



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 9

#### MISCELLANEOUS AND GENERAL

##### *Vessels, vehicles and moveable structures*

#### **128 Power to prohibit sale of alcohol on ferries**

- (1) This section applies to any vessel which is exempt premises by virtue of section 124(1)(d)(ii) (vessels engaged in ferry services).
- (2) A sheriff may—
  - (a) on the application of a senior police officer, and
  - (b) if satisfied that it is necessary to do so to prevent disorder, make an order under subsection (3).
- (3) That is an order prohibiting, during such period as may be specified, the sale of alcohol on any vessel to which this section applies while engaged on—
  - (a) any journey to or from a specified place within the sheriff's sheriffdom, or
  - (b) a specified journey to or from such a place.
- (4) An order under subsection (3) has no effect in relation to any vessel unless a copy of it has been given by a senior police officer to the operator of the vessel.
- (5) A person who <sup>F1</sup>...—
  - (a) sells or attempts to sell alcohol in breach of an order under subsection (3), or
  - (b) allows the sale of alcohol in breach of such an order, commits an offence.
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to—
  - (a) a fine not exceeding £20,000,
  - (b) imprisonment for a term not exceeding 3 months, or
  - (c) both.

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**Changes to legislation:** Licensing (Scotland) Act 2005, Section 128 is up to date with all changes known to be in force on or before 22 July 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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- (7) Subsection (3) of section 124, so far as applying to a vessel, applies for the purposes of subsection (3) of this section as it applies for the purpose of subsection (1) of that section.
- (8) In this section, “specified” means, in relation to an order under subsection (3), specified in the order.

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#### **Textual Amendments**

- F1** Word in s. 128(5) repealed (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 195\(2\)\(i\)](#), [206\(1\)](#); [S.S.I. 2010/413](#), art. 2, Sch.
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#### **Commencement Information**

- I1** S. 128 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\(2\)](#)