
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2009 No.

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

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009 and comes into force on the day after the day on which it is made.

(2) In this Order—

“the Act” means the Civic Government (Scotland) Act 1982;

“relevant premises” means the premises in relation to which a licence has been granted by virtue of article 2; and

“relevant vehicle” means a vehicle in relation to which a taxi licence or private hire car licence has been granted in terms of section 10 of the Act(1) and that licence is in effect.

Licensing of booking offices

2.—(1) The activity specified in paragraph (2) is designated as an activity for which a licence under Part I of the Act shall be required, but no such licence shall be required—

(a) in respect of the carrying on of that activity before 16th November 2009; or

(b) where the number of relevant vehicles in respect of which bookings are taken does not at any time exceed 3.

(2) The activity referred to in paragraph (1) is the use of premises for the carrying on of a business which consists to any extent of the taking of bookings, by any means of communication, from members of the public for the hire of a relevant vehicle.

Application of Part I of the Act

3. Part I of the Act shall have effect, subject to the modifications specified in the Schedule, for the purposes of the licensing of the activity designated by article 2.

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(2) 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.

(1) Section 10 was amended by the Transport Act 1985 (c. 67), Schedule 7, paragraph 23(5).

(2) 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).

- (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.

St Andrew's House,
Edinburgh
2009

Authorised to sign by the Scottish Ministers