



Licensing (Scotland) Act 2005

2005 asp 16

PART 8

OFFENCES

Offences relating to children and young people

102 Sale of alcohol to a child or young person

- (1) A person who sells alcohol to a child or a young person commits an offence.
- (2) It is a defence for a person charged with an offence under subsection (1) (referred to in this section as “the accused”) to show that—
 - (a) the accused believed the child or young person to be aged 18 or over, and
 - (b) either—
 - (i) the accused had taken reasonable steps to establish the child's or young person's age, or
 - (ii) no reasonable person could have suspected from the child's or young person's appearance that the child or young person was aged under 18.
- (3) For the purposes of subsection (2)(b)(i), the accused is to be treated as having taken reasonable steps to establish the child's or young person's age if and only if—
 - (a) the accused was shown any of the documents mentioned in subsection (4), and
 - (b) that document would have convinced a reasonable person.
- (4) The documents referred to in subsection (3)(a) are any document bearing to be—
 - (a) a passport,
 - [^{F1}(aa) a UK driving licence,]
 - (b) a European Union photocard driving licence, or
 - (c) such other document, or a document of such other description, as may be prescribed.
- (5) A person guilty of an offence under subsection (1) is liable on summary conviction to—
 - (a) a fine not exceeding level 5 on the standard scale,
 - (b) imprisonment for a term not exceeding 3 months, or

Changes to legislation: Licensing (Scotland) Act 2005, Section 102 is up to date with all changes known to be in force on or before 22 May 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](#)

(c) both.

Textual Amendments

F1 S. 102(4)(aa) inserted (31.12.2020) by [The Licensing \(Amendment\) \(EU Exit\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/6\)](#), regs. 1, **5(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

II S. 102 in force at 1.9.2009 at 5.00 a.m. by S.S.I. 2007/472, **art. 3**

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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\(2\)](#)