



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 11

FIXED PENALTIES

Offences to which this Part applies

128 Fixed penalty offences

- (1) For the purposes of this Part “fixed penalty offence” means—
- (a) an offence under an enactment mentioned in the first column in Part 1 of the following table and described, in general terms, in the second column in that Part;
 - (b) an offence created in subordinate legislation made under an enactment mentioned in the first column in Part 2 of the table which is of the general description mentioned in the second column in that Part; and
 - (c) a common law offence mentioned in Part 3 of the table.

Table

PART 1

<i>Enactment</i>	<i>Description of offence</i>
[^{F1} Section 115 of the Licensing (Scotland) Act 2005 (asp 16)	Disorderly conduct while drunk in licensed premises and other relevant premises
Section 116 of the Licensing (Scotland) Act 2005 (asp 16)	Refusing to leave licensed and other relevant premises on being requested to do so]
Section 47 of the Civic Government (Scotland) Act 1982 (c. 45)	Urinating or defecating in circumstances causing annoyance to others

Changes to legislation: Antisocial Behaviour etc. (Scotland) Act 2004, Section 128 is up to date with all changes known to be in force on or before 13 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

Section 50(1) of the Civic Government (Scotland) Act 1982 (c. 45)	Being drunk and incapable in a public place
Section 50(2) of the Civic Government (Scotland) Act 1982 (c. 45)	Being drunk in a public place in charge of a child
Section 54(1) of the Civic Government (Scotland) Act 1982 (c. 45)	Persisting, to annoyance of others, in playing musical instruments, singing, playing radios etc. on being required to stop
Section 52(1) of the Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39)	Vandalism
F2	F2
...	...

PART 2

<i>Enactment</i>	<i>Description of offence</i>
Sections 201 and 203 of the Local Government (Scotland) Act 1973 (c. 65)	Consuming alcoholic liquor in a publicPlace

PART 3

Common law offence

Breach of the peace
 Malicious mischief

- (2) The Scottish Ministers may by order—
- (a) amend an entry in the table;
 - (b) add an entry to the table;
 - (c) remove an entry from the table.
- (3) An order under subsection (2) may make such amendment of any provision of this Part as the Scottish Ministers consider appropriate in consequence of any amendment of, or addition to or removal from, the table made by the order.

Textual Amendments

- F1** Entries in s. 128 Table Pt. 1 substituted (5.00 a.m. on 1.9.2009 with effect as mentioned in art. 1(2) of the amending S.S.I.) by [The Licensing \(Scotland\) Act 2005 \(Consequential Provisions\) Order 2009 \(S.S.I. 2009/248\)](#), arts. 1(1), 2(1), **Sch. 1 para. 10**
- F2** Pt. 1 entry repealed (20.4.2018) by [Offensive Behaviour at Football and Threatening Communications \(Repeal\) \(Scotland\) Act 2018 \(asp 7\)](#), **ss. 4, 6** (with s. 3)

Changes to legislation:

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[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\(1\)](#)