



Licensing Act 1964

1964 CHAPTER 26

PART XII

PROTECTION OF PERSONS UNDER EIGHTEEN AND OTHER PROVISIONS AS TO CONDUCT OF LICENSED PREMISES AND LICENSED CANTEENS

Persons under eighteen

168 Children prohibited from bars

- (1) The holder of a justices' licence shall not allow a person under fourteen to be in the bar of the licensed premises during the permitted hours.
- (2) No person shall cause or procure, or attempt to cause or procure, any person under fourteen to be in the bar of licensed premises during the permitted hours.
- (3) Where it is shown that a person under fourteen was in the bar of any licensed premises during the permitted hours, the holder of the justices' licence shall be guilty of an offence under this section unless he proves either—
 - (a) that he used due diligence to prevent the person under fourteen from being admitted to the bar, or
 - (b) that the person under fourteen had apparently attained that age.
- (4) No offence shall be committed under this section if the person under fourteen—
 - (a) is the licence-holder's child, or
 - (b) resides in the premises, but is not employed there, or
 - (c) is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (5) No offence shall be committed under this section if the bar is in any railway refreshment-rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of a justices' licence is merely ancillary.

- (6) If any person contravenes this section he shall be liable, on a first conviction to a fine not exceeding forty shillings, and on a subsequent conviction to a fine not exceeding five pounds.
- (7) A local education authority may institute proceedings for an offence under this section.
- (8) Where in any proceedings under this section it is alleged that a person was at any time under fourteen, and he appears to the court to have then been under that age, he shall be deemed for the purposes of the proceedings to have then been under that age, unless the contrary is shown.

169 Serving or delivering intoxicating liquor to or for consumption by persons under 18

- (1) Subject to subsection (4) of this section, in licensed premises the holder of the licence or his servant shall not knowingly sell intoxicating liquor to a person under eighteen or knowingly allow a person under eighteen to consume intoxicating liquor in a bar nor shall the holder of the licence knowingly allow any person to sell intoxicating liquor to a person under eighteen.
- (2) Subject to subsection (4) of this section, a person under eighteen shall not in licensed premises buy or attempt to buy intoxicating liquor, nor consume intoxicating liquor in a bar.
- (3) No person shall buy or attempt to buy intoxicating liquor for consumption in a bar in licensed premises by a person under eighteen.
- (4) Subsections (1) and (2) of this section do not prohibit the sale to or purchase by a person who has attained the age of sixteen of beer, porter, cider or perry for consumption at a meal in a part of the premises usually set apart for the service of meals which is not a bar.
- (5) Subject to subsection (7) of this section, the holder of the licence or his servant shall not knowingly deliver, nor shall the holder of the licence knowingly allow any person to deliver, to a person under eighteen intoxicating liquor sold in licensed premises for consumption off the premises, except where the delivery is made at the residence or working place of the purchaser.
- (6) Subject to subsection (7) of this section, a person shall not knowingly send a person under eighteen for the purpose of obtaining intoxicating liquor sold or to be sold in licensed premises for consumption off the premises, whether the liquor is to be obtained from the licensed premises or other premises from which it is delivered in pursuance of the sale.
- (7) Subsections (5) and (6) of this section do not apply where the person under eighteen is a member of the licence holder's family or his servant or apprentice and is employed as a messenger to deliver intoxicating liquor.
- (8) A person guilty of an offence under this section, other than an offence under subsection (2), shall be liable, on a first conviction to a fine not exceeding twenty-five pounds, and on a second or subsequent conviction to a fine not exceeding fifty pounds; and on a person's second or subsequent conviction of such an offence the court may, if the offence was committed by him as the holder of a justices' licence, order that he shall forfeit the licence.

- (9) A person guilty of an offence under subsection (2) of this section shall be liable to a fine not exceeding twenty pounds.

170 Persons under 18 not to be employed in bars

- (1) If any person under eighteen is employed in any bar of licensed premises at a time when the bar is open for the sale or consumption of intoxicating liquor, the holder of the licence shall be liable on a first conviction to a fine not exceeding five pounds and on a subsequent conviction to a fine not exceeding twenty pounds.
- (2) For the purposes of this section a person shall not be deemed to be employed in a bar by reason only that in the course of his employment in some other part of the premises he enters the bar for the purpose of giving or receiving any message or of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (3) For the purposes of this section a person shall be deemed to be employed by the person for whom he works notwithstanding that he receives no wages for his work.
- (4) Where in any proceedings under this section it is alleged that a person was at any time under eighteen, and he appears to the court to have then been under that age, he shall be deemed for the purposes of the proceedings to have then been under that age unless the contrary is shown.

171 Exclusion from sections 168 to 170 of bars while in regular use for service of table meals

References in the foregoing provisions of this Part of this Act to a bar do not include a bar at any time when it is usual in the premises in question for it to be, and it is.—

- (a) set apart for the service of table meals; and
- (b) not used for the sale or supply of intoxicating liquor otherwise than to persons having table meals there and for consumption by such a person as an ancillary to his meal.

Preservation of order

172 Licence holder not to permit drunkenness, etc.

- (1) The holder of a justices' licence shall not permit drunkenness or any violent, quarrelsome or riotous conduct to take place in the licensed premises.
- (2) If the holder of a justices' licence is charged under subsection (1) of this section with permitting drunkenness, and it is proved that any person was drunk in the licensed premises, the burden of proving that the licence holder and the persons employed by him took all reasonable steps for preventing drunkenness in the premises shall lie upon him.
- (3) The holder of a justices' licence shall not sell intoxicating liquor to a drunken person.
- (4) If any person contravenes this section he shall be liable, on a first conviction to a fine not exceeding ten pounds, and on a subsequent conviction to a fine not exceeding twenty pounds.

173 Procuring drink for drunken person

- (1) If any person in licensed premises procures or attempts to procure any intoxicating liquor for consumption by a drunken person he shall be guilty of an offence under this section.
- (2) If any person aids a drunken person in obtaining or consuming intoxicating liquor in licensed premises he shall be guilty of an offence under this section.
- (3) A person guilty of an offence under this section shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding forty shillings.

174 Power to exclude drunkards, etc. from licensed premises

- (1) Without prejudice to any other right to refuse a person admission to premises or to expel a person from premises, the holder of a justices' licence may refuse to admit to, or may expel from, the licensed premises any person who is drunken, violent, quarrelsome or disorderly, or whose presence in the licensed premises would subject the licence holder to a penalty under this Act.
- (2) If any person liable to be expelled from licensed premises under this section, when requested by the holder of the justices' licence or his agent or servant or any constable to leave the premises, fails to do so, he shall be liable to a fine not exceeding five pounds.
- (3) Any constable shall, on the demand of the holder of a justices' licence or his agent or servant, help to expel from the licensed premises any person liable to be expelled from them under this section, and may use such force as may be required for the purpose.

175 Prostitutes not to be allowed to assemble on licensed premises

- (1) The holder of a justices' licence shall not knowingly allow the licensed premises to be the habitual resort or place of meeting of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution; but this section does not prohibit his allowing any such persons to remain in the premises for the purpose of obtaining reasonable refreshment for such time as is necessary for that purpose.
- (2) If the holder of a justices' licence contravenes this section he shall be liable, on a first conviction to a fine not exceeding ten pounds, and on a subsequent conviction to a fine not exceeding twenty pounds.

176 Permitting licensed premises to be a brothel

- (1) If the holder of a justices' licence permits the licensed premises to be a brothel, he shall be liable to a fine not exceeding twenty pounds.
- (2) If the holder of a justices' licence is convicted, whether under this section or under any other enactment, of permitting his premises to be a brothel, he shall forfeit the licence.

177 Gaming on licensed premises

- (1) If the holder of a justices' licence suffers any game to be played in the premises in such circumstances that an offence under Part II of the Betting, Gaming and Lotteries Act 1963 is committed or a requirement or restriction for the time being in force under

section 35 of that Act is contravened, he shall be liable, on a first conviction to a fine not exceeding ten pounds, and on a subsequent conviction to a fine not exceeding twenty pounds.

- (2) The conviction of the holder of a justices' licence of an offence in connection with the licensed premises under section 1(1) of the Betting, Gaming and Lotteries Act 1963 shall for the purposes of this Act be deemed to be a conviction of an offence under this section.

Offences in relation to constables

178 Offences in relation to constables

If the holder of a justices' licence—

- (a) knowingly suffers to remain on the licensed premises any constable during any part of the time appointed for the constable's being on duty, except for the purpose of the execution of the constable's duty, or
- (b) supplies any liquor or refreshment, whether by way of gift or sale, to any constable on duty except by authority of a superior officer of the constable, or
- (c) bribes or attempts to bribe any constable,

he shall be liable, on a first conviction to a fine not exceeding ten pounds, and on a subsequent conviction to a fine not exceeding twenty pounds.

Application to seamen's canteens and occasional licences

179 Application of Part XII to seamen's canteens and premises for which occasional licence is in force

- (1) This Part of this Act shall apply in relation to a licensed canteen—
- (a) as if references to a justices' licence included references to a canteen licence and references to licensed premises or a bar in licensed premises included references to a licensed canteen ; and
 - (b) as if subsections (4) to (7) of section 169 and section 171 were omitted.
- (2) In the application of this Part of this Act to licensed premises which are licensed premises by reason of being a place where intoxicating liquor is sold under an occasional licence, references in sections 172 to 178 to the holder of a justices' licence shall be construed as references to the holder of the occasional licence.