



# Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

## PART 10

### FURTHER CRIMINAL MEASURES

#### *Sale of spray paint to children*

#### **122 Offence of selling spray paint to child**

- (1) A person who sells to a person under the age of 16 a spray paint device shall be guilty of an offence.
- (2) In subsection (1), “spray paint device” means a device which—
  - (a) contains paint stored under pressure; and
  - (b) is designed to permit the release of the paint as a spray.
- (3) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) It shall be a defence for a person charged with an offence under subsection (1) to show that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

**Changes to legislation:**

Antisocial Behaviour etc. (Scotland) Act 2004, Section 122 is up to date with all changes known to be in force on or before 14 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.

[View outstanding changes](#)

**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. 85B inserted by [2014 asp 14 s. 21\(1\)](#)