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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2009 No.**

**The Civic Government (Scotland) Act 1982  
(Licensing of Booking Offices) Order 2009**

**Transitional provision**

4.—(1) A person who on or after 16th November 2009 carries on the activity designated by article 2 without a licence under Part I of the Act shall not be guilty of an offence under section 7(1) of the Act<sup>(1)</sup> if—

- (a) that person made an application to the licensing authority before that date for the grant of a licence under Part I of the Act in respect of the activity being carried on by the person; and
- (b) that application has not yet been finally determined.

(2) For the purposes of paragraph (1)(b), an application is finally determined—

- (a) when it is withdrawn by the applicant;
- (b) when it is refused by the licensing authority and the period of 28 days specified in paragraph 18(4) of Schedule 1 to the Act expires without an appeal against the refusal being made to the sheriff; or
- (c) in a case where an appeal is made against a refusal by the licensing authority, when that appeal is disposed of.

(3) For the purposes of paragraph (2)(c), an appeal is disposed of—

- (a) when it is abandoned by the appellant; or
- (b) when a decision on it is made by the sheriff or a higher court and any period for making a subsequent appeal to a higher court expires without such a subsequent appeal being made.

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(1) Section 7(1) was amended by the Entertainments (Increased Penalties) Act 1990 (c. 20), section 2(1); the reference in section 7(1) to a fine not exceeding £500 became a reference to a fine not exceeding level 4 on the standard scale by virtue of section 289G of the Criminal Procedure (Scotland) Act 1975 (c. 21), which section by consolidation became section 225 of the Criminal Procedure (Scotland) Act 1995 (c. 46).