



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 4

PUBLIC ORDER AND CONDUCT IN PUBLIC PLACES ETC.

Trespass on designated site

129 Corresponding Scottish offence

(1) A person commits an offence if he enters, or is on, any [^{F1}protected] Scottish site without lawful authority.

[^{F2}(1A) In this section ‘protected Scottish site’ means—

- (a) a nuclear site in Scotland; or
- (b) a designated Scottish site.

(1B) In this section ‘nuclear site’ means—

- (a) so much of any premises in respect of which a nuclear site licence (within the meaning of the Nuclear Installations Act 1965) is for the time being in force as lies within the outer perimeter of the protection provided for those premises; and
- (b) so much of any other premises of which premises falling within paragraph (a) form a part as lies within that outer perimeter.

(1C) For this purpose—

- (a) the outer perimeter of the protection provided for any premises is the line of the outermost fences, walls or other obstacles provided or relied on for protecting those premises from intruders; and
- (b) that line shall be determined on the assumption that every gate, door or other barrier across a way through a fence, wall or other obstacle is closed.]

Changes to legislation: Serious Organised Crime and Police Act 2005, Section 129 is up to date with all changes known to be in force on or before 02 February 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

- (2) A “designated Scottish site” means a site in Scotland—
- (a) specified or described (in any way) in an order made by the Secretary of State, and
 - (b) designated for the purposes of this section by the order.
- (3) The Secretary of State may only designate a site for the purposes of this section if it appears to him that it is appropriate to designate the site in the interests of national security.
- (4) It is a defence for a person charged with an offence under this section to prove that he did not know, and had no reasonable cause to suspect, that the site in relation to which the offence is alleged to have been committed was a [^{F3}protected] Scottish site.
- (5) A person guilty of an offence under this section is liable on summary conviction—
- (a) to imprisonment for a term not exceeding 12 months, or
 - (b) to a fine not exceeding level 5 on the standard scale, or to both.
- (6) For the purposes of subsection (1), a person who is on any [^{F4}protected] Scottish site without lawful authority does not acquire lawful authority by virtue of being allowed time to leave the site.
- (7) In this section “site” means the whole or part of any building or buildings, or any land, or both.

Textual Amendments

- F1** Word in s. 129(1) substituted (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), **ss. 12(2)**, 39(2); S.I. 2006/1013, art. 2(2)(a)
- F2** S. 129(1A)-(1C) inserted (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), **ss. 12(4)**, 39(2); S.I. 2006/1013, art. 2(2)(a)
- F3** Word in s. 129(4) substituted (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), **ss. 12(2)**, 39(2); S.I. 2006/1013, art. 2(2)(a)
- F4** Word in s. 129(6) substituted (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), **ss. 12(2)**, 39(2); S.I. 2006/1013, art. 2(2)(a)

Commencement Information

- I1** S. 129 in force at 1.7.2005 by [S.I. 2005/1521](#), **art. 3(1)(n)**

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Commencement Orders yet to be applied to the Serious Organised Crime and Police Act 2005

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2006/2182 art. 3](#) amendment to earlier commencing SI 2006/1871