



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 8

#### OFFENCES

##### *Drunkenness and disorderly conduct*

#### **111 Drunk persons entering or in premises on which alcohol is sold**

- (1) A person who, while drunk, attempts to enter any relevant premises (other than premises on which the person resides) commits an offence.
- (2) A person commits an offence if the person, while drunk—
  - (a) is on any relevant premises, and
  - (b) is incapable of taking care of himself or herself.
- (3) A constable may arrest without warrant any person committing an offence under this section.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

#### **Commencement Information**

- II** [S. 111](#) in force at 1.9.2009 at 5.00 a.m. by [S.S.I. 2007/472](#), [art. 3](#)

#### **112 Obtaining of alcohol by or for a drunk person**

- (1) A person who, on any relevant premises, obtains or attempts to obtain alcohol for consumption on the premises by a person who is drunk commits an offence.
- (2) A person who, on any relevant premises, helps a person who is drunk to obtain or consume alcohol on the premises commits an offence.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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*Changes to legislation: Licensing (Scotland) Act 2005, Cross Heading: Drunkenness and disorderly conduct 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. (See end of Document for details) View outstanding changes*

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**Commencement Information**

**I2** S. 112 in force at 1.9.2009 at 5.00 a.m. by S.S.I. 2007/472, **art. 3**

**113 Sale of alcohol to a drunk person**

- (1) Any responsible person who, on any relevant premises, sells alcohol to a person who is drunk commits an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**Commencement Information**

**I3** S. 113 in force at 1.9.2009 at 5.00 a.m. by S.S.I. 2007/472, **art. 3**

**114 Premises manager, staff etc. not to be drunk**

- (1) Any responsible person in relation to any relevant premises who is drunk while on the premises commits an offence.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**Commencement Information**

**I4** S. 114 in force at 1.9.2009 at 5.00 a.m. by S.S.I. 2007/472, **art. 3**

**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.

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- (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.

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**Commencement Information**

**I5** S. 115 in force at 1.9.2009 at 5.00 a.m. by S.S.I. 2007/472, art. 3

## 116 Refusal to leave premises

- (1) A person on any relevant premises who—
- (a) behaves in a disorderly manner, and
  - (b) refuses or fails to leave the premises on being asked to do so by a responsible person or a constable,
- commits an offence.
- (2) A person on any relevant premises who, after the end of any period of licensed hours, refuses or fails to leave the premises on being asked to do so by a responsible person or a constable commits an offence.
- (3) Where a person refuses or fails to leave any relevant premises as mentioned in subsection (1) or (2), an authorised person may—
- (a) remove the person from the premises, and
  - (b) if necessary for that purpose, use reasonable force.
- (4) A constable must, if—
- (a) asked by an authorised person to assist in exercising a power conferred by subsection (3), and
  - (b) the constable reasonably suspects the person to be removed of having refused or failed to leave as mentioned in subsection (1) or (2),
- provide the assistance asked for.
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) In this section, “authorised person” means, in relation to any relevant premises, any of the following persons, namely—
- (a) a responsible person, and
  - (b) any other person who—
    - (i) works on the premises, and
    - (ii) is authorised by a responsible person for the purposes of this section.

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**Commencement Information**

**I6** S. 116 in force at 1.9.2009 at 5.00 a.m. by S.S.I. 2007/472, art. 3

**Changes to legislation:**

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**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\(2\)](#)