

**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 30 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) View outstanding changes

## SCHEDULES

### SCHEDULE 1 **S**

#### 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)
- C1** Sch. 1 applied (with modifications) (1.3.2022) by The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (S.S.I. 2022/32), arts. 1, 5(b), sch. 2 Pt. 2 (with art. 7)

##### *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—
    - [<sup>F1</sup>(ai) to revoke a licence or to refuse to do so,]
    - (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 [<sup>F2</sup>21] 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;

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- (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
  - <sup>F3</sup>(i) in premises to which Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies, the enforcing authority;
  - (ii) in any other premises], the [<sup>F4</sup>Scottish Fire and Rescue Service];
- (d) in respect of a decision to consent or to refuse to consent to a material change
  - <sup>F5</sup>(i) in premises to which Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies, the enforcing authority;
  - (ii) in any other premises], the [<sup>F6</sup>Scottish Fire and Rescue Service]; and
- (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.

#### Textual Amendments

- F1** Sch. 1 para. 17(1)(d)(ai) inserted (1.11.2016) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 78(3)(f)**, 88(2); S.S.I. 2016/307, art. 2, sch. (with art. 5)
- F2** Word in Sch. 1 para. 17(2) substituted (28.2.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 178(2)(i)**, 206(1); S.S.I. 2010/413, art. 2, sch. (with sch.)
- F3** Words in Sch. 1 para. 17(4)(c) substituted (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, **sch. 1 para. 11(6)(i)(i)**
- F4** Words in Sch. 1 para. 17(4)(c)(ii) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **sch. 7 para. 53(6)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F5** Words in Sch. 1 para. 17(4)(d) substituted (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, **sch. 1 para. 11(6)(i)(ii)**
- F6** Words in Sch. 1 para. 17(4)(d)(ii) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **sch. 7 para. 53(6)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 22(1)(c) repealed by [2015 asp 10 s. 65\(3\)](#)
- s. 49(9) added by [2010 asp 13 s. 200\(1\)\(b\)](#)