



2011 CHAPTER 18

PART 1

LICENSING

Proof of age

3.—(1) In Article 58 of the Licensing Order (young persons prohibited from certain premises) after paragraph (11) insert—

“(11A) Without prejudice to any other means of proving the exercise of all due diligence, for the purposes of paragraph (11) the holder of the licence or his servant or agent is to be treated as having exercised all due diligence to avoid the commission of an offence if—

- (a) the holder of the licence or his servant or agent was shown any of the documents specified in paragraph (11B); and
- (b) that document would have convinced a reasonable person.

(11B) The documents referred to in paragraph (11A)(a) are any document purporting to be—

- (a) a passport;
- (b) a photocard driving licence;
- (c) an electoral identity card;
- (d) a photographic identity card of a type approved by the British Retail Consortium for the purposes of its Proof of Age Scheme; or
- (e) such other document, or a document of such other description, as may be prescribed by regulations.”.

(2) In Article 60 of the Licensing Order (sale, etc., of intoxicating liquor to young persons) after paragraph (7) insert—

“(7A) Without prejudice to any other means of proving the exercise of all due diligence, for the purposes of paragraph (7) the holder of the licence or his servant or agent is to be treated as having exercised all due diligence to avoid the commission of an offence if—

- (a) the holder of the licence or his servant or agent was shown any of the documents specified in paragraph (7B); and
- (b) that document would have convinced a reasonable person.

(7B) The documents referred to in paragraph (7A)(a) are any document purporting to be—

- (a) a passport;
- (b) a photocard driving licence;
- (c) an electoral identity card;
- (d) a photographic identity card of a type approved by the British Retail Consortium for the purposes of its Proof of Age Scheme; or
- (e) such other document, or a document of such other description, as may be prescribed by regulations.”.

(3) After Article 60A of the Licensing Order insert the following Article—

“Duty to display notice relating to age

60B.—(1) A holder of a licence must at all times display the notice specified in paragraph (2)—

- (a) at each place in the licensed premises where intoxicating liquor is sold; and
- (b) in a position where it is readily visible to any person seeking to purchase intoxicating liquor.

(2) The notice referred to in paragraph (1) must contain such information and be in such form and of such dimensions as are prescribed by regulations.

(3) Without prejudice to the generality of paragraph (2), the notice must contain—

- (a) such information as may be prescribed by regulations in relation to offences concerning the sale to or purchase by persons under the age of 18 of intoxicating liquor; and
- (b) a description of the documents specified in Articles 58(11B) and 60(7B).

(4) A holder of a licence acting in contravention of this Article or any provision made under this Article shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.