



Licensing (Scotland) Act 2005

2005 asp 16

PART 8

OFFENCES

Miscellaneous offences

117 Offences relating to sale of alcohol to trade

- (1) A person who sells alcohol to trade otherwise than from [^{F1}licensed premises or] premises which are used exclusively for the purpose of the selling of goods (whether solely alcohol or not) to trade commits an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Textual Amendments

- F1 Words in s. 117(1) inserted (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), ss. 188(3), 206(1); S.S.I. 2010/413, art. 2, Sch.

Commencement Information

- I1 S. 117 in force at 1.9.2009 at 5.00 a.m. by [S.S.I. 2007/472](#), art. 3

118 Prohibition of unauthorised sale of alcohol on moving vehicles

- (1) A person who ^{F2}... sells alcohol on or from a vehicle at a time when the vehicle is not parked (whether permanently or temporarily) commits an offence, unless the selling of alcohol on or from the vehicle at such a time is expressly authorised by a premises licence or occasional licence in respect of the vehicle.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to—
 - (a) a fine not exceeding £20,000,
 - (b) imprisonment for a term not exceeding 3 months, or

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(c) both.

Textual Amendments

F2 Word in s. 118(1) repealed (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 195\(2\)\(e\), 206\(1\)](#); [S.S.I. 2010/413](#), [art. 2](#), [Sch.](#)

Commencement Information

I2 S. 118 in force at 1.9.2009 at 5.00 a.m. by [S.S.I. 2007/472](#), [art. 3](#)

119 Delivery of alcohol from vehicles etc.

- (1) A person who, pursuant to a sale of alcohol by that person, delivers the alcohol from a vehicle or receptacle without the information mentioned in subsection (2) having been entered, before the despatch of the alcohol, in—
 - (a) a day book kept on the premises from which the alcohol is despatched, and
 - (b) a delivery book or invoice carried by the person delivering the alcohol,
 commits an offence.
- (2) The information referred to in subsection (1) is—
 - (a) the quantity, description and price of the alcohol, and
 - (b) the name and address of the person to whom it is to be delivered.
- (3) A person who carries in a vehicle or receptacle in use for the delivery of alcohol pursuant to a sale of the alcohol by that person any alcohol the quantity, description and price of which was not entered as mentioned in subsection (1) commits an offence.
- (4) A person who, pursuant to a sale of alcohol, delivers the alcohol to an address not entered as mentioned in subsection (1) commits an offence.
- (5) A person who refuses to allow a constable or a Licensing Standards Officer to examine—
 - (a) any vehicle or receptacle in use for the delivery of alcohol, or
 - (b) any—
 - (i) day book kept as mentioned in subsection (1)(a), or
 - (ii) delivery book or invoice carried as mentioned in subsection (1)(b),
 commits an offence.
- (6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) In this section, “alcohol” does not include any alcohol being delivered to a trader for the purposes of that person's trade.

Commencement Information

I3 [S. 119](#) in force at 1.9.2009 at 5.00 a.m. by [S.S.I. 2007/472](#), [art. 3](#)

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120 Prohibition of late-night deliveries of alcohol

- (1) This section applies where alcohol is sold on any relevant premises for consumption off the premises.
- (2) A responsible person commits an offence if the person ^{F3}... delivers the alcohol to any premises (other than licensed premises) between the hours of midnight and 6am.
- (3) A responsible person who ^{F3}... allows the alcohol to be so delivered commits an offence.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Textual Amendments

F3 Word in s. 120(2)(3) repealed (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 195\(2\)\(f\)](#), 206(1); S.S.I. 2010/413, art. 2, Sch.

Commencement Information

I4 S. 120 in force at 1.9.2009 at 5.00 a.m. by [S.S.I. 2007/472](#), [art. 3](#)

121 Keeping of smuggled goods

- (1) Any responsible person who ^{F4}... keeps or allows to be kept on licensed premises any goods which—
 - (a) have been imported without any duty payable on their importation having been paid, or
 - (b) have otherwise been unlawfully imported,commits an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) The court by or before which a person is convicted of an offence under subsection (1) may order the goods in question to be—
 - (a) forfeited, and
 - (b) destroyed or otherwise dealt with in such manner as the court may order.

Textual Amendments

F4 Word in s. 121(1) repealed (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 195\(2\)\(g\)](#), 206(1); S.S.I. 2010/413, art. 2, Sch.

Commencement Information

I5 S. 121 in force at 1.9.2009 at 5.00 a.m. by [S.S.I. 2007/472](#), [art. 3](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) Appointed Day(s) by [S.S.I. 2006/239 art. 2](#) (This S.S.I. is revoked on 25.5.2006 by S.S.I. 2006/286, art. 6)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 33(1)(1A) substituted for s. 33(1)-(3) by [2015 asp 10 s. 49\(2\)\(a\)](#)
- s. 33(8)(za) inserted by [2015 asp 10 s. 49\(2\)\(c\)](#)
- s. 33(8A) inserted by [2015 asp 10 s. 49\(2\)\(d\)](#)
- s. 33A inserted by [2015 asp 10 s. 49\(4\)](#)
- s. 134ZA-134ZC inserted by [2015 asp 10 s. 61\(2\)](#)