



Deregulation and Contracting Out Act 1994

1994 CHAPTER 40

PART I

DEREGULATION

CHAPTER II

MISCELLANEOUS DEREGULATORY PROVISIONS

19 Bars in licensed premises in England and Wales: children's certificates.

- (1) In section 168 of the Licensing Act 1964 (children prohibited from bars) after subsection (3) there shall be inserted—

“(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
- (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

Status: This is the original version (as it was originally enacted).

fourteen to be in the bar in the circumstances mentioned in paragraphs (a) to (c) of subsection (3A) of this section.”

(2) After that section there shall be inserted—

“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.
 - (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.”
- (3) After Schedule 12 to that Act there shall be inserted the Schedule set out in Schedule 7 to this Act (supplementary provisions).