

SCHEDULES

SCHEDULE 6

MINOR AND CONSEQUENTIAL AMENDMENTS

Licensing Act 1902 (c. 28)

- 8 (1) Section 6 (prohibition of sale of alcohol to person declared by the court to be a habitual drunkard) is amended as follows.
- (2) For subsection (2) substitute—
- “(2) Subsections (2A) to (2C) apply where a court, in pursuance of this Act, orders notice of a conviction to be sent to a police authority.
- (2A) The court shall inform the convicted person that the notice is to be sent to a police authority.
- (2B) The convicted person commits an offence if, within the three year period, he buys or obtains, or attempts to buy or obtain, alcohol on relevant premises.
- (2C) A person to whom subsection (2D) applies commits an offence if, within the three year period, he knowingly—
- (a) sells, supplies or distributes alcohol on relevant premises, or
- (b) allows the sale, supply or distribution of alcohol on relevant premises,
- to, or for consumption by, the convicted person.
- (2D) This subsection applies—
- (a) to any person who works at the premises in a capacity, whether paid or unpaid, which gives him authority to sell, supply or distribute the alcohol concerned,
- (b) in the case of licensed premises, to—
- (i) the holder of a premises licence which authorises the sale or supply of alcohol, and
- (ii) the designated premises supervisor (if any) under such a licence,
- (c) in the case of premises in respect of which a club premises certificate authorising the sale or supply of alcohol has effect, to any member or officer of the club which holds the certificate who at the time the sale, supply or distribution takes place is present on the premises in a capacity which enables him to prevent it, and
- (d) in the case of premises which may be used for a permitted temporary activity by virtue of Part 5 of the Licensing Act 2003, the premises user in respect of a temporary event notice authorising the sale or supply of alcohol.

Status: This is the original version (as it was originally enacted).

- (2E) A person guilty of an offence under this section is liable on summary conviction—
- (a) in the case of an offence under subsection (2B), to a fine not exceeding level 1 on the standard scale, and
 - (b) in the case of an offence under subsection (2C), to a fine not exceeding level 2 on the standard scale.”
- (3) In subsection (3), for “licensed persons, and secretaries of clubs registered under Part III of this Act,” substitute “persons to whom subsection (4) applies”.
- (4) After that subsection insert—
- “(4) This subsection applies to—
- (a) the holder of a premises licence which authorises the sale or supply of alcohol,
 - (b) the designated premises supervisor (if any) under such a licence,
 - (c) the holder of a club premises certificate authorising the sale or supply of alcohol, and
 - (d) the premises user in relation to a temporary event notice authorising the sale or supply of alcohol.
- (5) In this section—
- “alcohol”, “club premises certificate”, “designated premises supervisor”, “licensed premises”, “permitted temporary activity”, “premises licence”, “premises user” and “temporary event notice” have the same meaning as in the Licensing Act 2003,
- “relevant premises” means premises which are relevant premises within the meaning of section 159 of that Act and on which alcohol may be lawfully sold or supplied, and
- “the three year period”, in relation to the convicted person, means the period of three years beginning with the day of the conviction.”