



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 1

#### CORE PROVISIONS

#### 1 Prohibition of unlicensed sale of alcohol

- (1) Alcohol is not to be sold on any premises except under and in accordance with—
  - (a) a premises licence, or
  - (b) an occasional licence,granted under this Act in respect of the premises.
- (2) Subsection (1) does not apply to the selling of alcohol—
  - (a) on exempt premises, or
  - (b) to trade.
- (3) A person who—
  - (a) sells alcohol, or
  - (b) <sup>F1</sup>... allows alcohol to be sold,in breach of subsection (1) commits an offence.
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to—
  - (a) a fine not exceeding £20,000,
  - (b) imprisonment for a term not exceeding 6 months, or
  - (c) both.

#### Textual Amendments

- F1** Word in s. 1(3)(b) repealed (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 195\(2\)\(a\)](#), 206(1); [S.S.I. 2010/413](#), [art. 2](#), [Sch.](#)

#### Commencement Information

- II** S. 1 in force at 1.9.2009 at 5.00 a.m. by [S.S.I. 2007/472](#), [art. 3](#)

**Changes to legislation:** Licensing (Scotland) Act 2005, Part 1 is up to date with all changes known to be in force on or before 11 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

## 2 Meaning of “alcohol”

(1) In this Act, “alcohol”—

- (a) means spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor, but
- (b) does not include—
  - (i) alcohol which is of a strength of 0.5% or less at the time of its sale,
  - (ii) perfume,
  - (iii) any flavouring essence recognised by the Commissioners of Customs and Excise as not being intended for consumption as or with dutiable alcoholic liquor,
  - <sup>F2</sup>(iv) .....
  - (v) alcohol which is, or is included in, a medicinal product,
  - (vi) denatured alcohol,
  - (vii) methyl alcohol,
  - (viii) naphtha, or
  - (ix) alcohol contained in liqueur confectionery.

(2) In this section—

“beer”, “cider”, “denatured alcohol”, “dutiable alcoholic liquor” and “wine” have the same meanings as in the Alcoholic Liquor Duties Act 1979 (c. 4), and “medicinal product” has the same meaning as in section 130 of the Medicines Act 1968 (c. 67).

### Textual Amendments

**F2** S. 2(1)(b)(iv) repealed (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 54, 88(2)**; [S.S.I. 2017/119](#), art. 2, sch.

### Commencement Information

**I2** S. 2 in force at 1.5.2007 by [S.S.I. 2007/129](#), art. 3, **sch.**

## 3 Certain supplies of alcohol to be treated as sales

- (1) A supply of alcohol which is not otherwise a sale of the alcohol is, in the circumstances described in subsection (2) or (3), to be treated for the purposes of this Act as if it were a sale of the alcohol.
- (2) The first set of circumstances is where the supply is by or on behalf of a club to, or to the order of, a member of the club.
- (3) The second set of circumstances is where the supply is made to, or to the order of, a person pursuant to a right acquired by the person under a contract.

### Commencement Information

**I3** S. 3 in force at 1.5.2007 by [S.S.I. 2007/129](#), art. 3, **Sch.**

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#### 4 The licensing objectives

- (1) For the purposes of this Act, the licensing objectives are—
- (a) preventing crime and disorder,
  - (b) securing public safety,
  - (c) preventing public nuisance,
  - (d) protecting and improving public health, and
  - (e) protecting children [<sup>F3</sup>and young persons] from harm.

<sup>F4</sup>(2) .....

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##### Textual Amendments

**F3** Words in s. 4(1)(e) inserted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 41, 88\(2\)](#); [S.S.I. 2017/119](#), art. 2, sch.

**F4** S. 4(2) repealed (1.11.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [Sch. 6 para. 2](#); [S.S.I. 2011/354](#), art. 2, sch. (with art. 5)

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##### Commencement Information

**I4** S. 4 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 :**

- 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\(2\)](#)