—
      - (A) the word “or” immediately following paragraph (i) is omitted,

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- (B) paragraph (ii) is omitted, and
- (ii) sub-paragraph (c) is omitted,
- (d) in paragraph 7—
  - <sup>F2</sup>(i) .....
  - (ii) after sub-paragraph (3) insert—
    - <sup>F3c</sup>(3A) .....
    - <sup>F3</sup>(3B) .....
  - (3C) The applicant must also, not later than 7 days after the date of the application—
    - (a) send a copy of the application to each person or body listed in the local authority's determination under sub-paragraph (3D), and
    - (b) submit to the local authority a certificate stating that the applicant has complied with this sub-paragraph.
  - (3D) For the purposes of sub-paragraph (3C), a local authority must—
    - (a) from time to time determine the persons or bodies who must receive a copy of the application, and
    - (b) publicise the determination in such manner as they consider appropriate.”
- (e) in paragraph 9—
  - (i) in sub-paragraph (5)(c)—
    - (A) after the word “in” insert “ the local authority's area or ”,
    - (B) after the word “for” insert “ their area or ”,
  - (ii) after sub-paragraph (5) insert—
    - “(5A) For the purposes of sub-paragraph (5)(c), a local authority must—
      - (a) from time to time determine the appropriate number of sexual entertainment venues for their area and for each relevant locality, and
      - (b) publicise the determination in such manner as they consider appropriate.”
  - (iii) after sub-paragraph (6) insert—
    - “(6A) A local authority may refuse an application for the grant or renewal of a licence despite the fact that a premises licence under Part 3 of the Licensing (Scotland) Act 2005 is in effect in relation to the premises, vehicle, vessel or stall to which the application relates.”
- (f) in paragraph 12(2)(b), for “shorter” substitute “ other ”,
- (g) in paragraph 19(1)(e), for the words from “without” to the end of paragraph (e) substitute “knowingly permits any person under the age of 18 to enter the sexual entertainment venue—
  - (i) at a time when sexual entertainment is being provided, or
  - (ii) without reasonable excuse, at any other time,” and

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(h) in paragraph 25, in each of sub-paragraphs (1)(a) and (2), for “45” substitute “45B”.

(7) In carrying out functions conferred by virtue of this section, a local authority must have regard to any guidance issued by the Scottish Ministers.]

#### Textual Amendments

- F1** Ss. 45A-45C inserted (1.12.2015 for the insertion of s. 45A for specified purposes, 26.4.2019 in so far as not already in force) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 76(3)**, 88(2); [S.S.I. 2015/382](#), art. 2, sch.; [S.S.I. 2019/99](#), art. 2(1)(b) (with art. 3)
- F2** S. 45B(6)(d)(i) repealed (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 31(4)(a)**, 59(1)
- F3** Words in s. 45B(6)(d)(ii) repealed (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 31(4)(b)**, 59(1)

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