



Civic Government (Scotland) Act 1982

1982 CHAPTER 45

PART I S

LICENSING—GENERAL PROVISIONS

7 Offences, etc. S

[^{F1}(A1) Any person who without reasonable excuse does anything for which a licence is required under section 27A without having such a licence is guilty of an offence and liable—

- (a) on summary conviction to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both;
- (b) on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine or both.]

(1) Any person who without reasonable excuse does anything for which a licence is required under [^{F2} any provision of] Part II of this Act [^{F3} other than section 27A] without having such a licence shall be guilty of an offence and liable, on summary conviction

- [^{F4}(a) in a case where the licence so required is [^{F5}a metal dealer's licence, an itinerant metal dealer's licence or] a public entertainment licence, to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months or to both; and
- (b) in any other case,], to a fine not exceeding [^{F6}level 4 on the standard scale].

(2) If a condition attached to a licence is not complied with, the holder of the licence shall, subject to subsection (3) below, be guilty of an offence and liable, on summary conviction

- [^{F7}(a) in a case where the licence is a public entertainment licence and the condition is attached under section 41(3)(b) of this Act, to such fine or imprisonment as is mentioned in subsection (1)(a) above (or to both); ^{F8}...

[in a case where the licence is a knife dealer's licence, to a fine not exceeding ^{F9}(aa) level 5 on the standard scale; ^{F10}...]

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- [in a case where the licence is a metal dealer's licence or an itinerant metal
- ^{F11}(ab) dealer's licence, to such fine or imprisonment as is mentioned in subsection (1) (a) (or to both), and]
- (b) in any other case,], to a fine not exceeding [^{F6}level 3 on the standard scale].
- (3) It shall be a defence for a person charged with an offence under subsection (2) above to prove that he used all due diligence to prevent the commission of the offence.
- (4) Any person who, in making an application under this Part of this Act to the licensing authority, makes any statement which he knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction,
- [^{F12}(a) in a case where the application is for a knife dealer's licence, to a fine not exceeding level 5 on the standard scale; and
- (b) in any other case,]to a fine not exceeding [^{F6}level 4 on the standard scale].
- (5) Any person who, being the holder of a licence—
- (a) fails without reasonable excuse to notify the licensing authority of a material change of circumstances in accordance with paragraph 9(1) of Schedule 1 to this Act;
- (b) without reasonable excuse makes or causes or permits to be made any material change in any premises, vehicle or vessel in contravention of paragraph 9(2) of Schedule 1 to this Act;
- (c) fails without reasonable excuse to deliver his licence to the licensing authority in accordance with paragraph 13(2) of Schedule 1 to this Act,
- shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding, in the case of an offence under paragraph (a) or (b) above, [^{F6}level 3 on the standard scale], and in the case of an offence under paragraph (c) above, [^{F6}level 1 on the standard scale].
- (6) Where a holder of a licence is convicted of an offence under section 5 (other than subsection (5) thereof), 6 or this section, the court by which he is convicted may, in addition to any other penalty which the court may impose, make an order in accordance with one or both of the following paragraphs—
- (a) that the licence shall be revoked;
- (b) that the holder of the licence shall be disqualified from holding a licence for a period not exceeding 5 years.
- (7) Where the holder of a licence is convicted of an offence under this section, an extract of such conviction and sentence (if any) shall, within 6 days after the date of the conviction, be transmitted by the clerk of the court to the licensing authority which granted the licence.
- (8) A person may appeal against an order under subsection (6) above in the same manner as against sentence and the court which made the order may, pending the appeal, suspend the effect of the order.
- (9) A person may, at any time after the expiry of the first year of his disqualification under subsection (6) above, apply to the court which ordered the disqualification to remove it, and, on such application, the court may by order remove the disqualification as from such date as may be specified in the order or refuse the application, and, in either case, may order the applicant to pay the whole or any part of the expenses of such application.

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- (10) Where an offence is alleged to have been committed under subsection (2) above by an employee or agent named in a licence, proceedings in respect of that offence may be instituted against the joint licence holder who is the employer of the employee or principal of the agent, whether or not proceedings have been instituted against the employee or agent.

Textual Amendments

- F1** S. 7(A1) inserted (1.6.2010) by Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17), **ss. 59(3)(a)**, 67(2); S.S.I. 2009/197, art. 2, sch.
- F2** Words in s. 7(1) inserted (1.6.2010) by Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17), **ss. 59(3)(b)(i)**, 67(2); S.S.I. 2009/197, art. 2, sch.
- F3** Words in s. 7(1) inserted (1.6.2010) by Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17), **ss. 59(3)(b)(ii)**, 67(2); S.S.I. 2009/197, art. 2, sch.
- F4** S. 7(1)(a)(b) inserted by Entertainments (Increased Penalties) Act 1990 (c. 20, SIF 45A), **s. 2(1)**
- F5** Words in s. 7(1)(a) inserted (1.9.2016) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), **ss. 66(a)**, 88(2); S.S.I. 2016/85, art. 2, sch. (with art. 3)
- F6** Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G**
- F7** S. 7(2)(a)(b) inserted by Entertainments (Increased Penalties) Act 1990 (c. 20, SIF 45A), **s. 2(2)**
- F8** Word in s. 7(2)(a) repealed (1.6.2010) by Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17), **ss. 59(3)(c)(i)**, 67(2); S.S.I. 2009/197, art. 2, sch.
- F9** S. 7(2)(aa) inserted (1.6.2010) by Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17), **ss. 59(3)(c)(ii)**, 67(2); S.S.I. 2009/197, art. 2, sch.
- F10** Word in s. 7(2) repealed (1.9.2016) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), **ss. 66(b)(i)**, 88(2); S.S.I. 2016/85, art. 2, sch. (with art. 3)
- F11** S. 7(2)(ab) inserted (1.9.2016) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), **ss. 66(b)(ii)**, 88(2); S.S.I. 2016/85, art. 2, sch. (with art. 3)
- F12** S. 7(4)(a)(b) inserted (1.9.2009) by Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17), **ss. 59(3)(d)**, 67(2); S.S.I. 2009/197, art. 2, sch.

Changes to legislation:

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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\(1\)\(b\)](#)