

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: Civic Government (Scotland) Act 1982, Cross Heading: Waivers is up to date with all changes known to be in force on or before 08 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)*

## SCHEDULES

### SCHEDULE 2

#### CONTROL OF SEX SHOPS

##### *Waivers*

- 5 (1) Any person who—
- (a) uses in any area any premises, vehicle, vessel or stall as a sex shop; or
  - (b) proposes to do so,
- may apply to the [F<sup>1</sup>local authority] for the area for them to waive the requirement of a licence.
- (2) An application under this paragraph may be made either as part of an application for a licence under this Schedule or without any such application.
- (3) An application under this paragraph shall be made in writing and shall contain the particulars specified in paragraph 6(2) to (6) below and such particulars as the [F<sup>1</sup>local authority] may reasonably require in addition.
- (4) The [F<sup>1</sup>local authority] may waive the requirement of a licence in any case where they consider that to require a licence would be unreasonable or inappropriate.
- (5) A waiver may be for such period as the [F<sup>1</sup>local authority] think fit.
- (6) Where the [F<sup>1</sup>local authority] grant a waiver, they shall notify the chief constable and the applicant for the waiver that they have granted the application.
- (7) The [F<sup>1</sup>local authority] may at any time give a person who would require a licence but for a waiver notice that the waiver is to terminate on such date, not less than 28 days from the date on which they gave the notice, as may be specified in the notice.
- (8) The [F<sup>1</sup>local authority] shall give the chief constable a copy of any notice given by them under sub-paragraph (7) above.

#### Textual Amendments

**F1** Words in Sch. 2 para. 5(1)(3)-(8) substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 129(22) (a); S.I. 1996/323, art. 4(1)(c)

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