

EXECUTIVE NOTE

The Relevant Offences (Scotland) Regulations 2007 - (S.S.I. 2007/ 513)

The above instrument was made in exercise of the powers conferred by sections 129(1) and 147(1) of the Licensing (Scotland) Act 2005. Section 129 of the Act will come into force on 1 February 2008. The instrument is subject to negative resolution procedure.

Policy Objectives

An important element of the application process for both premises licences and personal licences under the Act, will be the statutory requirement placed on Licensing Boards to notify, amongst others, the Chief Constable for their area of all applications. The Chief Constable must reply to the Board within 21 days with a notice containing, amongst other details set out in the Act, a statement that the applicant (or where the applicant is a company, a connected person) has or has not been convicted of a relevant or foreign offence. Where the chief constable confirms such a conviction, they may also recommend to the Board that the application be refused. Foreign offences are defined in section 129 of the Act. However, section 129 provides that relevant offences will be those offences prescribed in regulations.

Consultation

The Scottish Government undertook a 3 month public consultation on a draft of these regulations between June and September 2007. In developing the regulations, further consultation has been undertaken with the Crown Office and the Association of Chief Police Officers in Scotland.

Financial Effects

The instrument has no financial implications for the Scottish Executive.