

*These notes refer to the Licensing Act 2003 (c.17)  
which received Royal Assent on 10 July 2003*

## **LICENSING ACT 2003**

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### **EXPLANATORY NOTES**

#### **COMMENTARY ON SECTIONS**

##### **PART 7: Offences**

##### ***Section 148 – Sale of liqueur confectionery to children under 16***

235. This section makes it an offence to sell liqueur confectionery – as defined in section 191(2) – to a child under 16, or for a club or person on behalf of a club to supply it to or to the order of such a child. Subsection (3) provides a defence if the seller believed that the purchaser was 16 or over and if either he took all reasonable steps to establish the purchaser's age or if nobody could reasonably have suspected from the purchaser's appearance that he was under 16. The defendant will be deemed to have taken 'all reasonable steps' if he asked the individual for evidence of his age, and that evidence was such that it would have convinced a reasonable person. Subsection (5) provides a further defence in circumstances where the sale or supply was made by someone other than the person charged with the offence, if the person charged exercised all due diligence to avoid committing the offence.