

Status: Point in time view as at 01/04/2013.

Changes to legislation: Civic Government (Scotland) Act 1982, Paragraph 7 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 **S**

CONTROL OF SEX SHOPS

Notification of applications

- 7 (1) An applicant for the grant or renewal of a licence under this Schedule shall give notice of the application.
- (2) Notice shall in all cases be given by publishing an advertisement in a newspaper specified by the [F1local authority], being a newspaper circulating in their area and the applicant shall supply a copy of that advertisement to the [F1local authority].
- (3) Publication under sub-paragraph (2) above shall be not later than 7 days after the date of the application.
- (4) Where the application is in respect of premises, notice of it shall in addition be displayed for 21 days, beginning with the date of the application, on or near the premises in a place where the notice can conveniently be read by the public.
- (5) Every notice under this paragraph which relates to premises shall identify the premises.
- (6) Every notice under this paragraph which relates to a vehicle, vessel or stall shall specify where it is to be used as a sex shop.
- (7) Subject to sub-paragraphs (5) and (6) above, a notice under this paragraph shall be in such form as the [F1local authority] may prescribe.
- (8) An applicant for a licence under this Schedule which is to relate to premises shall, as soon as possible after the expiry of the period of 21 days referred to in sub-paragraph (4) above, submit to the [F1local authority] a certificate stating that he has complied with sub-paragraphs (4), (5) and (7) above.
- (9) An applicant shall not be treated as having failed to comply with sub-paragraph (4) above if the notice was, without any fault or intention of his, removed, obscured or defaced before the 21 days referred to in that sub-paragraph have elapsed, so long as he has taken reasonable steps for its protection and if need be, replacement; and if he has cause to rely on this sub-paragraph, his certificate under sub-paragraph (8) above shall state the relevant circumstances.
- (10) Where—
- (a) an applicant for a licence under this Schedule—
- (i) fails to submit the certificate required by sub-paragraph (8) above;
- (ii) in the circumstances referred to in sub-paragraph (9) above, has not, in the opinion of the [F1local authority], taken reasonable steps for the protection or, as the case may require, replacement of the notice;
- or

Status: Point in time view as at 01/04/2013.

Changes to legislation: Civic Government (Scotland) Act 1982, Paragraph 7 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)

- (b) the [^{F1}local authority] is, at any time before they reach a final decision on an application which is in respect of premises, satisfied that the notice was not displayed in accordance with sub-paragraphs (4), (5) and (7) above, they may require the applicant to display the notice again for a period of 21 days beginning with such date as they may specify and the provisions of this paragraph shall apply in respect of such display as they apply in respect of display under sub-paragraph (4) above.

Textual Amendments

- F1** Words in Sch. 2 para. 7(2)(7)(8)(10) 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)**

Status:

Point in time view as at 01/04/2013.

Changes to legislation:

Civic Government (Scotland) Act 1982, Paragraph 7 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.