



# Licensing Act 1872

1872 CHAPTER 94 35 and 36 Vict

## *Offences against Public Order*

### 12 Penalty on persons found drunk.

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 [<sup>F1</sup>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 [<sup>F1</sup>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 [<sup>F1</sup>level 1 on the standard scale].

Every person . . . <sup>F2</sup> 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, <sup>F3</sup>... shall be liable to a penalty not exceeding forty shillings, or in the discretion of the court to imprisonment . . . <sup>F4</sup> 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- F2 Words repealed by [Criminal Justice Act 1967 \(c. 80\)](#), [Sch. 7 Pt.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- F3 Words in s. 12 repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8)(8), [Sch. 7 para. 6](#), [Sch. 17 Pt. 2](#); S.I. 2005/3495, art.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- F4 Words repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)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:**

Licensing Act 1872, Section 12 is up to date with all changes known to be in force on or before 13 May 2023. 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- s. 12 words substituted by [2003 c. 44 Sch. 26 para. 2](#)