



Licensing Act 2003

2003 CHAPTER 17

PART 7

OFFENCES

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.

- (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.

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—

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- (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
 - (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—
 - (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.

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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.
- (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.

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.