



Licensing (Scotland) Act 2005

2005 asp 16

PART 9

MISCELLANEOUS AND GENERAL

Miscellaneous

138 Police powers of entry

- (1) A constable may at any time enter and inspect any licensed premises.
- (2) A constable may—
 - (a) if the condition in subsection (3) is satisfied, and
 - (b) subject to subsection (4),at any time enter and inspect any premises (other than licensed premises) on which food or drink is sold for consumption on the premises.
- (3) The condition referred to in subsection (2)(a) is that the constable has reasonable grounds for believing that alcohol is being sold on the premises in breach of section 1(1).
- (4) A constable below the rank of inspector may exercise the power conferred by subsection (2) only—
 - (a) if the constable has obtained written authority to do so from a justice of the peace or a constable of or above the rank of inspector,
 - (b) within the period of 8 days beginning with the date on which such authority is obtained, and
 - (c) at such time or times as is specified in the authority.
- (5) A person who intentionally obstructs a constable exercising a power conferred by this section commits an offence.
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.