



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 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.

118 Prohibition of unauthorised sale of alcohol on moving vehicles

- (1) A person who knowingly 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
 - (c) both.

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.

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 knowingly delivers the alcohol to any premises (other than licensed premises) between the hours of midnight and 6am.
- (3) A responsible person who knowingly 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.

121 Keeping of smuggled goods

- (1) Any responsible person who knowingly 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.