



Civic Government (Scotland) Act 1982

1982 CHAPTER 45

PART IV

OFFENCES, POWERS OF CONSTABLES, ETC.

Offences of annoying, offensive, obstructive or dangerous behaviour

50 Drunkenness.

- (1) Any person who, while not in the care or protection of a suitable person, is, in a public place, drunk and incapable of taking care of himself shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [^{F1}level 2 on the standard scale].
- (2) Any person who is drunk in a public place while in charge of a child under the age of 10 shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [^{F1}level 2 on the standard scale].
- (3) For the purposes of subsection (2) above, if a child appears to the court to be under the age of 10, the child shall be deemed to be under that age unless the contrary is proved.
- (4) A constable may arrest a person for contravening subsection (2) above if he has reasonable cause to believe that the child in the charge of that person is under the age of 10.
- (5) Any person who is drunk in a public place while in possession of a firearm (including a crossbow, airgun, air rifle or air pistol) shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [^{F1}level 2 on the standard scale].
- (6) In this section, “public place” has the same meaning as in section 133 of this Act but includes—
 - (a) any place to which at the material time the public are permitted to have access, whether on payment or otherwise; and
 - (b) any public conveyance other than a taxi or hire car within the meaning of section 23 of this Act.

Status: Point in time view as at 01/02/1991.

Changes to legislation: Civic Government (Scotland) Act 1982, Section 50 is up to date with all changes known to be in force on or before 15 January 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)

Textual Amendments

F1 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G**

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