



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 [^{F1}chief constable].
- (3) The [^{F2}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 [^{F3}any of the licensing objectives] that the premises licence should be varied, suspended or revoked,

Changes to legislation: Licensing (Scotland) Act 2005, Section 44 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

the chief constable may include in the notice a recommendation to that effect.

- (6) If the Licensing Board receives from the [^{F4}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 [^{F5}chief constable] a notice under subsection (4)(b) [^{F6}which includes a recommendation under subsection (5)], the Licensing Board must make a premises licence review proposal in respect of the premises licence.
- [^{F7}(7A) If the Licensing Board receive from the chief constable a notice under subsection (4) (b) which does not include a recommendation under subsection (5), the Licensing Board must—
- (a) make a premises licence review proposal in respect of the premises licence, or
 - (b) decide to take no further action in relation to the conviction.]
- (8) In this section, “notice of conviction” means a notice under section 42(2) or 43(3).

Textual Amendments

- F1** Words in s. 44(2) 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. 44(3) 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. 44(5)(b) substituted (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [Sch. 6 para. 8](#); S.S.I. 2010/413, art. 2, Sch.
- F4** Words in s. 44(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)
- F5** Words in s. 44(7) 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)
- F6** Words in s. 44(7) inserted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 50\(a\)](#), 88(2); S.S.I. 2017/119, art. 2, sch. (with art. 5)
- F7** S. 44(7A) inserted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 50\(b\)](#), 88(2); S.S.I. 2017/119, art. 2, sch. (with art. 5)

Commencement Information

- I1** S. 44 in force at 1.2.2008 by [S.S.I. 2007/472](#), art. 2, [sch. 1](#)

Changes to legislation:

Licensing (Scotland) Act 2005, Section 44 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.

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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\(2\)](#)