



# 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

| <i>Enactment</i>  | <i>Description of offence</i>  |
|---|--|
| 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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*Status: This is the original version (as it was originally enacted).*

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| <i>Enactment</i>  | <i>Description of offence</i>  |
|---|--|
| 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

| <i>Enactment</i>   | <i>Description of offence</i>               |
|--|---|
| 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.