

SCOTTISH STATUTORY INSTRUMENTS

**2007 No. 93**

**LICENSING (LIQUOR)**

**The Sale of Alcohol to Children and Young  
Persons (Scotland) Regulations 2007**

*Made* - - - - 20th February 2007  
*Laid before the Scottish  
Parliament* - - - - 21st February 2007  
*Coming into force* - - 1st September 2009

The Scottish Ministers, in exercise of the powers conferred by sections 102(4)(c), 108(7)(c), 110(3) and 147(1) of the Licensing (Scotland) Act 2005<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and interpretation** **S**

1.—(1) These Regulations may be cited as the Sale of Alcohol to Children and Young Persons (Scotland) Regulations 2007 and shall come into force [<sup>F1</sup>at 5.00 a.m.] on 1st September 2009.

(2) In these Regulations, “the Act” means the Licensing (Scotland) Act 2005.

**F1** Words in [reg. 1\(1\)](#) inserted (1.9.2007) by [The Licensing \(Miscellaneous Amendments\) \(Scotland\) Regulations 2007 \(S.S.I. 2007/313\)](#), regs. 1, 3

**Commencement Information**

**I1** [Reg. 1](#) in force at 1.9.2009 at 5.00 a.m., see [reg. 1\(1\)](#)

**Prescribed documents** **S**

2.—(1) [<sup>F2</sup>The documents and descriptions of documents specified in paragraph (2) are] prescribed for the purposes of—

- (a) paragraph (c) of section 102(4) of the Act; and
- (b) paragraph (c) of section 108(7) of the Act.

[<sup>F3</sup>(2) The documents and descriptions of documents are—

- (a) a Ministry of Defence Form 90 (Defence Identity Card);

(1) 2005 asp 16; see the definition of “prescribed” in section 147(1).

- (b) a photographic identity card bearing the national Proof of Age Standards Scheme hologram <sup>F4</sup>;
- (c) a national identity card issued by a member State <sup>F5F6</sup> ..., Norway, Iceland, Liechtenstein or Switzerland <sup>F7</sup>; and
- (d) a Biometric Immigration Document <sup>F8</sup>.]

- F2** Words in [reg. 2\(1\)](#) substituted (1.10.2013) by [The Sale of Alcohol to Children and Young Persons \(Scotland\) Amendment Regulations 2013 \(S.S.I. 2013/199\)](#), regs. 1, **2(2)**
- F3** [Reg. 2\(2\)](#) substituted (1.10.2013) by [The Sale of Alcohol to Children and Young Persons \(Scotland\) Amendment Regulations 2013 \(S.S.I. 2013/199\)](#), regs. 1, **2(3)**
- F4** The national Proof of Age Standards Scheme is run by PASSCO, company number 4570623, a company limited by guarantee with its registered office at 21 Dartmouth Street, London SW1 9BP.
- F5** Part II of Schedule 1 to the European Communities Act 1972 (c.68) provides that “member” in the expression “member State” refers to membership of the EU. Section 1(2) of that Act defines “the EU” to mean the European Union, being the Union established by the Treaty on the European Union signed at Maastricht on 7th February 1992 (as amended by any later Treaty). Schedule 1 (read with section 25(1)) to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) provides that “the EU” and other expressions defined by section 1 of, and Schedule 1 to, the 1972 Act have the meanings given by that Act when used in a Scottish instrument.
- F6** Words in [reg. 2\(2\)\(c\)](#) omitted (31.12.2020) by virtue of [The Licensing \(Amendment\) \(EU Exit\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/6\)](#), regs. 1, **6(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** The States listed are the present members of the European Economic Area and Switzerland.
- F8** A Biometric Immigration Document is issued in accordance with the Immigration (Biometric Registration) Regulations 2008 (S.I. 2008/3048); as amended by S.I. 2009/819 and 2012/594.

#### Commencement Information

- I2** [Reg. 2](#) in force at 1.9.2009 at 5.00 a.m., see [reg. 1\(1\)](#)

#### Form and dimensions of notice **S**

3. The notice required by section 110 of the Act to be displayed in premises must be—
- (a) in the form set out in the Schedule; and
  - (b) of A4 size or larger.

#### Commencement Information

- I3** [Reg. 3](#) in force at 1.9.2009 at 5.00 a.m., see [reg. 1\(1\)](#)

St Andrew’s House,  
Edinburgh

*GEORGE LYON*  
Authorised to sign by the Scottish Ministers

SCHEDULE **S**

Regulation 3(a)

LICENSING (SCOTLAND) ACT 2005

**Commencement Information**

**I4** Sch. in force at 1.9.2009 at 5.00 a.m., see **reg. 1(1)**

**[Insert name of premises here]**

*This notice is displayed in accordance with the provisions  
of section 110 of the Licensing (Scotland) Act 2005*

It is an offence for a person under the age of 18 to buy or attempt to buy alcohol on these premises.

It is also an offence for any other person to buy or attempt to buy alcohol on these premises for a person under the age of 18.

Where there is doubt as to whether a person attempting to buy alcohol on these premises is aged 18 or over, alcohol will not be sold to the person except on production of evidence showing the person to be 18 or over.

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Sections 102 and 108 of the Licensing (Scotland) Act 2005 create criminal offences in connection with the sale of alcohol to a person under 18 and the delivery of alcohol by or to such a person. Those sections provide a defence if the person charged with the offence has taken reasonable steps to establish the age of the person involved by looking at a passport or driving licence or another document prescribed for the purposes of those sections. Regulation 2 of these Regulations prescribes for those purposes a photographic identity card of a type approved by the British Retail Consortium for the purposes of its Proof of Age Standards Scheme. Further information about that Scheme may be obtained from the British Retail Consortium, 21 Dartmouth Street, London, SW1H 9BP (tel: 020 7854 8900) or on the Consortium's website at [www.brc.org.uk](http://www.brc.org.uk).

Regulation 3 of, and the Schedule to, these Regulations prescribe the size and form of the notice to be displayed on licensed premises so as to provide statements as to offences in connection with the purchase of alcohol by, or the sale of alcohol to, a person under 18.

**Changes to legislation:**

There are currently no known outstanding effects for the The Sale of Alcohol to Children and Young Persons (Scotland) Regulations 2007.