



Licensing Act 1988

1988 CHAPTER 17

Protection of persons under eighteen

16 Sale of intoxicating liquor on licensed premises to persons under 18

- (1) Section 169 of the principal Act (offences on licensed premises in connection with the supply of intoxicating liquor to, or its consumption by, persons under eighteen) shall have effect with the following amendments.
- (2) In subsection (1) (which penalises the sale of intoxicating liquor by a licensee or his servant to a person known to be under eighteen), the word “knowingly”, in the first place where it occurs, shall be omitted.
- (3) After subsection (4) there shall be inserted the following subsections—
 - “(4A) Where a person is charged under subsection (1) of this section with the offence of selling intoxicating liquor to a person under eighteen and he is charged by reason of his own act, it shall be a defence for him to prove—
 - (a) that he exercised all due diligence to avoid the commission of such an offence; or
 - (b) that he had no reason to suspect that the person was under eighteen.
 - (4B) Where the person charged with an offence under subsection (1) of this section is the licence holder and he is charged by reason of the act or default of some other person, it shall be a defence for him to prove that he exercised all due diligence to avoid the commission of an offence under that subsection.”
- (4) For subsections (8) and (9), there shall be substituted the following subsection—
 - “(8) A person guilty of an offence under this section shall be liable to a fine not exceeding level 3 on the standard scale; and on a person’s second or subsequent conviction of such an offence the court may, if the offence was committed by him as the holder of a justices’ licence, order that he shall forfeit the licence.”