



# Licensing Act 1964 (repealed)

## 1964 CHAPTER 26

### PART XII

#### PROTECTION OF PERSONS UNDER EIGHTEEN AND OTHER PROVISIONS AS TO CONDUCT OF LICENSED PREMISES AND LICENSED CANTEENS.

##### *Preservation of order*

#### **172 Licence holder not to permit drunkenness, etc.**

- (1) The holder of a justices' licence shall not permit drunkenness or any violent, quarrelsome or riotous conduct to take place in the licensed premises.
- (2) If the holder of a justices' licence is charged under subsection (1) of this section with permitting drunkenness, and it is proved that any person was drunk in the licensed premises, the burden of proving that the licence holder and the persons employed by him took all reasonable steps for preventing drunkenness in the premises shall lie upon him.
- (3) The holder of a justices' licence shall not sell intoxicating liquor to a drunken person.
- (4) If any person contravenes this section he shall be liable, on a first conviction to a fine not exceeding [<sup>F1</sup>£25], and on a subsequent conviction to a fine not exceeding [<sup>F1</sup>£50].

#### **Textual Amendments**

**F1** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31\(5\)\(6\)\(9\)](#)

#### **Modifications etc. (not altering text)**

**C1** [S. 172\(4\): Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 35](#) (in relation to liability on first and subsequent convictions), [38](#) (increase of fines) and [46](#) (substitution of references to levels on the standard scale) apply; and [s. 172\(4\)](#), as so amended, further amended (1.12.2001) by [2001 c. 16, s. 32\(1\)\(7\)](#); [S.I. 2001/3736, art. 2](#)

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VALID FROM 01/12/2001

**[<sup>F2</sup>172A Other persons in authority not to permit drunkenness etc.**

- (1) A relevant person shall not permit drunkenness or any violent, quarrelsome or riotous conduct to take place in licensed premises.
- (2) If a relevant person is charged under subsection (1) of this section with permitting drunkenness, and it is proved that any person was drunk in the licensed premises, the burden of proving that the relevant person and any persons employed by him took all reasonable steps for preventing drunkenness in the premises shall lie upon him.
- (3) A relevant person shall not, in licensed premises, sell intoxicating liquor to a drunken person.
- (4) If any person contravenes this section he shall be liable to a fine not exceeding level 3 on the standard scale.
- (5) This section is without prejudice to the liability under section 172 of this Act of the holder of a justices' licence for acts or omissions of persons other than himself.
- (6) In this section "relevant person" means any person (other than the holder of the justices' licence for the licensed premises concerned) who—
  - (a) in a case falling within subsection (1) of this section, works in the licensed premises in a capacity, whether paid or unpaid, which gives him authority to prevent the drunkenness or (as the case may be) conduct concerned;
  - (b) in a case falling within subsection (3) of this section, works in the licensed premises in a capacity, whether paid or unpaid, which gives him authority to sell the intoxicating liquor concerned.]

**Textual Amendments**

**F2** S. 172A inserted (1.12.2001) by 2001 c. 16, s. 32(2); S.I. 2001/3736, art. 2

**173 Procuring drink for drunken person.**

- (1) If any person in licensed premises procures or attempts to procure any intoxicating liquor for consumption by a drunken person he shall be guilty of an offence under this section.
- (2) If any person aids a drunken person in obtaining or consuming intoxicating liquor in licensed premises 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 one month or to a fine not exceeding [<sup>F3</sup>level 1 on the standard scale].

**Textual Amendments**

**F3** Words substituted by virtue of Criminal Law Act 1977 (c. 45, SIF 39:1), s. 31(5)(6)(9) and Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46

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#### **174 Power to exclude drunkards, etc., from licensed premises.**

- (1) Without prejudice to any other right to refuse a person admission to premises or to expel a person from premises, the holder of a justices' licence may refuse to admit to, or may expel from, the licensed premises any person who is drunken, violent, quarrelsome or disorderly, or whose presence in the licensed premises would subject the licence holder to a penalty under this Act.
- (2) If any person liable to be expelled from licensed premises under this section, when requested by the holder of the justices' licence or his agent or servant or any constable to leave the premises, fails to do so, he shall be liable to a fine not exceeding [<sup>F4</sup>level 1 on the standard scale].
- (3) Any constable shall, on the demand of the holder of a justices' licence or his agent or servant, help to expel from the licensed premises any person liable to be expelled from them under this section, and may use such force as may be required for the purpose.

##### **Textual Amendments**

- F4** Words substituted by [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [Sch. 6](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

#### **175 Prostitutes not to be allowed to assemble on licensed premises.**

- (1) The holder of a justices' licence shall not knowingly allow the licensed premises to be the habitual resort or place of meeting of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution; but this section does not prohibit his allowing any such persons to remain in the premises for the purpose of obtaining reasonable refreshment for such time as is necessary for that purpose.
- (2) If the holder of a justices' licence contravenes this section he shall be liable, on a first conviction to a fine not exceeding [<sup>F5</sup>£25], and on a subsequent conviction to a fine not exceeding [<sup>F5</sup>£50].

##### **Textual Amendments**

- F5** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31\(5\)\(6\)\(9\)](#)

##### **Modifications etc. (not altering text)**

- C2** [S. 175\(2\): Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 35](#) (in relation to liability on first and subsequent convictions), [38](#) (increase of fines) and [46](#) (substitution of references to levels on the standard scale) apply (E.W.)

#### **176 Permitting licensed premises to be a brothel.**

- (1) If the holder of a justices' licence permits the licensed premises to be a brothel, he shall be liable to a fine not exceeding [<sup>F6</sup>level 2 on the standard scale].
- (2) If the holder of a justices' licence is convicted, whether under this section or under any other enactment, of permitting his premises to be a brothel, he shall forfeit the licence.

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#### **Textual Amendments**

- F6** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31\(5\)\(6\)\(9\)](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

### **177 Gaming on licensed premises.**

- (1) If the holder of a justices' licence suffers any game to be played in the premises in such circumstances that an offence under [<sup>F7</sup>the <sup>M1</sup>Gaming Act 1968] is committed or a requirement or restriction for the time being in force under [<sup>F7</sup>section 6] of that Act is contravened, 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.
- (2) The conviction of the holder of a justices' licence of an offence in connection with the licensed premises under section 1(1) of the <sup>M2</sup>Betting, Gaming and Lotteries Act 1963 shall for the purposes of this Act be deemed to be a conviction of an offence under this section.

#### **Textual Amendments**

- F7** Words substituted by [Gaming Act 1968 \(c. 65, SIF 12:1\)](#), [Sch. 11 Pt. III](#)

#### **Modifications etc. (not altering text)**

- C3** [S. 177\(1\): Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 35](#) (in relation to liability on first and subsequent convictions), [38](#) (increase of fines) and [46](#) (substitution of references to levels on the standard scale) apply (E.W.)

#### **Marginal Citations**

- M1** [1968 c. 65 \(12:1\)](#).  
**M2** [1963 c. 2 \(12:1\)](#).

**Status:**

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**Changes to legislation:**

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