



Licensing (Scotland) Act 2005

2005 asp 16

PART 8

OFFENCES

Drunkenness and disorderly conduct

115 Disorderly conduct

- (1) A person on relevant premises who, while drunk—
 - (a) behaves in a disorderly manner, or
 - (b) uses obscene or indecent language to the annoyance of any person, commits an offence.
- (2) Any responsible person in relation any relevant premises who allows—
 - (a) a breach of the peace,
 - (b) drunkenness, or
 - (c) other disorderly conduct,to take place on the premises commits an offence.
- (3) It is a defence for a person charged with an offence under subsection (2) (“the accused”) to prove—
 - (a) that the accused, or an employee or agent of the accused, took all reasonable precautions and exercised due diligence not to commit the offence, or
 - (b) that there were no lawful and reasonably practicable means by which the accused could prevent the conduct giving rise to the offence.
- (4) A person guilty of an offence under subsection (1)(a) is liable on summary conviction to—
 - (a) a fine not exceeding level 3 on the standard scale,
 - (b) imprisonment for a term not exceeding 60 days, or
 - (c) both.
- (5) A person guilty of an offence under subsection (1)(b) or (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Changes to legislation: Licensing (Scotland) Act 2005, Section 115 is up to date with all changes known to be in force on or before 18 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](#)

Commencement Information

II S. 115 in force at 1.9.2009 at 5.00 a.m. by S.S.I. 2007/472, **art. 3**

Changes to legislation:

Licensing (Scotland) Act 2005, Section 115 is up to date with all changes known to be in force on or before 18 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 :

- specified provision(s) Appointed Day(s) by [S.S.I. 2006/239 art. 2](#) (This S.S.I. is revoked on 25.5.2006 by S.S.I. 2006/286, art. 6)

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. 33(1)(1A) substituted for s. 33(1)-(3) by [2015 asp 10 s. 49\(2\)\(a\)](#)
- s. 33(8)(za) inserted by [2015 asp 10 s. 49\(2\)\(c\)](#)
- s. 33(8A) inserted by [2015 asp 10 s. 49\(2\)\(d\)](#)
- s. 33A inserted by [2015 asp 10 s. 49\(4\)](#)
- s. 134ZA-134ZC inserted by [2015 asp 10 s. 61\(2\)](#)