



Licensing Act 1964 (repealed)

1964 CHAPTER 26

PART XII

PROTECTION OF PERSONS UNDER EIGHTEEN AND OTHER PROVISIONS AS TO CONDUCT OF LICENSED PREMISES AND LICENSED CANTEENS.

Persons under eighteen

168 Children prohibited from bars.

- (1) The holder of a justices' licence shall not allow a person under fourteen to be in the bar of the licensed premises during the permitted hours.
- (2) No person shall cause or procure, or attempt to cause or procure, any person under fourteen to be in the bar of licensed premises during the permitted hours.
- (3) Where it is shown that a person under fourteen was in the bar of any licensed premises during the permitted hours, the holder of the justices' licence shall be guilty of an offence under this section unless he proves either—
 - (a) that he [^{F1}exercised all] due diligence to prevent the person under fourteen from being admitted to the bar, or
 - (b) that the person under fourteen had apparently attained that age.

[^{F2}(3A) No offence shall be committed under subsection (1) of this section if—

- (a) the person under fourteen is in the bar in the company of a person who is eighteen or over,
- (b) there is in force a certificate under section 168A(1) of this Act relating to the bar, and
- (c) the certificate is operational or subsection (3B) of this section applies.

(3B) This subsection applies where—

- (a) the person under fourteen, or a person in whose company he is, is consuming a meal purchased before the certificate ceased to be operational, and

Status: Point in time view as at 01/12/2001.

Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed), Part XII. (See end of Document for details)

- (b) no more than thirty minutes have elapsed since the certificate ceased to be operational.
- (3C) No offence shall be committed under subsection (2) of this section if the person causes or procures, or attempts to cause or procure, the person under fourteen to be in the bar in the circumstances mentioned in paragraphs (a) to (c) of subsection (3A) of this section.]
- (4) No offence shall be committed under this section if the person under fourteen—
- (a) is the licence-holder's child, or
 - (b) resides in the premises, but is not employed there, or
 - (c) is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (5) No offence shall be committed under this section if the bar is in any railway refreshment-rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of a justices' licence is merely ancillary.
- (6) If any person contravenes this section he shall be liable, on a first conviction to a fine not exceeding [^{F3}level 1 on the standard scale], and on a subsequent conviction to a fine not exceeding [^{F3}level 1 on the standard scale].
- (7) A local education authority may institute proceedings for an offence under this section.
- (8) Where in any proceedings under this section it is alleged that a person was at any time under fourteen, and he appears to the court to have then been under that age, he shall be deemed for the purposes of the proceedings to have then been under that age, unless the contrary is shown.

Textual Amendments

- F1** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, **Sch. 3 para. 16**
- F2** [S. 168\(3A\)-\(3C\)](#) inserted (3.1.1995) by [1994 c. 40, s. 19\(1\)](#); S.I. 1994/3188, **art. 3**
- F3** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), **s. 31(5)(6)(9)** and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46**

[^{F4}168A Children's certificates.

- (1) The holder of a justices' licence may apply to the licensing justices for the grant of a certificate in relation to any area of the premises for which the licence is in force which consists of or includes a bar.
- (2) Licensing justices may grant an application for a certificate under subsection (1) of this section ("a children's certificate") if it appears to them to be appropriate to do so, but shall not do so unless they are satisfied—
 - (a) that the area to which the application relates constitutes an environment in which it is suitable for persons under fourteen to be present, and
 - (b) that meals and beverages other than intoxicating liquor will be available for sale for consumption in that area.

Status: Point in time view as at 01/12/2001.

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- (3) Where a children's certificate is in force, the holder of the justices' licence for the licensed premises to which the certificate relates shall keep posted in some conspicuous place in the area to which the certificate relates a notice which—
 - (a) states that a children's certificate is in force in relation to the area, and
 - (b) explains the effect of the certificate and of any conditions attached to it.
- (4) A person who fails to perform the duty imposed on him by subsection (3) of this section shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding level 1 on the standard scale.
- (5) In any proceedings for an offence under subsection (4) of this section, it shall be a defence for the accused to prove that he took all reasonable precautions, and exercised all due diligence, to avoid the commission of the offence.
- (6) Schedule 12A to this Act (supplementary provisions) shall have effect.
- (7) Subsection (1) of this section shall apply to an applicant for a justices' licence as it applies to the holder of a justices' licence, and, in its application by virtue of this subsection, shall have effect as if the reference to the premises for which the licence is in force were to the premises which are the subject of the application for a justices' licence.]

Textual Amendments

F4 S. 168A inserted (3.1.1995) by 1994 c. 40, s. 19(2); S.I. 1994/3188, art. 3

[^{F5}169A Sale of intoxicating liquor to a person under 18.

- (1) A person shall be guilty of an offence if, in licensed premises, he sells intoxicating liquor to a person under eighteen.
- (2) It is a defence for a person charged with an offence under subsection (1) of this section, where he is charged by reason of his own act, [^{F6}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.
- (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.]
- (3) It is a defence for a person charged with an offence under subsection (1) of this section, where he is charged by reason of the act or default of some other person, to prove that he exercised all due diligence to avoid the commission of an offence under that subsection.
- (4) Subsection (1) of this section has effect subject to section 169D of this Act.]

Textual Amendments

F5 S. 169A-169H substituted (23.1.2001) for s. 169 by 2000 c. 30, ss. 1, 3(2)

Status: Point in time view as at 01/12/2001.

Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed), Part XII. (See end of Document for details)

F6 S. 169A(1)(a)(b)(2A) and words substituted (1.12.2001) for words in s. 169A(2) by 2001 c. 16, s. 30(1) (with s. 30(2)); S.I. 2001/3736, art. 2

F7 169B Allowing the sale of intoxicating liquor to a person under 18.

- (1) A person to whom this subsection applies shall be guilty of an offence if, in licensed premises, he knowingly allows any person to sell intoxicating liquor to a person under eighteen.
- (2) Subsection (1) of this section applies to a person who works in the licensed premises in a capacity, whether paid or unpaid, which gives him authority to prevent the sale.
- (3) Subsection (1) of this section has effect subject to section 169D of this Act.

Textual Amendments

F7 S. 169A-169H substituted (23.1.2001) for s. 169 by 2000 c. 30, ss. 1, 3(2)

F8 169C Purchase of intoxicating liquor by or for a person under 18.

- (1) A person under eighteen shall be guilty of an offence if, in licensed premises, he buys or attempts to buy intoxicating liquor.
- [^{F9}(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) A person shall be guilty of an offence if, in licensed premises, he buys or attempts to buy intoxicating liquor on behalf of a person under eighteen.
- (3) A person shall be guilty of an offence if he buys or attempts to buy intoxicating liquor for consumption in a bar in licensed premises by a person under eighteen.
- (4) It is a defence for a person charged with an offence under subsection (2) or (3) of this section to prove that he had no reason to suspect that the person was under eighteen.
- (5) Subsections (1) and (2) of this section have effect subject to section 169D of this Act.

Textual Amendments

F8 S. 169A-169H substituted (23.1.2001) for s. 169 by 2000 c. 30, ss. 1, 3(2)

F9 S. 169C(1A) inserted (1.12.2001) by 2001 c. 16, s. 31(1); S.I. 2001/3736, art. 2

F10 169D Exception to the section 169A-C offences.

Sections 169A(1), 169B(1), and 169C(1) and (2) of this Act do not apply where—

- (a) the person under eighteen has attained the age of sixteen,
- (b) the intoxicating liquor in question is beer, porter or cider, and

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- (c) its sale or purchase is for consumption at a meal in a part of the licensed premises which is not a bar and is usually set apart for the service of meals.

Textual Amendments

F10 S. 169A-169H substituted (23.1.2001) for s. 169 by 2000 c. 30, ss. 1, 3(2)

^{F11}169E Consumption of intoxicating liquor by a person under 18.

- (1) A person under eighteen shall be guilty of an offence if, in a bar in licensed premises, he consumes intoxicating liquor.
- (2) A person to whom this subsection applies shall be guilty of an offence if, in licensed premises, he knowingly allows a person under eighteen to consume intoxicating liquor in a bar.
- (3) Subsection (2) of this section applies to a person who works in the licensed premises in a capacity, whether paid or unpaid, which gives him authority to prevent the consumption.

Textual Amendments

F11 S. 169A-169H substituted (23.1.2001) for s. 169 by 2000 c. 30, ss. 1, 3(2)

^{F12}169F Delivery of intoxicating liquor to a person under 18.

- (1) A person who works in licensed premises, whether paid or unpaid, shall be guilty of an offence if he knowingly delivers to a person under eighteen intoxicating liquor sold in those premises for consumption off the premises.
- (2) A person to whom this subsection applies shall be guilty of an offence if he knowingly allows any person to deliver to a person under eighteen intoxicating liquor sold in licensed premises for consumption off the premises.
- (3) Subsection (2) of this section applies to a person who works in the licensed premises in a capacity, whether paid or unpaid, which gives him authority to prevent the delivery.
- (4) Subsections (1) and (2) of this section do not apply where—
- (a) the delivery is made at the residence or working place of the purchaser, or
 - (b) the person under eighteen works in the licensed premises in a capacity, whether paid or unpaid, which includes the delivery of intoxicating liquor.

Textual Amendments

F12 S. 169A-169H substituted (23.1.2001) for s. 169 by 2000 c. 30, s. 1, 3(2)

^{F13}169G Sending a person under 18 to obtain intoxicating liquor.

- (1) A person shall be guilty of an offence if he knowingly sends a person under eighteen for the purpose of obtaining intoxicating liquor sold or to be sold in licensed premises for consumption off the premises.

Status: Point in time view as at 01/12/2001.

Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed), Part XII. (See end of Document for details)

- (2) Subsection (1) of this section applies regardless of whether the liquor is to be obtained from the licensed premises or from other premises from which it is delivered in pursuance of the sale.
- (3) Subsection (1) of this section does not apply where the person under eighteen works in the licensed premises where the sale has been or is to be made, in a capacity, whether paid or unpaid, which includes the delivery of intoxicating liquor.
- [^{F14}(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.]

Textual Amendments

F13 S. 169A-169H substituted (23.1.2001) for s. 169 by 2000 c. 30, ss. 1, 3(2)

F14 S. 169G(4) inserted (1.12.2001) by 2001 c. 16, s. 31(2); S.I. 2001/3736, art. 2

^{F15}169HPenalty for offences.

- (1) A person guilty of an offence under section 169A, 169B, 169C, 169E, 169F, or 169G of this Act shall be liable to a fine not exceeding level 3 on the standard scale.
- (2) Where the holder of a justices' licence is convicted of any of the offences referred to in subsection (1) and the licence is held in respect of the licensed premises in relation to which the offence was committed, the court may order that he shall forfeit the licence if—
- (a) he already has one or more convictions of that or any other offence referred to in subsection (1) of this section, or
 - (b) he already has one or more convictions of an offence under section 169 of this Act.

Textual Amendments

F15 S. 169A-169H substituted (23.1.2001) for s. 169 by 2000 c. 30, ss. 1, 3(2)

[^{F16}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.

Status: Point in time view as at 01/12/2001.

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- (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).]

Textual Amendments

F16 S. 169I inserted (1.12.2001) by 2001 c. 16, s. 31(3); S.I. 2001/3736, art. 2

170 Persons under 18 not to be employed in bars.

- (1) If any person under eighteen is employed in any bar of licensed premises at a time when the bar is open for the sale or consumption of intoxicating liquor, the holder of the licence shall be liable on a first conviction to a fine not exceeding five pounds and on a subsequent conviction to a fine not exceeding twenty pounds.

[^{F22}(1A) Subsection (1) of this section shall not apply where—

- (a) the person employed is of or over the age of sixteen; and
- (b) the employment is under a training scheme approved for the purposes of section 170A of this Act by the Secretary of State.]

- (2) For the purposes of this section a person shall not be deemed to be employed in a bar by reason only that in the course of his employment in some other part of the premises he enters the bar for the purpose of giving or receiving any message or of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.

- (3) For the purposes of this section a person shall be deemed to be employed by the person for whom he works notwithstanding that he receives no wages for his work.

- (4) Where in any proceedings under this section it is alleged that a person was at any time under eighteen, and he appears to the court to have then been under that age, he shall be deemed for the purposes of the proceedings to have then been under that age unless the contrary is shown.

Textual Amendments

F22 S. 170(1A) inserted (7.3.1997) by S.I. 1997/957, art. 2(1)

Modifications etc. (not altering text)

C2 S. 170(1): Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 35 (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

[^{F23}170A Employment in bars under approved training schemes

- (1) The Secretary of State may approve for the purposes of this section any training scheme which relates to the employment in bars of licensed premises of persons under eighteen if he is satisfied—
- (a) that the scheme includes satisfactory arrangements for the approval—

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- (i) of the persons to whom training is provided under it (“trainees”), and
 - (ii) of licensed premises participating in it;
 - (b) that, in relation to any person or premises approved under the arrangements mentioned in paragraph (a) of this subsection, the scheme includes satisfactory arrangements for the provision of documentary evidence of the approval to that person or, as the case may be, the holder of the justices’ licence for those premises;
 - (c) that the scheme includes satisfactory arrangements for monitoring—
 - (i) the quality of training provided under it, and
 - (ii) the progress of trainees;
 - (d) that, in relation to the provision under the scheme of training in a bar, the scheme includes satisfactory arrangements for ensuring that there is adequate supervision of trainees;
 - (e) that, in relation to the supervision mentioned in paragraph (d) of this subsection, the scheme includes arrangements for the provision to the holder of the justices’ licence for the licensed premises of a statement of—
 - (i) the criteria to be used by the holder of the licence in determining whether persons are fit to supervise trainees, and
 - (ii) the duties of persons supervising trainees; and
 - (f) that the scheme provides that licensed premises shall cease to be approved for participation in the scheme if trainees are not adequately supervised in their training in any bar of the premises.
- (2) A scheme shall not be taken for the purposes of paragraph (d) of subsection (1) of this section to include satisfactory arrangements for ensuring that there is adequate supervision of trainees if it fails to provide—
- (a) that supervision is to be undertaken by the holder of the licence or a person of or over the age of eighteen who acts on his behalf, or
 - (b) that, when the trainee is present in a bar which is open for the sale or consumption of intoxicating liquor, the person supervising the trainee must be present on the licensed premises and must be present in the bar unless his absence from the bar is—
 - (i) unavoidable,
 - (ii) necessary for carrying on the licence holder’s business, or
 - (iii) necessary to facilitate the trainee’s development under the scheme.
- (3) Where a person under eighteen is employed under a training scheme approved for the purposes of this section in any bar of licensed premises at a time when the bar is open for the sale or consumption of intoxicating liquor, and
- (a) the time falls outside—
 - (i) the general licensing hours, and
 - (ii) any period during which the consumption of intoxicating liquor is permitted by virtue of section 63(1) of this Act; or
 - (b) the holder of the licence has not notified the chief officer of police that the licensed premises will be participating in the scheme,
- the holder of the licence shall be liable to a fine not exceeding level 1 on the standard scale.]

Status: Point in time view as at 01/12/2001.

Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed), Part XII. (See end of Document for details)

Textual Amendments

F23 S. 170A inserted (17.3.1997) by S.I. 1997/957, art. 2(2)

171 Exclusion from sections 168 to 170 of bars while in regular use for service of table meals.

References in the foregoing provisions of this Part of this Act to a bar do not include a bar at any time when it is usual in the premises in question for it to be, and it is,—

- (a) set apart for the service of table meals; and
- (b) not used for the sale or supply of intoxicating liquor otherwise than to persons having table meals there and for consumption by such a person as an ancillary to his meal.

[^{F24}171A Prohibition of unsupervised off-sales by persons under 18.

- (1) In any premises which are licensed for the sale of intoxicating liquor for consumption off the premises only or any off-sales department of on-licensed premises, the holder of the licence shall not allow a person under eighteen to make any sale of such liquor unless the sale has been specifically approved by the holder of the licence or by a person of or over the age of eighteen acting on his behalf.
- (2) The reference in subsection (1) of this section to an off-sales department of on-licensed premises is a reference to any part of premises for which a justices' on-licence has been granted which is set aside for use only for the sale of intoxicating liquor for consumption off the premises.
- (3) A person guilty of an offence under this section shall be liable to a fine not exceeding level 1 on the standard scale.]

Textual Amendments

F24 S. 171A inserted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 18

Preservation of order

172 Licence holder not to permit drunkenness, etc.

- (1) The holder of a justices' licence shall not permit drunkenness or any violent, quarrelsome or riotous conduct to take place in the licensed premises.
- (2) If the holder of a justices' licence 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 licence holder and the persons employed by him took all reasonable steps for preventing drunkenness in the premises shall lie upon him.
- (3) The holder of a justices' licence shall not sell intoxicating liquor to a drunken person.
- (4) If any person contravenes this section he shall be liable, on a first conviction to a fine not exceeding [^{F25}£25], and on a subsequent conviction to a fine not exceeding [^{F25}£50].

Status: Point in time view as at 01/12/2001.

Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed), Part XII. (See end of Document for details)

Textual Amendments

F25 Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31\(5\)\(6\)\(9\)](#)

Modifications etc. (not altering text)

C3 [S. 172\(4\): Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 35](#) (in relation to liability on first and subsequent convictions), [38](#) (increase of fines) and [46](#) (substitution of references to levels on the standard scale) apply; and [s. 172\(4\)](#), as so amended, further amended (1.12.2001) by [2001 c. 16, s. 32\(1\)\(7\)](#); [S.I. 2001/3736, art. 2](#)

[^{F26}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.]

Textual Amendments

F26 [S. 172A](#) inserted (1.12.2001) by [2001 c. 16, s. 32\(2\)](#); [S.I. 2001/3736, art. 2](#)

173 Procuring drink for drunken person.

- (1) If any person in licensed premises procures or attempts to procure any intoxicating liquor for consumption by a drunken person he shall be guilty of an offence under this section.
- (2) If any person aids a drunken person in obtaining or consuming intoxicating liquor in licensed premises he shall be guilty of an offence under this section.

Status: Point in time view as at 01/12/2001.

Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed), Part XII. (See end of Document for details)

- (3) A person guilty of an offence under this section shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding [F27]level 1 on the standard scale].

Textual Amendments

- F27** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31\(5\)\(6\)\(9\)](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

174 Power to exclude drunkards, etc., from licensed premises.

- (1) Without prejudice to any other right to refuse a person admission to premises or to expel a person from premises, the holder of a justices' licence [F28]or a relevant person] may refuse to admit to, or may expel from, the licensed premises any person who is drunken, violent, quarrelsome [F29]and the holder of a justices' licence may refuse to admit to, or may expel from, the licensed premises any person] disorderly, or whose presence in the licensed premises would subject the licence holder to a penalty under this Act.
- (2) If any person liable to be expelled from licensed premises under this section, when requested by the holder of the justices' licence or his agent or servant or [F30](as the case may be) the relevant person or any agent or servant of his or by]any constable to leave the premises, fails [F31]without reasonable excuse] to do so, he shall be liable to a fine not exceeding [F32]level 1 on the standard scale].
- (3) Any constable shall, on the demand of the holder of a justices' licence or his agent or servant [F33]or (as the case may be) a relevant person or any agent or servant of his], help to expel from the licensed premises any person liable to be expelled from them under this section, and may use such force as may be required for the purpose.
- [F34](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.]

Textual Amendments

- F28** Words in [s. 174\(1\)](#) inserted (1.12.2001) by [2001 c. 16, s. 32\(3\)\(a\)](#); [S.I. 2001/3736, art. 2](#)
- F29** Words in [s. 174\(1\)](#) substituted (1.12.2001) by [2001 c. 16, s. 32\(3\)\(b\)](#); [S.I. 2001/3736, art. 2](#)
- F30** Words in [s. 174\(2\)](#) inserted (1.12.2001) by [2001 c. 16, s. 32\(4\)](#); [S.I. 2001/3736, art. 2](#)
- F31** Words in [s. 174\(2\)](#) inserted (1.12.2001) by [2001 c. 16, s. 18\(2\)](#) (with [s. 18\(5\)](#)); [S.I. 2001/3732, art. 2](#)
- F32** Words substituted by [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [Sch. 6](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)
- F33** Words in [s. 174\(3\)](#) inserted (1.12.2001) by [2001 c. 16, s. 32\(5\)](#); [S.I. 2001/3736, art. 2](#)
- F34** [S. 174\(4\)](#) inserted (1.12.2001) by [2001 c. 16, s. 32\(6\)](#); [S.I. 2001/3736, art. 2](#)

175 Prostitutes not to be allowed to assemble on licensed premises.

- (1) The holder of a justices' licence shall not knowingly allow the licensed premises to be the habitual resort or place of meeting of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution; but this section does not prohibit

Status: Point in time view as at 01/12/2001.

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his allowing any such persons to remain in the premises for the purpose of obtaining reasonable refreshment for such time as is necessary for that purpose.

- (2) If the holder of a justices' licence contravenes this section he shall be liable, on a first conviction to a fine not exceeding [^{F35}£25], and on a subsequent conviction to a fine not exceeding [^{F35}£50].

Textual Amendments

F35 Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31\(5\)\(6\)\(9\)](#)

Modifications etc. (not altering text)

C4 [S. 175\(2\): Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 35](#) (in relation to liability on first and subsequent convictions), [38](#) (increase of fines) and [46](#) (substitution of references to levels on the standard scale) apply (E.W.)

176 Permitted licensed premises to be a brothel.

- (1) If the holder of a justices' licence permits the licensed premises to be a brothel, he shall be liable to a fine not exceeding [^{F36}level 2 on the standard scale].
- (2) If the holder of a justices' licence is convicted, whether under this section or under any other enactment, of permitting his premises to be a brothel, he shall forfeit the licence.

Textual Amendments

F36 Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31\(5\)\(6\)\(9\)](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

177 Gaming on licensed premises.

- (1) If the holder of a justices' licence suffers any game to be played in the premises in such circumstances that an offence under [^{F37}the ^{M1}Gaming Act 1968] is committed or a requirement or restriction for the time being in force under [^{F37}section 6] of that Act is contravened, he shall be liable, on a first conviction to a fine not exceeding ten pounds, and on a subsequent conviction to a fine not exceeding twenty pounds.
- (2) The conviction of the holder of a justices' licence of an offence in connection with the licensed premises under section 1(1) of the ^{M2}Betting, Gaming and Lotteries Act 1963 shall for the purposes of this Act be deemed to be a conviction of an offence under this section.

Textual Amendments

F37 Words substituted by [Gaming Act 1968 \(c. 65, SIF 12:1\)](#), [Sch. 11 Pt. III](#)

Modifications etc. (not altering text)

C5 [S. 177\(1\): Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 35](#) (in relation to liability on first and subsequent convictions), [38](#) (increase of fines) and [46](#) (substitution of references to levels on the standard scale) apply (E.W.)

Status: Point in time view as at 01/12/2001.

Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed), Part XII. (See end of Document for details)

Marginal Citations

- M1** 1968 c. 65 (12:1).
M2 1963 c. 2 (12:1).

Offences in relation to constables

178 Offences in relation to constables.

If the holder of a justices' licence—

- (a) knowingly suffers to remain on the licensed premises any constable during any part of the time appointed for the constable's being on duty, except for the purpose of the execution of the constable's duty, or
- (b) supplies any liquor or refreshment, whether by way of gift or sale, to any constable on duty except by authority of a superior officer of the constable, or
- (c) bribes or attempts to bribe any constable,

he shall be liable, on a first conviction to a fine not exceeding [^{F38}£25], and on a subsequent conviction to a fine not exceeding [^{F38}£50].

Textual Amendments

- F38** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), s. 31(5)(6)(9)

Modifications etc. (not altering text)

- C6** [S. 178: Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 35 (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

Application to seamen's canteens and occasional licences

179 Application of Part XII to seamen's canteens and premises for which occasional licence is in force.

- (1) This Part of this Act shall apply in relation to a licensed canteen—
 - (a) as if references to a justices' licence included references to a canteen licence and references to licensed premises or a bar in licensed premises included references to a licensed canteen; and
 - (b) as if [^{F39}subsections (3A) to (3C) of section 168, section 168A,]^{F40}subsection (2) of section 169C, and sections 169D, 169F, 169G and 171]were omitted.
- (2) In the application of this Part of this Act to licensed premises which are licensed premises by reason of being a place where intoxicating liquor is sold under an occasional licence, references in sections 172 to 178 to the holder of a justices' licence shall be construed as references to the holder of the occasional licence.

Status: Point in time view as at 01/12/2001.

Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed), Part XII. (See end of Document for details)

Textual Amendments

- F39** Words in s. 179(1)(b) inserted (3.1.1995) by 1994 c. 40, s. 39, **Sch. 11 para. 1(2)**; S.I. 1994/3188, **art. 2**
- F40** Words in s. 179(1)(b) substituted (23.1.2001) by 2000 c. 30, **ss. 2(2), 3(2)**

Status:

Point in time view as at 01/12/2001.

Changes to legislation:

There are currently no known outstanding effects for the Licensing Act 1964 (repealed), Part XII.