



# 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,
  - (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
  - (c) both.