



# Licensing Act 1964

## 1964 CHAPTER 26

### PART XI

#### GENERAL PROVISIONS REGULATING SALE, ETC., POSSESSION AND DELIVERY OF INTOXICATING LIQUOR

#### **160 Selling liquor without licence**

- (1) Subject to the provisions of this Act, if any person—
  - (a) sells or exposes for sale by retail any intoxicating liquor without holding a justices' licence or canteen licence authorising him to hold an excise licence for the sale of that liquor, or
  - (b) holding a justices' licence or a canteen licence sells or exposes for sale by retail any intoxicating liquor except at the place for which that licence authorises him to hold an excise licence for the sale of that liquor,he shall be guilty of an offence under this section.
- (2) Where intoxicating liquor is sold in contravention of this section on any premises, every occupier of the premises who is proved to have been privy or consenting to the sale shall be guilty of an offence under this section.
- (3) A person guilty of an offence under this section shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds, or to both.
- (4) The holder of a justices' licence or a canteen licence shall, on his second or subsequent conviction of an offence under this section, forfeit the licence.
- (5) The court by or before which a person is convicted of an offence under this section committed after a previous conviction of such an offence may order him to be disqualified for holding a justices' licence—
  - (a) on a second conviction, for a period not exceeding five years;
  - (b) on a third or subsequent conviction, for any term of years or for life.

- (6) The court by or before which the holder of a justices' licence or a canteen licence is convicted of an offence under this section may declare all intoxicating liquor found in his possession, and the vessels containing it, to be forfeited.

### **161 Selling liquor in breach of conditions of licence**

- (1) If the holder of a justices' on-licence knowingly sells or supplies intoxicating liquor to persons to whom he is not permitted by the conditions of the licence to sell or supply it he shall be guilty of an offence under this section.
- (2) If the holder of a Part IV licence knowingly permits intoxicating liquor sold in pursuance of the licence to be consumed on the licensed premises by persons for whose consumption there he is not permitted by the conditions of the licence to sell it, he shall be guilty of an offence under this section.
- (3) A person guilty of an offence under this section shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds or to both.

### **162 Keeping on premises of liquor of kind not authorised by licence**

If without reasonable excuse the holder of a justices' licence or a canteen licence has in his possession on the premises in respect of which the licence is in force any kind of intoxicating liquor which he is not authorised to sell, he shall be liable—

- (a) on a first conviction, to a fine not exceeding ten pounds,  
(b) on a subsequent conviction, to a fine not exceeding twenty pounds,  
and shall forfeit the liquor and the vessels containing it.

### **163 Delivery from vehicles, etc.**

- (1) A person shall not, in pursuance of a sale by him of intoxicating liquor, deliver that liquor, either himself or by his servant or agent, from any van, barrow, basket or other vehicle or receptacle unless the quantity, description and price of the liquor and the name and address of the person to whom it was to be supplied had been entered, before the liquor was dispatched—
- (a) in a day book kept on the premises from which the liquor was dispatched, and  
(b) in a delivery book or invoice carried by the person delivering the liquor.
- (2) A person shall not, himself or by his servant or agent—
- (a) carry in any van, barrow, basket or other vehicle or receptacle, while in use for the delivery of intoxicating liquor in pursuance of a sale by that person, any intoxicating liquor that is not entered in a day book and delivery book or invoice under subsection (1) of this section;  
(b) deliver in pursuance of a sale by him any intoxicating liquor at any address not entered as aforesaid.
- (3) A person shall not, himself or by his servant or agent, refuse to allow a constable to examine any van, barrow, basket or other vehicle or receptacle while in use for the distribution or delivery of any intoxicating liquor or to examine a delivery book or invoice carried, or day book kept, under subsection (1) of this section.

- (4) The holder of a justices' licence shall not be guilty of an offence under this section committed by his servant or agent if he proves that the offence was committed without his knowledge or consent.
- (5) Nothing in this section shall prohibit or restrict the delivery of intoxicating liquor to a trader for the purposes of his trade, or to a registered club for the purposes of the club.
- (6) If any person contravenes this section he shall be liable to a fine not exceeding thirty pounds.

#### **164 Penalty for breach of terms of off-licence**

- (1) Where a person, having purchased intoxicating liquor from the holder of a justices' licence which does not cover the sale of that liquor for consumption on the premises, drinks the liquor—
  - (a) in the licensed premises, or
  - (b) in premises which adjoin or are near the licensed premises and which belong to the holder of the licence or are under his control or used by his permission, or
  - (c) on a highway adjoining or near those premises,then, if the drinking is with the privity or consent of the holder of the licence, the holder of the licence shall be liable, on a first conviction to a fine not exceeding ten pounds, and on a subsequent conviction to a fine not exceeding twenty pounds.
- (2) If the holder of a justices' off-licence, with intent to evade the terms of the licence, takes, or suffers any other person to take, any intoxicating liquor from the licensed premises for the purpose of its being sold on his account or for his benefit or profit, he shall be liable, on a first conviction to a fine not exceeding ten pounds, and on a subsequent conviction to a fine not exceeding twenty pounds.
- (3) For the purposes of subsection (2) of this section, if liquor is taken for the purpose of its being drunk in any house, tent, shed or other building belonging to the holder of the licence, or hired, used or occupied by him, the burden of proving that he did not intend to evade the terms of the licence shall lie upon him.

#### **165 Long pull prohibited**

If any person, in licensed premises, a licensed canteen or the premises of a registered club, himself or by his servant or agent sells or supplies to any person as the measure of intoxicating liquor for which he asks an amount exceeding that measure, he shall be liable to a fine not exceeding thirty pounds.

#### **166 Restriction on credit sales**

- (1) Subject to the following provisions of this section, a person shall not in any licensed premises, licensed canteen or the premises of a registered club—
  - (a) himself or by his servant or agent sell or supply intoxicating liquor for consumption on the premises, or
  - (b) consume intoxicating liquor,unless it is paid for before or at the time when it is sold or supplied ; and if any person contravenes this subsection he shall be liable to a fine not exceeding thirty pounds.
- (2) Subsection (1) of this section does not apply—

- (a) if the liquor is sold or supplied for consumption at a meal supplied at the same time, is consumed with the meal and is paid for together with the meal; or
  - (b) if, in the case of licensed premises, the liquor is sold or supplied for consumption by a person residing in the premises or his guests and is paid for together with his accommodation.
- (3) Nothing in this section shall prohibit or restrict the sale or supply of intoxicating liquor to any canteen or mess.

### **167 Saving for liqueur chocolates**

- (1) No provision of this Act as to the sale, supply, purchase, delivery or consumption of intoxicating liquor, except subsection (2) of this section, and no enactment requiring the authority of an excise licence for the sale or supply of intoxicating liquor, shall have effect in relation to intoxicating liquor in confectionery which—
- (a) does not contain intoxicating liquor in a proportion greater than one fiftieth of a gallon of liquor (computed as proof spirit) per pound of the confectionery; and
  - (b) either consists of separate pieces weighing not more than one and a half ounces or is designed to be broken into such pieces for the purposes of consumption.
- (2) Intoxicating liquor in confectionery shall not be sold to a person under sixteen, and if any person knowingly contravenes this subsection he shall be liable on a first conviction to a fine not exceeding ten pounds and on a subsequent conviction to a fine not exceeding twenty-five pounds.