

*These notes relate to the Licensing (Scotland) Act 2005  
(asp 16) which received Royal Assent on 21 December 2005*

# LICENSING (SCOTLAND) ACT 2005

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## EXPLANATORY NOTES

### COMMENTARY ON PARTS

#### **Part 5 – Licensed Hours**

##### ***Section 63 – Prohibition of sale, consumption and taking away of alcohol outwith licensed hours***

133. The provisions in this section are to some extent based on section 54 of the Licensing (Scotland) Act 1976. The provisions here provide that it is an offence to sell alcohol outwith licensed hours or to allow the sale, consumption, or taking away of alcohol outwith licensed hours. Subsection (2) sets out a number of exceptions which cover, amongst other things, the period of 15 or 30 minutes “drinking-up” time.
134. Subsection (4) is a new offence which replaces that under the Licensing (Scotland) Act 1976 of consuming or taking away alcohol outwith licensed hours. The consumption or taking away is only an offence if the person was asked not to consume the alcohol or take it away but failed to comply with the request.