



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 9

#### MISCELLANEOUS AND GENERAL

##### *Vessels, vehicles and moveable structures*

#### **126 Vessels, vehicles and moveable structures**

- (1) A vessel which is not permanently moored or berthed is to be treated for the purposes of this Act as premises situated in the place where it is usually moored or berthed.
- (2) Where a vehicle or moveable structure which is not permanently situated in any place is, or is to be, used for the sale of alcohol while parked at or set in any place—
  - (a) it is to be treated for the purposes of this Act as premises situated at that place, and
  - (b) each such place at which it is, or is to be, so used is to be treated as separate premises.
- (3) The following provisions of Part 3 (which relate to the provision of certificates as to planning, building standards and food hygiene and to notifications of applications) do not apply in relation to premises (other than exempt premises) consisting of a vessel, namely—
  - (a) section 20(2)(b)(iii),
  - (b) section 21(1)(a) and (e),
  - (c) section 29(4) (so far as it applies section 21(1)(a) and (e)),
  - (d) section 45(10)(a),
  - (e) section 46(2)(d), and
  - (f) section 50.
- (4) This Act applies in relation to premises consisting of a vehicle or other moveable structure which is, or is to be, used for the sale of alcohol while not parked or permanently situated in any place (referred to in this section as “moving premises”) subject to the modifications in subsections (5) to (9).

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*Status: This is the original version (as it was originally enacted).*

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- (5) Section 18 does not apply and instead, in Part 3 and this section, “appropriate Licensing Board” means in relation to moving premises or a premises licence or occasional licence issued in respect of such premises—
- (a) the Licensing Board in whose area the premises are used or to be used for the sale of alcohol, or
  - (b) where the premises are used or to be used in the area of more than one Licensing Board—
    - (i) the Board in whose area they are used or to be used to the greater or greatest extent, or
    - (ii) if neither or none of those Boards falls within sub-paragraph (i), such of those Boards as is, in the application for a premises licence or, as the case may be, occasional licence in respect of the premises, nominated as the appropriate Licensing Board in respect of the premises.
- (6) The following provisions of Part 3 do not apply in relation to moving premises, namely—
- (a) section 20(2)(b)(iii),
  - (b) section 21(1)(a), (b), and (e),
  - (c) section 29(4) (so far as it applies section 21(1)(a), (b) and (e)),
  - (d) section 45(10)(a),
  - (e) section 46(2)(d), and
  - (f) section 50.
- (7) Section 21(1) applies in relation to moving premises as if for paragraph (c) there were substituted—
- “(c) the relevant council.”.
- (8) References to the locality in which premises are situated are, in relation to moving premises, to be taken as references to the area of the appropriate Licensing Board.
- (9) For the purposes of Part 4, moving premises are to be treated as premises situated within the area of the appropriate Licensing Board.
- (10) The Scottish Ministers may by regulations provide for this Act to apply in relation to vessels, vehicles and moveable structures subject to such further modifications as they consider necessary or expedient.

## **127 Power to prohibit sale of alcohol on trains**

- (1) A sheriff may—
- (a) on the application of a senior police officer, and
  - (b) if satisfied that it is necessary to do so to prevent disorder,
- make an order under subsection (2).
- (2) That is an order prohibiting, during such period as may be specified in the order, the sale of alcohol on any railway vehicle—
- (a) at such station or stations within the sheriff’s sheriffdom as may be so specified, or
  - (b) whilst travelling between such stations as may be so specified, at least one of which is in that sheriffdom.

- (3) An order under subsection (2) has no effect in relation to any railway vehicle unless a copy of it has been given by a senior police officer to the train operator (or each train operator) responsible for the vehicle.
- (4) A person who knowingly—
- (a) sells or attempts to sell alcohol in breach of an order under subsection (2), or
  - (b) allows the sale of alcohol in breach of such an order,
- commits an offence.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to—
- (a) a fine not exceeding £20,000,
  - (b) imprisonment for a term not exceeding 3 months, or
  - (c) both.
- (6) In this section—
- “station” has the meaning given in section 83 of the Railways Act 1993, and
- “train operator” means a person authorised by a licence under section 8 of that Act to operate railway assets (within the meaning of section 6 of that Act).

## **128 Power to prohibit sale of alcohol on ferries**

- (1) This section applies to any vessel which is exempt premises by virtue of section 124(1)(d)(ii) (vessels engaged in ferry services).
- (2) A sheriff may—
- (a) on the application of a senior police officer, and
  - (b) if satisfied that it is necessary to do so to prevent disorder,
- make an order under subsection (3).
- (3) That is an order prohibiting, during such period as may be specified, the sale of alcohol on any vessel to which this section applies while engaged on—
- (a) any journey to or from a specified place within the sheriff’s sheriffdom, or
  - (b) a specified journey to or from such a place.
- (4) An order under subsection (3) has no effect in relation to any vessel unless a copy of it has been given by a senior police officer to the operator of the vessel.
- (5) A person who knowingly—
- (a) sells or attempts to sell alcohol in breach of an order under subsection (3), or
  - (b) allows the sale of alcohol in breach of such an order,
- commits an offence.
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to—
- (a) a fine not exceeding £20,000,
  - (b) imprisonment for a term not exceeding 3 months, or
  - (c) both.
- (7) Subsection (3) of section 124, so far as applying to a vessel, applies for the purposes of subsection (3) of this section as it applies for the purpose of subsection (1) of that section.

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- (8) In this section, “specified” means, in relation to an order under subsection (3), specified in the order.