

JOELSON WILSON

LICENSING UNDERAGE SALES

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- Pursuant to the Licensing Act 2003 it is an offence to sell alcohol to a person who is aged under 18. If successfully prosecuted you could face a fine on summary conviction (i.e. in the Magistrates' Court) of up to £5,000.
- If charged with such an offence there are the following defences:
 - The person who made the sale believed that the individual was aged 18 or over and either he took all reasonable steps to establish the individual's age, or nobody could reasonably have suspected from the individual's appearance that he was aged under 18.

A person is treated as having taken all reasonable steps to establish an individual's age if he asked an individual for evidence of the person's age and that evidence would have convinced a reasonable person.

To avoid being fooled by fake identifications it would be prudent to only accept identification in the form of a photographic driving licence, a passport or 'proof of age scheme' card carrying a PASS (hologram) logo.

- If the person is charged with an offence by reason of the act or default of some other person, it is a defence that the accused exercised all due diligence to avoid committing it.

To rely on a due diligence defence it is very important to have rigorous policies in place and to ensure that they are adopted at all times. Where possible, this should include steps such as staff training/handbooks, appropriate signage and refusal books.

- The risk of being prosecuted for selling to an underage person is greater since the police are permitted to send underage persons into licensed premises to see if they are served alcohol. This is known as 'test purchasing' and is becoming ever more frequent so please be vigilant!
- Lawyers at Joelson Wilson & Co frequently advise clients across England and Wales in respect of both how to avoid being prosecuted for selling to underage persons and the best means to defend prosecutions that are brought. We can help you by reviewing/drafting your training policies or if necessary attending interviews under caution with you.

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Need to know more?

Ask us. *“Truly proactive practitioners, well versed in licensing law, greatly knowledgeable and utterly dependable in fighting its clients’ battles ...”* – Chambers Guide to the UK Legal Profession 2008. For information/advice on alcohol or entertainment licensing matters, gaming, betting, lotteries or remote gambling, please contact:

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This document is not intended to be a comprehensive review of all developments in the law or practice, or to cover all aspects of those referred to. Readers should take legal advice before applying the information contained in this publication to specific issues or transactions.

Joelson Wilson LLP

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