



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 8

#### OFFENCES

##### *Offences relating to children and young people*

#### **104 Sale of liqueur confectionery to a child**

- (1) A person who sells liqueur confectionery to a child commits an offence.
- (2) It is a defence for a person charged with an offence under subsection (1) (referred to in this section as “the accused”) to show that—
  - (a) the accused believed the child to be aged 16 or over, and
  - (b) either—
    - (i) the accused had taken reasonable steps to establish the child's age, or
    - (ii) no reasonable person could have suspected from the child's appearance that the child was aged under 16.
- (3) For the purposes of subsection (2)(b)(i), the accused is to be treated as having taken reasonable steps to establish the child's age if and only if—
  - (a) the accused was shown evidence of the child's age, and
  - (b) that evidence would have convinced a reasonable person.
- (4) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

#### **Commencement Information**

**II** [S. 104](#) in force at 1.9.2009 at 5.00 a.m. by [S.S.I. 2007/472](#), [art. 3](#)

**Changes to legislation:**

Licensing (Scotland) Act 2005, Section 104 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**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\(2\)](#)