

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

LICENSING (SCOTLAND) ACT 2005

EXPLANATORY NOTES

COMMENTARY ON PARTS

Part 8 – Offences

Section 104 – Sale of liqueur confectionery to a child

214. This section makes it an offence to sell liqueur confectionery to a child under 16. Subsection (2) provides a defence if the seller believed that the purchaser was 16 or over and if either he or she took all reasonable steps to establish the purchaser's age or if nobody could reasonably have suspected from the purchaser's appearance that he or she was under 16.
215. Subsection (3) provides that the accused is deemed to have taken "all reasonable steps" if he or she was shown evidence of the individual's age and that evidence was such that it would have convinced a reasonable person.