



Licensing (Scotland) Act 2005

2005 asp 16

PART 9

MISCELLANEOUS AND GENERAL

Relevant and foreign offences

129 Relevant offences and foreign offences

- (1) In this Act, “relevant offence” means—
 - (a) such offence, or
 - (b) an offence of such description,as may be prescribed.
- (2) In this Act, “foreign offence” means any offence—
 - (a) under the law of any place other than Scotland, and
 - (b) which is similar in nature to any relevant offence.
- (3) Regulations under subsection (1) may provide, in relation to any offence or description of offence prescribed in them, that a person is to be treated, for the purposes of such provisions of this Act as may be specified in the regulations, as having been convicted of the offence only if the person—
 - (a) accumulates such number of separate convictions for the offence, or
 - (b) is convicted of committing the offence on such number of separate occasions,as may be so specified.
- (4) For the purposes of this Act, a conviction for a relevant offence or a foreign offence is to be disregarded if it is spent for the purposes of the Rehabilitation of Offenders Act 1974 (c. 53).
- [^{F1}(5) For the purposes of the provisions of this Act specified in subsection (6), section 247(1) and (2) of the Criminal Procedure (Scotland) Act 1995 (c.46) (convictions deemed not to be convictions where offender placed on probation or discharged absolutely) does not apply to a conviction for a relevant offence.
- (6) Those provisions are—

Changes to legislation: Licensing (Scotland) Act 2005, Section 129 is up to date with all changes known to be in force on or before 18 April 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

- (a) section 21(4),
- (b) section 23(6),
- (c) section 24,
- (d) section 33(6),
- (e) sections 41 to 44,
- (f) section 73(3),
- (g) section 75,
- (h) sections 80 to 83,
- (i) section 89(4) and (5),
- (j) subsection (3) of this section, and
- (k) section 130.]

Textual Amendments

- F1** S. 129(5)(6) added (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 24(5), 206(1)**; [S.S.I. 2011/178](#), art. 2, Sch.
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Commencement Information

- I1** S. 129 in force at 1.5.2007 by [S.S.I. 2007/129](#), art. 3, **Sch.**

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 129(4) repealed by [2015 asp 10 s. 52](#)
- 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\(2\)](#)