

Changes to legislation: Civic Government (Scotland) Act 1982, Paragraph 12 is up to date with all changes known to be in force on or before 02 July 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) View outstanding changes

SCHEDULES

SCHEDULE 1

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)
- C1** Sch. 1 applied (with modifications) (1.3.2022) by The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (S.S.I. 2022/32), arts. 1, 5(b), sch. 2 Pt. 2 (with art. 7)

[^{F1}Variation, suspension and revocation of licences]

Textual Amendments

- F1** Sch. 1 para. 10 cross-heading substituted (1.11.2016) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), ss. 78(3)(a), 88(2); S.S.I. 2016/307, art. 2, sch. (with art. 5)

- 12 (1) A licensing authority shall, whether upon a complaint made to them or not, order the suspension under this paragraph of a licence if they are of the opinion that the carrying on of the activity to which the licence relates is causing or is likely to cause a serious threat to public order or public safety.
- (2) In considering whether to suspend a licence under this paragraph, a licensing authority may make such reasonable inquiries as they think fit and include the results of their inquiries in the matters to which they have regard in such consideration.
- (3) Where a licensing authority intend to include any of the results of their inquiries under sub-paragraph (2) above in the matters to which they have regard for the purposes of this paragraph they shall notify the holder of the licence of that intention.
- (4) A licensing authority shall, before reaching a decision on the question whether or not to suspend a licence under this paragraph, consult the chief constable and, where the licence relates to an activity wholly or mainly carried on
- ^{F1}(a) in premises to which Part 3 of the Fire (Scotland) Act 2005 (asp 5) applies, the enforcing authority;
- (b) in any other premises], the ^{F2}Scottish Fire and Rescue Service].
- (5) An order under this paragraph suspending a licence shall have effect from the date on which it is made until whichever is the earlier of the following two dates—
- (a) a date six weeks after the order was made;
- (b) the date of any decision of the leasing authority whether or not to suspend ^{F3}or revoke] the licence under paragraph 11 above.
- (6) A licensing authority may, whether upon an application made to them or not, recall an order made under this paragraph.

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- (7) A licensing authority shall, within 7 days of their decision under sub-paragraph (1) or (6) above, send written notice of their decision to the holder of the licence, the chief constable and, where the licence relates to an activity wholly or mainly carried on
- [^{F4}(a) in premises to which Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies, the enforcing authority;
 - (b) in any other premises] , to the [^{F5}Scottish Fire and Rescue Service] .

Textual Amendments

- F1** Words in Sch. 1 para. 12(4) 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\(6\)\(h\)\(i\)](#)
- F2** Words in Sch. 1 para. 12(4)(b) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 7 para. 53\(6\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F3** Words in Sch. 1 para. 12(5)(b) inserted (1.11.2016) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 78\(3\)\(c\)](#), 88(2); S.S.I. 2016/307, art. 2, sch. (with art. 5)
- F4** Words in Sch. 1 para. 12(7) 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\(6\)\(h\)\(ii\)](#)
- F5** Words in Sch. 1 para. 12(7)(b) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 7 para. 53\(6\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

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