



Criminal Justice and Police Act 2001

2001 CHAPTER 16

PART 1

PROVISIONS FOR COMBATTING CRIME AND DISORDER

CHAPTER 2

PROVISIONS FOR COMBATTING ALCOHOL-RELATED DISORDER

Other provisions for combatting alcohol-related disorder

32 Drunkenness or disorder on licensed premises

- (1) In section 172(4) of the Licensing Act 1964 (c. 26) (licence holder not to permit drunkenness etc.: offences) for “level 2” there shall be substituted “level 3”.
- (2) After section 172 of that Act there shall be inserted—

“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.

Status: This is the original version (as it was originally enacted).

- (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.”
- (3) In section 174(1) of that Act (power to exclude drunkards, etc. from licensed premises)
- (a) after “justices' licence” there shall be inserted “or a relevant person”; and
 - (b) for “or”, where it appears for the fourth time, there shall be substituted “and the holder of a justices' licence may refuse to admit to, or may expel from, the licensed premises any person”.
- (4) In section 174(2) of that Act (offence of failing to leave licensed premises when requested if drunk or disorderly etc.) after “servant or” there shall be inserted “(as the case may be) the relevant person or any agent or servant of his or by”.
- (5) In section 174(3) of that Act (requesting assistance from constable to exclude drunkards etc.) after “servant” there shall be inserted “or (as the case may be) a relevant person or any agent or servant of his”.
- (6) After section 174(3) of that Act there shall be inserted—
- “(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.”
- (7) The amendment made by subsection (1) above shall not apply to offences committed before the coming into force of that subsection.