

Mr Gary Cox
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Our Ref:

Your Ref:

Date 13th September 2007

Dear Mr Cox

**Licensing (Scotland) Act 2005
Relevant Offences - Draft Regulations**

I am writing in my capacity as Chairperson of the ACPOS General Policing Business Area Licensing Sub-Group and submit the following comments in relation to your correspondence of 18th June 2007 pertinent to the consultation process for 'Relevant Offences' under the Licensing (Scotland) Act 2005.

There has been considerable debate and serious concern expressed amongst members of the group since the inception of the discussion process in relation to 'Relevant Offences' and this was reflected in my letter of 22nd January to the Scottish Executive. At this time I requested that the points highlighted, together with appended lists of offences, be considered for inclusion within the Draft Regulations.

Following the formal process of circulation and consultation with all Scottish Police Forces, of the Draft Regulation pertinent to 'Relevant Offences' I continue to have serious reservations in the content of the draft document and find the list of offences both limited and restrictive.

I wish to reiterate the ACPOS position in relation to the removal of the 'fit and proper test' in that we are continuing to seek a method of recourse to have this method of representation reinstated to the Chief Constable within the Licensing (Scotland) Act 2005.

Section 129(1) clearly states that;

“ In this Act, ‘relevant offence’ means –
a. such offence, or
b. an offence of such description,
as may be prescribed.

I am of the opinion that it is critical that this definition is carefully considered and I firmly believe that the Chief Constable, within the authority of the Act, be afforded the opportunity to consider and decide upon the ‘relevance’ of a specific conviction.

This shall be based upon a number of factors including the circumstances of the incident (eg age, gender of victim) together with the any other convictions held by the applicant. I believe, that it is imperative Boards have as much information as possible available to make a considered decision on an application and the use of a definitive and restricted list of relevant offences is inherently dangerous in permitting unsuitable persons operating within licensed premises. This may be in clear contradiction and counter productive to the five licensing objectives upon which the new Act is founded.

If a list of relevant offences is essential I believe that generic categories of offences, which are all encompassing are adopted as opposed to specifically identified crimes and all offences listed under the Scottish Office Home Department codes and common law crimes should be considered relevant.

I submit the following comments, which are pertinent to identified areas of the consultation documents.

‘Introduction - Rationale for Inclusion - Paragraph 7’ - There is specific reference made within this section that the majority of the proposed offences set out in the draft regulations relate directly to alcohol licensing or other licensing regimes where alcohol may be supplied. As well as those licensing offences, the other offences listed sought to reflect matters, which **may** make a person unsuitable to hold a personal licence under the Act. This is clearly inclusive in relation to licensing offences but other offences are ancillary and very much subjective.

‘Introduction - Rationale for Inclusion - Paragraph 10’ - Specific comment is requested in respect of a relevant offence being considered after only one conviction or an accumulation of convictions.

Section 29(3) clearly states that that a person is to be treated ...” as having been convicted of the offence only if the person accumulates such number of convictions for the offence or is convicted of committing the offence on such a number of separate occasions as may be so specified.” This clearly does not align itself to the Licensing Objectives of Preventing Crime and Disorder and Securing Public Safety.

This would pose problems if a person has a number of different convictions, which are not deemed to be 'relevant' under the Act singularly. Under collective consideration of these convictions it would appear that the person has a disregard for the rule of law and regulations in this country, yet is deemed suitable to be the holder of either a Premises or Personal licence under the Act.

I hold the view that a single conviction may be sufficient and reiterate the position that the respective Chief Constable be afforded the opportunity to consider the relevancy of the crime or offence.

Specific reference is made within your letter that ACPOS have provided only the title of the statute and not the specific offences within. I am of the opinion that only the title of the statute should be included as opposed to attempting to justify the relevance of specific offences within the legislation. In addition the extent of offences under the Road Traffic Act 1998, for example, make it impracticable to list and explain the relevance of each conviction. I make specific reference to the "Schedule of Relevant Offences within the Draft Regulations" (titled below) to reiterate this view and provide a number of examples to highlight the relevance of offences omitted from the proposed schedule.

Introduction - Rationale for Inclusion - Paragraph 12 - Specific comment is requested within this section as to the inclusion of aiding, abetting, counselling, procuring and inciting any of the listed offences.

An attempted crime is a crime itself with "guilty knowledge" present and inference that the person is predisposed to committing crime without fulfilment of the full commission. As such I think it most pertinent that crimes of accession are deemed "relevant offences."

Schedule of Relevant Offences within the Draft Regulations

Part 1 - Violent and Sexual Offences

There is no distinction made between contravention of a statute as an offence and the commission of a crime under common law. Reference is made to all offences inferring personal violence and any offence, which is a sexual offence within the meaning of the Criminal Procedure (Scotland) Act 1995.

In relation to personal violence, these crimes are mostly common law with the statutory offence of police assault under the Police (Scotland) Act 1967.

In relation to sexual conduct, offences and crimes are both statutory and under common law.

Part 2 - Other Statutory Offences

There appears to be a clear anomaly within this section that under some legislation (Misuse of Drugs Act 1971, Road Traffic 1988 Act, Civic Government 1982) there is a restriction of the offences, which are considered relevant yet all offences under other legislation (Pharmacy Act 1954, Immigration Act 1971, Cinemas Act 1985) are deemed appropriate for consideration.

Under the proposed offences under the Road Traffic Act 1988 a person who is convicted of causing death by dangerous driving (Section 1) after driving off from the accident and being convicted of failing to stop and report (Section 170) may be granted as a suitable person to hold either a premises or personal licence without consideration of these convictions.

Similarly if a person is charged with offences of supply of cocaine and is subsequently convicted of possession (Section 5(2) Misuse of Drugs Act 1971) following a system of plea-bargaining, this conviction cannot be considered as 'relevant'.

A convicted thief who is found in possession of tools and is subsequently convicted of this offence (Section 58 Civic Government Scotland Act 1982) may be considered suitable to be the holder of a licence without taking cognisance of this conviction.

Conclusion

Having considered the content of the Draft Document in relation to Relevant Offences I continue to have deep concerns over the principle of producing a selective list and have highlighted these within the context of this letter.

In addition with having such a definitive list, any introduction of new legislation and resultant offences will require additional statutory instruments for inclusion within the new Act.

I am firmly of the opinion that the list of 'relevant offences' should be all encompassing in permitting the disclosure of convictions, both statutory and under common law, to respective Boards as opposed to applying a rigid schedule which permits convicted and unsuitable persons to circumvent the system and jeopardise the five principles upon which the new Act is founded.

I would request therefore that the list of offences and crimes, which was sourced from both the Scottish Criminal Law and Scottish Office Home Department Codes, contained within my original submission be considered for inclusion (Attached Appendices refer).

Yours sincerely

Ian Dickinson
Assistant Chief Constable

Abduction	Child Abduction Act 1984
Abduction	Common Law
Abduction	Representation of the People Act 1983
Abduction	Taking of Hostages Act 1982
Aliens and Immigration Offences	Alien Restriction Acts 1914 1919
Aliens and Immigration Offences	British Nationality Acts 1948 1965 1981
Aliens and Immigration Offences	Commonwealth Immigrants Act 1952
Aliens and Immigration Offences	Immigration Act 1971
Assault, petty	Common Law
Assault, petty	Police (S) Act 1967
Assault, petty	Telecommunications Act 1984
Assault & Robbery or Assault w i Rob	Common Law
Assault & Robbery or Assault w i Rob	Post Office Act 1953
Assault to commit unnatural crimes	Common Law
Assault with Intent to Ravish	Common Law
Attempted Murder	Common Law
Attempted Murder	Criminal Law (S) Act 1829
Attempted OLP (excl motor vehicle) with intent to steal	Common Law
Attempted OLP w.i. to steal from a motor vehicle	Common Law
Attempt to defeat/pervert course/ends of justice	Common Law
Attempt to defeat/pervert course/ends of justice	Road Traffic Regulation Act 1984
Att HB w.i. to enter & steal (domestic prop -dwelling)	Common Law
Att HB w.i. to enter & steal (domestic prop -non-dwell)	Common Law
Att HB w.i. to enter & steal (other property)	Common Law
Att Theft of a motor vehicle	Common Law
Att Theft of a motor vehicle	Road Traffic Act 1988
Breach of the peace	Common Law
Breach of the peace	Post Office Act 1953
Breach of Trust and Embezzlement	Common Law
Breach of Trust and Embezzlement	Post Office Act 1953
Children & young persons (not elsewhere classified)	Children & Young Persons (S) Act 1937
Clandestine removal of boats	Common Law
Clandestine removal of other property	Common Law
Contempt of court	Criminal Procedure (S) Act 1995
Cruelty, neglect & unnatural treatment of children	Children & Young Persons (S) Act 1937

Cruelty, neglect & unnatural treatment of children	Common Law
Cruelty, neglect & unnatural treatment of children	Criminal Law (Consolidation) (S) Act 1995
Culpable homicide (common law)	Common Law
Culpable homicide (statutory)	Road Traffic Act 1988
Death by careless driving, under influence drink, drug	Road Traffic Act 1988
Drive motor vehicle while unfit through drink/drugs	Road Traffic Act 1988
Drive mv with blood alcohol content > prescribed limit	Road Traffic Act 1988
Driving carelessly	Road Traffic Act 1988
Driving Licence	Road Traffic (New Driver's Act) 1995
Driving While Disqualified	Road Traffic Act 1988
Driving Without a Licence (including under age)	Road Traffic Act 1988
Drugging	Common Law
Drugs, money laundering related offences	Criminal Law (Consolidation) (S) Act 1995
Drugs, other offences	Criminal Justice (International Co-operation) Act 1990
Drugs, other offences	Criminal Law (Consolidation) (S) Act 1995
Drugs, other offences	Drug Trafficking Offences Act 1986
Drugs, other offences	Misuse of Drugs Act 1971
Employment of children (industrial)	Education (S) Act 1962
Employment of children (industrial)	Employment of Women Y P & Child Act 1920
Employment of children (non-industrial)	Children & Young Persons (S) Act 1937
Employment of children (non-industrial)	Education (S) Act 1962
Explosive Substances Act 1883	Explosive Substances Act 1883
Exposing child under 7 to risk of burning	Children & Young Persons (S) Act 1937
Failing to appear after undertaking to police	Criminal Procedure (S) Act 1995
Failing to appear for trial having been given court bail	Criminal Procedure (S) Act 1995
Failing to give name to or remain with constable	Criminal Procedure (S) Act 1995
Failing to Provide Info to Identify Driver of Motor Vehicle	Road Traffic Act 1988
Fail to provide breath blood or urine spec at pol sta	Road Traffic Act 1988
Fail to provide breath specimen at the roadside	Road Traffic Act 1988
Failure to Insure Against Third Party Risks	Road Traffic Act 1988
Failure to notify police or provision of false information	Sex Offenders Act 1997
False Calls to Emergency Serv, Bomb Hoaxes	Criminal Law Act 1977
False Calls to Emergency Serv, Bomb Hoaxes	Fire Services Act 1947
False declarations	Criminal Law (Consolidation) (S) Act 1995
Falsely accusing (named) person of crime	Common Law
Firearms Offences	Firearms Act 1968

Fireraising, all types excluding muirburn	Civic Government (S) Act 1982
Fireraising, all types excluding muirburn	Common Law
Fire services legislation	Fire Services Act 1947
Food Safety Act 1990	Food Safety Act 1990
Forgery and Uttering (ex Currency Offences)	Agricultural Produce (Grading &c) Acts
Forgery and Uttering (ex Currency Offences)	Colonial Stock Act 1877
Forgery and Uttering (ex Currency Offences)	Common Law
Forgery and Uttering (ex Currency Offences)	Factories Act 1961
Forgery and Uttering (ex Currency Offences)	Forgery Act 1861
Forgery and Uttering (ex Currency Offences)	Forgery of Foreign Bills Act 1803
Forgery and Uttering (ex Currency Offences)	Goods Vehicles (Lic of Op) Act 1995
Forgery and Uttering (ex Currency Offences)	Government Annuities Act 1929
Forgery and Uttering (ex Currency Offences)	Hallmarking Act 1973
Forgery and Uttering (ex Currency Offences)	National Assistance Act 1948
Forgery and Uttering (ex Currency Offences)	Pharmacy Act 1954
Forgery and Uttering (ex Currency Offences)	Post Office Act 1953
Forgery and Uttering (ex Currency Offences)	Public Passenger Vehicles Act 1981
Forgery and Uttering (ex Currency Offences)	Road Traffic Act 1988
Forgery and Uttering (ex Currency Offences)	Road Traffic Regulation Act 1984
Forgery and Uttering (ex Currency Offences)	Stamp Duties Management Act 1891
Forgery and Uttering (ex Currency Offences)	Trade Descriptions Act 1968
Forgery and Uttering (ex Currency Offences)	Vehicle Excise and Registration Act 1994
Forgery and Uttering (ex Currency Offences)	Video Recordings Act 1984
Forgery and Uttering (ex Currency Offences)	Whaling Industry (Regulations) Act 1934
Fraud (Including Statutory Fraud)	Agricultural Marketing Act 1958
Fraud (Including Statutory Fraud)	Agriculture Act 1957
Fraud (Including Statutory Fraud)	Agriculture Act 1993
Fraud (Including Statutory Fraud)	Architects (Registration) Act 1931
Fraud (Including Statutory Fraud)	Architects (Registration) Act 1938
Fraud (Including Statutory Fraud)	Banking Act 1979
Fraud (Including Statutory Fraud)	Banking Act 1987
Fraud (Including Statutory Fraud)	Common Law
Fraud (Including Statutory Fraud)	Companies Act 1985
Fraud (Including Statutory Fraud)	Conservation (Nat Habitat &c.) Regs 1994
Fraud (Including Statutory Fraud)	Control of Pollution (Amendment) Act 1989
Fraud (Including Statutory Fraud)	Copyright Designs & Patents Act 1990

Fraud (Including Statutory Fraud)	Criminal Justice Act 1993
Fraud (Including Statutory Fraud)	Criminal Justice & Public Order Act 1994
Fraud (Including Statutory Fraud)	Customs & Excise Management Act 1979
Fraud (Including Statutory Fraud)	Environmental Protection Act 1990
Fraud (Including Statutory Fraud)	Essential Commodities Reserves Act 1938
Fraud (Including Statutory Fraud)	Factories Act 1961
Fraud (Including Statutory Fraud)	Films Act 1985
Fraud (Including Statutory Fraud)	Financial Services Act 1986
Fraud (Including Statutory Fraud)	Firearms (Amendment) Act 1988
Fraud (Including Statutory Fraud)	Fire Brigade Pension Acts
Fraud (Including Statutory Fraud)	Fraudulent Mediums Act 1951
Fraud (Including Statutory Fraud)	Government Annuities Act 1929
Fraud (Including Statutory Fraud)	Human Fertilisation & Embriology Act 1990
Fraud (Including Statutory Fraud)	Industrial Assurance Act 1923
Fraud (Including Statutory Fraud)	Insurance Companies Act 1982
Fraud (Including Statutory Fraud)	Law Reform (Misc Prov) (S) Act 1990
Fraud (Including Statutory Fraud)	Legal Aid (S) Act 1986
Fraud (Including Statutory Fraud)	Lotteries & Amusements Act 1976
Fraud (Including Statutory Fraud)	Mental Health (S) Act 1984
Fraud (Including Statutory Fraud)	National Assistance Act 1948
Fraud (Including Statutory Fraud)	National Insurance Acts
Fraud (Including Statutory Fraud)	National Lottery etc. Act 1993
Fraud (Including Statutory Fraud)	Osteopaths Act 1993
Fraud (Including Statutory Fraud)	Pharmacy Act 1954
Fraud (Including Statutory Fraud)	Police Pension Acts
Fraud (Including Statutory Fraud)	Post Office Act 1953
Fraud (Including Statutory Fraud)	Public Stores Act 1875
Fraud (Including Statutory Fraud)	Road Traffic Act 1988
Fraud (Including Statutory Fraud)	Telecommunications Act 1984
Fraud (Including Statutory Fraud)	Trade Marks Act 1994
Fraud (Including Statutory Fraud)	Value Added Tax Act 1994
Fraud (Including Statutory Fraud)	Vehicle Excise and Registration Act 1994
Handling obscene material	Children & Y P (Harmful Pub.) Act 1955
Handling obscene material	Civic Government (S) Act 1982
Handling obscene material	Common Law
Handling obscene material	Criminal Justice Act 1988

Handling obscene material	Customs Consolidation Act 1876
Handling obscene material	Indecent Displays (Control) Act 1981
Handling obscene material	Judicial Procedures (Reg of Reports) Act 1926
Handling obscene material	Obscene Publications Acts
Handling obscene material	Post Office Act 1953
HB w.i. to steal, (domestic prop - dwelling)	Common Law
HB w.i. to steal, (domestic property, non- dwelling)	Common Law
HB w.i. to steal (other property)	Common Law
Homosexual acts	Common Law
Homosexual acts	Criminal Law (Consolidation) (S) Act 1995
Housing (S) Acts	Housing (S) Acts
Illegal importation of drugs	Customs & Excise Management (S) Act 1979
Illegal importation of drugs	Dangerous Drugs Act 1965
Illegal importation of drugs	Misuse of Drugs Act 1971
Ill treatment of mental patients,	Mental Health (S) Act 1984
In building with intent to steal	Civic Government (S) Act 1982
Incest	Common Law
Incest	Criminal Law (Consolidation) (S) Act 1995
In charge of motor vehicle while unfit through drink	Road Traffic Act 1988
In charge of mv while blood alcohol content > limit	Road Traffic Act 1988
Indecent Assault	Common Law
Indecent exposure	Common Law
Insure Against Third Party Risks	Road Traffic Act 1988
Interception of Communications Act 1984	Interception of Communications Act 1984
Investment legislation	Banking Act 1979
Investment legislation	Companies Act 1985
Investment legislation	Financial Services Act 1986
Keeping and Supply of Explosives	Celluloid & Cinematograph Film Act 1922
Keeping and Supply of Explosives	Explosives Acts 1875 1923
Keeping and Supply of Explosives	Fireworks Acts 1951 1964
Lewd and libidinous practices	Common Law
Lewd and libidinous practices	Criminal Law (Consolidation) (S) Act 1995
Licensing, Alcohol offences, travelling to, from sport event	Criminal Law (Consolidation) (S) Act 1995
Licensing, Break sales restrictions on licences (not pubs)	Licensing (S) Act 1976
Licensing, Carriage of liquor in contract carriage	Licensing (S) Act 1976
Licensing, Club licensing offences	Licensing (S) Act 1976

Licensing, Consuming outwith permitted hours	Licensing (S) Act 1976
Licensing, Consum. liquor on lic prem on credit (not hotels)	Licensing (S) Act 1976
Licensing, Contra cond of premises w childrens cert	Law Reform (Misc Prov) (S) Act 1990
Licensing, Dealing wholesale not from permitted premises	Licensing (S) Act 1976
Licensing, Disorderly on licensed prem, or refuse to quit	Licensing (S) Act 1976
Licensing, Drunk and att to enter licensed premises	Licensing (S) Act 1976
Licensing, Drunk and incapable, habitual drunkenness	Civic Government (S) Act 1982
Licensing, Drunk and incapable, habitual drunkenness	Inebriates Act 1898
Licensing, Drunk in, att to enter designated sports ground	Criminal Law (Consolidation) (S) Act 1995
Licensing, Drunk in charge of a child	Civic Government (S) Act 1982
Licensing, Drunk or drinking in unlicensed premises	Licensing (S) Act 1976
Licensing, Employing a person under 18 in a bar	Licensing (S) Act 1976
Licensing, Hawking excisable liquor	Licensing (S) Act 1976
Licensing, Induce off-sales licensee to sell liquor illegally	Licensing (S) Act 1976
Licensing, Licensee, employee or agent drunk in lic prem	Licensing (S) Act 1976
Licensing, Licensed persons, other offences	Licensing (S) Act 1976
Licensing offences (Civic Govt (S) Act 1982)	Civic Government (S) Act 1982
Licensing, Offsales Licensee permit < 18 sell alcohol	Licensing (S) Act 1976
Licensing, other offences	Licensed Premises (Excl. of Persons) Act 1980
Licensing, other offences	Licensing (S) Act 1976
Licensing, Permit betting and gaming offences in lic prem	Licensing (S) Act 1976
Licensing, Permit riotous behaviour in licensed premises	Licensing (S) Act 1976
Licensing, Person < 18 buy exc liquor or consume in bar	Licensing (S) Act 1976
Licensing, Purchase exc. liquor for consump. by < 18	Licensing (S) Act 1976
Licensing, Sale of drink to person under 18	Licensing (S) Act 1976
Licensing, Sports grounds offences (possess alcohol etc)	Criminal Law (Consolidation) (S) Act 1995
Licensing, Trafficking without a licence	Licensing (S) Act 1976
Licensing, Wholesaler permit person < 18 to sell alcohol	Licensing (S) Act 1976
Licensing, Wholesaler selling liquor to person under 18	Licensing (S) Act 1976
Mobbing and rioting	Common Law
Mobbing and rioting	Public Meeting Act 1908
Obstructing constable in pursuance of lawful duty	Civic Government (S) Act 1982
Obstructing constable in pursuance of lawful duty	Control of Pollution (Amendmnt) Act 1989
Obstructing constable in pursuance of lawful duty	Criminal Law (Consolidation) (S) Act 1995
Obstructing constable in pursuance of lawful duty	Firearms (Amendment) Act 1988
Obstructing constable in pursuance of lawful duty	Licensing (S) Act 1976

Obstructing constable in pursuance of lawful duty	Misuse of Drugs Act 1971
Obstructing constable in pursuance of lawful duty	Police (S) Act 1967
Obstructing constable in pursuance of lawful duty	Telecommunications Act 1984
Obstruction of local official	Civic Government (S) Act 1982
Obstruction of local official	Mental Health (S) Act 1984
Obstruction of local official	Post Office Act 1953
Obstruction of local official	Post Office Act 1969
Offensive Weapon, public place, article with blade, point,	Criminal Law (Consolidation) (S) Act 1995
OLP (excl motor vehicle) with intent to steal	Common Law
OLP with intent to steal from a motor vehicle	Common Law
Other Environmental Offences	Environmental Protection Act 1990
Pedlars Act & Offences Against Cert. Issued by Loc Auth	Local Government (S) Act 1966
Pedlars Act & Offences Against Cert. Issued by Loc Auth	Pedlars Acts
Perjury and subornation (formerly code 38/1)	Common Law
Perjury and subornation (formerly code 38/1)	Criminal Law (Consolidation) (S) Act 1995
Perjury and subornation (formerly code 38/1)	Regn of Birth Death & Marr (S) Act 1965
Perjury and subornation (formerly code 38/1)	Statutory Declarations Act 1835
Personation of police	Police (S) Act 1967
Person w custody and c of girl or other causing her sseduction	Criminal Law (Consolidation) (S) Act 1995
Person w custody and c of girl or other causing her sseduction	Mental Health (S) Act 1984
Piracy and Hijacking	Aviation & Maritime Security Act 1990
Piracy and Hijacking	Common Law
Piracy and Hijacking	Piracy Acts
Poaching and game laws	Agriculture (S) Act 1948
Poaching and game laws	Game Act 1831
Poaching and game laws	Game Licences Act 1860
Poaching and game laws	Game (S) Acts 1832 1772
Poaching and game laws	Ground Game Act 1880
Poaching and game laws	Hares Preservation Act 1892
Poaching and game laws	Local Police Acts
Poaching and game laws	Night Poaching Acts 1828 1844
Poaching and game laws	Poaching Prevention Act 1862
Poisons Acts	Poisons Act 1972
Possess firearm w i to endanger life commit crime	Firearms Act 1968
Possession of an offensive weapon	Criminal Law (Consolidation) (S) Act 1995
Possession of drugs	Criminal Justice (Intern. Co-op) Act 1990

Possession of drugs	Misuse of Drugs Act 1971
Possession of salmon or trout as result of offence	Salmon & Freshwater Fish.(Prot.)(S) Act 1951
Possession of salmon or trout unlawfully	Salmon & Freshwater Fish.(Prot.)(S) Act 1951
Prevarication on oath etc (formerly code 38/5)	Common Law
Prevention of Crimes	Firearms Act 1968
Prevention of Crimes	Prevention of Crimes Act 1871
Prevention of Terrorism, other offences	Prevtn of Terrism (Temp Provs) Act 1989
Production manufacture or cultivation of drugs	Criminal Justice (Intern. Co-op) Act 1990
Production manufacture or cultivation of drugs	Misuse of Drugs Act 1971
Public mischief (including wasting police time)	Common Law
Public mischief (including wasting police time)	Post Office Act 1953
Public processions etc	Civic Government (S) Act 1982
Public processions etc	Public Order Act 1936
Public processions etc	Public Order Act 1986
Public utilities (gas electricity etc) legislation	Electricity Act 1989
Public utilities (gas electricity etc) legislation	Electricity Supply Acts
Public utilities (gas electricity etc) legislation	Gas Act 1965
Public utilities (gas electricity etc) legislation	Gas Act 1986
Public utilities (gas electricity etc) legislation	Gas Levy Act 1981
Public utilities (gas electricity etc) legislation	Public Utilities Street Work Act 1950
Publishing restricted inf about person < 16 inv in trial	Children & Young Persons Act 1933
Publishing restricted inf about person < 16 inv in trial	Criminal Procedure (S) Act 1995
Race Relations legislation	Public Order Act 1986
Race Relations legislation	Race Relations Act 1976
Racially Aggravated Conduct Consolidation Act 1995	Criminal Law Consolidation Act 1995
Racially Aggravated Harassment Consolidation Act 1995	Criminal Law Consolidation Act 1995
Rape	Common Law
Rape	Criminal Law (Consolidation) (S) Act 1995
Raves, crimes against public order	Criminal Justice & Public Order Act 1994
Reckless Conduct (not with firearms)	Common Law
Reckless conduct with firearms	Common Law
Reckless driving at common law	Common Law
Registration of Business Names	Business Names Act 1985
Re-offending while on bail	Criminal Procedure (S) Act 1995
Reset	Common Law
Reset	Criminal Law (Consolidation) (S) Act 1995

Reset	Post Office Act 1953
Resisting arrest	Police (S) Act 1967
Restriction of offensive weapon	Criminal Justice Act 1988
Restriction of offensive weapon	Restriction of Offensive Weapons Act 1959
Revenue and Excise Offences (excluding vehicle, drugs)	Alcoholic Liquor Duties Act 1979
Revenue and Excise Offences (excluding vehicle, drugs)	Customs & Excise Acts
Revenue and Excise Offences (excluding vehicle, drugs)	Customs & Excise Management Act 1979
Revenue and Excise Offences (excluding vehicle, drugs)	Endangered Species (Imp & Exp) Act 1976
Revenue and Excise Offences (excluding vehicle, drugs)	Excise Acts (not vehicles or drugs)
Revenue and Excise Offences (excluding vehicle, drugs)	Finance Acts
Revenue and Excise Offences (excluding vehicle, drugs)	Revenue Acts
Revenue and Excise Offences (excluding vehicle, drugs)	Value Added Tax Act 1994
Serious Assault	Common Law
Serious Assault	Criminal Justice Act 1988
Serious Assault	Police (S) Act 1967
Serious Assault	Telecommunications Act 1984
Sex shop offences	Civic Government (S) Act 1982
Sexual, Abduct girl < 18, woman mental defective, lunatic	Criminal Law (Consolidation) (S) Act 1995
Sexual, Brothel keeping	Criminal Justice (S) Act 1980
Sexual, Brothel keeping	Criminal Law (Consolidation) (S) Act 1995
Sexual, Carnal knowledge of mentally defective or lunatic	Criminal Justice (S) Act 1980
Sexual, Carnal knowledge of mentally defective or lunatic	Mental Health (S) Act 1984
Sexual, Clandestine injury	Common Law
Sexual, Hseholder permit carnal knowledge mental defect	Criminal Law (Consolidation) (S) Act 1995
Sexual, Hseholder permit carnal knowledge mental defect	Mental Health (S) Act 1984
Sexual, Immoral traffic	Criminal Law (Consolidation) (S) Act 1995
Sexual intercourse with girl under 13	Criminal Law (Consolidation) (S) Act 1995
Sexual intercourse with girl under 16	Criminal Law (Consolidation) (S) Act 1995
Sexual, Offences related to prostitution	Civic Government (S) Act 1982
Sexual, Procuration (excluding homosexual acts)	Criminal Law (Consolidation) (S) Act 1995
Sexual, Procuration (excluding homosexual acts)	Mental Health (S) Act 1984
Sexual, Procuration of Homosexual Acts	Criminal Law (Consolidation) (S) Act 1995
Supply of glue sniffing kits	Common Law
Supply possession w.i. to supply etc of drugs	Misuse of Drugs Act 1971
Terrorism, money laundering related offences	Northern Ireland (Emrgncy Prov) Act 1991
Terrorism, money laundering related offences	Prevention of Terrorism (Temp Prov) Act 1989

Theft by HB, (domestic prop, dwelling)	Common Law
Theft by HB, (domestic prop, non- dwelling)	Common Law
Theft by HB, (other property)	Common Law
Theft by OLP (excl motor vehicle)	Common Law
Theft by OLP from a motor vehicle	Common Law
Theft , by shoplifting	Common Law
Theft, from a motor vehicle not elsewhere classified	Common Law
Theft , not elsewhere classified (excl motor vehicle)	Common Law
Theft , not elsewhere classified (excl motor vehicle)	Electricity Act 1989
Theft , not elsewhere classified (excl motor vehicle)	Gas Act 1986
Theft , not elsewhere classified (excl motor vehicle)	Post Office Act 1953
Theft, of a pedal cycle	Common Law
Theft of vehicle & contents incl taking + driving away	Common Law
Theft of vehicle & contents incl taking + driving away	Road Traffic Act 1988
Therapeutic Substances Act 1956	Therapeutic Substances Act 1956
Threats and Extortion	Common Law
Threats and Extortion	Conspiracy & Protection of Property Act 1875
Threats and Extortion	Telecommunications Act 1984
Touting	Civic Government (S) Act 1982
Trading Offences	Knives Act 1997
Treason	Statute of Treason 1351
Treason	Treason Acts
Treason	Treason Felony Act 1848
Trespass, crimes against public order	Criminal Justice & Public Order Act 1994
Trespass, crimes against public order	Public Order Act 1986
Unlawful use of explosives	Post Office Act 1953
Unlawful use of explosives	Salmon & Fwtr Fishrs Act 1975
Unlawful use of explosives	Salmon & Fwtr Fishrs (Prot) (S) Act 1951
Urinating etc, Disorderly Conduct	Civic Government (S) Act 1982
Using Motor Vehicle Without Test Certificate	Road Traffic Act 1988
Vagrancy and known thief	Civic Government (S) Act 1982
Vandalism malicious damage and mal mischief	British Telecommunications Act 1981
Vandalism malicious damage and mal mischief	Common Law
Vandalism malicious damage and mal mischief	Criminal Damage Act 1971
Vandalism malicious damage and mal mischief	Criminal Law (Consolidation) (S) Act 1995
Vandalism malicious damage and mal mischief	Electric Lighting Act 1882

Vandalism malicious damage and mal mischief	Local Police Acts
Vandalism malicious damage and mal mischief	Post Office Act 1953
Vandalism malicious damage and mal mischief	Submarine Telegraph Act 1885
Sedition	Common Law
Sedition	Incitement to Disaffection Act 1934
Sedition	Police (S) Act 1967

Appendix A

1 - Crimes Against The Person

- Abduction
- Abortion
- Assault
- Bestiality
- Bigamy
- Conceal Pregnancy
- Cruel Treatment
- Reckless Conduct
- Neglect Of Duty
- Deforcement
- Drugging
- Homicide
- Indecent Practices
- Rape
- Sodomy
- Threats & Extortion

Common Law

The following sexual offences at common law are contained within "Crimes against the Person" in Section 11 of the Scottish Criminal Law.

- Indecent Practices
- Rape
- Sodomy
- Miscellaneous Provisions
- Civic Government (Scotland) Act, 1982
- Criminal Law (Consolidation) (Scotland) Act, 1995
- Sexual Offences (Amendment) Act 2000
- Criminal Justice (Scotland) Act 2003
- Sexual Offences Act 2003
- Prohibition of Female Genital Mutilation (Scotland) Act 2005
- Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005

2. Crimes Against Property

- Embezzlement
- Fire-Raising
- Forgery and Uttering
- Fraud
- Housebreaking
- Malicious Mischief
- Vandalism
- Opening Lockfast Places
- Robbery
- Reset
- Theft
- Wrecking

Appendix A continued

Under Statute

- Theft, Etc. Of Electricity
- Theft Of Gas
- Computer Misuse Act, 1990
- Civic Government (Scotland) Act 1982

3. Offensive Weapons .

- Restriction Of Offensive Weapons Act, 1959
- Crossbows Act, 1987
- Criminal Justice Act, 1988
- Criminal Law (Consolidation) (Scotland) Act, 1995
- Knives Act, 1997

4. Public Order

- Blasphemy
- Breach Of The Peace
- Bomb Hoaxes
- Mobbing & Rioting
- Official Secrets Acts
- Piracy
- Sedition
- Treason

Acts

- Foreign Enlistment Act, 1870
- Public Meeting Act, 1908
- Incitement To Disaffection Act, 1934

Appendix A continued

- Public Order Act, 1936
- Civic Government (Scotland) Act, 1982 - Part V
- Taking Of Hostages Act, 1982
- Public Order Act, 1986
- Criminal Justice and Public Order Act 1994
- Antisocial Behaviour etc (Scotland) Act 2004
- Prevention of Terrorism Act 2005
- Police Public
- Terrorism Act 2006

5. Indecent Publications

- Obscene Publications
- Miscellaneous Provisions
- Judicial Proceedings (Regulations of Reports) Act, 1926
- Civic Government (Scotland) Act, 1982

6. Crimes Against Justice

- Conspiracy
- False Accusation
- False Oaths
- Perjury
- Subornation Of Perjury

- Perverting Course Of Justice
- Prevarication On Oath
- Contempt Of Court
- Prison-Breaking

Appendix A Continued

7. Betting & Lotteries

- Betting, Gaming & Lotteries Act, 1963
- Gaming Act, 1968
- Lotteries & Amusements Act, 1976
- Gaming (Bingo) Act, 1985
- National Lottery Etc. Act, 1993

8. Drugs

- Misuse Of Drugs Act, 1971
- Pharmacy Act 1954
- Poisons Act 1972

9. Liquor Laws

- Methylated Spirits (Sale By Retail) (Scotland) Act, 1937
- Licensing (Scotland) Act, 1976
- Alcoholic Liquor Duties Act, 1979
- Customs & Excise Management Act, 1979

- Licensed Premises (Exclusion Of Certain Persons) Act, 1980
- Civic Government (Scotland) Act, 1982
- Law Reform (Miscellaneous Provisions) (Scotland) Act, 1990
- Criminal Procedure (Scotland) Act, 1995
- Crime & Punishment (Scotland) Act 1997

Appendix A continued

10. Children & Young Persons

- Children and Young Persons Act, 1933 - Part II
- Children and Young Persons (Scotland) Act, 1937
- Children and Young Persons (Harmful Publications) Act, 1955
- Children and Young Persons Act, 1963
- Tattooing of Minors Act, 1969
- Social Work (Scotland) Act, 1968
- Child Abduction Act, 1984
- Surrogacy Arrangements Act, 1985
- Children Act, 1989
- Children and Young Persons (Protection from Tobacco) Act 2001
- Children (Scotland) Act, 1995
- Criminal Justice (Scotland) Act 2003
- Protection of Children (Scotland) Act 2003
- Breastfeeding (Scotland) Act 2005
- Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005

11. Environmental Laws

- Control Of Pollution Act, 1974

- Refuse Disposal (Amenity) Act, 1978
- Control Of Pollution (Amendment) Act, 1989
- Environmental Protection Act, 1990

Appendix A continued

12. Miscellaneous Statutes

- Atomic Energy
- Barbed Wire Etc.
- Burial and Cremation
- Fires Etc
- Railways
- National Assistance Act, 1948
- Wireless Telegraphy Act, 1949
- Geneva Conventions Act, 1957
- Trading Representations (Disabled Persons) Act, 1958
- Unsolicited Goods and Services Act, 1971
- Matrimonial Homes (Family Protection) (Scotland) Act, 1981
- Civic Government (Scotland) Act, 1982
- Rent (Scotland) Act, 1984
- Social Security Act, 1986
- Employment Rights Act, 1996
- Protection From Harassment Act, 1997
- Public Interest Disclosure Act, 1998
- Data Protection Act, 1998
- Human Rights Act, 1998
- Regulation of Investigatory Powers Act, 2000

- Regulation of Investigatory Powers (Scotland) Act, 2000
- International Criminal Court Act 2001
- Protection from Abuse (Scotland) Act 2001
- Freedom of Information (Scotland) Act 2002
- Smoking, Health and Social Care (Scotland) Act 2005

Appendix A continued

- Immigration Act, 1971
- Police (Scotland) Act, 1967
- Road Traffic Act, 1988

Statement of Reasons - Draft Regulations

I am writing in my capacity as Chairperson of the ACPOS General Policing Business Area Licensing Sub-Group and submit the following comments in relation to your request for response in to the consultation paper pertinent to the formulation of secondary legislation relative to Statement of Reasons under the Licensing (Scotland) Act 2005.

I have considered the content and detail of the consultation documents, in conjunction with other group members from the respective Scottish forces and I have no adverse comments to make with regard to the proposed format for the statement of reasons.

In addition the draft form of statement of reasons detailed in Section 3 is clear, concise and fit for purpose.