

Status: Point in time view as at 01/04/1996.

Changes to legislation: Civic Government (Scotland) Act 1982, Paragraph 8 is up to date with all changes known to be in force on or before 08 August 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

Objections and representations

- 8 (1) The [F¹local authority] shall, as soon as an application for the grant or renewal of a licence under this Schedule is made to them, send a copy of the application to the chief constable and to the fire authority.
- (2) Any objection or representation relating to an application for the grant or renewal of a licence under this Schedule shall, subject to sub-paragraph (3) below, be entertained by the [F¹local authority] if, but only if, the objection or representation—
- (a) is in writing;
 - (b) specifies the grounds of the objection or, as the case may be, the nature of the representation;
 - (c) specifies the name and address of the person making it;
 - (d) is signed by him or on his behalf;
 - (e) was made to them within 28 days of whichever is the later or, as the case may be, latest of the following dates—
 - (i) the date of submission to them of the application;
 - (ii) the date when public advertisement was first given under paragraph 7(2) above;
 - (iii) the date, if any, specified by the [F¹local authority] under paragraph 7(10) above.
- (3) Notwithstanding sub-paragraph (2)(e) above, it shall be competent for a [F¹local authority] to entertain an objection or representation received by them before they take a final decision upon the application to which it relates if they are satisfied that there is sufficient reason why it was not made in the time required under that sub-paragraph.
- (4) An objection or representation shall be made for the purposes of sub-paragraph (2) above if it is delivered by hand within the time there specified to the [F¹local authority] or posted (by registered or recorded delivery post) so that in the normal course of post it might be expected to be delivered to them within that time.
- (5) Where the [F¹local authority] receive notice of a relevant objection or representation they shall, before considering the application, give notice in writing of the general terms of the objection or representation to the applicant but they shall not without the consent of the person making the objection or representation reveal his name or address to the applicant.
- (6) In considering an application for the grant or renewal of a licence under this Schedule, a [F¹local authority] may make such reasonable inquiries as they think fit and include

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the results of these inquiries in matters they take into account, but where they intend so to include any of these results they shall notify the applicant of that intention.

- (7) A [F1local authority] may, before reaching a final decision upon such an application, give the applicant and any person who has made a relevant objection or representation an opportunity to be heard by them.
- (8) A [F1local authority] shall not reach a final decision upon such an application—
- (a) in relation to which a relevant objection or representation has been made to them, or in relation to which they intend to take into account any result of their inquiries under sub-paragraph (6) above; and
 - (b) in respect of which they have not, under this paragraph, given the applicant and any person who has made such objection or representation an opportunity to be heard,

unless they have given the applicant an opportunity to notify them in writing of his views on such objection or representation or, as the case may be, result within such reasonable period (not being less than 7 days) as they may specify.

Textual Amendments

- F1** Words in Sch. 2 para. 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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