



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART III

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

#### [<sup>F1</sup>45D Deemed grant of applications

- (1) For the purpose of the discharge of their functions under this Part, every local authority 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 6 months beginning with the end of the 3 month period referred to in paragraph (a).
- (2) On an application by the local authority within the 6 month period referred to in subsection (1)(b), the sheriff may, if it appears that there is a good reason to do so, extend that period as the sheriff thinks fit.
- (3) The applicant is entitled to be a party to proceedings on an application under subsection (2).
- (4) Where the local 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)(b), or
  - (b) such further period as the sheriff may have specified on application under subsection (2),the licence is deemed to have been granted, renewed or, as the case may be, varied on the date of such expiry.
- (5) A licence deemed to have been granted or renewed under subsection (4) is to remain in force for the period of one year.
- (6) A deemed variation of the terms of a licence deemed under subsection (4) is to have effect for the remaining period of the licence.

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**Changes to legislation:** *Civic Government (Scotland) Act 1982, Section 45D is up to date with all changes known to be in force on or before 18 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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- (7) Subsections (4) and (6) do not affect—
- (a) the powers of revocation under paragraph 13 of Schedule 2, and
  - (b) the powers of variation under paragraph 15 of that Schedule.
- (8) The deemed grant, renewal or variation of the terms of a licence under subsection (4) has the same effect, for the purposes of Schedule 2, as a decision of the licensing authority to grant, renew or vary the terms of a licence.
- (9) For the purposes of this section, a “relevant application” is an application under paragraph 6 or 15 of Schedule 2.]

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**Textual Amendments**

- F1** S. 45D inserted (1.5.2017) by *Air Weapons and Licensing (Scotland) Act 2015 (asp 10)*, **ss. 77(3)**, **88(2)**; *S.S.I. 2016/307*, art. 2, sch. (with art. 4)

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