

SCHEDULE

Article 3

APPLICATION OF PART I OF THE ACT

1. Part I of the Act shall have effect subject to the modifications in paragraphs 2 to 5 of this Schedule.
2. In section 6 (powers of entry to and search of unlicensed premises)–
 - (a) in subsections (1) and (2), after “constable” in each place insert “(or any authorised officer of the licensing authority)”;
 - (b) in subsection (3)–
 - (i) after “uniform” insert “(and where the person executing the warrant is an authorised officer of a licensing authority, that officer)”;
 - (ii) after “constable” where it second occurs insert “(or such authorised officer of the licensing authority)”;
 - (c) in subsection (4)(1)–
 - (i) after “constable” where it first occurs insert “(or authorised officer of the licensing authority)”;
 - (ii) after “constable” where it second occurs insert “(or such authorised officer)”.
3. In paragraph 5 (disposal of applications for the grant and renewal of licences) of Schedule 1(2)–
 - (a) in sub-paragraph (1)(a), for “unconditionally” substitute “subject to the mandatory conditions specified in sub-paragraph (1A) below”;
 - (b) in sub-paragraph (1)(b), for “conditions” substitute “those mandatory conditions and such conditions as are specified in sub-paragraph (2) below”; and
 - (c) after sub-paragraph (1), insert–

“(1A) The mandatory conditions referred to in sub-paragraph (1)(a) above are–

 - (a) that a record be kept of every booking for the hire of a relevant vehicle taken at the relevant premises;
 - (b) that a record be kept of–
 - (i) the registration number of the vehicle which was hired as the result of a booking taken at the relevant premises; and
 - (ii) the name of its driver at the time of that hire; and
 - (c) that the holder of the licence shall take all reasonable steps to ensure that any booking taken at the relevant premises from a member of the public for the hire of a relevant vehicle results in the hire of a vehicle which is–
 - (i) a relevant vehicle; and
 - (ii) being driven by a person who holds a licence granted under section 13 of the Act(3) and that licence is in effect.”.
4. After paragraph 19 (interpretation) of Schedule 1 insert–

(1) The reference in section 6(4) to a fine not exceeding £200 became a reference to a fine not exceeding level 3 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) Paragraph 5 of Schedule 1 was amended by S.S.I. 2005/383 and S.S.I. 2006/475.

(3) Section 13 was repealed in part by the Roads (Scotland) Act 1984 (c. 54), Schedule 11.

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 Booking Offices) Order 2009 No. 145

“20. In this Schedule, “relevant premises” and “relevant vehicle” have the same meaning as in the Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009.”.