



# F<sup>1</sup> Civic Government (Scotland) Act 1982

## CHAPTER 45

### CIVIC GOVERNMENT (SCOTLAND) ACT 1982

#### PART I

##### LICENSING—GENERAL PROVISIONS

- 1 Application of Parts I and II of this Act.
- 2 Licensing authorities.
- 3 Discharge of functions of licensing authorities.
- 4 Further provisions as to licensing.
- 5 Rights of entry and inspection.
- 6 Powers of entry to and search of unlicensed premises.
- 7 Offences, etc.
- 8 Interpretation of Parts I and II.

#### PART II

##### LICENSING AND REGULATION—PARTICULAR ACTIVITIES

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

##### *Licensing and regulation of taxis and private hire cars*

- 10 Taxi and private hire car licences.
- 11 Inspection and testing of vehicles.
- 12 Fees for taxi and private hire car licences.
- 13 Taxi and private hire car driving licences.
- 14 Signs on vehicles other than taxis.
- 15 Operation of taxis outside licensing areas.
- 16 Journeys in England and Wales by vehicles and drivers licensed under this Act.
- 17 Taxi fares.

*Status: Point in time view as at 22/10/2003.*

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- 18 Appeals in respect of taxi fares.
- 19 Taxi stances.
- 20 Regulations relating to taxis and private hire cars and their drivers.
- 21 Offences.
- 22 Saving for certain vehicles etc.
- 23 Interpretation of sections 10 to 22.

*Licensing and regulation of second-hand dealers*

- 24 Second-hand dealers' licences.
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- 26 Sellers of second-hand goods: offences etc.
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*Licensing and regulation of metal dealers*

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- 29 Metal dealers' exemption warrants.
- 30 Keeping of records.
- 31 Retention of metal.
- 32 Itinerant metal dealers.
- 33 Receipts and invoices: itinerant metal dealers.
- 34 Offences relating to metal dealing.
- 35 Functions of the court in relation to metal dealers convicted of offences.
- 36 Appropriate licence required.
- 37 Interpretation of sections 28 to 36.

*Miscellaneous licences*

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- 39 Street traders' licences.
- 40 Market operators' licences.
- 41 Public entertainment licences.
- 41A Indoor sports entertainment licences.
- 42 Late hours catering licences.
- 43 Window cleaners' licences.
- 44 Additional activities.

**PART III**

CONTROL OF SEX SHOPS

- 45 Control of sex shops.

**PART IV**

OFFENCES, POWERS OF CONSTABLES, ETC.

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- 46 Soliciting and importuning by prostitutes.
- 47 Urinating etc.
- 48 Dogs: fouling of pavements.
- 49 Dangerous and annoying creatures.
- 50 Drunkenness.
- 51 Obscene material.

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- 52 Indecent photographs etc. of children.
- 52A Possession of indecent photographs of children.
- 53 Obstruction by pedestrians.
- 54 Playing instruments, singing, playing radios, etc.
- 55 Touting.
- 56 Fires.

#### *Preventive offences*

- 57 Being in or on building etc. with intent to commit theft.
- 58 Convicted thief in possession.

#### *Powers of constables etc.*

- 59 Powers of arrest and apprehension.
- 60 Powers of search and seizure.
- 61 Protection of insecure premises.

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- 67 Duty of finder.
- 68 Functions of chief constable.
- 69 Claims by owner etc. prior to disposal.
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- 71 Right arising on disposal of property.
- 72 Rights to compensation.
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- 81 Chief constable to take charge of property.
- 82 Provision as to property where the person in custody is the owner etc.
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- 84 Appeal to sheriff.
- 85 Financial provisions: property of persons in custody.

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86 Interpretation and Crown application of this Part.

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- 86E Disposal of relevant property.
- 86F Retention of relevant property by police authority.
- 86G Appeals.
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### **PART VIII**

#### **BUILDINGS, ETC.**

- 87 Local authorities’ powers in relation to buildings in need of repair.
- 88 Installation of pipes through neighbouring property.
- 89 Safety of platforms etc.
- 90 Lighting of common stairs etc.
- 91 Installation of lights in private property.
- 92 Cleaning and painting of common stairs, etc.
- 93 Fire precautions in common stairs etc.
- 94 Disused petrol containers.
- 95 Private open spaces.
- 96 Statues and monuments.
- 97 Street names and house numbers.
- 98 Luminous tube signs.

#### *Powers of entry, execution of works, etc.*

- 99 Power to enter, execute works and recover expense.
- 100 Interest on expenses.
- 101 Offences relating to powers of entry and carrying out of works.
- 102 Entry warrants.
- 103 Execution of owner’s works by occupier.
- 104 Powers of entry: occupier and owner.
- 105 Contents of notices.
- 106 Appeals.
- 107 Time for enforcing certain notices.
- 108 Recovery of expenses incurred under section 87 by charging order.
- 109 Replacement of provisions of this Part by Health and Safety Regulations.

### **PART IX**

#### **MISCELLANEOUS AND GENERAL**

#### *Byelaws*

- 110 (1) The Local Government (Scotland) Act 1973 shall be amended...

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111 Cessation of certain byelaws and saving for certain byelaws.

*Management rules*

112 Making of management rules.  
113 Evidence of management rules.  
114 Publication of management rules.  
115 Inspection and copies of management rules.  
116 Expulsion or exclusion for breach of management rules.  
117 Exclusion orders.  
118 Offences.

*Regulation of charitable collections*

119 Regulation of charitable collections.

*The seashore etc.*

120 Savings for Crown and other rights.  
121 Control of the seashore, adjacent waters and inland waters.  
122 Power to execute works on seashore.  
123 Interpretation of sections 120 to 122.

*Refuse collection and disposal*

124 Collection and disposal of household and trade waste.  
125 Interference with dustbins etc.  
126 Repeal of sections 124 and 125, savings and transitional provisions.

*Miscellaneous*

127 Advertising on local authority lands, vehicles etc.  
128 Control of stray dogs.  
129 Killing of or injury to dogs worrying livestock.

*General*

130 Offences by bodies corporate.  
131 Application to Crown.  
132 Expenses.  
133 Interpretation.  
134 Postponement of repeal of Burgh Police (Scotland) Acts and local statutory provisions.  
135 Acceleration of repeal of certain provisions of the Burgh Police (Scotland) Acts and certain local statutory provisions.  
136 Consequential, transitional and supplementary provisions.  
137 Citation, commencement, repeals and extent.

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SCHEDULES

SCHEDULE 1 — Licensing—Further Provisions as to the General System

*Applications for the grant and renewal of licences*

1 (1) An application to a licensing authority for the grant...

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- 2 (1) A licensing authority shall, as soon as an application...

*Objections and representations*

- 3 (1) Any objection or representation relating to an application for...

*Disposal of applications for the grant and renewal of licences*

- 4 (1) In considering an application for the grant or renewal...

- 5 (1) Where an application for the grant or renewal of...

*Restriction on successive applications*

- 6 Where a licensing authority have refused an application for the...

*Temporary licences*

- 7 (1) A licensing authority may grant a licence to have...

*Duration of licences*

- 8 (1) Subject to and in accordance with the provisions of...

*Notification of changes and alterations*

- 9 (1) Where there is a material change of circumstances affecting...

*Variation and suspension of licences*

- 10 (1) A licensing authority may, at any time, whether or...

- 11 (1) A licensing authority may, whether upon a complaint made...

- 12 (1) A licensing authority shall, whether upon a complaint made...

*Supplementary*

- 13 (1) A holder of a licence may at any time...

- 14 (1) A licensing authority shall cause to be kept a...

*Fees*

- 15 (1) A licensing authority shall, subject to sub-paragraph (2) below—...

*Sending of notice by post*

- 16 When a licensing authority sends by post, for the purposes...

*Notification of the decisions and giving of reasons*

- 17 (1) A licensing authority shall, within 10 days of being...

*Appeals*

- 18 (1) Subject to sub-paragraph (2) below, a person who may,...

*Interpretation*

- 19 In this Schedule, “relevant objection or representation” means—

SCHEDULE 2 — Control of Sex Shops

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*Saving for existing law*

- 1 Nothing in this Schedule— (a) shall afford a defence to...

*Meaning of “sex shop” and “sex article”*

- 2 (1) In this Schedule “sex shop” means any premises, vehicle,...

*Miscellaneous definitions*

- 3 In this Schedule— “chief constable”, in relation to the area...

*Requirement for licences for sex shops*

- 4 Subject to the provision of this Schedule, no person shall...

*Waivers*

- 5 (1) Any person who— (a) uses in any area any...

*Applications for the grant and renewal of licences*

- 6 (1) An application for the grant or renewal of a...

*Notification of applications*

- 7 (1) An applicant for the grant or renewal of a...

*Objections and representations*

- 8 (1) The local authority shall, as soon as an application...

*Disposal of applications for licences*

- 9 (1) Where an application for the grant or renewal of...

*Notification of decisions and reasons*

- 10 (1) The local authority shall, in accordance with sub-paragraph (2)...

*Display of licences in sex shops*

- 11 The holder of a licence under this Schedule shall keep...

*Duration of licences*

- 12 (1) Subject to and in accordance with the provisions of...

*Revocation of licences*

- 13 (1) The local authority may at any time revoke a...

*Notification of changes of circumstances*

- 14 (1) Where there is a material change of circumstances affecting...

*Variation of licences*

- 15 (1) A local authority may, at any time, whether or...

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#### *Surrender of licence*

- 16 (1) A holder of a licence may at any time...

#### *Register of Applications*

- 17 (1) A local authority shall cause to be kept a...

#### *Fees*

- 18 (1) A local authority shall, subject to sub-paragraph (2) below—...

#### *Enforcement*

- 19 (1) A person who— (a) without reasonable excuse uses any...

#### *Rights of entry and inspection*

- 20 (1) Without prejudice to any other provision of this Schedule...

#### *Powers of entry and search*

- 21 (1) If a justice of the peace or sheriff is...

#### *Sending of notice by post*

- 22 When a local authority sends by post, for the purposes of...

#### *Notification of decisions and giving of reasons*

- 23 (1) A local authority shall, within 10 days of being...

#### *Appeals*

- 24 (1) Subject to sub-paragraph (2) below, a person who may,...

#### *Provisions relating to existing premises*

- 25 (1) Without prejudice to any enactment other than this Schedule...

Schedule 2A — Retention and disposal of property seized under section 54(2A) of this Act

#### *Application*

- 1 This schedule applies to property seized under section 54(2A) of...

#### *Retention*

- 2 (1) Subject to sub-paragraph (2) below, property to which this...

#### *Arrangements for custody of property*

- 3 (1) Subject to the proviso to section 17(3)(b) of the...

#### *Disposal*

- 4 Where the period of retention permitted by paragraph 2 above...  
5 (1) Subject to sub-paragraphs (5) and (6) below, the owner...  
6 (1) Where this sub-paragraph applies, the chief constable may—



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*Appeals*

7 (1) A claimant under sub-paragraph (2) of paragraph 5 above...

*Interpretation*

8 In this Schedule— “ chief constable ” means the chief...

SCHEDULE 3 — Minor and Consequential Amendments

*The Roads and Bridges (Scotland) Act 1878 (c. 51)*

1 .....

*The Firearms Act 1968 (c. 27)*

2 In Schedule 2 to the Firearms Act 1968 (offences to...

*The Breeding of Dogs Act 1973 (c. 60)*

3 In the Breeding of Dogs Act 1973—

4 .....

*The Public Passenger Vehicles Act 1981 (c. 14)*

5 In section 79 of the Public Passenger Vehicles Act 1981...

Schedule 4 — Repeals

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