



# Licensing Act 1872

1872 CHAPTER 94 35 and 36 Vict

An Act for Regulating the Sale of Intoxicating Liquors.

[10th August 1872]

## Modifications etc. (not altering text)

- C1 Preamble omitted under authority of [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)
- C2 Act repealed (N. I. ) by [S. I. 1980/704 \(N. I. 6\)](#), art. 13, [Sch. 2](#)

## *Preliminary*

### **1 Short title.**

This Act may be cited as “The Licensing Act 1872.”

### **2 Extent of Act.**

This Act shall not extend to Scotland.

### **3—11. ....<sup>F1</sup>**

## Textual Amendments

- F1 Ss. 3–11, 13–18, 23, 25, 26, 29–34, 36–38 40–45 47–74 repealed by [Licensing \(Consolidation\) Act 1910 \(c. 24\)](#), [Sch. 7](#)

## *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>F2</sup>level 1 on

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the standard scale], and on a second conviction within a period of twelve months shall be liable to a penalty not exceeding [<sup>F2</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>F2</sup>level 1 on the standard scale].

Every person . . . <sup>F3</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>F4</sup>... shall be liable to a penalty not exceeding forty shillings, or in the discretion of the court to imprisonment . . . <sup>F5</sup> for any term not exceeding one month.

..... <sup>F5</sup>

**Textual Amendments**

**F2** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46**

**F3** Words repealed by [Criminal Justice Act 1967 \(c. 80\)](#), **Sch. 7 Pt. I**

**F4** Words in s. 12 repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8)(8), **Sch. 7 para. 6, Sch. 17 Pt. 2**; S.I. 2005/3495, art. 2(1)(m)(u)

**F5** Words repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

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

**C3** 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**

**C4** S. 12 excluded by [Road Traffic Offenders Act 1988 \(c. 53, SIF 107:1\)](#), **s. 5**

13— ..... <sup>F6</sup>  
18.

**Textual Amendments**

**F6** 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 ..... <sup>F7</sup>

**Textual Amendments**

**F7** Ss. 19–22, 24, 35, **sch. 1** repealed by [Licensing Act 1874 \(c. 49\)](#), **s. 33**

23 ..... <sup>F8</sup>

**Textual Amendments**

**F8** 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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**24** ..... **F9**

**Textual Amendments**

**F9** Ss. 19–22, 24, 35, sch. 1 repealed by Licensing Act 1874 (c. 49), s. 33

**25, 26.** ..... **F10**

**Textual Amendments**

**F10** 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.** ..... **F11**

**Textual Amendments**

**F11** Ss. 27, 28, 46 repealed by Licensing Act 1961 (c. 61), **Sch. 9 Pt. I**

**29–34** ..... **F12**

**Textual Amendments**

**F12** 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** ..... **F13**

**Textual Amendments**

**F13** Ss. 19–22, 24, 35, sch. 1 repealed by Licensing Act 1874 (c. 49), s. 33

**36–38** ..... **F14**

**Textual Amendments**

**F14** 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** ..... **F15**

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**Textual Amendments**  
F15 S. 39 repealed by Statute Law (Repeals) Act 1978 (c. 45), Sch. 1 Pt. XVII

40–45 ..... F16

**Textual Amendments**  
F16 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 ..... F17

**Textual Amendments**  
F17 Ss. 27, 28, 46 repealed by Licensing Act 1961 (c. 61), Sch. 9 Pt. I

47–74 ..... F18

**Textual Amendments**  
F18 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

75 ..... F19

**Textual Amendments**  
F19 S. 75 repealed by Billiards (Abolition of Restrictions) Act 1987 (c. 19, SIF 12:1), s. 1, Sch.

*Application of certain of the preceding Provisions of this Act to Ireland*

**Modifications etc. (not altering text)**  
C5 Act repealed (N. I. ) by S. I. 1980/704 (N. I. 6), art. 13, Sch. 2

76 ..... F20

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**Textual Amendments**

**F20** Ss. 76, 78–90 repealed by [Licensing Act \(Northern Ireland\) 1971 \(c. 13\)](#), [Sch. 12 Pt. I](#)

**77 †Application to Ireland of certain provisions of the Act with modifications.**

The preceding provisions of this Act with respect to offences against public order shall extend to Ireland.

..... **F21**

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**Textual Amendments**

**F21** S. 77, except words printed, repealed by [Licensing Act \(Northern Ireland\) 1971 \(c. 13\)](#), [Sch. 12 Pt. I](#)

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

- C6** Unreliable marginal note
- C7** Reference to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298; 1923, p. 400), art. 2

**78—** ..... **F22**

**90.**

.....

**Textual Amendments**

**F22** Ss. 76, 78–90 repealed by [Licensing Act \(Northern Ireland\) 1971 \(c. 13\)](#), [Sch. 12 Pt. I](#)

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F23F23 SCHEDULE 1

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**Textual Amendments**

**F23** Ss. 19–22, 24, 35, sch. 1 repealed by [Licensing Act 1874 \(c. 49\), s. 33](#)

.....  
F23

F24F24 SCHEDULE 2

.....  
**Textual Amendments**

**F24** Sch. 2 repealed by [Statute Law Revision Act 1883 \(c. 39\)](#)

.....  
F24

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

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