



Licensing Act 1902

1902 CHAPTER 28

PART I

AMENDMENT OF LAW AS TO DRUNKENNESS

1 Apprehension of person found drunk and incapable in public place

If a person is found drunk in any highway or other public place, whether a building or not, or on any licensed premises, and appears to be incapable of taking care of himself, he may be apprehended and dealt with according to law.

2 Penalty for being drunk while in charge of child

- (1) If any person is found drunk in any highway or other public place, whether a building or not, or on any licensed premises, while having the charge of a child apparently under the age of seven years, he may be apprehended, and shall, if the child is under that age, be liable on summary conviction to a fine not exceeding forty shillings, or to imprisonment, with or without hard labour, for any period not exceeding one month.
- (2) If the child appears to the court to be under the age of seven, the child shall, for the purposes of this section, be deemed to be under that age unless the contrary is proved.
- (3) The offence under this section shall be included in the list of offences mentioned in the First Schedule to the Inebriates Act, 1898, and in section sixty of the Licensing Act, 1872.

3 Power to require person convicted of drunkenness to give security for good behaviour

Where a person is convicted of any offence mentioned in the list of offences contained in the First Schedule to the Inebriates Act, 1898, as amended by this Act, the court may, either in addition to or in substitution for any other penalty, order the offender to enter into a recognizance, with or without sureties, to be of good behaviour.

Status: This is the original version (as it was originally enacted).

4 Burden of proof in case of drunkenness on licensed premises

Where a licensed person is charged with permitting drunkenness on his premises, and it is proved that any person was drunk on his premises, it shall lie on the licensed person to prove that he and the persons employed by him took all reasonable steps for preventing drunkenness on the premises.

5 Protection for wife or husband of habitual drunkard

- (1) Where the husband of a married woman is a habitual drunkard, as defined by section three of the Habitual Drunkards Act, 1879, the married woman shall be entitled to apply for an order under the Summary Jurisdiction (Married "Women) Act, 1895, and that Act shall apply accordingly.
- (2) Where the wife of a married man is a habitual drunkard as defined by section three of the Habitual Drunkards Act, 1879, the married man shall be entitled to apply to a court of summary jurisdiction for an order under this subsection, and on any such application the court may make one or more orders containing all or any of the following particulars :—
 - (a) A provision that the applicant be no longer bound to cohabit with his wife (which provision while in force shall have the effect in all respects of a decree of judicial separation on the ground of cruelty) ;
 - (b) A provision for the legal custody of any children of the marriage;
 - (c) A provision that the applicant shall pay to his wife personally, or for her use to any officer of the court or other person on her behalf, such weekly sum not exceeding two pounds as the court, having regard to the means both of the applicant and his wife, consider reasonable ;
 - (d) A provision for payment by the applicant or his wife, or both of them, of the costs of the court, and such reasonable costs of the parties or either of them as the court may think fit.

Subject to the foregoing provisions, the Summary Jurisdiction (Married Women) Act, 1895, shall apply to an application and order under this subsection in like manner as it applies to an application and order under that Act, except that for references to a married woman and her husband shall be substituted references to a married man and his wife.

Provided that instead of making an order in pursuance of paragraph (a) of this subsection the court may, with the consent of the wife, order her to be committed to and detained in any retreat licensed under the Inebriates Acts, 1879 to 1900, the licensee of which is willing to receive her ; and such order shall have effect as if she had been admitted to the retreat under section ten of the Habitual Drunkards Act, 1879, as amended by any subsequent enactment, and the court may order an officer of the court or a constable to remove her to the retreat accordingly.

6 Prohibition of sale of liquor to persons declared to be habitual drunkards

- (1) Where upon the conviction of an offender the court is satisfied that an order of detention could be made under section one or section two of the Inebriates Act, 1898, then, whether an order of detention is made or not, the court shall order that notice of the conviction, with such particulars as may be prescribed by a Secretary of State, be sent to the police authority (within the meaning of the Police Act, 1890) for the police area in which the court is situate.

- (2) Where a court in pursuance of this Act orders notice of a conviction to be sent to a police authority, the court shall inform the convicted person that the notice is to be so sent; and
- (a) if the convicted person within three years after the date of the conviction purchases or obtains, or attempts to purchase or obtain any intoxicating liquor at any premises licensed for the sale of intoxicating liquor by retail, or at the premises of any club registered in pursuance of the provisions of Part III. of this Act, he shall be liable, on summary conviction, to a fine not exceeding, for the first offence, twenty shillings, and for any subsequent offence forty shillings ; and
 - (b) if the holder of any licence authorising the sale of intoxicating liquor by retail whether for consumption on or off the premises, or any person selling, supplying, or distributing intoxicating liquor, or authorising such sale, supply, or distribution on the premises of a club registered in conformity with the provisions of Part III. of this Act, within that period knowingly sells, supplies, or distributes, or allows any person to sell, supply, or distribute intoxicating liquor to, or for the consumption of, any such person, he shall be liable on summary conviction, for the first offence, to a fine not exceeding ten pounds, and for any subsequent offence in respect of the same person, to a fine not exceeding twenty pounds.
- (3) Regulations shall be made by the police authority for the purpose of securing the giving of information to licensed persons and secretaries of clubs registered under Part III. of this Act of orders made under this section, and for assisting in the identification of the convicted persons.

7 Penalty for procuring drink for drunken person

Any person who, being on any premises licensed for the sale of any intoxicating liquor, whether for consumption on or off such premises, shall procure, or attempt to procure, any intoxicating liquor for consumption by any drunken person, or who shall aid and abet any drunken person in obtaining or consuming any intoxicating liquor on any premises so licensed as aforesaid, shall be liable on summary conviction to a fine not exceeding forty shillings, or to imprisonment, with or without hard labour, for any period not exceeding one month.

8 Interpretation of "public place"

For the purposes of section twelve of the Licensing Act, 1872, and of sections one and two of this Act, the expression "public place " shall include any place to which the public have access, whether on payment or otherwise.