



# Criminal Law (Consolidation) (Scotland) Act 1995

## 1995 CHAPTER 39

### PART II

#### SPORTING EVENTS: CONTROL OF ALCOHOL ETC.

#### 18 Designation of sports grounds and sporting events.

- (1) Subject to subsection (2) below, the Secretary of State may for the purposes of this Part of this Act by order designate—
  - (a) a sports ground or a class of sports ground;
  - (b) a sporting event, or a class of sporting event, at that ground or at any of that class of ground;
  - (c) a sporting event, or a class of sporting event, taking place outside Great Britain.
- (2) An order under this section shall not apply to a sporting event at which all the participants take part without financial or material reward and to which all spectators are admitted free of charge; but this subsection is without prejudice to the order's validity as respects any other sporting event.
- (3) The power to make an order under subsection (1) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### 19 Alcohol on vehicles.

- (1) Where a public service vehicle or railway passenger vehicle is being operated for the principal purpose of conveying passengers for the whole or part of a journey to or from a designated sporting event, then—

*Status: Point in time view as at 01/08/1997.*

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- (a) any person in possession of alcohol on the vehicle shall be guilty of an offence and liable on summary conviction to imprisonment for a period not exceeding 60 days or a fine not exceeding level 3 on the standard scale or both;
  - (b) if alcohol is being carried on the vehicle and the vehicle is on hire to a person, he shall, subject to subsection (7) below, be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale; and
  - (c) any person who is drunk on the vehicle shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (2) Notwithstanding section 92 of the <sup>M1</sup>Licensing (Scotland) Act 1976 (restriction on carriage of alcoholic liquor in crates on contract carriages), but subject to subsection (7) below, if the operator of a public service vehicle which is being operated as mentioned in subsection (1) above, either by himself or by his employee or agent permits alcohol to be carried on the vehicle, the operator and, as the case may be, the employee or agent shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) This subsection applies to a motor vehicle which is not a public service vehicle but which is adapted to carry more than 8 passengers and is being operated for the [<sup>F1</sup>principal] purpose of conveying two or more passengers for the whole or part of a journey to or from a designated sporting event.
- (4) Any person in possession of alcohol on a vehicle to which subsection (3) above applies shall be guilty of an offence and liable on summary conviction to imprisonment for a period not exceeding 60 days or a fine not exceeding level 3 on the standard scale or both.
- (5) Any person who is drunk on a vehicle to which subsection (3) above applies shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (6) Any person who permits alcohol to be carried on a vehicle to which subsection (3) above applies and—
- (a) is the driver of the vehicle; or
  - (b) where he is not its driver, is the keeper of the vehicle, the employee or agent of the keeper, a person to whom it is made available (by hire, loan or otherwise) by the keeper or the keeper's employee or agent, or the employee or agent of a person to whom it is so made available,
- shall, subject to subsection (7) below, be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) Where a person is charged with an offence under subsection (1)(b), (2) or (6) above, it shall be a defence for him to prove that the alcohol was carried on the vehicle without his consent or connivance and that he did all he reasonably could to prevent such carriage.

#### Textual Amendments

**F1** Word in s. 19(3) substituted (1.8.1997) by 1997 c. 48, s. 62(1), **Sch. 1 para. 18(4)**; S.I. 1997/1712, art. 3, **Sch.**

#### Marginal Citations

**M1** 1976 c.66.

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## 20 Sporting events: controls.

- (1) Any person who—
  - (a) is in possession of a controlled container in; or
  - (b) while in possession of a controlled container, attempts to enter,the relevant area of a designated sports ground at any time during the period of a designated sporting event shall be guilty of an offence and liable on summary conviction to imprisonment for a period not exceeding 60 days or to a fine not exceeding level 3 on the standard scale or both.
- (2) Any person who—
  - (a) is in possession of alcohol in; or
  - (b) while in possession of alcohol, attempts to enter,the relevant area of a designated sports ground at any time during the period of a designated sporting event, shall be guilty of an offence and liable on summary conviction to imprisonment for a period not exceeding 60 days or to a fine not exceeding level 3 on the standard scale or both.
- (3) Any person who has entered the relevant area of a designated sports ground and is in possession of a controlled article or substance at any time during the period of a designated sporting event shall be guilty of an offence.
- (4) Any person who, while in possession of a controlled article or substance, attempts to enter the relevant area of a designated sports ground at any time during the period of a designated sporting event at the ground shall be guilty of an offence.
- (5) A person guilty of an offence under subsection (3) or (4) above shall be liable on summary conviction to imprisonment for a period not exceeding 60 days or to a fine not exceeding level 3 on the standard scale or both.
- (6) It shall be a defence for a person charged with an offence under subsection (3) or (4) above to show that he had lawful authority to be in possession of the controlled article or substance.
- (7) Any person who—
  - (a) is drunk in; or
  - (b) while drunk, attempts to enter,the relevant area of a designated sports ground at any time during the period of a designated sporting event shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (8) In this section—

“controlled article or substance” means—

  - (a) any article or substance whose main purpose is the emission of a flare for purposes of illuminating or signalling (as opposed to igniting or heating) or the emission of smoke or a visible gas; and in particular it includes distress flares, fog signals, and pellets and capsules intended to be used as fumigators or for testing pipes, but not matches, cigarette lighters or heaters; and
  - (b) any article which is a firework.

“controlled container” means any bottle, can or other portable container, whether open or sealed, which is, or was, in its original manufactured state, capable of containing liquid and is made from such material or is of such

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construction, or is so adapted, that if it were thrown at or propelled against a person it would be capable of causing some injury to that person; but the term does not include a container holding a medicinal product for a medicinal purpose.

“medicinal product” and “medicinal purpose” have the meanings assigned to those terms by section 130 of the <sup>M2</sup>Medicines Act 1968.

#### Marginal Citations

M2 1968 c.67.

## 21 Police powers of enforcement.

For the purpose of enforcing the provisions of this Part of this Act, a constable shall have the power without warrant—

- (a) to enter a designated sports ground at any time during the period of a designated sporting event;
- (b) to search a person who he has reasonable grounds to suspect is committing or has committed an offence under this Part of this Act;
- (c) to stop and search a vehicle where he has reasonable grounds to suspect that an offence under section 19 of this Act is being or has been committed;
- (d) to arrest a person who he has reasonable grounds to suspect is committing or has committed an offence under this Part of this Act;
- (e) to seize and detain—
  - (i) with its contents (if any), a controlled container as defined in section 20(8) of this Act; or
  - (ii) with its contents, any other container if he has reasonable grounds to suspect that those contents are or include alcohol <sup>F2</sup>; or
  - (iii) a controlled article or substance as defined in section 20(8) of this Act.]

#### Textual Amendments

F2 S. 21(e)(iii) and word preceding it inserted (1.8.1997) by 1997 c. 48, s. 62(1), **Sch. 1 para. 18(5)**; S.I. 1997/1712, art. 3, **Sch.**

## 22 Presumption as to contents of container.

Section 127 of the <sup>M3</sup>Licensing (Scotland) Act 1976 (presumption as to contents of container) shall apply for the purposes of any trial in connection with an alleged contravention of any provision of this Part of this Act as it applies for the purposes of any trial in connection with an alleged contravention of any provision of that Act.

#### Marginal Citations

M3 1976 c.66.

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## 23 Interpretation of Part II.

In this Part of this Act, unless the context otherwise requires—

“advertised” means announced in any written or printed document or in any broadcast announcement;

“alcohol” means alcoholic liquor as defined in section 139 of the Licensing (Scotland) Act 1976;

“designated” means designated by the Secretary of State by order under section 18 of this Act, and “designated sporting event” includes a sporting event designated under section 9(3)(a) of the <sup>M4</sup>Sporting Events (Control of Alcohol) Etc. Act 1985;

“keeper”, in relation to a vehicle, means the person having the duty to take out a licence for it under section 1(1) of the <sup>M5</sup>Vehicles Excise and Registration Act 1994;

[<sup>F3</sup>“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;]

“period of a designated sporting event” means the period commencing two hours before the start and ending one hour after the end of a designated sporting event, except that where the event is advertised as to start at a particular time but is delayed or postponed in includes, and where for any reason an event does not take place it means, the period commencing two hours before and ending one hour after, that particular time;

“public service vehicle” has the same meaning as in the <sup>M6</sup>Public Passenger Vehicles Act 1981 and “operator” in relation to such a vehicle means—

- (a) the driver if he owns the vehicle; and
- (b) in any other case the person for whom the driver works (whether under a contract of employment or any other description of contract personally to do work);

“railway passenger vehicle” has the same meaning as in the Licensing (Scotland) Act 1976;

“relevant area” means any part of a sports ground—

- (a) to which spectators attending a designated sporting event are granted access on payment; or
- (b) from which a designated sporting event may be viewed directly;

“sporting event” means any physical competitive activity at a sports ground, and includes any such activity which has been advertised as to, but does not, take place; and

“sports ground” means any place whatsoever which is designed, or is capable of being adapted, for the holding of sporting events in respect of which spectators are accommodated.

### Textual Amendments

**F3** Definition inserted (1.8.1997) by 1997 c. 48, s. 62(1), **Sch. 1 para. 18(6)**; S.I. 1997/1712, art. 3, **Sch.**

### Marginal Citations

**M4** 1985 c.57.

**M5** 1994 c.22.

**M6** 1981 c.14.

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**Changes to legislation:**

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