

CORONAVIRUS (SCOTLAND) ACT 2020

EXPLANATORY NOTES

DETAIL ABOUT PROVISIONS

Schedule 6 – Functioning of public bodies

Part 1 - Licensing other than alcohol licensing

224. Paragraph 1 of schedule 6 of the Act sets out a number of modifications to the operation of provisions in the Civic Government (Scotland) Act 1982 (“the 1982 Act”) and the Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006 ([S.S.I. 2006/43](#)).
225. Section 3 of the 1982 Act makes provision for the discharge of functions of licensing authorities. Paragraph 1(2) of schedule 6 adjusts certain timescales contained within section 3 of the 1982 Act to the effect that a licensing authority has an additional three months to consider an application before an application for a licence will be deemed to have been granted, renewed or varied (as the case may be). Paragraph 1(9) and (10) consequentially modify the Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006 in light of this.
226. Section 7 of the 1982 Act makes provision for certain offences under the 1982 Act. Section 7(7) of the 1982 Act requires the clerk of the court to transmit information relating to such offences to licensing authorities within 6 days after the date of conviction. Paragraph 1(3) of schedule 6 modifies section 7 to provide some flexibility for the clerk of the court (if needed due to the coronavirus outbreak) to transmit the required information after that time period. Similar changes are made by paragraph 1(4) in relation to the operation of section 27 of the 1982 Act (functions of the court in relation to second-hand dealers convicted of offences) and paragraph 1(5) in relation to the operation of section 35 of the 1982 Act (functions of the court in relation to metal dealers convicted of offences).
227. Section 133 of the 1982 Act makes provision for the interpretation of various terms in that Act. Paragraph 1(6) of schedule 6 of the Act has the effect of modifying section 133 of the 1982 Act as if there were inserted a definition of “coronavirus” into that Act.
228. Schedule 1 of the 1982 Act makes further general provision about the licensing system. Paragraph 1(7) of schedule 6 makes a number of changes to the operation of schedule 1 including flexibility about how a licensing authority can publish certain information and extending timescales for carrying out certain activities. This includes provision extending to three months the time period within which a licensing authority can accept, on good cause being shown, late applications for renewal of a licence (see paragraph 1(7)(b) of schedule 6). Paragraph 1(7) of schedule 6 also makes provision which provides flexibility for the licensing authority to decide that if it cannot hold a hearing in person due to coronavirus, then the authority may give the person who would have been heard at a hearing the opportunity to be heard either by telephone, in written communication or, where available, by video conference. Provision is also made to ensure that any relevant procedural requirements are classed as being adhered to notwithstanding a hearing in person has not taken place.

*These notes relate to the Coronavirus (Scotland) Act
2020 (asp 7) which received Royal Assent on 6 April 2020*

229. Schedule 2 of the 1982 Act makes provision relating to control of sex shops. Similar changes as contained in paragraph 1(7) of schedule 6 for the general licensing system are made in paragraph 1(8) for the specific control of sex shops provisions in schedule 2.