



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

- (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,
 - (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.