



Licensing (Scotland) Act 1976 (repealed)

1976 CHAPTER 66

PART VI

OFFENCES

67 Penalties for offences against provisions of this Act and Prevention of Corruption Acts.

- (1) Schedule 5 to this Act shall have effect in accordance with the provisions of this section with respect to the penalties for offences against the provisions of this Act specified in column 1 of that Schedule, of which a rough description is given in column 2 thereof, and in that Schedule—
 - (a) column 3 shows whether the licence-holder has vicarious responsibility in relation to offences in accordance with subsection (2) below;
 - (b) column 4 shows whether the licence-holder and his premises are liable to disqualification under subsection (3) below; and
 - (c) column 5 shows the maximum penalty by way of fine or imprisonment which may be imposed.
- (2) Where an employee or agent of a licence-holder commits an offence in respect of which column 3 of Schedule 5 to this Act indicates that the licence-holder has vicarious responsibility, proceedings may be instituted against the licence-holder in respect of that offence whether or not proceedings have been instituted against the person who committed the offence:
Provided that it shall be a defence for the licence-holder to prove that the offence occurred without his knowledge or connivance and that he exercised all due diligence to prevent its occurrence.
- (3) Where a licence-holder is convicted of an offence in respect of which column 4 of Schedule 5 to this Act indicates that the licence-holder and the premises in respect of which the licence is held may be disqualified, or of an offence under section 19 of this Act, the court by which he is convicted may make an order in accordance with either or both of the following paragraphs, that is to say—

Status: Point in time view as at 03/11/1994.

Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed), Part VI. (See end of Document for details)

- (a) that the licence-holder shall be disqualified from holding a licence in respect of the premises concerned for a period not exceeding five years;
 - (b) that the premises in respect of which the licence is held shall be disqualified from being used as licensed premises for a period not exceeding five years.
- (4) Where a licence-holder is convicted of an offence under the Prevention of Corruption Acts 1889 to 1916 in connection with an application to a licensing board under this Act, the court by which he is convicted may, in addition to any other penalty which the court may impose, make an order in accordance with either or both of the following paragraphs, that is to say—
- (a) that the licence-holder shall be disqualified from holding a licence for a period not exceeding five years in respect of the premises to which the application relates or related;
 - (b) that the premises to which the application relates or related shall be disqualified from being used as licensed premises for a period not exceeding five years.
- (5) Where an offence against this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In this subsection, the expression “director”, in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body corporate.

- (6) In this section, “licence-holder” includes the holder of a licence under Part III of this Act.

Modifications etc. (not altering text)

- C1** S. 67(2)(3) extended by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 68A:2\)](#), s. 49(7)(a)

68 Protection of young persons.

- (1) Subject to subsection (6) below, the holder of a licence or his employee or agent shall not in licensed premises sell alcoholic liquor to a person under 18, or allow a person under 18 to consume alcoholic liquor in a bar, nor shall the holder of the licence allow any person to sell alcoholic liquor to a person under 18.
- (2) A person under 18 shall not in licensed premises buy or attempt to buy alcoholic liquor nor consume alcoholic liquor in a bar.
- (3) A person shall not knowingly act as agent for a person under 18 in the purchase of alcoholic liquor, nor shall any person knowingly buy or attempt to buy alcoholic liquor for consumption in a bar in licensed premises by a person under 18.

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- (4) In subsections (1) to (3) above and in sections 69 and 72 of this Act, references to a bar shall not apply to a bar at any time when it is, as is usual in the premises in question, set apart for the service of table meals and not used for the sale or supply of alcoholic liquor otherwise than to persons having table meals there and for consumption by such a person as an ancillary to his meal; and nothing in subsection (1) or (2) above shall prohibit the sale to or purchase by a person who has attained the age of 16, of beer, wine, made-wine, porter, cider or perry for consumption at a meal in a part of the premises usually set apart for the service of meals which is not a bar, or in a bar at any such time as aforesaid, and nothing in subsection (3) above shall prohibit the acting by any person as agent for a person who has attained the age of 16 in the purchase of beer, wine, made-wine, porter, cider or perry for consumption as aforesaid: Provided that nothing in this subsection shall authorise a person who has attained the age of 16 to purchase alcoholic liquor for consumption by a person under that age.
- (5) The holder of a licence or his employee or agent shall not deliver, nor shall the holder of a licence allow any person to deliver, to a person under 18, alcoholic liquor sold in licensed premises for consumption off the premises, except where the delivery is made at the residence or working place of the purchaser, nor shall any person knowingly send a person under 18 for the purpose of obtaining alcoholic liquor sold or to be sold as aforesaid from the licensed premises or other premises from which the liquor is delivered in pursuance of the sale: Provided that this subsection shall not apply where the person under 18 is a member of the licence-holder's family or his servant or apprentice and is employed as a messenger to deliver alcoholic liquor.
- (6) Subsections (1) to (3) of this section shall apply in relation to any licensed canteen as if the canteen were licensed premises, but with the substitution for any reference to a bar of a reference to the canteen.
- (7) If any person contravenes this section he shall be guilty of an offence.

69 Children prohibited from bars and licensed canteens.

- (1) [F1Subject to section 49 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990] the holder of a licence in respect of any premises or his employee or agent shall not allow a person under 14 to be in the bar of those premises during the permitted hours, and the holder of a licence under Part III of this Act in respect of any canteen or his employee or agent shall not allow such a person to be in that canteen during the permitted hours.
- (2) [F1Subject to section 49 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990] no person shall cause or procure, or attempt to cause or procure, any person under 14 to go to, or to be in, the bar of any licensed premises or in any licensed canteen during the permitted hours.
- (3) No offence shall be committed under this section if the person under 14—
- is a child of the holder of the licence, or
 - resides in the licensed premises but is not employed there, or
 - is in the bar of the licensed premises solely for the purpose of passing to or from some other part of the premises, not a bar, being a part to or from which there is no other convenient means of access or egress, or

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- (d) is in the licensed canteen solely for the purpose of passing to or from some other part of premises in which the canteen is comprised, not a bar, being a part to or from which there is no other convenient means of access or egress.
- (4) No offence shall be committed under this section in respect of a bar which is in any railway refreshment room or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of a licence is merely ancillary.
- (5) If any person contravenes this section he shall be guilty of an offence.
- (6) Where in any proceedings under this section it is alleged that a person was at any time under 14 and he appears to the court then to have been under that age, for the purposes of the proceedings he shall be deemed to have been then under that age unless the contrary is shown.

Textual Amendments

- F1** Words in s. 69(1)(2) inserted (31.12.1991) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 68A:2\)](#), s. 74, **Sch. 8 para. 13**; S.I. 1991/2862, **art. 3**, Schedule

Modifications etc. (not altering text)

- C2** S. 69 excluded by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 68A:2\)](#), s. 49(3).

70 Children on premises in respect of which refreshment licence held.

- (1) The holder of a refreshment licence in respect of any premises or his employee or agent shall not allow a person under 14 who is not accompanied by a person of [^{F2}18] or over to be in the premises during the permitted hours, nor shall he allow a person under 14 to remain on the premises after eight in the evening, and if any person contravenes this section he shall be guilty of an offence.
- (2) No offence shall be committed under this section if the person under 14—
- is a child of the holder of the licence, or
 - resides in the premises but is not employed there.

Textual Amendments

- F2** Number in s. 70(1) substituted (31.12.1991) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 68A:2\)](#), s. 74, **Sch. 8 para. 14**; S.I. 1991/2862, **art. 3**, **Schedule**.

71 Defence in relation to offences under section 68(1)(5), 69(1) or 70 of this Act.

Without prejudice to any defence available to a licence-holder by virtue of the proviso to section 67(2) of this Act, it shall be a defence for any person charged with an offence under section 68(1), 68(5), 69(1) [^{F3}, 70 or 97A] of this Act if he proves—

- that he used due diligence to prevent the occurrence of the offence, or
- that he had no reason to suspect that the person in relation to whom the charge was brought was under 18 or under 14, as the case may be.

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Textual Amendments

- F3** Words substituted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 68A:2\), s. 54\(2\)](#)

Modifications etc. (not altering text)

- C3** [S. 71](#) extended by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 68A:2\), s. 49\(7\)\(b\)](#)

72 Persons under 18 not to be employed in bars of licensed canteens.

- (1) If any person under 18 is employed in any bar of licensed premises, or in a licensed canteen, at a time when the bar or canteen is open for the sale or consumption of alcoholic liquor, the holder of the licence or the employee or agent who employed the person under 18 shall be guilty of an offence.
- (2) For the purposes of this section—
 - (a) a person shall not be deemed to be employed in a bar of licensed premises by reason only that in the course of his employment in some other part of the premises he enters the bar for the purpose of giving or receiving any message or of passing to or from some other part of the premises, not a bar, being a part to or from which there is no other convenient means of access or egress;
 - (b) a person shall not be deemed to be employed in a licensed canteen by reason only that in the course of his employment in some other part of premises in which the canteen is comprised he enters the canteen for the purpose of giving or receiving any message or of passing to or from some other part of such premises, not a bar, being a part to or from which there is no other convenient means of access or egress.
- (3) For the purposes of this section, a person shall be deemed to be employed by the person for whom he works notwithstanding that he receives no wages for his work.
- (4) Where in any proceedings under this section it is alleged that a person was at any time under 18, and he appears to the court then to have been under that age, for the purposes of the proceedings he shall be deemed to have been then under that age unless the contrary is shown.

73 Persons under 18 not to be employed to serve alcoholic liquor in premises for which refreshment licence is held.

- (1) A person under 18 shall not be employed in premises in respect of which a refreshment licence is held if the purpose, or one of the purposes, of his employment is to serve alcoholic liquor to persons in those premises.
- (2) For the purposes of this section a person shall be deemed to be employed in the premises where he works notwithstanding that he receives no wages for his work.
- (3) Any person who contravenes this section shall be guilty of an offence.
- (4) Where in any proceedings under this section it is alleged that a person was at any time under 18, and he appears to the court then to have been under that age, for the purposes of the proceedings he shall be deemed to have been then under that age unless the contrary is shown.

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74 Drunk persons entering or in licensed premises.

- (1) If any person attempts to enter any licensed premises (not being premises where he is residing) while drunk he shall be guilty of an offence.
- (2) If any person is in licensed premises while drunk and incapable of taking care of himself, he shall unless he is under the care or protection of a suitable person, be guilty of an offence.
- (3) A constable may arrest without warrant any person committing an offence under this section.

75 Procuring or aiding a drunken person to procure alcoholic liquor.

- (1) If a person in any licensed premises procures or attempts to procure any alcoholic liquor for consumption by a drunken person, he shall be guilty of an offence.
- (2) If any person in any licensed premises aids a drunken person in obtaining or consuming any alcoholic liquor in the premises, he shall be guilty of an offence.

76 Sale or supply of alcoholic liquor to drunken persons.

A licence-holder or his employee or agent shall be guilty of an offence if he sells or supplies in licensed premises any alcoholic liquor to a drunken person.

77 Licence-holder and employees and agents not to be drunk.

It shall be an offence for the licence-holder of premises or his employee or agent to be in the premises while drunk.

78 Riotous behaviour, etc. in licensed premises.

- (1) If any person in licensed premises—
 - (a) behaves while drunk in a riotous or disorderly manner, or
 - (b) while drunk uses obscene or indecent language to the annoyance of any person,he shall be guilty of an offence.
- (2) A licence-holder or his employee or agent shall be guilty of an offence if he permits any breach of the peace, drunkenness or riotous or disorderly conduct in the premises in respect of which the licence is held.

79 Refusal to leave licensed premises.

- (1) If a person in any licensed premises—
 - (a) being riotous, quarrelsome or disorderly, refuses or neglects to leave such premises on being requested so to do by the occupier or manager thereof, or his employee or agent, or by any constable, or
 - (b) refuses to leave such premises at the conclusion of the permitted hours in the afternoon or evening, as the case may be, on being requested so to do as aforesaid,he shall be guilty of an offence.

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- (2) A constable may assist in expelling from any such premises any person who refuses or neglects to leave the premises on being requested so to do as aforesaid.
- (3) A constable may arrest without warrant any person committing an offence under this section.

80 Penalty for permitting thieves, prostitutes, etc., or stolen goods in licensed premises.

If any person who occupies or keeps any premises in respect of which a licence is held—

- (a) knowingly suffers thieves or reputed thieves or prostitutes or reputed prostitutes or persons convicted of an offence under section 4 or 5(3) of the ^{M1}Misuse of Drugs Act 1971 to remain in those premises, or knowingly permits thieves or reputed thieves, or prostitutes or reputed prostitutes or persons convicted of an offence under section 4 or 5(3) of the Misuse of Drugs Act 1971 to meet or assemble in the premises; or
- (b) knowingly permits to be deposited in the premises goods which he has reasonable grounds for believing to be stolen goods;

he shall be guilty of an offence.

Marginal Citations

M1 1971 c. 38(84).

81 Prohibition of betting and gaming offences.

A licence-holder or his employee or agent shall be guilty of an offence if he permits the playing of any game in the premises in respect of which the licence is held in such circumstances that an offence under the Betting, Gaming and Lotteries Acts 1963 to 1971 is committed.

82 Persons found drinking in unlicensed premises.

If a person is found drunk or drinking in premises in which alcoholic liquor is sold without a licence he shall be guilty of an offence, and a constable may arrest without warrant any person committing such an offence.

83 Drinking in places of public refreshment, etc., when public house is closed.

- (1) Subject to the provisions of this Act, alcoholic liquor shall not be consumed in any premises used for the sale to, or consumption by, the public of provisions, refreshments, confectionery or tobacco, during any time when the consumption of such liquor in public houses in the licensing area within which such premises are situated is prohibited by or under this Act, and any person who so consumes alcoholic liquor shall be guilty of an offence.
- (2) If any person keeping or occupying any such premises permits alcoholic liquor to be consumed therein in contravention of subsection (1) above, he shall be guilty of an offence, but such a person shall not be guilty of an offence under this section if he proves that the liquor in question was consumed without his knowledge or consent.

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- (3) This section does not apply to the consumption of alcoholic liquor at a private function held on premises used as mentioned in subsection (1) above, being a private function which is related to a particular occasion.

84 Offences in relation to constables.

If a licence-holder or his employee or agent—

- (a) knowingly suffers to remain in his premises any constable during any part of the time appointed for the constable's being on duty, except for the purpose of the execution of the constable's duty; or
- (b) knowingly supplies any liquor or refreshment, whether by way of a gift or sale to any constable on duty, except by authority of a superior officer of the constable;

the licence-holder, employee or agent, as the case may be, shall be guilty of an offence.

85 Power of police to enter licensed premises.

- (1) A constable may at any time enter and inspect any premises in respect of which a licence (other than an off-sale licence) is in force, and may also at any time enter and inspect premises in respect of which an off-sale licence is in force if he has reasonable grounds for believing that an offence has been or is being committed on those premises.
- (2) If any person fails to admit a constable who demands entry to such premises in pursuance of this section or obstructs the entry to the premises of such a constable, he shall be guilty of an offence.

86 Power of police to enter unlicensed premises.

- (1) A constable may at any time enter and inspect any temperance hotel, restaurant, shop, vessel or other place where food or drink is sold for consumption on the premises or in which he has reasonable grounds for believing that alcoholic liquor is being trafficked in unlawfully:
Provided that a constable below the rank of inspector shall not exercise any power of entry conferred by this section unless he has previously obtained the authority in writing of a justice of the peace or of a constable of or above the said rank, and shall not exercise such power later than eight days from the date of such authority and shall exercise it on such time or times only as may be specified in the authority.
- (2) If any person fails to admit a constable who demands entry to any premises or place in pursuance of this section or obstructs the entry to the premises or place of such constable, he shall be guilty of an offence.

87 Restriction on credit sales.

- (1) A person shall not—
 - (a) sell or supply in licensed premises, or in the premises of a registered club, alcoholic liquor to be consumed on the premises,
 - (b) consume alcoholic liquor on any such premises,
 unless it is paid for before or at the time when it is supplied or sold:
 Provided that an offence shall not be committed under this section if—

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- (a) the liquor is sold or supplied for consumption at a meal, supplied at the same time and is consumed with the meal, and the liquor is paid for with the meal, or
 - (b) the liquor is sold or supplied for consumption by a person residing in the premises or by a private friend of such a person who is bona fide entertained by, and at the expense of, that person, and if it is paid for with that person's accommodation, or
 - (c) the liquor is sold or supplied in premises in respect of which a hotel licence, restricted hotel licence, restaurant licence or entertainment licence is held (other than in a public bar of such premises) in response to the production of a credit token within the meaning of section 14 of the ^{M2}Consumer Credit Act 1974.
- (2) If any person contravenes this section he shall be guilty of an offence.
- (3) Nothing in this section shall prohibit or restrict the sale or supply of alcoholic liquor to any canteen in which the sale or supply of alcoholic liquor is carried on under the authority of the Secretary of State or to any authorised mess of the members of Her Majesty's naval, military or air forces.

Marginal Citations

M2 1974 c. 39(60).

88 Fraudulent adulteration of food and drink.

A licence-holder or his employee or agent shall not fraudulently adulterate the food or alcoholic liquor sold by him or sell the same knowing them to have been fraudulently adulterated, and if he does so the licence-holder, employee or agent, as the case may be, shall be guilty of an offence.

89 Order to close licensed premises.

- (1) A sheriff may, if riot or tumult happens or is expected to happen, order the holder of a licence in respect of premises situated in or near the place where a riot or tumult happens or is expected to happen to close those premises during such time as may be specified in the order.
- (2) If the holder of any licence or his employee or agent keeps premises open for the sale of alcoholic liquor during any time at which, by virtue of an order made under subsection (1) above or of an order made by a licensing board under any provision of this Act, they are required to be closed, the licence-holder, employee or agent, as the case may be, shall be guilty of an offence.

90 Trafficking or bartering without licence or hawking of liquor.

Subject to the provisions of this Act, if any person—

- (a) trafficks in any alcoholic liquor in any premises or place without holding a licence in that behalf, or
- (b) barter or sells spirits by retail without holding a licence in that behalf, or
- (c) hawks alcoholic liquor,

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he shall be guilty of an offence, and a constable or any other person may arrest without warrant a person committing an offence under paragraph (c) above.

[^{F4}90A Wholesale selling of alcoholic liquor.

- (1) A wholesaler or his employee or agent who barter, sells, or exposes or offers for sale alcoholic liquor shall be guilty of an offence unless—
 - (a) he does so from premises which are used exclusively for wholesale trading (whether solely of alcoholic liquor or not); or
 - (b) he does so from licensed premises, a licensed canteen or a registered club during the hours in respect of which it is lawful to sell alcohol by retail from or in these premises, that canteen or that club.
- (2) A wholesaler or his employee or agent who sells alcoholic liquor to a person under 18 shall be guilty of an offence.
- (3) A wholesaler or his employee or agent who causes or permits a person under 18 to sell alcoholic liquor without that sale having been specifically approved by a person of or over 18 shall be guilty of an offence.
- (4) Section 67 of this Act (penalties for offences) shall apply in respect of offences under this section as if references in that section to a licence-holder were references to a wholesaler.
- (5) Section 71 of this Act (defence of due diligence) shall apply to any person charged with an offence under this section as if the reference in that section to a licence-holder were a reference to a wholesaler.
- (6) In this section—

“licence-holder” includes the holder of a licence under Part III of this Act; and

“wholesale” and “wholesaler”, insofar as they relate to the sale of alcoholic liquor, have the meaning given in section 4(1) of the Alcoholic Liquor Duties Act 1979 in relation to dealing in alcoholic liquor.]

Textual Amendments

- F4** S. 90A inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 68A:2\)](#), s. 52(1)

91 Delivery of alcoholic liquor by vehicles, etc.

- (1) A person shall not, in pursuance of a sale by him of alcoholic liquor, deliver that liquor from any vehicle or receptacle unless—
 - (a) before the liquor was despatched, the quantity, description and price of the liquor and the name and address of the person to whom it was to be supplied had been entered in a day book kept in the premises from which the liquor was despatched, and
 - (b) the person delivering the liquor carries a delivery book or invoice in which there had been entered, before the liquor was despatched, the quantity, description and price of the liquor and the name and address of the person to whom it was to be supplied.

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- (2) A person shall not, himself or by his employee or agent,—
 - (a) carry in any vehicle or receptacle, while in use for the delivery of alcoholic liquor in pursuance of a sale by that person, any alcoholic liquor that is not entered in a day book and delivery book or invoice under subsection (1) above;
 - (b) deliver, in pursuance of a sale, any alcoholic liquor at any address not entered as aforesaid.
- (3) A person shall not, himself or by his employee or agent, refuse to allow a constable to examine any vehicle or receptacle while in use for the delivery of alcoholic liquor or to examine a delivery book or invoice carried, or day book kept, under subsection (1) above.
- (4) Nothing in this section shall prohibit or restrict the delivery of alcoholic liquor to a trader for the purposes of his trade or to a registered club for the purposes of the club.
- (5) If any person contravenes the provisions of this section he shall be guilty of an offence.

92 Restriction on carriage of alcoholic liquor in crates, etc., on contract carriages.

- (1) If the holder of a [^{F5}PSV operator’s licence] in respect of any vehicle, either himself or by his employee or agent, or if the employee or agent of such holder permits any alcoholic liquor to be carried on the said vehicle in such a container or other device as is mentioned in subsection (4) below at any time when that vehicle is being used [^{F5}for the carriage of passengers otherwise than at separate fares], he shall be guilty of an offence.
- (2) If any person procures or attempts to procure a contravention of subsection (1) above he shall be guilty of an offence.
- (3) Where the holder of a [^{F6}PSV operator’s licence] is charged with an offence under this section by reason only of a contravention of subsection (1) above committed by an employee or agent of his, it shall be a defence for him to prove that the contravention took place without his consent or connivance and that he exercised all due diligence to prevent it.
- (4) This section applies to any container or other device (including a container or device fixed to, or forming part of, a vehicle) constructed or adapted for the purpose of holding two or more bottles or cans or of holding liquid in excess of six pints.
- [^{F7}(5) In this section “PSV operator’s licence” has the like meaning as in Part II of the Public Passenger Vehicles Act 1981.]

Textual Amendments

- F5** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), [Sch. 7 para. 18\(a\)](#)
F6 Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), [Sch. 7 para. 18\(b\)](#)
F7 [S. 92\(5\)](#) substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), [Sch. 7 para. 18\(c\)](#)

Modifications etc. (not altering text)

- C4** [S. 92](#) excluded by [Criminal Justice \(Scotland\) Act 1980 \(c.62, SIF 39:1\)](#), s. 70.
[S. 92](#) excluded (1.4.1996) by [1995 c. 39, ss. 19\(2\)](#), 53(2)
C5 [S. 92\(5\)](#): Part III of the [Road Traffic Act 1960](#) repealed and [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#), s. 17(2)(a) and [Public Passenger Vehicles Act 1981 \(c.14, SIF 107:1\)](#) apply

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93 Sale of alcoholic liquor on passenger vessels on Sundays.

- (1) No person shall, except during the period between half-past twelve and half-past two in the afternoon, or the period between half-past six and eleven in the evening, himself, or by his employee or agent, sell or supply alcoholic liquor on a passenger vessel during any voyage commencing on a Sunday and terminating on the same day, being—
- (a) a voyage between any two places in Scotland; or
 - (b) a voyage in a vessel going from and returning on the same day to the same place in Scotland;
- and if any person contravenes this section he shall be guilty of an offence.
- (2) In this section, the expression “passenger vessel” means a vessel of any description employed for the carriage of passengers which goes from any place in the United Kingdom to any other such place, or goes from and returns to the same place in the United Kingdom on the same day.

94 F8

Textual Amendments

F8 S. 94 repealed by [Finance Act 1981 \(c. 35, SIF 40:1\)](#), s. 139(6), [Sch. 19 Pt. III](#) note I

95 Sale or supply of alcoholic liquor for consumption outside registered club.

- (1) If any person sells or supplies alcoholic liquor in the premises of a registered club for consumption off the premises, or authorises such sale or supply of alcoholic liquor, or pays for alcoholic liquor so sold or supplied, he shall, unless such liquor was sold or supplied to a member of the club in person for consumption by him or to a person holding a licence for the sale of such liquor, be guilty of an offence.
- (2) If subsection (1) above is contravened as regards any club, every person [^{F9}whose name is, at the time of the contravention, contained in the list lodged under subsection (3)(b) of section 103 of this Act, or as the case may be in the new list last lodged under subsection (5) or (5A) of that section, in respect of that club] shall be guilty of an offence under [^{F9}subsection (1) above]:
 Provided that a person shall not be convicted of such an offence if he proves that the contravention in question took place without his knowledge or consent.
- (3) Where in any proceedings under this section it is proved that any alcoholic liquor has been received or delivered in the premises of a registered club and taken outside those premises, for the purposes of the proceedings such liquor shall, unless the contrary is shown, be deemed to have been so taken for consumption off the premises.

Textual Amendments

F9 Words substituted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1980 \(c. 55, SIF 36:3\)](#), s. 21(2)

Status: Point in time view as at 03/11/1994.

Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed), Part VI. (See end of Document for details)

96 Prohibition of sale or supply of alcoholic liquor in licensed canteens for consumption off the premises.

If any person—

- (a) sells or supplies alcoholic liquor in a licensed canteen for consumption outside the canteen, or
- (b) takes alcoholic liquor from any such canteen for consumption outside the canteen,

he shall be guilty of an offence.

97 Consumption in, taking away of, and selling liquor from, off-sale premises.

- (1) If the holder of an off-sale licence or his employee or agent [^{F10}sells to any person] alcoholic liquor to be consumed on the premises in respect of which the licence is held, the licence-holder, employee or agent, as the case may be, shall be guilty of an offence.
- (2) If any person induces the holder of an off-sale licence in respect of any premises, or the employee or agent of the licence-holder, to sell ^{F11} . . . to him any alcoholic liquor, and consumes such liquor or any part thereof in those premises, he shall be guilty of an offence.
- (3) If the holder of an off-sale licence, or his employee or agent takes, or causes or permits any other person to take, any alcoholic liquor from the premises in respect of which he holds such licence, either—
 - (a) for the purposes of its being sold or hawked on his account or for his benefit or profit, or
 - (b) for the purpose of its being consumed for his benefit or profit in any house or other premises belonging to him, or hired, used or occupied by him, or in which he may be interested, the licence-holder, employee or agent, as the case may be, shall be guilty of an offence.
- (4) A holder of an off-sale licence or his employee or agent shall be guilty of an offence if he sells wine (including made-wine) in an open vessel.

Textual Amendments

F10 Words in s. 97(1) substituted (31.12.1991) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 68A:2), s. 74, **Sch. 8 para. 15(a)**; S.I. 1991/2862, art. 3, **Schedule**.

F11 Words in s. 97(2) repealed by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 68A:2), s. 74, **Sch. 8 para. 15(b)**, **Sch. 9** (Sch. 8 Pt. I of that Act, by virtue of which the specified words were omitted, was brought into force on 31.12.1991 by S.I. 1991/2862, art. 3, **Sch.**; the repeal of the specified words by Sch. 9 of that Act was expressed to be brought into force so far as not already in force on 17.3.1993 by S.I. 1993/641, **art. 3, Sch.**)

[^{F12}97A Supervision of sales of liquor in off-sale premises.

A holder of a licence in respect of—

- (a) any off-sale premises; or
- (b) the off-sale part of any other premises,

or any employee or agent of his, who causes or permits a person under 18 to sell on these premises alcoholic liquor without that sale having been specifically approved

Status: Point in time view as at 03/11/1994.

Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed), Part VI. (See end of Document for details)

by the licence holder or by a person of or over 18 acting on his behalf shall be guilty of an offence.]

Textual Amendments

F12 S. 97A inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 68A:2\)](#), s. 54(1)

98 **Restriction on sale or supply of liquor in premises subject to restricted hotel licence.**

- (1) The holder of a restricted hotel licence or his employee or agent shall be guilty of an offence if he sells or supplies any alcoholic liquor for consumption on the premises in respect of which a licence is held, except as follows, that is to say—
- (a) the licence-holder or employee or agent may sell or supply such liquor to persons taking table meals in the premises for consumption by such a person as an ancillary to his meal;
 - (b) the licence-holder or employee or agent may sell or supply such liquor to persons residing in the premises, for consumption by such a person or by a private friend of such a person who is bona fide entertained by, and at the expense of, that person;
 - (c) the licence-holder or employee or agent may supply such liquor to any private friend of a person residing in the premises who is bona fide entertained by, and at the expense of, that person, for consumption by such a friend entertained as aforesaid.
- (2) The holder of a restricted hotel licence or his employee or agent shall be guilty of an offence if he trafficks in or supplies any alcoholic liquor for consumption off the premises in respect of which the licence is held, except to persons residing in the premises, for consumption by such a person or by a private friend of such a person who is bona fide entertained by, and at the expense of, that person as an ancillary to a meal supplied at, but to be consumed off, the premises.

99 **Restriction on sale or supply of liquor in premises subject to restaurant licence.**

The holder of a restaurant licence or his employee or agent shall be guilty of an offence if—

- (a) he sells or supplies any alcoholic liquor for consumption on the premises, except to persons taking meals in the premises, for consumption by such a person as an ancillary to his meal; or
- (b) he trafficks in or supplies any alcoholic liquor for consumption off the premises in respect of which the licence is held.

100 **Restriction on sale or supply of liquor in premises subject to a refreshment licence.**

The holder of a refreshment licence or his employee or agent shall be guilty of an offence if—

- (a) he trafficks in or sells any alcoholic liquor for consumption off the premises in respect of which the licence is held, or

Status: Point in time view as at 03/11/1994.

Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed), Part VI. (See end of Document for details)

- (b) he sells or supplies alcoholic liquor at any time when other refreshments, including food and non-alcoholic beverages, are not available for sale.

101 Restriction on sale or supply of liquor in premises subject to entertainment licence.

- (1) The holder of an entertainment licence or his employee or agent shall be guilty of an offence if he trafficks in or supplies any alcoholic liquor for consumption off the premises in respect of which the licence is held.
- (2) A licensing board, when granting an entertainment licence, may attach conditions to the licence, including conditions placing restrictions on the permitted hours, in order to secure that the sale or supply of alcoholic liquor is ancillary to the entertainment, and the holder of the licence or his employee or agent shall be guilty of an offence if he contravenes any such condition.

Status:

Point in time view as at 03/11/1994.

Changes to legislation:

There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed), Part VI.