

ELIZABETH II

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Licensing (Young Persons) Act 2000

2000 CHAPTER 30

An Act to make provision in connection with the sale and consumption of intoxicating liquor in cases involving persons under eighteen; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:— [23rd November 2000]

1. For section 169 of the Licensing Act 1964 (serving or delivering intoxicating liquor to or for consumption by persons under 18) there shall be substituted the following sections—

Amendment of
Part XII of the
Licensing Act
1964.
1964 c. 26.

“Sale of
intoxicating
liquor to a
person under 18.

169A.—(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, to prove that he had no reason to suspect that the person was under eighteen.

(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.

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

169B.—(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

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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.

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

169C.—(1) A person under eighteen shall be guilty of an offence if, in licensed premises, he buys or attempts to buy intoxicating liquor.

(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.

Exception to the section 169A-C offences.

169D. 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
- (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.

Consumption of intoxicating liquor by a person under 18.

169E.—(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.

Delivery of intoxicating liquor to a person under 18.

169F.—(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

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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.

Sending a person under 18 to obtain intoxicating liquor.

169G.—(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.

(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.

Penalty for offences.

169H.—(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.”.

2.—(1) In section 10(3)(c) of the Licensing Act 1964 (protection orders where licence forfeited under section 169(8)), for “169(8)” there is substituted “169H(2)”.

Consequential amendments and repeals.
1964 c. 26.

(2) In section 179(1)(b) of that Act (application of Part XII to seamen's canteens), for “subsections (4) to (7) of section 169 and section 171” there is substituted “subsection (2) of section 169C, and sections 169D, 169F, 169G and 171”.

(3) In section 8(7) of the Gaming Act 1968 (offences under Part I: application of section 169(8) of the Licensing Act 1964)—

1968 c. 65.

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(a) in paragraph (a), for “subsection (8) of section 169” there is substituted “section 169H”, and

(b) for “subsection (1) of the said section 169” there is substituted “subsection (2) of section 169E of the said Act of 1964”.

(4) The enactments mentioned in the Schedule to this Act are repealed to the extent specified in the third column.

Short title,
commencement
and extent.

3.—(1) This Act may be cited as the Licensing (Young Persons) Act 2000.

(2) This Act shall come into force at the end of the period of two months beginning with the day on which it is passed.

(3) This Act does not extend to Scotland or Northern Ireland.

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SCHEDULE

Section 2(4).

REPEALS

Chapter	Short title	Extent of repeal
1988 c. 17.	The Licensing Act 1988.	Section 16. In Schedule 3, paragraph 17.

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