



Licensing Act 2003

2003 CHAPTER 17

PART 7

OFFENCES

Children and alcohol

148 Sale of liqueur confectionery to children under 16

- (1) A person commits an offence if he—
 - (a) sells liqueur confectionery to an individual aged under 16, or
 - (b) supplies such confectionery, on behalf of a club—
 - (i) to or to the order of a member of the club who is aged under 16, or
 - (ii) to the order of a member of the club, to an individual who is aged under 16.
- (2) A club commits an offence if liqueur confectionery is supplied by it or on its behalf—
 - (a) to or to the order of a member of the club who is aged under 16, or
 - (b) to the order of a member of the club, to an individual who is aged under 16.
- (3) Where a person is charged with an offence under this section by reason of his own conduct it is a defence that—
 - (a) he believed that the individual was aged 16 or over, and
 - (b) either—
 - (i) he had taken all reasonable steps to establish the individual's age, or
 - (ii) nobody could reasonably have suspected from the individual's appearance that he was aged under 16.
- (4) For the purposes of subsection (3), a person is treated as having taken all reasonable steps to establish an individual's age if—
 - (a) he asked the individual for evidence of his age, and
 - (b) the evidence would have convinced a reasonable person.

Status: This is the original version (as it was originally enacted).

- (5) Where a person (“the accused”) is charged with an offence under this section by reason of the act or default of some other person, it is a defence that the accused exercised all due diligence to avoid committing it.
- (6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (7) In this section “liqueur confectionery” has the meaning given in section 191(2).