



Finance (No. 2) Act 2023

2023 CHAPTER 30

PART 7

MISCELLANEOUS AND FINAL

Conditionality

343 Section 342: consequential amendments

- (1) The Civic Government (Scotland) Act 1982 is amended as follows.
- (2) In section 3 (discharge of functions of licensing authorities)—
 - (a) in subsection (1)(a), for “date on which the application was made” substitute “relevant date”;
 - (b) after subsection (1) insert—

“(1A) In subsection (1) “the relevant date” means—

 - (a) the date on which the application is made, or
 - (b) if, on that date, the licensing authority is prevented from considering the application by paragraph 2(2) or 3(2) of Schedule 33 to the Finance Act 2021 (which contain requirements to be complied with before applications may be considered), the date on which the licensing authority ceases to be so prevented.”
- (3) Paragraph 7 of Schedule 1 (temporary licenses) is amended in accordance with subsections (4) and (5).
- (4) In sub-paragraph (6), before paragraph (a) insert—

“(za) where—

 - (i) at any time after the application for the licence under paragraph 1 is made, the licensing authority requests the applicant to give it further information for the purpose of enabling it to make a request, or make a further request, under

Changes to legislation: There are currently no known outstanding effects for the Finance (No. 2) Act 2023, Section 343. (See end of Document for details)

paragraph 3(2)(a) of Schedule 33 to the Finance Act 2021 (request for confirmation of completed tax check) in relation to the application, and

- (ii) at the end of the relevant period, the licensing authority continues to be prevented from considering the application by paragraph 3(2) of that Schedule to that Act, the end of the relevant period; or”.

(5) After sub-paragraph (6) insert—

“(6A) In sub-paragraph (6)(za) “the relevant period” means—

- (a) the period of 7 days beginning with the day on which the request under sub-paragraph (6)(za)(i) is made, or
- (b) if the final day of that period is earlier than the day on which (disregarding sub-paragraph (6)) the temporary licence expires, the period ending with that later day.”

(6) Paragraph 8 of Schedule 1 (duration of licences) is amended in accordance with subsections (7) and (8).

(7) In sub-paragraph (6), before paragraph (a) insert—

“(za) where—

- (i) at any time after the application is made, the licensing authority requests the applicant to give it further information for the purpose of enabling it to make a request, or make a further request, under paragraph 3(2)(a) of Schedule 33 to the Finance Act 2021 (request for confirmation of completed tax check) in relation to the application, and
- (ii) at the end of the relevant period, the licensing authority continues to be prevented from considering the application by paragraph 3(2) of that Schedule to that Act,

the end of the relevant period; or”.

(8) After sub-paragraph (6) insert—

“(6A) In sub-paragraph (6)(za) “the relevant period” means—

- (a) the period of 28 days beginning with the day on which the request under sub-paragraph (6)(za)(i) is made, or
- (b) if the final day of that period is earlier than the day on which (disregarding sub-paragraphs (4) and (5)) the licence expires, the period ending with that later day.”

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