



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 3

#### PREMISES LICENCES

##### *Conviction of licence holder etc. for relevant or foreign offence*

#### **44 Procedure where Licensing Board receives notice of conviction**

- (1) This section applies where the Licensing Board which issued a premises licence receives a notice of conviction relating to—
  - (a) the holder of the licence, or
  - (b) where—
    - (i) the holder of the licence is neither an individual nor a council, or
    - (ii) the premises in respect of which the licence is held are used wholly or mainly for the purposes of a club,a connected person.
- (2) The Licensing Board must give notice of the conviction to the appropriate chief constable.
- (3) The appropriate chief constable must, within 21 days of the date of receipt of a notice under subsection (2), respond to the notice by giving the Licensing Board one or other of the notices mentioned in subsection (4).
- (4) 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 or foreign offence, or
  - (b) a notice confirming the existence of the conviction and that it relates to a relevant or foreign offence.
- (5) Where the chief constable—
  - (a) proposes to give a notice under subsection (4)(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 premises licence should be varied, suspended or revoked,

the chief constable may include in the notice a recommendation to that effect.
- (6) If the Licensing Board receives from the appropriate chief constable a notice under subsection (4)(a), the Licensing Board may not take any further action in relation to the conviction.
- (7) If the Licensing Board receives from the appropriate chief constable a notice under subsection (4)(b), the Licensing Board must make a premises licence review proposal in respect of the premises licence.
- (8) In this section, “notice of conviction” means a notice under section 42(2) or 43(3).