

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed), SCHEDULE 5. (See end of Document for details)

SCHEDULES

SCHEDULE 5

Section 67.

PENALTIES FOR OFFENCES AGAINST PROVISIONS OF THIS ACT

1 Provision of this Act creating the offence	2 Rough description of offence	3 Whether licence-holder vicariously responsible	4 Whether licence-holder and premises liable to disqualification	5 Penalty
Section 2	Interested person acting as member of licensing board.			[^{F1} level 5 on the standard scale]
Section 7(3)	Clerk of licensing board acting for person in proceedings before board.			[^{F1} level 5 on the standard scale]
Section 19(1)	Canvassing member of licensing board.			[^{F1} level 3 on the standard scale]
Section 29(2)	Unlawful sale of spirits.	Yes	Yes	[^{F1} level 5 on the standard scale]
Section 33(4) and (5)	Contravention of condition of occasional licence.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 34(3)	Contravention of condition of occasional permission.			[^{F1} level 3 on the standard scale]
Section 34(6)	Failure to ensure observance of provisions relating to conduct of licensed premises.			[^{F1} level 3 on the standard scale]
Section 36(3)	Failing to comply with order to carry		Yes	[^{F1} level 3 on the standard scale]

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	out structural alterations.			and £5 for every day of default.
Section 38(4)	Contravention of any byelaw or condition attached to licence.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 41(1)	Selling unauthorised liquor in canteen.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 41(3)	Failure to provide food etc. in canteen.	Yes	Yes	[^{F1} level 3 on the standard scale]
...
Section 54(1)(a)	Sale or supply of liquor in licensed premises or canteen or club outwith permitted hours.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 54(1)(b)	Consuming liquor in licensed premises or canteen or club outwith permitted hours.			[^{F1} level 3 on the standard scale]
Section 57(7)	Failure of club secretary to notify licensing board of alterations to premises with extended afternoon hours.			[^{F1} level 3 on the standard scale]
Section 57(8)	Failure to display notice of extended afternoon hours.			[^{F1} level 1 on the standard scale]
Section 58(7)	Failure of club secretary to notify licensing board of alterations to premises with extended evening hours.			[^{F1} level 3 on the standard scale]

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Section 58(8)	Failure to display notice of extended evening hours.			[^{F1} level 1 on the standard scale]
Section 59(7)	Failure to display notice in public house of permitted hours on Sunday.			[^{F1} level 1 on the standard scale]
Section 64(6)	Contravention of condition of grant of an extension of permitted hours.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 68(1)	Selling liquor to, or allowing consumption by persons under 18 in a bar.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 68(2)	Purchase of liquor in licensed premises, or consumption of liquor in a bar, by person under 18.			[^{F1} level 3 on the standard scale]
Section 68(3)	Acting as agent for person under 18 in purchase of liquor or purchasing liquor for person under 18 or purchasing liquor for person under 18 to consume in a bar.			[^{F1} level 3 on the standard scale]
Section 68(5)	Delivering liquor to a person under 18.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 69(1)	Permitting person under 14 in a bar or canteen during permitted hours.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 69(2)	Bringing person under 14 into			[^{F1} level 3 on the standard scale]

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	a bar during permitted hours.			
Section 70(1)	Permitted unaccompanied person under 14 in premises with refreshment licence during permitted hours	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 70(1)	Permitting person under 14 to remain in premises with refreshment licence after 8 p.m.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 72(2)	Employing person under 18 in bar or canteen during permitted hours.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 73(1)	Employing person under 18 to serve liquor in premises with refreshment licence.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 74(1)	Entering licensed premises while drunk.			[^{F1} level 1 on the standard scale]
Section 74(2)	Being in licensed premises while drunk.			[^{F1} level 1 on the standard scale]
Section 75(1)	Procuring liquor in licensed premises for drunken person.			[^{F1} level 3 on the standard scale]
Section 75(2)	Aiding a drunken person to obtain liquor.			[^{F1} level 3 on the standard scale]
Section 76	Sale or supply of liquor to drunken person.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 77	Licence holder or employee or agent drunk in licensed	Yes	Yes	[^{F1} level 3 on the standard scale] and/or imprisonment for 60 days.

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	premises or canteen.			
Section 78(1)(a)	Behaving in disorderly manner in licensed premises or canteen.			[^{F1} level 3 on the standard scale]
Section 78(1)(b)	Using obscene language in licensed premises or canteen.			[^{F1} level 3 on the standard scale]
Section 78(2)	Permitting breach of the peace, drunkenness, or riotous or disorderly conduct in licensed premises or canteen.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 79(1)(a) or (b)	Refusing to leave licensed premises or canteen.			[^{F1} level 1 on the standard scale]
Section 80	Permitting thieves, prostitutes, etc., or stolen goods in licensed premises.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 81	Permitting unlawful games in licensed premises.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 82	Drinking in premises where liquor sold without a licence.			[^{F1} level 1 on the standard scale]
Section 83(1)	Consuming liquor in unlicensed places of public refreshment when public house closed.			[^{F1} level 3 on the standard scale]

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Section 83(2)	Permitting consumption of liquor outwith permitted hours in unlicensed places of public refreshment.			[^{F1} level 3 on the standard scale]
Section 84	Permitting a constable on duty to remain on the premises or supplying him with liquor.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 85	Refusing to admit a constable to licensed premises or canteen for the execution of his duty.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 86	Refusing to admit a constable or obstructing his entry to unlicensed premises.			[^{F1} level 3 on the standard scale]
Section 87(1)(a)	Selling or supplying liquor on credit in licensed premises other than hotel or restaurant licensed premises or in club or canteen.	Yes	Yes	[^{F1} level 3 on the standard scale].
Section 87(1)(b)	Consuming liquor on credit in licensed premises other than hotel or restaurant licensed premises or in club or canteen.			[^{F1} level 3 on the standard scale]
Section 88	Selling fraudulently adulterated food or drink.	Yes	Yes	[^{F1} level 3 on the standard scale]

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Section 89	Failing to close on order of sheriff or licensing board.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 90(a)	Trafficking in liquor without a licence.			[^{F1} level 5 on the standard scale]
Section 90(b)	Bartering or selling spirits without a licence.			[^{F1} level 5 on the standard scale]
Section 90(c)	Hawking alcoholic liquor.	Yes	Yes	[^{F1} level 3 on the standard scale]
[^{F3} Section 90A(1)]	[^{F3} Dealing wholesale other than from permitted premises]	[^{F3} Yes]		[^{F3F3} level 5 on the standard scale.]
[^{F3} Section 90A(2)]	[^{F3} Wholesaler selling liquor to person under 18]	[^{F3} Yes]		[^{F3F3} level 3 on the standard scale.]
[^{F3} Section 90A(3)]	[^{F3} Wholesaler permitting person under 18 to sell alcohol without approval]	[^{F3} Yes]		[^{F3F3} level 1 on the standard scale.]
Section 91(1)(a) or (b)	Delivery of liquor from vehicles without proper entries in day book and invoice.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 91(2)	Carrying or delivering liquor in vehicles without entries in day book and invoice.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 91(3)	Refusing to allow a constable to examine the vehicle delivering liquor, or to examine day book and/or invoice.	Yes	Yes	[^{F1} level 3 on the standard scale]

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Section 92(1)	Permitting liquor in crates on public service vehicle.				[^{F1} level 3 on the standard scale] for public service vehicle licence-holder. [^{F1} level 1 on the standard scale] for any other person.
Section 92(2)	Procuring or attempting to procure contravention of subsection (1).				[^{F1} level 1 on the standard scale]
Section 93	Sale of liquor on passenger vessels outwith Sunday permitted hours.				[^{F1} level 3 on the standard scale]
Section 94(1)	Wholesaler permitting breach of the peace on the premises.				[^{F1} level 3 on the standard scale]
Section 94(1)	Wholesaler selling liquor to drunk persons, or selling liquor on Sundays.				[^{F1} level 3 on the standard scale]
Section 95	Sale or supply for consumption outside registered club by non-members.				[^{F1} level 3 on the standard scale]
Section 96(a)	Sale or supply of liquor in licensed canteen for consumption off the premises.	Yes	Yes		[^{F1} level 3 on the standard scale]
Section 96(b)	Taking liquor from licensed canteen for consumption off the premises.				[^{F1} level 3 on the standard scale]
Section 97(1)	Permitting consumption of liquor on off-sale licensed premises.	Yes	Yes		[^{F1} level 3 on the standard scale]

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Section 97(2)	Consuming liquor on off-sale licensed premises.			[^{F1} level 3 on the standard scale]
Section 97(3)	Taking liquor from off-sale premises for sale.	Yes	Yes	[^{F1} level 1 on the standard scale]
Section 97(4)	Selling liquor in open vessels on off-sale licensed premises.	Yes	Yes	[^{F1} level 3 on the standard scale]
[^{F4} Section 97A]	[^{F4} Permitting person under 18 to sell alcohol without approval]	[^{F4} Yes]	[^{F4} Yes]	[^{F4} level 3 on the standard scale.]
Section 98(1)	Selling or supplying liquor other than to residents and/or with table meal in premises with restricted hotel licence.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 98(2)	Trafficking in or supplying liquor, except to residents, for consumption off premises subject to restricted hotel licence.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 99(a)	Selling or supplying liquor in premises subject to restaurant licence except with meals.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 99(b)	Trafficking in or supplying liquor for consumption off premises subject to restaurant licence.	Yes	Yes	[^{F1} level 3 on the standard scale]

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Section 100(a)	Trafficking in or selling liquor for consumption off premises subject to refreshment licence.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 100(b)	Selling liquor in premises subject to refreshment licence when other refreshments are not for sale.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 101(1)	Trafficking in or supplying liquor for consumption off premises subject to entertainment licence.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 101(2)	Contravention of conditions attached to entertainment licence.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 103	Making false statement in application for certificate of registration of club.			[^{F1} level 5 on the standard scale]
Section 111	Conducting club in manner giving rise to objections mentioned in paragraph (f), (i), (j) or (l) of section 108 of this Act.			[^{F1} level 3 on the standard scale]
Section 112(1)	Permitting person under 14 in bar of registered club during permitted hours.			[^{F1} level 3 on the standard scale]
Section 112(3)	Causing person under 14 to be in bar of registered			[^{F1} level 3 on the standard scale]

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	club during permitted hours.			
Section 113	Employing person under 18 in bar of club to serve liquor.			[^{F1} level 3 on the standard scale]
Section 114(2)	Refusing to give name and address or giving false name or address to constable in a registered club.			[^{F1} level 3 on the standard scale]
Section 119	Selling liquor on off-sale premises outwith permitted hours or contravening condition of an off-sale licence.	Yes	Yes	[^{F1} level 3 on the standard scale]
Section 120(1)	Selling or supplying liquor in unregistered club.			[^{F1} level 3 on the standard scale]
Section 120(1)	Paying for liquor supplied in unregistered club.			[^{F1} level 3 on the standard scale]
Section 120(2)	Keeping liquor for sale or supply in unregistered club.			[^{F1} level 3 on the standard scale]
Section 120(7)	Refusing to give name and address to constable in unregistered club.			[^{F1} level 1 on the standard scale]
Section 123(2)	Selling confectionery containing alcoholic liquor to person under 16.			[^{F1} level 3 on the standard scale]

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Textual Amendments

- F1** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F**, 289G (as inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 54**)
- F2** Entry repealed by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81\)](#), **Sch. 4**
- F3** Entry inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 68A:2\)](#), **s. 52(2)**
- F4** Entry inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 68A:2\)](#), **s. 54(3)**

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