



# Licensing Act 1902

1902 CHAPTER 28 2 Edw 7

## PART I

### AMENDMENT OF LAW AS TO DRUNKENNESS

#### 1 Apprehension of person found drunk and incapable in public place.

If a person is found drunk in any highway or other public place, whether a building or not, or on any licensed premises, and appears to be incapable of taking care of himself, he may be apprehended and dealt with according to law.

#### 2 Penalty for being drunk while in charge of child.

- (1) If any person is found drunk in any highway or other public place, whether a building or not, or on any licensed premises, while having the charge of a child apparently under the age of seven years, he may be apprehended, and shall, if the child is under that age, be liable, on summary conviction, to a fine not exceeding [<sup>F1</sup>level 2 on the standard scale], or to imprisonment, . . . <sup>F2</sup> for any period not exceeding one month.
- (2) If the child appears to the court to be under the age of seven, the child shall, for the purposes of this section, be deemed to be under that age unless the contrary is proved.
- (3) The offence under this section shall be included in the list of offences mentioned in the First Schedule to the <sup>M1</sup>Inebriates Act 1898, . . . <sup>F2</sup>

#### Textual Amendments

**F1** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46

**F2** Words repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), [Sch. 1 Pt. II](#)

#### Marginal Citations

**M1** 1898 c. 60.

*Status: Point in time view as at 01/10/1994.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1902, Part I. (See end of Document for details)*

3 ..... F3

**Textual Amendments**  
F3 S. 3 repealed by Statute Law (Repeals) Act 1976 (c. 16), Sch. 1 Pt. II

4 ..... F4

**Textual Amendments**  
F4 Ss. 4, 9—21, 23—32 repealed by Licensing (Consolidation) Act 1910 (c. 24), Sch. 7

5 ..... F5

**Textual Amendments**  
F5 S. 5 repealed by Matrimonial Proceedings (Magistrates' Courts) Act 1960 (c. 48), Sch.

**6 Prohibition of sale of liquor to persons declared to be habitual drunkards.**

- (1) [<sup>F6</sup>Where a person is convicted of an offence mentioned in the First Schedule to the <sup>M2</sup>Inebriates Act 1898 and such person has, during the period of twelve months immediately preceding the date of the offence, been convicted on three occasions of an offence mentioned in the said Schedule, the court may] order that notice of the conviction, with such particulars as may be prescribed by a Secretary of State, be sent to the police authority <sup>F7</sup> . . . for the police area in which the court is situate.
- (2) Where a court, in pursuance of this Act, orders notice of a conviction to be sent to a police authority, the court shall inform the convicted person that the notice is to be so sent; and
  - (a) if the convicted person, within three years after the date of the conviction, purchases or obtains, or attempts to purchase or obtain, any intoxicating liquor at any premises licensed for the sale of intoxicating liquor by retail, or at the premises of any club registered in pursuance of the provisions of Part III. of this Act, he shall be liable, on summary conviction, to a fine not exceeding, for the first offence, [<sup>F8</sup>level 1 on the standard scale], and, for any subsequent offence, [<sup>F8</sup>level 1 on the standard scale]; and
  - (b) if the holder of any licence authorising the sale of intoxicating liquor by retail, whether for consumption on or off the premises, or any person selling, supplying or distributing intoxicating liquor, or authorising such sale, supply or distribution, on the premises of a club registered in conformity with the provisions of Part III. of this Act, within that period knowingly sells, supplies or distributes, or allows any person to sell, supply or distribute, intoxicating liquor to, or for the consumption of, any such person, he shall be liable, on summary conviction, for the first offence, to a fine not exceeding [<sup>F9</sup>£25], and, for any subsequent offence in respect of the same person, to a fine not exceeding [<sup>F9</sup>£50].

*Status: Point in time view as at 01/10/1994.*

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- (3) Regulations shall be made by the police authority for the purpose of securing the giving of information to licensed persons, and secretaries of clubs registered under Part III. of this Act, of orders made under this section, and for assisting in the identification of the convicted persons.

**Textual Amendments**

- F6** Words substituted by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#) , **Sch. 2 Pt. I**  
**F7** Words in s. 6 repealed (1.10.1994) by [1994 c. 29](#) , s. 93 , **Sch. 9 Pt.I** ; S.I. 1994/2025 , **art. 5(1)-(3)**  
**F8** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#) , **s. 46**  
**F9** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45\)](#) , **s. 31(5)(6)(7)(9)**

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

- C1** S. 6 amended by [Licensing Act 1964 \(c. 26\)](#) , **s. 195**  
**C2** [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**

- M2** [1898 c. 60](#) .

7 ..... **F10**

**Textual Amendments**

- F10** [S. 7](#) repealed by [Licensing Act 1953 \(c. 46\)](#) , **Sch. 10**

**8 Interpretation of “public place.”**

For the purposes of section twelve of the <sup>M3</sup>Licensing Act 1872, and of sections one and two of this Act, the expression “public place” shall include any place to which the public have access, whether on payment or otherwise.

**Marginal Citations**

- M3** [1872 c. 94](#) .

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Licensing Act 1902, Part I.