



# Licensing Act 1872

## 1872 CHAPTER 94

### *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 ten shillings, and on a second conviction within a period of twelve months shall be liable to a penalty not exceeding twenty shillings, and on a third or subsequent conviction within such period of twelve months be liable to a penalty not exceeding forty shillings.

Every person who in any highway or other public place, whether a building or not, is guilty while drunk of riotous or disorderly behaviour, or 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 fire-arms, may be apprehended, and shall be liable to a penalty not exceeding forty shillings, or in the discretion of the court to imprisonment with or without hard labour for any term not exceeding one month.

Where the court commits any person to prison for nonpayment of any penalty under this section, the court may order him to be imprisoned with hard labour.

#### **13 Penalty for permitting drunkenness.**

If any licensed person permits drunkenness or any violent, quarrelsome, or riotous conduct to take place on his premises, or sells any intoxicating liquor to any drunken person, he shall be liable to a penalty not exceeding for the first offence ten pounds, and not exceeding for the second and any subsequent offence twenty pounds.

Any conviction for an offence under this section shall be recorded on the license of the person convicted, unless the convicting magistrate or justices shall otherwise direct.

#### **14 Penalty for keeping disorderly house.**

If any licensed person knowingly permits his premises to be the habitual resort of or place of meeting of reputed prostitutes, whether the object of their so resorting or

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*Status: This is the original version (as it was originally enacted).*

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meeting is or is not prostitution, he shall, if he allow them to remain thereon longer than is necessary for the purpose of obtaining reasonable refreshment, be liable to a penalty not exceeding for the first offence ten pounds, and not exceeding for the second and any subsequent offence twenty pounds.

Any conviction for an offence under this section shall, unless the convicting magistrate or justices shall otherwise direct, be recorded on the license of the person convicted.

**15 Penalty for permitting premises to be a brothel.**

If any licensed person is convicted of permitting his premises to be a brothel, he shall be liable to a penalty not exceeding twenty pounds, and shall forfeit his license, and he shall be disqualified for ever from holding any license for the sale of intoxicating liquors.

**16 Penalty for harbouring constable.**

If any licensed person—

- (1) Knowingly harbours or knowingly suffers to remain on his premises any constable during any part of the time appointed for such constable being on duty, unless for the purpose of keeping or restoring order or in execution of his duty; or
- (2) Supplies any liquor or refreshment, whether by way of gift or sale, to any constable on duty unless by authority of some superior officer of such constable; or
- (3) Bribes or attempts to bribe any constable, he shall be liable to a penalty not exceeding, for the first offence ten pounds, and not exceeding for the second or any subsequent offence twenty pounds. Any conviction for an offence under this section shall, unless the convicting magistrate or justices shall otherwise direct, be recorded on the license of the person convicted.

**17 Penalty for permitting gaming.**

If any licensed person—

- (1) Suffers any gaming or any unlawful game to be carried on his premises; or
- (2) Opens, keeps, or uses, or suffers his house to be opened, kept, or used in contravention of the Act of the session of the sixteenth and seventeenth years of the reign of Her present Majesty, chapter one hundred and nineteen, intituled " An Act for the suppression of betting houses,"

he shall be liable to a penalty not exceeding for the first offence ten pounds, and not exceeding for the second and any subsequent offence twenty pounds.

Any conviction for an offence under this section shall, unless the convicting magistrates shall otherwise direct, be recorded on the license of the person convicted.

**18 Power to exclude drunkards from licensed premises.**

Any licensed person may refuse to admit to and may turn out of the premises in respect of which his license is granted any person who is drunken, violent, quarrelsome, or disorderly, and any person whose presence on his premises would subject him to a penalty under this Act.

Any such person who upon being requested in pursuance of this section by such licensed person, or his agent or servant, or any constable, to quit such premises, refuses or fails so to do, shall be liable to a penalty not exceeding five pounds, and all constables are required on the demand of such licensed person, agent, or servant to expel or assist in expelling every such person from such premises, and may use such force as may be required for that purpose.

The court committing any person to prison for nonpayment of any penalty under this, section may order him to be imprisoned with bard labour.