



Licensing (Scotland) Act 2005

2005 asp 16

PART 8

OFFENCES

Offences relating to children and young people

104 Sale of liqueur confectionery to a child

- (1) A person who sells liqueur confectionery to a child commits an offence.
- (2) It is a defence for a person charged with an offence under subsection (1) (referred to in this section as “the accused”) to show that—
 - (a) the accused believed the child to be aged 16 or over, and
 - (b) either—
 - (i) the accused had taken reasonable steps to establish the child’s age, or
 - (ii) no reasonable person could have suspected from the child’s appearance that the child was aged under 16.
- (3) For the purposes of subsection (2)(b)(i), the accused is to be treated as having taken reasonable steps to establish the child’s age if and only if—
 - (a) the accused was shown evidence of the child’s age, and
 - (b) that evidence would have convinced a reasonable person.
- (4) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.