



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*Status: This is the original version (as it was originally enacted).*

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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.