



Licensing (Scotland) Act 2005

2005 asp 16

PART 8

OFFENCES

Drunkenness and disorderly conduct

115 Disorderly conduct

- (1) A person on relevant premises who, while drunk—
 - (a) behaves in a disorderly manner, or
 - (b) uses obscene or indecent language to the annoyance of any person, commits an offence.
- (2) Any responsible person in relation any relevant premises who allows—
 - (a) a breach of the peace,
 - (b) drunkenness, or
 - (c) other disorderly conduct,to take place on the premises commits an offence.
- (3) It is a defence for a person charged with an offence under subsection (2) (“the accused”) to prove—
 - (a) that the accused, or an employee or agent of the accused, took all reasonable precautions and exercised due diligence not to commit the offence, or
 - (b) that there were no lawful and reasonably practicable means by which the accused could prevent the conduct giving rise to the offence.
- (4) A person guilty of an offence under subsection (1)(a) is liable on summary conviction to—
 - (a) a fine not exceeding level 3 on the standard scale,
 - (b) imprisonment for a term not exceeding 60 days, or
 - (c) both.
- (5) A person guilty of an offence under subsection (1)(b) or (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.