



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 7

#### CONTROL OF ORDER

##### *Exclusion of violent offenders*

#### **95 Breach of exclusion order**

- (1) A person who enters licensed premises in breach of an exclusion order commits an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to—
  - (a) a fine not exceeding level 4 on the standard scale,
  - (b) imprisonment for a term not exceeding one month, or
  - (c) both.
- (3) The court by or before which a person is convicted of an offence under subsection (1) of breaching an exclusion order made under section 94(2) may, if it thinks fit, terminate the exclusion order or vary it so as to delete any licensed premises specified in it.
- (4) Where, in relation to any licensed premises, an authorised person reasonably suspects a person of having entered the premises in breach of an exclusion order, the authorised person may—
  - (a) remove the person from the premises, and
  - (b) if necessary for that purpose, use reasonable force.
- (5) A constable must, if—
  - (a) asked by an authorised person to assist in exercising a power conferred by subsection (4), and
  - (b) the constable reasonably suspects the person to be removed of having entered the premises in breach of an exclusion order,provide the assistance asked for.

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**Changes to legislation:** Licensing (Scotland) Act 2005, Section 95 is up to date with all changes known to be in force on or before 08 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](#)

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(6 In this section, “authorised person” means, in relation to licensed premises, any of the following persons, namely—

- (a) the premises licence holder,
- (b) the premises manager, and
- (c) any other person who—
  - (i) works on the premises, and
  - (ii) is authorised by the premises licence holder or the premises manager for the purposes of this section.

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**Modifications etc. (not altering text)**

- C1** Ss. 94-96 modified (1.1.2008) by [Licensing \(Transitional and Saving Provisions\) \(Scotland\) Order 2007 \(S.S.I. 2007/454\)](#), arts. 1, **26(2)(3)**
- C2** S. 95(6) modified (1.1.2008) by [Licensing \(Transitional and Saving Provisions\) \(Scotland\) Order 2007 \(S.S.I. 2007/454\)](#), arts. 1, **26(4)**

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**Commencement Information**

- I1** S. 95 in force at 1.2.2008 by [S.S.I. 2007/472](#), art. 2, **Sch. 1**

**Changes to legislation:**

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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\(2\)](#)