



Civic Government (Scotland) Act 1982

1982 CHAPTER 45

PART II

LICENSING AND REGULATION—PARTICULAR ACTIVITIES

9 Application of sections 10 to 27 and 38 to 44.

- (1) Sections 10 to 27 (except section 20), any regulations made under the said section 20, and sections 38 to 43 [^{F1}(except section 41A)] of this Act and any order made under section 44(1)(a) of this Act (which sections regulations and order are in this section called the “optional provisions”) shall have effect in the area of a licensing authority only if and insofar as the authority have so resolved in accordance with subsections (2) to (8) below.
- (2) A licensing authority may, in accordance with this section, resolve that, as from a day specified in the resolution (which must not be before the expiration of the period of nine months beginning with the day on which the resolution was made) any activity provision for the licensing and regulation of which is made by the optional provisions shall require to be licensed in accordance with the provisions of this Act relating to that activity and shall be regulated by those provisions.
- (3) Subject to subsections (4) and (5) below, a resolution under this section may be made—
 - (a) in relation to all or any of the activities referred to in subsection (2) above;
 - (b) in relation to the whole or any part of the area of the licensing authority;
 - (c) in relation to—
 - (i) all classes of an activity referred to in any of the optional provisions;
 - or
 - (ii) all such classes subject to exceptions; or
 - (iii) any particular such class or classes.
- (4) A licensing authority may not make a resolution under this section relating to any of the activities provision for the licensing and regulation of which is made in sections 10 to 23 of this Act (that is to say the operation of a vehicle as a taxi, the operation

Status: Point in time view as at 01/10/2022.

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of a vehicle as a hire car, the driving of a taxi and the driving of a hire car) unless it relates to all these activities.

- (5) A resolution made under this section by the licensing authority relating to—
 - (a) the activity provision for the licensing and regulation of which is made in sections 24 to 27 of this Act (that is to say the carrying on of business as a second-hand dealer) shall specify the particular class or classes of that activity which shall thereby fall to be licensed and regulated;
 - (b) the activity provision for the licensing of which is made in section 41 of this Act (that is to say the use of premises as a place of public entertainment) shall specify the place or places, or class or classes thereof, which shall thereby fall to be licensed.
- (6) A licensing authority shall not make a resolution under this section unless they have—
 - (a) published in a newspaper or newspapers circulating in their area the terms of the proposed resolution together with a notice stating—
 - (i) that they intend to make the resolution; and
 - (ii) that representations about the resolution may be made in writing to the authority within 28 days of the first publication of the notice; and
 - (b) considered any representations so made.
- (7) A licensing authority, before proceeding to make a resolution under this section, may make such modifications to the proposed resolution as they think fit in the light of representations made to them about it provided such modifications do not extend its scope.
- (8) The licensing authority shall, as soon as they have made a resolution under subsection (2) above, publish in a newspaper or newspapers circulating in their area—
 - (a) the terms of the resolution so made; together with
 - (b) a notice stating—
 - (i) that with effect from the date specified as that on which the resolution comes into effect it will be an offence under section 7(1) of this Act to do without a licence whatever the resolution specifies as being an activity requiring to be licensed; and
 - (ii) that applications for licences in respect of the activity will be considered by the authority after the expiry of one month after the date of the making of the resolution.
- (9) A resolution under this section may be varied or rescinded by a subsequent resolution made in like manner except that, in relation to the time when it takes effect, a resolution under this subsection—
 - (a) varying a resolution under this section so as to reduce its scope; or
 - (b) rescinding a resolution under this section
 shall take effect on such date as may be specified in it being any date subsequent to the making of the resolution.
- (10) Anything which must or may be done under or by virtue of Part I or this Part of this Act may, at any time after the making by the licensing authority of the resolution, be done so far as may be necessary or expedient for the purpose of giving full effect to the resolution at or after the time it takes effect but no application for a licence in respect of an activity requiring to be licensed in consequence of the resolution shall be considered by the authority until the expiry of one month after the making of the resolution.

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Textual Amendments

F1 Words inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 81:2\)](#), **s. 44(4)**

Modifications etc. (not altering text)

C1 S. 9 applied (until 1.4.1996) by [S.I. 1995/1878](#), **art. 3**

C2 S. 9(9) modified (until 1.4.1996) by [S.I. 1995/1878](#), **art. 3**

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