



Licensing (Scotland) Act 2005

2005 asp 16

PART 3

PREMISES LICENCES

Premises licence applications

24 Applicant's duty to notify Licensing Board of convictions

- (1) This section applies where any of the persons specified in subsection (2) is convicted of a relevant or foreign offence during the period beginning with the making of a premises licence application and ending with determination of the application.
- (2) Those persons are—
 - (a) the applicant, and
 - (b) where—
 - (i) the applicant is neither an individual nor a council, or
 - (ii) the premises in respect of which the licence is sought are used wholly or mainly for the purposes of a club,any connected person.
- (3) The applicant must, no later than one month after the date of the conviction, give notice of the conviction to the Licensing Board to which the application was made.
- (4) A notice under subsection (3) must specify—
 - (a) the nature of the offence, and
 - (b) the date of the conviction.
- (5) Where the Licensing Board receives a notice under subsection (3) at any time before they have determined the application, the Board must—
 - (a) suspend consideration of the application, and
 - (b) give notice of the conviction to the appropriate chief constable.
- (6) The appropriate chief constable must, within 21 days of the date of receipt of a notice under subsection (5)(b), respond to the notice by giving the Licensing Board one or other of the notices mentioned in subsection (7).

- (7) Those notices are—
- (a) a notice stating that the chief constable is unable to confirm the existence of the conviction or that the conviction does not relate to a relevant offence or foreign offence, or
 - (b) a notice confirming the existence of the conviction and that it relates to a relevant offence or foreign offence.
- (8) Where the chief constable—
- (a) proposes to give a notice under subsection (7)(b), and
 - (b) considers that, having regard to the conviction specified in the notice, it is necessary for the purposes of the crime prevention objective that the application be refused,
- the chief constable may include in the notice a recommendation to that effect.
- (9) On receipt of the chief constable's notice under subsection (7), the Licensing Board must resume consideration of the application and determine it in accordance with section 23.
- (10) For that purpose, that section has effect as if—
- (a) references in it to a notice under section 21(4)(b) included references to a notice under subsection (7)(b) of this section, and
 - (b) references in it to a recommendation under section 21(5) included references to a recommendation under subsection (8) of this section.
- (11) A person who, without reasonable excuse, fails to comply with subsection (3) commits an offence.
- (12) A person guilty of an offence under subsection (11) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.