



Breastfeeding etc. (Scotland) Act 2005

2005 asp 1

1 Offence of preventing or stopping a child from being fed milk

- (1) Subject to subsection (2), it is an offence deliberately to prevent or stop a person in charge of a child from feeding milk to that child in a public place or on licensed premises.
- (2) Subsection (1) does not apply if the child, at the material time, is not lawfully permitted to be in the public place or on the licensed premises otherwise than for the purpose of being fed milk.
- (3) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) In this section—
 - “child” means a person who has not yet attained the age of two years;
 - “feeding” includes—
 - (a) breastfeeding; and
 - (b) feeding from a bottle or other container;
 - “licensed premises” means premises licensed under—
 - (a) section 12 of the Theatres Act 1968 (c. 54);
 - (b) ^{[F1} the Licensing (Scotland) Act 2005 (asp 16) ;]
 - (c) Part II of the Civic Government (Scotland) Act 1982 (c. 45); or
 - (d) section 1 of the Cinemas Act 1985 (c. 13);
 - “milk” means breastmilk, cow's milk or infant formula;
 - “public place” means any place to which, at the material time, the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

Annotations:

Amendments (Textual)

- F1** Words in s. 1(4) substituted (at 5.00 a.m. and with application in accordance with art. 1(2) of the amending S.S.I.) by [The Licensing \(Scotland\) Act 2005 \(Consequential Provisions\) Order 2009 \(S.S.I. 2009/248\)](#), art. 1(1), [Sch. 1 para. 11](#) (with art. 3)

Changes to legislation:

There are currently no known outstanding effects for the Breastfeeding etc. (Scotland) Act 2005, Section 1.