



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 7

#### OFFENCES

VALID FROM 24/11/2005

#### *Drunkenness and disorderly conduct*

#### **140 Allowing disorderly conduct on licensed premises etc.**

- (1) A person to whom subsection (2) applies commits an offence if he knowingly allows disorderly conduct on relevant premises.
- (2) This subsection applies—
  - (a) to any person who works at the premises in a capacity, whether paid or unpaid, which authorises him to prevent the conduct,
  - (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 at the time the conduct takes place is present on the premises in a capacity which enables him to prevent it, and
  - (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.
- (3) 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.

*Status: Point in time view as at 01/04/2005. This version of this cross heading contains provisions that are not valid for this point in time.*

**Changes to legislation:** Licensing Act 2003, Cross Heading: Drunkenness and disorderly conduct is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

#### **141 Sale of alcohol to a person who is drunk**

- (1) A person to whom subsection (2) applies commits an offence if, on relevant premises, he knowingly—
  - (a) sells or attempts to sell alcohol to a person who is drunk, or
  - (b) allows alcohol to be sold to such a person.
- (2) This subsection applies—
  - (a) to any person who works at the premises in a capacity, whether paid or unpaid, which gives him authority to sell the alcohol concerned,
  - (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 at the time the sale (or attempted sale) takes place is present on the premises in a capacity which enables him to prevent it, and
  - (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.
- (3) This section applies in relation to the supply of alcohol by or on behalf of a club to or to the order of a member of the club as it applies in relation to the sale of alcohol.
- (4) 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.

#### **142 Obtaining alcohol for a person who is drunk**

- (1) A person commits an offence if, on relevant premises, he knowingly obtains or attempts to obtain alcohol for consumption on those premises by a person who is drunk.
- (2) 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.

#### **143 Failure to leave licensed premises etc.**

- (1) A person who is drunk or disorderly commits an offence if, without reasonable excuse—
  - (a) he fails to leave relevant premises when requested to do so by a constable or by a person to whom subsection (2) applies, or
  - (b) he enters or attempts to enter relevant premises after a constable or a person to whom subsection (2) applies has requested him not to enter.
- (2) This subsection applies—
  - (a) to any person who works at the premises in a capacity, whether paid or unpaid, which authorises him to make such a request,
  - (b) in the case of licensed premises, to—
    - (i) the holder of a premises licence in respect of the premises, or
    - (ii) the designated premises supervisor (if any) under such a licence,

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- (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
  - (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.
- (3) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (4) On being requested to do so by a person to whom subsection (2) applies, a constable must—
  - (a) help to expel from relevant premises a person who is drunk or disorderly;
  - (b) help to prevent such a person from entering relevant premises.

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