

*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 9 – Miscellaneous and General**

##### *Section 138 – Police powers of entry*

281. This section provides that a constable has a lawful right of entry to any licensed premises and to any other premises on which the constable has reason to believe alcohol is being sold in breach of section 1(1) of the Act
282. Subsection (4) establishes the conditions under which a police officer below the rank of inspector may enter the premises.
283. Subsection (5) makes it an offence for anyone to obstruct the police in the carrying out of their functions under this section.