

Draft Order laid before Parliament under sections 3A(3) and 44(3) of the Civic Government (Scotland) Act 1982, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2023 No.

LICENCES AND LICENSING

**The Civic Government (Scotland) Act 1982 (Licensing
of Short-term Lets) (Amendment) Order 2023**

Made - - - - 2023
Coming into force - - 31st March 2023

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 3A(1), 44(1)(b), 44(2)(a), (b) and (d), and 136(2) of the Civic Government (Scotland) Act 1982(1) and all other powers enabling them to do so.

In accordance with sections 3A(3), and 44(3) of that act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) (Amendment) Order 2023 and comes into force on 31 March 2023.

Amendment of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022

2.—(1) The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022(2) is amended as follows.

(2) In article 7 (transitional provision)—

- (a) in paragraph (1)(a) for “1 April 2023” substitute “1 October 2023”,
- (b) in paragraph (2) for “1 April 2023” substitute “1 October 2023”,
- (c) in paragraph (3) for “1 April 2023” substitute “1 October 2023”,
- (d) in paragraph (7)(b) for “1 July 2023” substitute “1 January 2024”.

(1) 1982 c. 45. The functions conferred upon the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46). Section 3A was inserted by section 172(3) of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13). The powers to make this Order are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10). The Order is subject to the affirmative procedure by virtue of section 33(3) of that Act.

(2) S.S.I. 2022/32.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument:
The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) (Amendment) Order 2023 No. 73

St Andrew's House,
Edinburgh
Date

Name
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Order)

The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 introduces a licensing regime for the short-term let of residential accommodation. Article 7 of the Order makes a transitional provision whereby the offence of operating without a licence (under section 7(1) of the Civic Government (Scotland) Act 1982) is not committed in circumstances where a person used a property for a short-term let before 1 October 2022 (“an existing operator”) and submitted an application for a short-term let licence before 1 April 2023 which has not yet been fully determined. This Order extends the date for existing operators to apply for a licence by 6 months from 1 April 2023 to 1 October 2023.

The licensing authority has 12 months within which to determine an application for a short-term let licence. Where an existing operator applies for a short-term let licence, the licensing authority may notify the existing operator that they will suspend their consideration of the application for 3 months to enable them to apply for planning permission to use of the property for a short-term let. In those circumstances the 12 month period will commence on the earlier of the date on which the existing operator notifies the licensing authority that a planning application has been made, or 1 July 2023. This Order extends the latest date on which the 12 month period will commence from 1 July 2023 to 1 January 2024.