



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 9

#### MISCELLANEOUS AND GENERAL

##### *Relevant and foreign offences*

#### **129 Relevant offences and foreign offences**

- (1) In this Act, “relevant offence” means—
  - (a) such offence, or
  - (b) an offence of such description,as may be prescribed.
- (2) In this Act, “foreign offence” means any offence—
  - (a) under the law of any place other than Scotland, and
  - (b) which is similar in nature to any relevant offence.
- (3) Regulations under subsection (1) may provide, in relation to any offence or description of offence prescribed in them, that a person is to be treated, for the purposes of such provisions of this Act as may be specified in the regulations, as having been convicted of the offence only if the person—
  - (a) accumulates such number of separate convictions for the offence, or
  - (b) is convicted of committing the offence on such number of separate occasions,as may be so specified.
- (4) For the purposes of this Act, a conviction for a relevant offence or a foreign offence is to be disregarded if it is spent for the purposes of the Rehabilitation of Offenders Act 1974 (c. 53).

#### **130 Effect of appeal against conviction for relevant or foreign offence**

- (1) The fact that any conviction of any person for a relevant offence or foreign offence is subject to appeal does not affect the taking of any action by a Licensing Board which the Board is entitled or required to take in connection with the conviction by virtue of any provision of this Act.

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*Status: This is the original version (as it was originally enacted).*

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- (2) The Licensing Board may, however, postpone the taking of the action for such period as the Board considers appropriate pending the appeal.
- (3) Where the conviction is overturned on appeal—
  - (a) any action taken by the Licensing Board in reliance on the conviction is to be treated as having no effect, and
  - (b) accordingly, the Licensing Board must take such steps as are necessary to return any applicant or licence holder adversely affected by the action to the position the applicant or licence holder would have been in had the action not been taken.
- (4) A conviction is subject to appeal for the purposes of subsection (1) if—
  - (a) the period during which an appeal may be taken against the conviction has not yet expired, or
  - (b) an appeal is taken against the conviction and the appeal has not yet been determined.