



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 7

#### OFFENCES

##### *Unauthorised licensable activities*

#### **136 Unauthorised licensable activities**

- (1) A person commits an offence if—
  - (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
  - (b) he knowingly allows a licensable activity to be so carried on.
- (2) Where the licensable activity in question is the provision of regulated entertainment, a person does not commit an offence under this section if his only involvement in the provision of the entertainment is that he—
  - (a) performs in a play,
  - (b) participates as a sportsman in an indoor sporting event,
  - (c) boxes or wrestles in a boxing or wrestling entertainment,
  - (d) performs live music,
  - (e) plays recorded music,
  - (f) performs dance, or
  - (g) does something coming within paragraph 2(1)(h) of Schedule 1 (entertainment similar to music, dance, etc.).
- (3) Subsection (2) is to be construed in accordance with Part 3 of Schedule 1.
- (4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.
- (5) In this Part “authorisation” means—

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- (a) a premises licence,
- (b) a club premises certificate, or
- (c) a temporary event notice in respect of which the conditions of section 98(2) to (4) are satisfied.

### **137 Exposing alcohol for unauthorised sale**

- (1) A person commits an offence if, on any premises, he exposes for sale by retail any alcohol in circumstances where the sale by retail of that alcohol on those premises would be an unauthorised licensable activity.
- (2) For that purpose a licensable activity is unauthorised unless it is under and in accordance with an authorisation.
- (3) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.
- (4) The court by which a person is convicted of an offence under this section may order the alcohol in question, and any container for it, to be forfeited and either destroyed or dealt with in such other manner as the court may order.

### **138 Keeping alcohol on premises for unauthorised sale etc.**

- (1) A person commits an offence if he has in his possession or under his control alcohol which he intends to sell by retail or supply in circumstances where that activity would be an unauthorised licensable activity.
- (2) For that purpose a licensable activity is unauthorised unless it is under and in accordance with an authorisation.
- (3) In subsection (1) the reference to the supply of alcohol is a reference to the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (5) The court by which a person is convicted of an offence under this section may order the alcohol in question, and any container for it, to be forfeited and either destroyed or dealt with in such other manner as the court may order.

### **139 Defence of due diligence**

- (1) In proceedings against a person for an offence to which subsection (2) applies, it is a defence that—
  - (a) his act was due to a mistake, or to reliance on information given to him, or to an act or omission by another person, or to some other cause beyond his control, and
  - (b) he took all reasonable precautions and exercised all due diligence to avoid committing the offence.
- (2) This subsection applies to an offence under—
  - (a) section 136(1)(a) (carrying on unauthorised licensable activity),
  - (b) section 137 (exposing alcohol for unauthorised sale), or

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- (c) section 138 (keeping alcohol on premises for unauthorised sale).

### *Drunkenness and disorderly conduct*

#### **140 Allowing disorderly conduct on licensed premises etc.**

- (1) A person to whom subsection (2) applies commits an offence if he knowingly allows disorderly conduct on relevant premises.
- (2) This subsection applies—
- (a) to any person who works at the premises in a capacity, whether paid or unpaid, which authorises him to prevent the conduct,
  - (b) in the case of licensed premises, to—
    - (i) the holder of a premises licence in respect of the premises, and
    - (ii) the designated premises supervisor (if any) under such a licence,
  - (c) in the case of premises in respect of which a club premises certificate has effect, to any member or officer of the club which holds the certificate who at the time the conduct takes place is present on the premises in a capacity which enables him to prevent it, and
  - (d) in the case of premises which may be used for a permitted temporary activity by virtue of Part 5, to the premises user in relation to the temporary event notice in question.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### **141 Sale of alcohol to a person who is drunk**

- (1) A person to whom subsection (2) applies commits an offence if, on relevant premises, he knowingly—
- (a) sells or attempts to sell alcohol to a person who is drunk, or
  - (b) allows alcohol to be sold to such a person.
- (2) This subsection applies—
- (a) to any person who works at the premises in a capacity, whether paid or unpaid, which gives him authority to sell the alcohol concerned,
  - (b) in the case of licensed premises, to—
    - (i) the holder of a premises licence in respect of the premises, and
    - (ii) the designated premises supervisor (if any) under such a licence,
  - (c) in the case of premises in respect of which a club premises certificate has effect, to any member or officer of the club which holds the certificate who at the time the sale (or attempted sale) takes place is present on the premises in a capacity which enables him to prevent it, and
  - (d) in the case of premises which may be used for a permitted temporary activity by virtue of Part 5, to the premises user in relation to the temporary event notice in question.
- (3) This section applies in relation to the supply of alcohol by or on behalf of a club to or to the order of a member of the club as it applies in relation to the sale of alcohol.

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- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### **142 Obtaining alcohol for a person who is drunk**

- (1) A person commits an offence if, on relevant premises, he knowingly obtains or attempts to obtain alcohol for consumption on those premises by a person who is drunk.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### **143 Failure to leave licensed premises etc.**

- (1) A person who is drunk or disorderly commits an offence if, without reasonable excuse—
- (a) he fails to leave relevant premises when requested to do so by a constable or by a person to whom subsection (2) applies, or
  - (b) he enters or attempts to enter relevant premises after a constable or a person to whom subsection (2) applies has requested him not to enter.
- (2) This subsection applies—
- (a) to any person who works at the premises in a capacity, whether paid or unpaid, which authorises him to make such a request,
  - (b) in the case of licensed premises, to—
    - (i) the holder of a premises licence in respect of the premises, or
    - (ii) the designated premises supervisor (if any) under such a licence,
  - (c) in the case of premises in respect of which a club premises certificate has effect, to any member or officer of the club which holds the certificate who is present on the premises in a capacity which enables him to make such a request, and
  - (d) in the case of premises which may be used for a permitted temporary activity by virtue of Part 5, to the premises user in relation to the temporary event notice in question.
- (3) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (4) On being requested to do so by a person to whom subsection (2) applies, a constable must—
- (a) help to expel from relevant premises a person who is drunk or disorderly;
  - (b) help to prevent such a person from entering relevant premises.

#### *Smuggled goods*

#### **144 Keeping of smuggled goods**

- (1) A person to whom subsection (2) applies commits an offence if he knowingly keeps or allows to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported.

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- (2) This subsection applies—
- (a) to any person who works at the premises in a capacity, whether paid or unpaid, which gives him authority to prevent the keeping of the goods on the premises,
  - (b) in the case of licensed premises, to—
    - (i) the holder of a premises licence in respect of the premises, and
    - (ii) the designated premises supervisor (if any) under such a licence,
  - (c) in the case of premises in respect of which a club premises certificate has effect, to any member or officer of the club which holds the certificate who is present on the premises at any time when the goods are kept on the premises in a capacity which enables him to prevent them being so kept, and
  - (d) in the case of premises which may be used for a permitted temporary activity by virtue of Part 5, to the premises user in relation to the temporary event notice in question.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) The court by which a person is convicted of an offence under this section may order the goods in question, and any container for them, to be forfeited and either destroyed or dealt with in such other manner as the court may order.

### *Children and alcohol*

#### **145 Unaccompanied children prohibited from certain premises**

- (1) A person to whom subsection (3) applies commits an offence if—
- (a) knowing that relevant premises are within subsection (4), he allows an unaccompanied child to be on the premises at a time when they are open for the purposes of being used for the supply of alcohol for consumption there, or
  - (b) he allows an unaccompanied child to be on relevant premises at a time between the hours of midnight and 5 a.m. when the premises are open for the purposes of being used for the supply of alcohol for consumption there.
- (2) For the purposes of this section—
- (a) “child” means an individual aged under 16,
  - (b) a child is unaccompanied if he is not in the company of an individual aged 18 or over.
- (3) This subsection applies—
- (a) to any person who works at the premises in a capacity, whether paid or unpaid, which authorises him to request the unaccompanied child to leave the premises,
  - (b) in the case of licensed premises, to—
    - (i) the holder of a premises licence in respect of the premises, and
    - (ii) the designated premises supervisor (if any) under such a licence,
  - (c) in the case of premises in respect of which a club premises certificate has effect, to any member or officer of the club which holds the certificate who is present on the premises in a capacity which enables him to make such a request, and

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- (d) in the case of premises which may be used for a permitted temporary activity by virtue of Part 5, to the premises user in relation to the temporary event notice in question.
- (4) Relevant premises are within this subsection if—
  - (a) they are exclusively or primarily used for the supply of alcohol for consumption on the premises, or
  - (b) they are open for the purposes of being used for the supply of alcohol for consumption on the premises by virtue of Part 5 (permitted temporary activities) and, at the time the temporary event notice in question has effect, they are exclusively or primarily used for such supplies.
- (5) No offence is committed under this section if the unaccompanied child is on the premises solely for the purpose of passing to or from some other place to or from which there is no other convenient means of access or egress.
- (6) Where a person is charged with an offence under this section by reason of his own conduct it is a defence that—
  - (a) he believed that the unaccompanied child was aged 16 or over or that an individual accompanying him was aged 18 or over, and
  - (b) either—
    - (i) he had taken all reasonable steps to establish the individual’s age, or
    - (ii) nobody could reasonably have suspected from the individual’s appearance that he was aged under 16 or, as the case may be, under 18.
- (7) For the purposes of subsection (6), a person is treated as having taken all reasonable steps to establish an individual’s age if—
  - (a) he asked the individual for evidence of his age, and
  - (b) the evidence would have convinced a reasonable person.
- (8) Where a person (“the accused”) is charged with an offence under this section by reason of the act or default of some other person, it is a defence that the accused exercised all due diligence to avoid committing it.
- (9) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (10) In this section “supply of alcohol” means—
  - (a) the sale by retail of alcohol, or
  - (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

#### **146 Sale of alcohol to children**

- (1) A person commits an offence if he sells alcohol to an individual aged under 18.
- (2) A club commits an offence if alcohol is supplied by it or on its behalf—
  - (a) to, or to the order of, a member of the club who is aged under 18, or
  - (b) to the order of a member of the club, to an individual who is aged under 18.
- (3) A person commits an offence if he supplies alcohol on behalf of a club—
  - (a) to, or to the order of, a member of the club who is aged under 18, or
  - (b) to the order of a member of the club, to an individual who is aged under 18.

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- (4) Where a person is charged with an offence under this section by reason of his own conduct it is a defence that—
  - (a) he believed that the individual was aged 18 or over, and
  - (b) either—
    - (i) he had taken all reasonable steps to establish the individual's age, or
    - (ii) nobody could reasonably have suspected from the individual's appearance that he was aged under 18.
- (5) For the purposes of subsection (4), a person is treated as having taken all reasonable steps to establish an individual's age if—
  - (a) he asked the individual for evidence of his age, and
  - (b) the evidence would have convinced a reasonable person.
- (6) Where a person ("the accused") is charged with an offence under this section by reason of the act or default of some other person, it is a defence that the accused exercised all due diligence to avoid committing it.
- (7) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### **147 Allowing the sale of alcohol to children**

- (1) A person to whom subsection (2) applies commits an offence if he knowingly allows the sale of alcohol on relevant premises to an individual aged under 18.
- (2) This subsection applies to a person who works at the premises in a capacity, whether paid or unpaid, which authorises him to prevent the sale.
- (3) A person to whom subsection (4) applies commits an offence if he knowingly allows alcohol to be supplied on relevant premises by or on behalf of a club—
  - (a) to or to the order of a member of the club who is aged under 18, or
  - (b) to the order of a member of the club, to an individual who is aged under 18.
- (4) This subsection applies to—
  - (a) a person who works on the premises in a capacity, whether paid or unpaid, which authorises him to prevent the supply, and
  - (b) any member or officer of the club who at the time of the supply is present on the relevant premises in a capacity which enables him to prevent it.
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

VALID FROM 06/04/2007

#### **[<sup>F1</sup>147A Persistently selling alcohol to children**

- (1) A person is guilty of an offence if—
  - (a) on 3 or more different occasions within a period of 3 consecutive months alcohol is unlawfully sold on the same premises to an individual aged under 18;

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- (b) at the time of each sale the premises were either licensed premises or premises authorised to be used for a permitted temporary activity by virtue of Part 5; and
  - (c) that person was a responsible person in relation to the premises at each such time.
- (2) For the purposes of this section alcohol sold to an individual aged under 18 is unlawfully sold to him if—
  - (a) the person making the sale believed the individual to be aged under 18; or
  - (b) that person did not have reasonable grounds for believing the individual to be aged 18 or over.
- (3) For the purposes of subsection (2) a person has reasonable grounds for believing an individual to be aged 18 or over only if—
  - (a) he asked the individual for evidence of his age and that individual produced evidence that would have convinced a reasonable person; or
  - (b) nobody could reasonably have suspected from the individual's appearance that he was aged under 18.
- (4) A person is, in relation to premises and a time, a responsible person for the purposes of subsection (1) if, at that time, he is—
  - (a) the person or one of the persons holding a premises licence in respect of the premises; or
  - (b) the person or one of the persons who is the premises user in respect of a temporary event notice by reference to which the premises are authorised to be used for a permitted temporary activity by virtue of Part 5.
- (5) The individual to whom the sales mentioned in subsection (1) are made may, but need not be, the same in each case.
- (6) The same sale may not be counted in respect of different offences for the purpose—
  - (a) of enabling the same person to be convicted of more than one offence under this section; or
  - (b) of enabling the same person to be convicted of both an offence under this section and an offence under section 146 or 147.
- (7) In determining whether an offence under this section has been committed, the following shall be admissible as evidence that there has been an unlawful sale of alcohol to an individual aged under 18 on any premises on any occasion—
  - (a) the conviction of a person for an offence under section 146 in respect of a sale to that individual on those premises on that occasion;
  - (b) the giving to a person of a caution (within the meaning of Part 5 of the Police Act 1997) in respect of such an offence; or
  - (c) the payment by a person of a fixed penalty under Part 1 of the Criminal Justice and Police Act 2001 in respect of such a sale.
- (8) A person guilty of an offence under this section shall be liable, on summary conviction, to a fine not exceeding £10,000.
- (9) The Secretary of State may by order amend subsection (8) to increase the maximum fine for the time being specified in that subsection.]



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### Textual Amendments

**F1** Ss. 147A, 147B inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), **ss. 23(1), 66(2)**; S.I. 2007/858, **art. 2(a)**

VALID FROM 06/04/2007

### [<sup>F1</sup>147B Order suspending a licence in respect of offence under section 147A

- (1) Where the holder of a premises licence is convicted of an offence under section 147A in respect of sales on the premises to which the licence relates, the court may order that so much of the licence as authorises the sale by retail of alcohol on those premises is suspended for a period not exceeding three months.
- (2) Where more than one person is liable for an offence under section 147A relating to the same sales, no more than one order under subsection (1) may be made in relation to the premises in question in respect of convictions by reference to those sales.
- (3) Subject to subsections (4) and (5), an order under subsection (1) comes into force at the time specified by the court that makes it.
- (4) Where a magistrates' court makes an order under subsection (1), it may suspend its coming into force pending an appeal.
- (5) Section 130 (powers of appellate court to suspend section 129 order) applies (with the omission of subsection (9)) where an order under subsection (1) is made on conviction of an offence under section 147A as it applies where an order under section 129 is made on conviction of a relevant offence in Part 6.]

### Textual Amendments

**F1** Ss. 147A, 147B inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), **ss. 23(1), 66(2)**; S.I. 2007/858, **art. 2(a)**

## 148 Sale of liqueur confectionery to children under 16

- (1) A person commits an offence if he—
  - (a) sells liqueur confectionery to an individual aged under 16, or
  - (b) supplies such confectionery, on behalf of a club—
    - (i) to or to the order of a member of the club who is aged under 16, or
    - (ii) to the order of a member of the club, to an individual who is aged under 16.
- (2) A club commits an offence if liqueur confectionery is supplied by it or on its behalf—
  - (a) to or to the order of a member of the club who is aged under 16, or
  - (b) to the order of a member of the club, to an individual who is aged under 16.
- (3) Where a person is charged with an offence under this section by reason of his own conduct it is a defence that—
  - (a) he believed that the individual was aged 16 or over, and

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- (b) either—
  - (i) he had taken all reasonable steps to establish the individual’s age, or
  - (ii) nobody could reasonably have suspected from the individual’s appearance that he was aged under 16.
- (4) For the purposes of subsection (3), a person is treated as having taken all reasonable steps to establish an individual’s age if—
  - (a) he asked the individual for evidence of his age, and
  - (b) the evidence would have convinced a reasonable person.
- (5) Where a person (“the accused”) is charged with an offence under this section by reason of the act or default of some other person, it is a defence that the accused exercised all due diligence to avoid committing it.
- (6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (7) In this section “liqueur confectionery” has the meaning given in section 191(2).

#### **149 Purchase of alcohol by or on behalf of children**

- (1) An individual aged under 18 commits an offence if—
  - (a) he buys or attempts to buy alcohol, or
  - (b) where he is a member of a club—
    - (i) alcohol is supplied to him or to his order by or on behalf of the club, as a result of some act or default of his, or
    - (ii) he attempts to have alcohol supplied to him or to his order by or on behalf of the club.
- (2) But subsection (1) does not apply where the individual buys or attempts to buy the alcohol at the request of—
  - (a) a constable, or
  - (b) a weights and measures inspector,
 who is acting in the course of his duty.
- (3) A person commits an offence if—
  - (a) he buys or attempts to buy alcohol on behalf of an individual aged under 18, or
  - (b) where he is a member of a club, on behalf of an individual aged under 18 he—
    - (i) makes arrangements whereby alcohol is supplied to him or to his order by or on behalf of the club, or
    - (ii) attempts to make such arrangements.
- (4) A person (“the relevant person”) commits an offence if—
  - (a) he buys or attempts to buy alcohol for consumption on relevant premises by an individual aged under 18, or
  - (b) where he is a member of a club—
    - (i) by some act or default of his, alcohol is supplied to him, or to his order, by or on behalf of the club for consumption on relevant premises by an individual aged under 18, or
    - (ii) he attempts to have alcohol so supplied for such consumption.
- (5) But subsection (4) does not apply where—

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- (a) the relevant person is aged 18 or over,
  - (b) the individual is aged 16 or 17,
  - (c) the alcohol is beer, wine or cider,
  - (d) its purchase or supply is for consumption at a table meal on relevant premises, and
  - (e) the individual is accompanied at the meal by an individual aged 18 or over.
- (6) Where a person is charged with an offence under subsection (3) or (4) it is a defence that he had no reason to suspect that the individual was aged under 18.
- (7) A person guilty of an offence under this section is liable on summary conviction—
- (a) in the case of an offence under subsection (1), to a fine not exceeding level 3 on the standard scale, and
  - (b) in the case of an offence under subsection (3) or (4), to a fine not exceeding level 5 on the standard scale.

## **150 Consumption of alcohol by children**

- (1) An individual aged under 18 commits an offence if he knowingly consumes alcohol on relevant premises.
- (2) A person to whom subsection (3) applies commits an offence if he knowingly allows the consumption of alcohol on relevant premises by an individual aged under 18.
- (3) This subsection applies—
- (a) to a person who works at the premises in a capacity, whether paid or unpaid, which authorises him to prevent the consumption, and
  - (b) where the alcohol was supplied by a club to or to the order of a member of the club, to any member or officer of the club who is present at the premises at the time of the consumption in a capacity which enables him to prevent it.
- (4) Subsections (1) and (2) do not apply where—
- (a) the individual is aged 16 or 17,
  - (b) the alcohol is beer, wine or cider,
  - (c) its consumption is at a table meal on relevant premises, and
  - (d) the individual is accompanied at the meal by an individual aged 18 or over.
- (5) A person guilty of an offence under this section is liable on summary conviction—
- (a) in the case of an offence under subsection (1), to a fine not exceeding level 3 on the standard scale, and
  - (b) in the case of an offence under subsection (2), to a fine not exceeding level 5 on the standard scale.

## **151 Delivering alcohol to children**

- (1) A person who works on relevant premises in any capacity, whether paid or unpaid, commits an offence if he knowingly delivers to an individual aged under 18—
- (a) alcohol sold on the premises, or
  - (b) alcohol supplied on the premises by or on behalf of a club to or to the order of a member of the club.

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- (2) A person to whom subsection (3) applies commits an offence if he knowingly allows anybody else to deliver to an individual aged under 18 alcohol sold on relevant premises.
- (3) This subsection applies to a person who works on the premises in a capacity, whether paid or unpaid, which authorises him to prevent the delivery of the alcohol.
- (4) A person to whom subsection (5) applies commits an offence if he knowingly allows anybody else to deliver to an individual aged under 18 alcohol supplied on relevant premises by or on behalf of a club to or to the order of a member of the club.
- (5) This subsection applies—
  - (a) to a person who works on the premises in a capacity, whether paid or unpaid, which authorises him to prevent the supply, and
  - (b) to any member or officer of the club who at the time of the supply in question is present on the premises in a capacity which enables him to prevent the supply.
- (6) Subsections (1), (2) and (4) do not apply where—
  - (a) the alcohol is delivered at a place where the buyer or, as the case may be, person supplied lives or works, or
  - (b) the individual aged under 18 works on the relevant premises in a capacity, whether paid or unpaid, which involves the delivery of alcohol, or
  - (c) the alcohol is sold or supplied for consumption on the relevant premises.
- (7) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

## **152 Sending a child to obtain alcohol**

- (1) A person commits an offence if he knowingly sends an individual aged under 18 to obtain—
  - (a) alcohol sold or to be sold on relevant premises for consumption off the premises, or
  - (b) alcohol supplied or to be supplied by or on behalf of a club to or to the order of a member of the club for such consumption.
- (2) For the purposes of this section, it is immaterial whether the individual aged under 18 is sent to obtain the alcohol from the relevant premises or from other premises from which it is delivered in pursuance of the sale or supply.
- (3) Subsection (1) does not apply where the individual aged under 18 works on the relevant premises in a capacity, whether paid or unpaid, which involves the delivery of alcohol.
- (4) Subsection (1) also does not apply where the individual aged under 18 is sent by—
  - (a) a constable, or
  - (b) a weights and measures inspector,who is acting in the course of his duty.
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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### **153 Prohibition of unsupervised sales by children**

- (1) A responsible person commits an offence if on any relevant premises he knowingly allows an individual aged under 18 to make on the premises—
- (a) any sale of alcohol, or
  - (b) any supply of alcohol by or on behalf of a club to or to the order of a member of the club,
- unless the sale or supply has been specifically approved by that or another responsible person.
- (2) But subsection (1) does not apply where—
- (a) the alcohol is sold or supplied for consumption with a table meal,
  - (b) it is sold or supplied in premises which are being used for the service of table meals (or in a part of any premises which is being so used), and
  - (c) the premises are (or the part is) not used for the sale or supply of alcohol otherwise than to persons having table meals there and for consumption by such a person as an ancillary to his meal.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (4) In this section “responsible person” means—
- (a) in relation to licensed premises—
    - (i) the holder of a premises licence in respect of the premises,
    - (ii) the designated premises supervisor (if any) under such a licence, or
    - (iii) any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor,
  - (b) in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question, and
  - (c) in relation to premises which may be used for a permitted temporary activity by virtue of Part 5—
    - (i) the premises user, or
    - (ii) any individual aged 18 or over who is authorised for the purposes of this section by the premises user.

### **154 Enforcement role for weights and measures authorities**

- (1) It is the duty of every local weights and measures authority in England and Wales to enforce within its area the provisions of sections 146 and 147, so far as they apply to sales of alcohol made on or from premises to which the public have access.
- (2) A weights and measures inspector may make, or authorise any person to make on his behalf, such purchases of goods as appear expedient for the purpose of determining whether those provisions are being complied with.

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### *Confiscation of alcohol*

#### **155 Confiscation of sealed containers of alcohol**

- (1) In section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 (c. 33) (right to require surrender of alcohol)—
  - (a) in subsection (1), omit “(other than a sealed container)”,
  - (b) after that subsection insert—
 

“(1A) But a constable may not under subsection (1) require a person to surrender any sealed container unless the constable reasonably believes that the person is, or has been, consuming, or intends to consume, alcohol in any relevant place., and”
  - (c) in subsection (6), after “subsection (1)” insert “and (1A)”.
- (2) In section 12(2)(b) of the Criminal Justice and Police Act 2001 (c. 16) (right to require surrender of alcohol), omit “(other than a sealed container)”.

### *Vehicles and trains*

#### **156 Prohibition on sale of alcohol on moving vehicles**

- (1) A person commits an offence under this section if he sells by retail alcohol on or from a vehicle at a time when the vehicle is not permanently or temporarily parked.
- (2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £20,000, or to both.
- (3) In proceedings against a person for an offence under this section, it is a defence that—
  - (a) his act was due to a mistake, or to reliance on information given to him, or to an act or omission by another person, or to some other cause beyond his control, and
  - (b) he took all reasonable precautions and exercised all due diligence to avoid committing the offence.

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

- (1) A magistrates' court [<sup>F2</sup>acting for the local justice area] may make an order prohibiting the sale of alcohol, during such period as may be specified, on any railway vehicle—
  - (a) at such station or stations as may be specified, being stations in that area, or
  - (b) travelling between such stations as may be specified, at least one of which is in that area.
- (2) A magistrates' court may make an order under this section only on the application of a senior police officer.
- (3) A magistrates' court may not make such an order unless it is satisfied that the order is necessary to prevent disorder.
- (4) Where an order is made under this section, the responsible senior police officer must, forthwith, serve a copy of the order on the train operator (or each train operator) affected by the order.

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- (5) A person commits an offence if he knowingly—
- (a) sells or attempts to sell alcohol in contravention of an order under this section, or
  - (b) allows the sale of alcohol in contravention of such an order.
- (6) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £20,000, or to both.
- (7) In this section—
- “railway vehicle” has the meaning given by section 83 of the Railways Act 1993;
- “responsible senior police officer”, in relation to an order under this section, means the senior police officer who applied for the order or, if the chief officer of police of the force in question has designated another senior police officer for the purpose, that other officer;
- “senior police officer” means a police officer of, or above, the rank of inspector;
- “specified” means specified in the order under this section;
- “station” has the meaning given by section 83 of the Railways Act 1993 (c. 43); 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).

#### Textual Amendments

- F2** Words in s. 157(1) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 93\(a\)](#)

*False statement relating to licensing etc.*

### 158 False statements made for the purposes of this Act

- (1) A person commits an offence if he knowingly or recklessly makes a false statement in or in connection with—
- (a) an application for the grant, variation, transfer or review of a premises licence or club premises certificate,
  - (b) an application for a provisional statement,
  - (c) a temporary event notice, an interim authority notice or any other notice under this Act,
  - (d) an application for the grant or renewal of a personal licence, or
  - (e) a notice within section 178(1) (notice by freeholder etc. conferring right to be notified of changes to licensing register).
- (2) For the purposes of subsection (1) a person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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## *Interpretation*

### **159 Interpretation of Part 7**

In this Part—

“authorisation” has the meaning given in section 136(5);

“relevant premises” means—

- (a) licensed premises, or
- (b) premises in respect of which there is in force a club premises certificate, or
- (c) premises which may be used for a permitted temporary activity by virtue of Part 5;

“table meal” means a meal eaten by a person seated at a table, or at a counter or other structure which serves the purpose of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purpose of a table; and

“weights and measures inspector” means an inspector of weights and measures appointed under section 72(1) of the Weights and Measures Act 1985 (c. 72).



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