

*Status: Point in time view as at 01/10/2006.*

*Changes to legislation: Civic Government (Scotland) Act 1982, Cross Heading: Temporary licences is up to date with all changes known to be in force on or before 16 June 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)*

## 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)

##### *Temporary licences*

- 7 (1) A licensing authority may grant a licence to have effect for such period not exceeding 6 weeks from its being granted as they may determine, and such a licence shall be known as a “temporary licence”.
- (2) This Schedule shall apply with the modifications specified in sub-paragraphs (3) to (5) below in relation to applications for temporary licences.
- (3) Paragraphs 1(3), 2 to 4, and 5(1), (2) [<sup>F1</sup>, (2A)] and (4) to (6) shall not apply, but in relation to each application for a temporary licence the licensing authority—
- (a) shall consult the chief constable and, where the application relates to an activity wholly or mainly to be carried on
- [<sup>F2</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>F3</sup>appropriate relevant authority] ; and
- (b) may [<sup>F4</sup>, subject to sub-paragraph (3A) below,] grant it subject to such conditions as they think fit.
- [<sup>F5</sup>(3A) The conditions referred to in paragraph (b) of sub-paragraph (3) above shall not relate to any matter in relation to which requirements or prohibitions are or could be imposed by virtue of Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#).]
- (4) Paragraph 6 shall not apply so as to prevent a licensing authority from entertaining an application for the grant of a licence where they have, within one year, refused an application from the same applicant for a temporary licence for the same activity.
- (5) Paragraphs 8, 9, 10 and 18 shall not apply.
- (6) A temporary licence shall not be capable of being renewed but, where the holder of or the applicant for a temporary licence has also made an application for a licence under paragraph 1 above in respect of the same activity, the temporary licence, if granted, shall continue to have effect until—
- (a) the licence applied for under paragraph 1 has been granted, whether as a result of an appeal under paragraph 18 below or not, or has been deemed to have been granted; or

*Status: Point in time view as at 01/10/2006.*

*Changes to legislation: Civic Government (Scotland) Act 1982, Cross Heading: Temporary licences is up to date with all changes known to be in force on or before 16 June 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)*

- (b) where the licensing authority have refused that application, the time within which an appeal under paragraph 18 below against that decision may be made has elapsed; or
- (c) when such an appeal has been lodged, it has been abandoned or determined.

#### **Textual Amendments**

- F1** Words in Sch. 1 para. 7(3) inserted (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)(c)(i)**
- F2** Words in Sch. 1 para. 7(3)(a) 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)(c)(ii)**
- F3** Words in Sch. 1 para. 7(3)(a) substituted (2.8.2005) by The Fire (Scotland) Act 2005 (Consequential Modifications and Amendments) Order 2005 (S.S.I. 2005/383), art. 1, sch. 1 para. 7(2)(3)(d)
- F4** Words in Sch. 1 para. 7(3)(b) inserted (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)(c)(iii)**
- F5** Sch. 1 para. 7(3A) inserted (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)(d)**

**Status:**

Point in time view as at 01/10/2006.

**Changes to legislation:**

Civic Government (Scotland) Act 1982, Cross Heading: Temporary licences is up to date with all changes known to be in force on or before 16 June 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.