



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 7

#### CONTROL OF ORDER

##### *Exclusion of violent offenders*

#### **95 Breach of exclusion order**

- (1) A person who enters licensed premises in breach of an exclusion order commits an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to—
  - (a) a fine not exceeding level 4 on the standard scale,
  - (b) imprisonment for a term not exceeding one month, or
  - (c) both.
- (3) The court by or before which a person is convicted of an offence under subsection (1) of breaching an exclusion order made under section 94(2) may, if it thinks fit, terminate the exclusion order or vary it so as to delete any licensed premises specified in it.
- (4) Where, in relation to any licensed premises, an authorised person reasonably suspects a person of having entered the premises in breach of an exclusion order, the authorised person may—
  - (a) remove the person from the premises, and
  - (b) if necessary for that purpose, use reasonable force.
- (5) A constable must, if—
  - (a) asked by an authorised person to assist in exercising a power conferred by subsection (4), and
  - (b) the constable reasonably suspects the person to be removed of having entered the premises in breach of an exclusion order,provide the assistance asked for.

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*Status: This is the original version (as it was originally enacted).*

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- (6) In this section, “authorised person” means, in relation to licensed premises, any of the following persons, namely—
- (a) the premises licence holder,
  - (b) the premises manager, and
  - (c) any other person who—
    - (i) works on the premises, and
    - (ii) is authorised by the premises licence holder or the premises manager for the purposes of this section.