



Licensing (Scotland) Act 2005

2005 asp 16

PART 8

OFFENCES

Drunkenness and disorderly conduct

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—

Changes to legislation: Licensing (Scotland) Act 2005, Section 116 is up to date with all changes known to be in force on or before 18 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](#)

- (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.

Commencement Information

II S. 116 in force at 1.9.2009 at 5.00 a.m. by S.S.I. 2007/472, **art. 3**

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[View outstanding changes](#)

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\(2\)](#)