Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 11

FIXED PENALTIES

Offences to which this Part applies

128   Fixed penalty offences

(1) For the purposes of this Part "fixed penalty offence" means—

   (a)   an offence under an enactment mentioned in the first column in Part 1 of the following table and described, in general terms, in the second column in that Part;

   (b)   an offence created in subordinate legislation made under an enactment mentioned in the first column in Part 2 of the table which is of the general description mentioned in the second column in that Part; and

   (c)   a common law offence mentioned in Part 3 of the table.

Table

PART 1

Enactment	*Description of offence*
Section 78 of the Licensing (Scotland) Act 1976 (c. 66)	Riotous behaviour while drunk in licensed premises
Section 79 of the Licensing (Scotland) Act 1976 (c. 66)	Refusing to leave licensed premises on being requested to do so
Section 47 of the Civic Government (Scotland) Act 1982 (c. 45)	Urinating or defecating in circumstances causing annoyance to others
Section 50(1) of the Civic Government (Scotland) Act 1982 (c. 45)	Being drunk and incapable in a public place

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Enactment	*Description of offence*
Section 50(2) of the Civic Government (Scotland) Act 1982 (c. 45)	Being drunk in a public place in charge of a child
Section 54(1) of the Civic Government (Scotland) Act 1982 (c. 45)	Persisting, to annoyance of others, in playing musical instruments, singing, playing radios etc. on being required to stop
Section 52(1) of the Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39)	Vandalism

PART 2

Enactment	*Description of offence*
Sections 201 and 203 of the Local Government (Scotland) Act 1973 (c. 65)	Consuming alcoholic liquor in a publicPlace

PART 3

Common law offence
Breach of the peace
Malicious mischief

(2) The Scottish Ministers may by order—
    (a)   amend an entry in the table;
    (b)   add an entry to the table;
    (c)   remove an entry from the table.

(3) An order under subsection (2) may make such amendment of any provision of this Part as the Scottish Ministers consider appropriate in consequence of any amendment of, or addition to or removal from, the table made by the order.