



Licensing Act 1872

1872 CHAPTER 94 35 and 36 Vict

Offences against Public Order

12 Penalty on persons found drunk. **E+W+N.I.**

Every person found drunk in any highway or other public place, whether a building or not, or on any licensed premises, shall be liable to a penalty not exceeding [^{F1}level 1 on the standard scale], and on a second conviction within a period of twelve months shall be liable to a penalty not exceeding [^{F1}level 1 on the standard scale], and on a third or subsequent conviction within such period of twelve months be liable to a penalty not exceeding [^{F1}level 1 on the standard scale].

Every person . . . ^{F2} who is drunk while in charge on any highway or other public place of any carriage, horse, cattle, or steam engine, or who is drunk when in possession of any loaded firearms, ^{F3} . . . shall be liable to a penalty not exceeding forty shillings, or in the discretion of the court to imprisonment . . . ^{F4} for any term not exceeding one month.

F4

Textual Amendments

- F1 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46
- F2 Words repealed by [Criminal Justice Act 1967 \(c. 80\)](#), [Sch. 7 Pt. I](#)
- F3 Words in s. 12 repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8)(8), [Sch. 7 para. 6](#), [Sch. 17 Pt. 2](#); S.I. 2005/3495, art. 2(1)(m)(u)
- F4 Words repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

Modifications etc. (not altering text)

- C1 S. 12 extended by [Licensing Act 1902 \(c. 28\)](#), s. 8 and [Licensing Act 1964 \(c. 26\)](#), s. 200(2); amended by [Criminal Justice Administration Act 1914 \(c. 58\)](#), s. 38, [Penalties for Drunkenness Act 1962 \(c. 52\)](#), s. 1(1)(b), (2)(b), [Licensing Act 1964 \(c. 26\)](#), s. 195
- C2 S. 12 excluded by [Road Traffic Offenders Act 1988 \(c. 53, SIF 107:1\)](#), s. 5

Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1872, Cross Heading: Offences against Public Order. (See end of Document for details)

13— F5 **E+W+N.I.**
18.

Textual Amendments
F5 Ss. 3–11, 13–18, 23, 25, 26, 29–34, 36–38 40–45 47–74 repealed by Licensing (Consolidation) Act 1910 (c. 24), Sch. 7

19–22 F6 **E+W+N.I.**

Textual Amendments
F6 Ss. 19–22, 24, 35, sch. 1 repealed by Licensing Act 1874 (c. 49), s. 33

23 F7 **E+W+N.I.**

Textual Amendments
F7 Ss. 3–11, 13–18, 23, 25, 26, 29–34, 36–38 40–45 47–74 repealed by Licensing (Consolidation) Act 1910 (c. 24), Sch. 7

24 F8 **E+W+N.I.**

Textual Amendments
F8 Ss. 19–22, 24, 35, sch. 1 repealed by Licensing Act 1874 (c. 49), s. 33

25, 26. F9 **E+W+N.I.**

Textual Amendments
F9 Ss. 3–11, 13–18, 23, 25, 26, 29–34, 36–38 40–45 47–74 repealed by Licensing (Consolidation) Act 1910 (c. 24), Sch. 7

27, 28. F10 **E+W+N.I.**

Textual Amendments
F10 Ss. 27, 28, 46 repealed by Licensing Act 1961 (c. 61), Sch. 9 Pt. I

29–34 F11 **E+W+N.I.**

Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1872, Cross Heading: Offences against Public Order. (See end of Document for details)

Textual Amendments

F11 Ss. 3–11, 13–18, 23, 25, 26, 29–34, 36–38 40–45 47–74 repealed by [Licensing \(Consolidation\) Act 1910 \(c. 24\)](#), [Sch. 7](#)

35 ^{F12} **E+W+N.I.**

Textual Amendments

F12 Ss. 19–22, 24, 35, sch. 1 repealed by [Licensing Act 1874 \(c. 49\)](#), [s. 33](#)

36–38 ^{F13} **E+W+N.I.**

Textual Amendments

F13 Ss. 3–11, 13–18, 23, 25, 26, 29–34, 36–38 40–45 47–74 repealed by [Licensing \(Consolidation\) Act 1910 \(c. 24\)](#), [Sch. 7](#)

39 ^{F14} **E+W+N.I.**

Textual Amendments

F14 S. 39 repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), [Sch. 1 Pt. XVII](#)

40–45 ^{F15} **E+W+N.I.**

Textual Amendments

F15 Ss. 3–11, 13–18, 23, 25, 26, 29–34, 36–38 40–45 47–74 repealed by [Licensing \(Consolidation\) Act 1910 \(c. 24\)](#), [Sch. 7](#)

46 ^{F16} **E+W+N.I.**

Textual Amendments

F16 Ss. 27, 28, 46 repealed by [Licensing Act 1961 \(c. 61\)](#), [Sch. 9 Pt. I](#)

47–74 ^{F17} **E+W+N.I.**

Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1872, Cross Heading: Offences against Public Order. (See end of Document for details)

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Textual Amendments

F17 Ss. 3–11, 13–18, 23, 25, 26, 29–34, 36–38 40–45 47–74 repealed by [Licensing \(Consolidation\) Act 1910](#) (c. 24), [Sch. 7](#)

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..... ^{F18} **E+W+N.I.**

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Textual Amendments

F18 S. 75 repealed by [Billiards \(Abolition of Restrictions\) Act 1987](#) (c. 19, SIF 12:1), s. 1, [Sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the Licensing Act 1872, Cross Heading:
Offences against Public Order.