



Criminal Justice and Police Act 2001

2001 CHAPTER 16

PART 1

PROVISIONS FOR COMBATTING CRIME AND DISORDER

CHAPTER 2

PROVISIONS FOR COMBATTING ALCOHOL-RELATED DISORDER

Other provisions for combatting alcohol-related disorder

29 Confiscation of alcohol containers from young persons

In section 1(1) of the Confiscation of Alcohol (Young Persons) Act 1997 (c. 33) (things to be surrendered to a constable) after “intoxicating liquor”, where it appears for the third time, there shall be inserted “ or a container for such liquor (other than a sealed container) ”.

VALID FROM 01/12/2001

30 Sale of intoxicating liquor to a person under eighteen

- (1) In subsection (2) of section 169A of the Licensing Act 1964 (c. 26) (defence against charge of sale of intoxicating liquor to a person under eighteen) for the words from “to prove” to the end of the subsection there shall be substituted “to prove—
- (a) that he believed that the person was not under eighteen; and
 - (b) either that he had taken all reasonable steps to establish the person’s age or that nobody could reasonably have suspected from his appearance that the person was under eighteen.

Status: Point in time view as at 01/09/2001. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Cross Heading: Other provisions for combatting alcohol-related disorder. (See end of Document for details)

(2A) For the purposes of subsection (2) of this section a person shall be treated as having taken all reasonable steps to establish another person's age if he asks the other person for evidence of his age unless it is shown that the evidence was such that no reasonable person would have been convinced by it."

(2) The amendment made by this section does not apply to any sale of intoxicating liquor made before the coming into force of this section.

VALID FROM 01/12/2001

31 Enforcement of certain offences relating to under-age drinking

(1) In section 169C of the Licensing Act 1964 (purchase of intoxicating liquor by a person under eighteen) after subsection (1) there shall be inserted—

“(1A) Subsection (1) of this section does not apply where the person under eighteen buys or attempts to buy the intoxicating liquor at the request of—

- (a) a constable, or
- (b) an inspector of weights and measures appointed under section 72(1) of the Weights and Measures Act 1985 (c. 72),

who is acting in the course of his duty.”

(2) In section 169G of that Act (sending a person under eighteen to obtain intoxicating liquor) after subsection (3) there shall be inserted—

“(4) Subsection (1) of this section does not apply where the person under eighteen is sent by—

- (a) a constable, or
- (b) an inspector of weights and measures appointed under section 72(1) of the Weights and Measures Act 1985 (c. 72),

who is acting in the course of his duty.”

(3) After section 169H of that Act there shall be inserted—

“169I Enforcement role for weights and measures authorities in relation to certain offences

(1) It is the duty of every local weights and measures authority in England and Wales to enforce within their area the provisions of sections 169A and 169B of this Act.

(2) A local weights and measures authority shall have power to make, or to authorise any person to make on their behalf, such purchases of goods as may appear expedient for the purpose of determining whether or not the provisions of section 169A or 169B of this Act are being complied with.

(3) In this section “local weights and measures authority” has the meaning given by section 69 of the Weights and Measures Act 1985 (local weights and measures authorities).”

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VALID FROM 01/12/2001

32 Drunkenness or disorder on licensed premises

- (1) In section 172(4) of the Licensing Act 1964 (c. 26) (licence holder not to permit drunkenness etc.: offences) for “level 2” there shall be substituted “ level 3 ”.
- (2) After section 172 of that Act there shall be inserted—

“172A Other persons in authority not to permit drunkenness etc.

- (1) A relevant person shall not permit drunkenness or any violent, quarrelsome or riotous conduct to take place in licensed premises.
 - (2) If a relevant person is charged under subsection (1) of this section with permitting drunkenness, and it is proved that any person was drunk in the licensed premises, the burden of proving that the relevant person and any persons employed by him took all reasonable steps for preventing drunkenness in the premises shall lie upon him.
 - (3) A relevant person shall not, in licensed premises, sell intoxicating liquor to a drunken person.
 - (4) If any person contravenes this section he shall be liable to a fine not exceeding level 3 on the standard scale.
 - (5) This section is without prejudice to the liability under section 172 of this Act of the holder of a justices’ licence for acts or omissions of persons other than himself.
 - (6) In this section “relevant person” means any person (other than the holder of the justices’ licence for the licensed premises concerned) who—
 - (a) in a case falling within subsection (1) of this section, works in the licensed premises in a capacity, whether paid or unpaid, which gives him authority to prevent the drunkenness or (as the case may be) conduct concerned;
 - (b) in a case falling within subsection (3) of this section, works in the licensed premises in a capacity, whether paid or unpaid, which gives him authority to sell the intoxicating liquor concerned.”
- (3) In section 174(1) of that Act (power to exclude drunkards, etc. from licensed premises)—
 - (a) after “justices’ licence” there shall be inserted “ or a relevant person ”; and
 - (b) for “or”, where it appears for the fourth time, there shall be substituted “ and the holder of a justices’ licence may refuse to admit to, or may expel from, the licensed premises any person ”.
 - (4) In section 174(2) of that Act (offence of failing to leave licensed premises when requested if drunk or disorderly etc.) after “servant or” there shall be inserted “ (as the case may be) the relevant person or any agent or servant of his or by ”.
 - (5) In section 174(3) of that Act (requesting assistance from constable to exclude drunkards etc.) after “servant” there shall be inserted “ or (as the case may be) a relevant person or any agent or servant of his ”.

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(6) After section 174(3) of that Act there shall be inserted—

“(4) In this section “relevant person” means any person who works in licensed premises in a capacity, whether paid or unpaid, which gives him authority to prevent such drunkenness or such conduct as is mentioned in section 172A(1) of this Act.”

(7) The amendment made by subsection (1) above shall not apply to offences committed before the coming into force of that subsection.

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