



Criminal Justice (Scotland) Act 1980

1980 CHAPTER 62

PART V

SPORTING EVENTS : CONTROL OF ALCOHOL ETC

68 Designation of sports grounds and sporting events

- (1) The Secretary of State may for the purposes of this Part of this Act by order designate
- (a) a sports ground or a class of sports ground ;
 - (b) a sporting event, or a class of sporting event, at that ground or at any of that class of ground:

Provided that a sporting event at which all the participants take part without financial or material reward and to which all spectators are admitted free of charge shall not be subject to an order under this section; but this proviso is without prejudice to the order's validity as respects any other sporting event.

- (2) The power to make an order under subsection (1) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

69 Alcohol on vehicle travelling to or from sporting event

Where a public service vehicle is being operated for the principal purpose of conveying passengers to or from a designated sporting event, then—

- (a) any person in possession of alcohol on the vehicle shall be guilty of an offence and liable on summary conviction to imprisonment for a period not exceeding 60 days or a fine not exceeding £200 or both ;
- (b) if alcohol is being carried on the vehicle and the vehicle is on hire to a person, he shall, subject to section 71 of this Act, be guilty of an offence and liable on summary conviction to a fine not exceeding £200 ; and
- (c) any person who is drunk on the vehicle shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

70 Liability of vehicle operator and his employees and agents

Notwithstanding section 92 of the Licensing (Scotland) Act 1976 (restriction on carriage of alcoholic liquor in crates on contract carriages), but subject to section 71 of this Act, if the operator of a public service vehicle which is being operated as mentioned in section 69 of this Act, either by himself or by his employee or agent permits alcohol to be carried on the vehicle, the operator and, as the case may be, the employee or agent shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

71 Defences in connection with carriage of alcohol

Where a person is charged with an offence under section 69(b) or 70 of this Act, it shall be a defence for him to prove that the alcohol was carried on the vehicle without his consent or connivance and that he did all he reasonably could to prevent such carriage.

72 Possession of container at sporting event

- (1) Any person who—
 - (a) is in possession of a controlled container in; or
 - (b) while in possession of a controlled container, attempts to enter,the relevant area of a designated sports ground at any time during the period of a designated sporting event, shall be guilty of an offence and liable on summary conviction to imprisonment for a period not exceeding 60 days or to a fine not exceeding £200 or both.
- (2) In subsection (1) above, the term " controlled container" means any bottle, can or other portable container, whether open or sealed, which is, or was in its original manufactured state, capable of containing liquid and is made from such material or is of such construction, or is so adapted, that if it were thrown at or propelled against a person it would be capable of causing some injury to that person; but the term does not include a container holding a medicinal product for a medicinal purpose.
- (3) In subsection (2) above, " medicinal product" and " medicinal purpose" have the meanings assigned to those terms by section 130 of the Medicines Act 1968.

73 Possession of alcohol at sporting event

Any person who—

- (a) is in possession of alcohol in ; or
- (b) while in possession of alcohol, attempts to enter,

the relevant area of a designated sports ground at any time during the period of a designated sporting event, shall be guilty of an offence and liable on summary conviction to imprisonment for a period not exceeding 60 days or to a fine not exceeding £200 or both.

74 Drunkenness at sporting event

Any person who—

- (a) is drunk in ; or
- (b) while drunk, attempts to enter,

the relevant area of a designated sports ground at any time during the period of a designated sporting event shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

75 Police powers of enforcement

For the purpose of enforcing the provisions of this Part of this Act, a constable shall have the power without warrant-

- (a) to enter a designated sports ground at any time during the period of a designated sporting event;
- (b) to search a person who he has reasonable grounds to suspect is committing or has committed an offence under this Part of this Act;
- (c) to stop and search a vehicle where he has reasonable grounds to suspect that an offence under section 69 or 70 of this Act is being or has been committed ;
- (d) to arrest a person who he has reasonable grounds to suspect is committing or has committed an offence under this Part of this Act;
- (e) to seize and detain—
 - (i) with its contents (if any), a controlled container as defined in section 72(2) of this Act; or
 - (ii) with its contents, any other container if he has reasonable grounds to suspect that those contents are or include alcohol.

76 Presumption as to contents of container

- (1) For the purposes of any trial in connection with an alleged contravention of any provision of this Part of this Act, any liquid contained in a container (sealed or open) shall, subject to subsection (2) below, be presumed to conform to the description of the liquid on the container.
- (2) Subsections (3) to (6) of section 127 of the Licensing (Scotland) Act 1976 (right of accused to challenge presumption as to contents) shall apply in relation to subsection (1) above as they apply in relation to subsection (2) of that section.

77 Interpretation of Part V

In this Part of this Act, unless the context otherwise requires—

" advertised " means announced in any written or printed document or in any broadcast announcement;

" alcohol " means alcoholic liquor as defined in section 139 of the Licensing (Scotland) Act 1976;

" designated " means designated by the Secretary of State by order under section 68 of this Act;

" period of a designated sporting event " means the period commencing two hours before the start and ending one hour after the end of a designated sporting event, except that where the event is advertised as to start at a particular time but is delayed or postponed it includes, and where for any reason an event does not take place it means, the period commencing two hours before and ending one hour after, that particular time ;

" public service vehicle " has the like meaning as in Part I of the Transport Act 1980 and " operator " in relation to such a vehicle means—

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

- (a) the driver if he owns the vehicle ; and
- (b) in any other case the person for whom the driver works (whether under a contract of employment or any other description of contract personally to do work);

" relevant area " means any part of a sports ground—

- (a) to which spectators attending a designated sporting event are granted access on payment; or
- (b) from which a designated sporting event may be viewed directly;

" sporting event " means any physical competitive activity at a sports ground, and includes any such activity which has been advertised as to, but does not, take place; and

" sports ground" means any place whatsoever which is designed, or is capable of being adapted, for the holding of sporting events in respect of which spectators are accommodated.