

Status: Point in time view as at 01/02/1991.

Changes to legislation: Civic Government (Scotland) Act 1982, Cross Heading: Notification of the decisions and giving of reasons is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

LICENSING—FURTHER PROVISIONS AS TO THE GENERAL SYSTEM

Modifications etc. (not altering text)

C1 Sch. 1: power to apply conferred (18.11.1996) by 1996 c. 58, ss. 33(3), 48(6)

Notification of the decisions and giving of reasons

- 17 (1) A licensing authority shall, within 10 days of being required to do so under sub-paragraph (2) below, give reasons in writing for arriving at any decision of theirs under this Schedule—
- (a) to grant or renew a licence or to refuse to do so;
 - (b) to consent or to refuse to consent to a material change in any premises, vehicle or vessel;
 - (c) to vary or refuse to vary the terms of a licence;
 - (d) in relation to paragraph 11 above—
 - (i) to suspend a licence or to refuse to do so;
 - (ii) as to the period of suspension;
 - (iii) ordering immediate suspension;
 - (e) to suspend a licence under paragraph 12 above or to refuse to do so.
- (2) Reasons for a decision referred to in sub-paragraph (1) above shall be given by the licensing authority on a request being made to the authority by a relevant person within 28 days of the date of the decision.
- (3) Nothing in this paragraph affects the power of the sheriff under paragraph 18 below to require a licensing authority to give reasons for a decision of the authority—
- (a) which is being appealed to the sheriff under that paragraph; and
 - (b) for which reasons have not been given under this paragraph.
- (4) In this paragraph, “relevant person” means—
- (a) in respect of a decision specified in sub-paragraph (1)(a) above, the applicant or any person who made a relevant objection or representation (within the meaning of paragraph 19 below) in relation to the application to which the decision relates;
 - (b) in respect of a decision specified in sub-paragraphs (1)(b) to (e) above, the holder of the licence or the chief constable;
 - (c) in respect of a decision specified in sub-paragraphs (1)(b) to (e) above which relates to an activity wholly or mainly carried on in premises, the fire authority;
 - (d) in respect of a decision to consent or to refuse to consent to a material change in premises, the fire authority; and

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- (e) in respect of a decision specified in sub-paragraph (1)(d) above, any person who, in pursuance of paragraph 11(7)(b) above, was heard by the licensing authority.

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