



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 [F¹chief constable].
- (6) The [F²chief 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).

Changes to legislation: Licensing (Scotland) Act 2005, Section 24 is up to date with all changes known to be in force on or before 12 June 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. (See end of Document for details) View outstanding changes

- (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 [^{F3}any of the licensing objectives] 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.
- [^{F4}(10) In considering for the purposes of section 23 whether the granting of the application would be inconsistent with one or more of the licensing objectives, the Licensing Board must take into account, in addition to the matters in subsection (6) of that section—
- (a) any conviction confirmation of which is given by the [^{F5}chief constable] in a notice under subsection (7)(b) of this section, or
 - (b) any recommendation of the chief constable included in such a notice.]
- (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.

Textual Amendments

- F1** Words in s. 24(5)(b) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), sch. 7 para. 29(2), (3); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F2** Words in s. 24(6) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), sch. 7 para. 29(2), (3); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F3** Words in s. 24(8)(b) substituted (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [Sch. 6 para. 6\(2\)](#); S.S.I. 2010/413, art. 2, Sch.
- F4** S. 24(10) substituted (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [Sch. 6 para. 6\(3\)](#); S.S.I. 2010/413, art. 2, Sch.
- F5** Words in s. 24(10)(a) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), sch. 7 para. 29(2), (3); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

Modifications etc. (not altering text)

- C1** S. 24(3) modified (1.2.2008) by [Licensing \(Relevant Offences\) \(Scotland\) Regulations 2007 \(S.S.I. 2007/513\)](#), regs. 1(1), 3

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Commencement Information

II S. 24 in force at 1.2.2008 by [S.S.I. 2007/472](#), art. 2, [Sch. 1](#)

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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\(2\)](#)