

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.