



# Licensing Act 1988

## 1988 CHAPTER 17

### *Protection of persons under eighteen*

#### **16 Sale of intoxicating liquor on licensed premises to persons under 18**

- (1) Section 169 of the principal Act (offences on licensed premises in connection with the supply of intoxicating liquor to, or its consumption by, persons under eighteen) shall have effect with the following amendments.
- (2) In subsection (1) (which penalises the sale of intoxicating liquor by a licensee or his servant to a person known to be under eighteen), the word “knowingly”, in the first place where it occurs, shall be omitted.
- (3) After subsection (4) there shall be inserted the following subsections—
  - “(4A) Where a person is charged under subsection (1) of this section with the offence of selling intoxicating liquor to a person under eighteen and he is charged by reason of his own act, it shall be a defence for him to prove—
    - (a) that he exercised all due diligence to avoid the commission of such an offence; or
    - (b) that he had no reason to suspect that the person was under eighteen.
  - (4B) Where the person charged with an offence under subsection (1) of this section is the licence holder and he is charged by reason of the act or default of some other person, it shall be a defence for him to prove that he exercised all due diligence to avoid the commission of an offence under that subsection.”
- (4) For subsections (8) and (9), there shall be substituted the following subsection—
  - “(8) A person guilty of an offence under this section shall be liable to a fine not exceeding level 3 on the standard scale; and on a person’s second or subsequent conviction of such an offence the court may, if the offence was committed by him as the holder of a justices’ licence, order that he shall forfeit the licence.”

**17 Sales to or by persons under 18 of intoxicating liquor on wholesale premises.**

The following section shall be inserted after section 181 of the principal Act—

**“181A Sales to or by persons under 18 of intoxicating liquor on wholesale premises.**

- (1) In any premises from which he deals wholesale the wholesaler or his servant shall not sell intoxicating liquor to a person under eighteen.
- (2) In any premises from which he deals wholesale the wholesaler shall not allow a person under eighteen to make any sale of intoxicating liquor unless the sale has been specifically approved by the wholesaler or by a person of or over the age of eighteen acting on his behalf.
- (3) A person under eighteen shall not in premises from which intoxicating liquor is dealt in wholesale buy or attempt to buy such liquor.
- (4) In proceedings for an offence under subsection (1) of this section—
  - (a) where the person charged is charged by reason of his own act, it shall be a defence for him to prove—
    - (i) that he exercised all due diligence to avoid the commission of an offence under that subsection; or
    - (ii) that he had no reason to suspect that the other person was under eighteen; and
  - (b) where the person charged is charged by reason of the act of some other person, it shall be a defence for him to prove that he exercised all due diligence to avoid the commission of an offence under that subsection.
- (5) A person guilty of an offence under subsection (1) or (3) of this section shall be liable to a fine not exceeding level 3 on the standard scale.
- (6) A person guilty of an offence under subsection (2) of this section shall be liable to a fine not exceeding level 1 on the standard scale.
- (7) In this section “wholesaler” and “wholesale” have the same meaning as in section 4 of the Alcoholic Liquor Duties Act 1979.”

**18 Prohibition of unsupervised off-sales by persons under 18.**

The following section shall be inserted after section 171 of the principal Act—

**“171A Prohibition of unsupervised off-sales by persons under 18.**

- (1) In any premises which are licensed for the sale of intoxicating liquor for consumption off the premises only or any off-sales department of on-licensed premises, the holder of the licence shall not allow a person under eighteen to make any sale of such liquor unless the sale has been specifically approved by the holder of the licence or by a person of or over the age of eighteen acting on his behalf.
- (2) The reference in subsection (1) of this section to an off-sales department of on-licensed premises is a reference to any part of premises for which a justices'

on-licence has been granted which is set aside for use only for the sale of intoxicating liquor for consumption off the premises.

- (3) A person guilty of an offence under this section shall be liable to a fine not exceeding level 1 on the standard scale.”