



Licensing (Scotland) Act 2005

2005 asp 16

PART 8

OFFENCES

Drunkenness and disorderly conduct

111 Drunk persons entering or in premises on which alcohol is sold

- (1) A person who, while drunk, attempts to enter any relevant premises (other than premises on which the person resides) commits an offence.
- (2) A person commits an offence if the person, while drunk—
 - (a) is on any relevant premises, and
 - (b) is incapable of taking care of himself or herself.
- (3) A constable may arrest without warrant any person committing an offence under this section.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

112 Obtaining of alcohol by or for a drunk person

- (1) A person who, on any relevant premises, obtains or attempts to obtain alcohol for consumption on the premises by a person who is drunk commits an offence.
- (2) A person who, on any relevant premises, helps a person who is drunk to obtain or consume alcohol on the premises commits an offence.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

113 Sale of alcohol to a drunk person

- (1) Any responsible person who, on any relevant premises, sells alcohol to a person who is drunk commits an offence.

- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

114 Premises manager, staff etc. not to be drunk

- (1) Any responsible person in relation to any relevant premises who is drunk while on the premises commits an offence.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

115 Disorderly conduct

- (1) A person on relevant premises who, while drunk—
- (a) behaves in a disorderly manner, or
 - (b) uses obscene or indecent language to the annoyance of any person,
- commits an offence.
- (2) Any responsible person in relation any relevant premises who allows—
- (a) a breach of the peace,
 - (b) drunkenness, or
 - (c) other disorderly conduct,
- to take place on the premises commits an offence.
- (3) It is a defence for a person charged with an offence under subsection (2) (“the accused”) to prove—
- (a) that the accused, or an employee or agent of the accused, took all reasonable precautions and exercised due diligence not to commit the offence, or
 - (b) that there were no lawful and reasonably practicable means by which the accused could prevent the conduct giving rise to the offence.
- (4) A person guilty of an offence under subsection (1)(a) is liable on summary conviction to—
- (a) a fine not exceeding level 3 on the standard scale,
 - (b) imprisonment for a term not exceeding 60 days, or
 - (c) both.
- (5) A person guilty of an offence under subsection (1)(b) or (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

116 Refusal to leave premises

- (1) A person on any relevant premises who—
- (a) behaves in a disorderly manner, and
 - (b) refuses or fails to leave the premises on being asked to do so by a responsible person or a constable,
- commits an offence.
- (2) A person on any relevant premises who, after the end of any period of licensed hours, refuses or fails to leave the premises on being asked to do so by a responsible person or a constable commits an offence.

- (3) Where a person refuses or fails to leave any relevant premises as mentioned in subsection (1) or (2), an authorised person may—
 - (a) remove the person from the premises, and
 - (b) if necessary for that purpose, use reasonable force.
- (4) A constable must, if—
 - (a) asked by an authorised person to assist in exercising a power conferred by subsection (3), and
 - (b) the constable reasonably suspects the person to be removed of having refused or failed to leave as mentioned in subsection (1) or (2),provide the assistance asked for.
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) In this section, “authorised person” means, in relation to any relevant premises, any of the following persons, namely—
 - (a) a responsible person, and
 - (b) any other person who—
 - (i) works on the premises, and
 - (ii) is authorised by a responsible person for the purposes of this section.