



Violent Crime Reduction Act 2006

2006 CHAPTER 38

PART 1

ALCOHOL-RELATED VIOLENCE AND DISORDER

CHAPTER 3

OTHER PROVISIONS

Persistently selling alcohol to children

23 Offence of persistently selling alcohol to children

(1) After section 147 of the Licensing Act 2003 (c. 17) insert—

“147A Persistently selling alcohol to children

- (1) A person is guilty of an offence if—
- (a) on 3 or more different occasions within a period of 3 consecutive months alcohol is unlawfully sold on the same premises to an individual aged under 18;
 - (b) at the time of each sale the premises were either licensed premises or premises authorised to be used for a permitted temporary activity by virtue of Part 5; and
 - (c) that person was a responsible person in relation to the premises at each such time.
- (2) For the purposes of this section alcohol sold to an individual aged under 18 is unlawfully sold to him if—
- (a) the person making the sale believed the individual to be aged under 18; or

Changes to legislation: There are currently no known outstanding effects for the Violent Crime Reduction Act 2006, Section 23. (See end of Document for details)

- (b) that person did not have reasonable grounds for believing the individual to be aged 18 or over.
- (3) For the purposes of subsection (2) a person has reasonable grounds for believing an individual to be aged 18 or over only if—
 - (a) he asked the individual for evidence of his age and that individual produced evidence that would have convinced a reasonable person; or
 - (b) nobody could reasonably have suspected from the individual's appearance that he was aged under 18.
- (4) A person is, in relation to premises and a time, a responsible person for the purposes of subsection (1) if, at that time, he is—
 - (a) the person or one of the persons holding a premises licence in respect of the premises; or
 - (b) the person or one of the persons who is the premises user in respect of a temporary event notice by reference to which the premises are authorised to be used for a permitted temporary activity by virtue of Part 5.
- (5) The individual to whom the sales mentioned in subsection (1) are made may, but need not be, the same in each case.
- (6) The same sale may not be counted in respect of different offences for the purpose—
 - (a) of enabling the same person to be convicted of more than one offence under this section; or
 - (b) of enabling the same person to be convicted of both an offence under this section and an offence under section 146 or 147.
- (7) In determining whether an offence under this section has been committed, the following shall be admissible as evidence that there has been an unlawful sale of alcohol to an individual aged under 18 on any premises on any occasion—
 - (a) the conviction of a person for an offence under section 146 in respect of a sale to that individual on those premises on that occasion;
 - (b) the giving to a person of a caution (within the meaning of Part 5 of the Police Act 1997) in respect of such an offence; or
 - (c) the payment by a person of a fixed penalty under Part 1 of the Criminal Justice and Police Act 2001 in respect of such a sale.
- (8) A person guilty of an offence under this section shall be liable, on summary conviction, to a fine not exceeding £10,000.
- (9) The Secretary of State may by order amend subsection (8) to increase the maximum fine for the time being specified in that subsection.

147B Order suspending a licence in respect of offence under section 147A

- (1) Where the holder of a premises licence is convicted of an offence under section 147A in respect of sales on the premises to which the licence relates, the court may order that so much of the licence as authorises the sale by retail of alcohol on those premises is suspended for a period not exceeding three months.

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- (2) Where more than one person is liable for an offence under section 147A relating to the same sales, no more than one order under subsection (1) may be made in relation to the premises in question in respect of convictions by reference to those sales.
 - (3) Subject to subsections (4) and (5), an order under subsection (1) comes into force at the time specified by the court that makes it.
 - (4) Where a magistrates' court makes an order under subsection (1), it may suspend its coming into force pending an appeal.
 - (5) Section 130 (powers of appellate court to suspend section 129 order) applies (with the omission of subsection (9)) where an order under subsection (1) is made on conviction of an offence under section 147A as it applies where an order under section 129 is made on conviction of a relevant offence in Part 6."
- (2) In section 186(2) of that Act (persons who may institute prosecutions under that Act) —
- (a) in paragraph (a) (licensing authority), at the beginning insert " except in the case of an offence under section 147A, "; and
 - (b) in paragraph (c) (local weights and measures authority), for "or 147" substitute " , 147 or 147A ".
- (3) In section 197 of that Act (regulations and orders)—
- (a) in subsection (3), after paragraph (c) insert—
 - "(ca) an order under section 147A(9) (increase of maximum fine for offence of persistently selling alcohol to children) to which subsection (4A) applies;"
 - (b) in subsection (4), after "(c)," insert " (ca), ";
 - (c) after subsection (4) insert—
 - "(4A) This subsection applies to an order under section 147A(9) if it appears to the Secretary of State that the power to make the order is being exercised for purposes that are not confined to the increase of the maximum fine to take account of changes in the value of money."
- (4) A sale of alcohol is not to count for the purposes of the offence under section 147A of the Licensing Act 2003 (c. 17) if it took place before the commencement of this section.

Commencement Information

II [S. 23](#) in force at 6.4.2007 by [S.I. 2007/858](#), [art. 2\(a\)](#)

Changes to legislation:

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