



Licensing (Scotland) Act 2005

2005 asp 16

PART 8

OFFENCES

Offences relating to children and young people

108 Delivery of alcohol by or to a child or young person

- (1) This section applies where alcohol is sold on any relevant premises for consumption off the premises.
- (2) Any responsible person who allows the alcohol to be delivered by a child or young person commits an offence.
- (3) Any responsible person who—
 - (a) delivers the alcohol, or
 - (b) allows it to be delivered,to a child or young person commits an offence.
- (4) Subsections (2) and (3) do not apply to the delivery of the alcohol by or to a child or young person who works on the relevant premises or at the place where the delivery is made in a capacity (whether paid or unpaid) which involves the delivery of alcohol.
- (5) It is a defence for a person charged with an offence under subsection (2) or (3)(a) (referred to in this subsection and subsection (6) as “the accused”) to show that—
 - (a) the accused believed the child or young person to be aged 18 or over, and
 - (b) either—
 - (i) the accused had taken reasonable steps to establish the child's or young person's age, or
 - (ii) no reasonable person could have suspected from the child's or young person's appearance that the child or young person was aged under 18.
- (6) For the purposes of subsection (5)(b)(i), the accused is to be treated as having taken reasonable steps to establish the child's or young person's age if and only if—
 - (a) the accused was shown any of the documents mentioned in subsection (7), and

Changes to legislation: Licensing (Scotland) Act 2005, Section 108 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. (See end of Document for details) [View outstanding changes](#)

- (b) that document would have convinced a reasonable person.
- (7) The documents referred to in subsection (6)(a) are any document bearing to be—
- (a) a passport,
 - [^{F1}(aa) a UK driving licence,]
 - (b) a European Union photocard driving licence, or
 - (c) such other document, or a document of such other description, as may be prescribed.
- (8) It is a defence for a person charged with an offence under subsection (3)(b) (“the accused”) to prove that the accused took all reasonable precautions and exercised due diligence not to commit the offence.
- (9) 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

- F1** S. 108(7)(aa) inserted (31.12.2020) by [The Licensing \(Amendment\) \(EU Exit\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/6\)](#), regs. 1, **5(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I1** S. 108 in force at 1.9.2009 at 5.00 a.m. by [S.S.I. 2007/472](#), **art. 3**

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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\(2\)](#)