



Crime and Punishment (Scotland) Act 1997

1997 CHAPTER 48

PART VI

MISCELLANEOUS AND GENERAL

Miscellaneous

61 Confiscation of alcohol from persons under 18.

- (1) Where a constable has reasonable grounds for suspecting that a person in a public place—
- is under the age of 18; and
 - is in possession of [^{F1}alcohol], within the meaning of the ^{M1}Licensing (Scotland) Act 1976,

he may require that person to surrender [^{F2}the alcohol] to him, and may dispose of it in such manner as he considers appropriate; and he may also require that person to supply him with his name and address.

- (2) Where a constable has reasonable grounds for suspecting that a person of or over the age of 18 has [^{F3}alcohol] in his possession in a public place and that that person—
- has supplied such [^{F4}alcohol] to a person under the age of 18 for consumption in a public place; or
 - intends that that [^{F4}alcohol] should be consumed in a public place by a person under the age of 18,

the constable may require the person in possession of the [^{F4}alcohol] to surrender it to him, and may dispose of it in such manner as he considers appropriate; and he may also require that person to supply him with his name and address.

- (3) Subject to subsection (4) below, it shall be an offence punishable on summary conviction by a fine not exceeding level 2 on the standard scale for a person to fail to comply with a requirement made under subsection (1) or (2) above.

Changes to legislation: Crime and Punishment (Scotland) Act 1997, Section 61 is up to date with all changes known to be in force on or before 14 June 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

- (4) Where a constable makes a requirement such as is mentioned in subsection (1) or (2) above he shall inform the person concerned—
- (a) of his suspicion; and
 - (b) of the fact that failure to comply with a requirement made under either of those provisions is an offence.

^{F5}(5)

- (6) In this section “public place” includes—
- (a) any place to which the public have access for the time being (whether on payment of a fee or otherwise); and
 - (b) any place to which the public do not have access but to which the persons mentioned in subsection (1) or (2) have unlawfully gained access,
- but does not include licensed premises within the meaning of the Licensing (Scotland) Act [^{F6}2005 (asp 16)].

[^{F7}(7) In this section, “ alcohol ” has the meaning given in section 2 of the Licensing (Scotland) Act 2005 (asp 16).]

Textual Amendments

- F1** Word in s. 61(1)(b) substituted (1.9.2009 at 5.00 a.m.) by [Licensing \(Scotland\) Act 2005 \(asp 16\)](#), s. 150(2), [Sch. 6 para. 8\(2\)\(a\)](#) (with s. 143); S.S.I. 2007/472, art. 3
- F2** Words in s. 61(1) substituted (1.9.2009 at 5.00 a.m.) by [Licensing \(Scotland\) Act 2005 \(asp 16\)](#), s. 150(2), [Sch. 6 para. 8\(2\)\(b\)](#) (with s. 143); S.S.I. 2007/472, art. 3
- F3** Word in s. 61(2) substituted (1.9.2009 at 5.00 a.m.) by [Licensing \(Scotland\) Act 2005 \(asp 16\)](#), s. 150(2), [Sch. 6 para. 8\(3\)\(a\)](#) (with s. 143); S.S.I. 2007/472, art. 3
- F4** Word in s. 61(2) substituted (1.9.2009 at 5.00 a.m.) by [Licensing \(Scotland\) Act 2005 \(asp 16\)](#), s. 150(2), [Sch. 6 para. 8\(3\)\(b\)](#) (with s. 143); S.S.I. 2007/472, art. 3
- F5** S. 61(5) repealed (25.1.2018) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), s. 117(2), [sch. 2 para. 14](#); S.S.I. 2017/345, art. 3, sch.
- F6** Words in s. 61(6) substituted (1.9.2009 at 5.00 a.m.) by [Licensing \(Scotland\) Act 2005 \(asp 16\)](#), s. 150(2), [Sch. 6 para. 8\(4\)](#) (with s. 143); S.S.I. 2007/472, art. 3
- F7** S. 61(7) inserted (1.9.2009 at 5.00 a.m.) by [Licensing \(Scotland\) Act 2005 \(asp 16\)](#), s. 150(2), [Sch. 6 para. 8\(5\)](#) (with s. 143); S.S.I. 2007/472, art. 3

Marginal Citations

- M1** 1976 c.66.

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 61 power to amend conferred by [2016 asp 1 s. 70](#)