

CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 8 - Licensing under Civic Government (Scotland) Act 1982

Section 172 - Conditions to which licences under 1982 Act are to be subject

731. This section amends the 1982 Act to provide powers for mandatory and standard conditions to be imposed on licences issued under the 1982 Act and makes consequential amendments.
732. As amended, section 3A of the 1982 Act allows the Scottish Ministers to make an order setting out mandatory licence conditions that licences issued under the 1982 Act, included deemed licences, are to be subject. Such an order is subject to the affirmative resolution procedure.
733. As amended, section 3B of the allows a licensing authority to determine standard conditions. Licences issued under the 1982 Act by that authority will be subject to those standard conditions. The standard conditions must not be inconsistent with any mandatory conditions Licensing authorities have a duty (section 3B(4)) to publish standard conditions determined by them. The standard conditions apply to deemed grants or renewals of licences (i.e. grant or renewal of licences where the authority has failed to reach a decision on an application within the statutory period allowed).
734. For both mandatory and standard conditions, different sets of conditions can be determined for different types of licence (e.g. boat-hire licences or street traders' licences under sections 38 and 39 of the 1982 Act respectively).
735. [Section 172\(6\)](#) amends Schedule 1 to the 1982 Act to enable licensing authorities, when granting or renewing licences under the 1982 Act to impose further conditions, as well as omit or vary any of the standard conditions applicable to licences.