



Licensing (Scotland) Act 2005

2005 asp 16

PART 9

MISCELLANEOUS AND GENERAL

Relevant and foreign offences

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.
- (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.

Commencement Information

II S. 130 in force at 1.2.2008 by [S.S.I. 2007/472](#), art. 2, [Sch. 1](#)

Changes to legislation:

Licensing (Scotland) Act 2005, Section 130 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- specified provision(s) Appointed Day(s) by [S.S.I. 2006/239 art. 2](#) (This S.S.I. is revoked on 25.5.2006 by S.S.I. 2006/286, art. 6)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 33(1)(1A) substituted for s. 33(1)-(3) by [2015 asp 10 s. 49\(2\)\(a\)](#)
- s. 33(8)(za) inserted by [2015 asp 10 s. 49\(2\)\(c\)](#)
- s. 33(8A) inserted by [2015 asp 10 s. 49\(2\)\(d\)](#)
- s. 33A inserted by [2015 asp 10 s. 49\(4\)](#)
- s. 134ZA-134ZC inserted by [2015 asp 10 s. 61\(2\)](#)