

Licensing and Registration of Clubs (Amendment) Bill

[AS INTRODUCED]

LEGISLATIVE COMPETENCE

At Introduction the Minister for Communities had made the following statement under section 9 of the Northern Ireland Act 1998:

“In my view the Licensing and Registration of Clubs (Amendment) Bill would be within the legislative competence of the Northern Ireland Assembly.”

Licensing and Registration of Clubs (Amendment) Bill

[AS INTRODUCED]

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BILL

TO

Make provision about liquor licensing and the registration of clubs.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

PART 1

LICENSING

Permitted hours

Removal of additional restrictions at Easter

- 5 **1.**—(1) In Article 30 of the Licensing Order (occasional licences), in paragraph (7), omit “, Easter Day or Good Friday”.
- (2) In Article 42 of that Order (general permitted hours), in paragraph (1)—
- (a) in sub-paragraph (a), omit “Good Friday or”, and
- (b) omit sub-paragraph (b) and the following “and”.
- 10 (3) In paragraph (2)(b) of that Article, omit “or Easter Day”.
- (4) In paragraph (3) of that Article, omit “and (b)”.
- (5) In Article 44 of the Licensing Order (additional permitted hours), in paragraph (6)(a), omit “Easter Day or Good Friday”.
- 15 (6) In Article 45 of that Order (authorisations for additional permitted hours), in paragraph (3)(a) omit “, Easter Day or Good Friday”.
- (7) In Article 47 of that Order (extension licences), in paragraph (6)(a) omit “Easter Day or Good Friday”.
- (8) In Article 50 of that Order (restrictions as to sales for consumption off premises), in paragraph (1), omit “or Easter Day”.

Public houses and hotels: further additional hours

2.—(1) After Article 44 of the Licensing Order insert—

“Public houses or hotels: order for further additional permitted hours

5 44A.—(1) In the case of premises of the kind referred to in Article 5(1)
(a) or an hotel, a county court or court of summary jurisdiction may, when
making an order under Article 44(1), also make an order under paragraph
(3) or (4) of this Article.

10 (2) In the case of premises of the kind referred in Article 5(1)(a), or an
hotel, to which an order under Article 44 applies, a court of summary
jurisdiction may, at any time, upon the application of the holder of the
licence for those premises made in compliance with the procedure set out
in Schedule 9, make an order under paragraph (3) or (4).

15 (3) An order under this paragraph may direct that, on each day specified
in the order (being a day specified in the order under Article 44), an
additional hour beginning immediately after the end of the period
authorised by the order under Article 44 is to be included in the permitted
hours for the premises to which that order applies for the purposes referred
to in paragraph (2) of that Article.

20 (4) An order under this paragraph may direct that, on each day specified
in the order (being a day other than one specified in the order under Article
44), the hours that would be included in the permitted hours if the day
were one specified in the order under Article 44 and an additional hour
beginning immediately after the end of those hours are to be included in
the permitted hours for the premises to which that order applies.

25 (5) An order under paragraph (4) is subject to a condition that, during
the hours authorised by the order, the premises may be used for the sale of
intoxicating liquor only if they are also being used for the provision of—

- (a) musical or other entertainment; or
- (b) substantial refreshment; or
- 30 (c) both such entertainment and refreshment.

(6) In paragraph (5), “entertainment” has the same meaning as in Article
44 (see paragraph (8) of that Article).

(7) A court must not make an order under paragraph (3) or (4) unless the
court is satisfied that—

- 35 (a) the business will be conducted during the hours mentioned in that
paragraph and any period immediately following their termination
in such a manner as not to cause undue inconvenience to persons
residing in the vicinity of the premises; and
- (b) the hours mentioned in that paragraph will not cause undue
40 inconvenience to persons residing in the vicinity of the premises.

(8) The court may, accordingly, make the order subject to such terms
and conditions as the court thinks fit for the purpose of avoiding such
inconvenience as is mentioned in paragraph (7).

(9) Subject to paragraph (10), where notice of an application under paragraph (2) has been served on the clerk of petty sessions, the clerk may make the order sought as if the application had been made to the clerk and may do so in the absence of the applicant.

5 (10) Where—

- (a) a notice of objection to the application has been served upon the clerk and has not been withdrawn, or
- (b) the clerk is of the opinion, for any other reason, that the application should be made to the court,

10 the clerk must require the application to be made to the court and must notify the applicant and the objector, if any, of the requirement and of the time and place of the hearing.

(11) Paragraphs (6) and (7) of Article 44 apply in relation to an order under paragraph (3) or (4) of this Article as they apply in relation to an order under paragraph (1) of that Article; and for that purpose—

- 15 (a) the reference to that Article in the opening words of paragraph (6) of that Article is to be read as including a reference to this Article, and
- 20 (b) the references to paragraph (2) of that Article are to be read as references to paragraph (3) or (as the case may be) paragraphs (4) and (5) of this Article.

(12) Not more than 104 days in any year may be specified in an order or orders made under this Article.

25 (13) Regulations may modify paragraph (12) so as to substitute a different number of days for the number for the time being specified there.

(14) Regulations may not be made under paragraph (13) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

Orders under Article 44A: revocation, modification etc.

30 44B.—(1) An order under Article 44A may be revoked or modified by a court of summary jurisdiction on the application of the holder of the licence.

(2) Where a court of summary jurisdiction is, in the case of premises in relation to which an order under Article 44A has been made, satisfied for the purposes of paragraph (3), the court may act under paragraph (4) in relation to the order.

(3) A court is satisfied for the purposes of this paragraph in the case of premises if, on a complaint made under Part 8 of the Magistrates' Courts (Northern Ireland) Order 1981, it is satisfied that, on a previous day specified in an order under Article 44A in relation to the premises—

- 40 (a) the business carried on in the premises was conducted during the hours mentioned in paragraph (3) or (4) of Article 44A (as the case may be) or any period immediately following their termination in such a manner as to cause undue inconvenience to persons residing
- 45 in the vicinity of the premises; or

- (b) such hours caused undue inconvenience to persons residing in the vicinity of the premises; or
 - (c) in the case of a complaint made by the district commander for the police district in which the premises are situated, the specified part or parts of the premises were not used for the purposes mentioned in paragraph (3) or (5) of Article 44A (as the case may be).
- 5
- (4) The court may—
 - (a) revoke the order under Article 44A that is referred to in paragraph (2) of this Article; or
 - 10 (b) modify the order or, in relation to the order, the hours mentioned in paragraph (3) or (4) of Article 44A (as the case may be); or
 - (c) make the continuance of the order subject to such terms and conditions as the court thinks fit.”.
- (2) In Schedule 9 to the Licensing Order (procedure for certain applications)—
- 15 (a) in the title, after “44” insert “, 44A”,
 - (b) in paragraph 1, after “44” insert “, 44A”, and
 - (c) in paragraph 4, after sub-paragraph (b) insert—
 - “(ba) in the case of an application under Article 44A, on any ground mentioned in Article 44A(5) or (7);”.

20 **Alignment of closing time for liquor and entertainment**

3. After Article 44B of the Licensing Order (inserted by section 2(1)) insert—

“Alignment of closing time for liquor and entertainment

25 44C.—(1) This Article applies in relation to any occasion on which an entertainments licence in force in respect of premises to which an order under Article 44 applies would (but for this Article) permit entertainment that was being provided in the premises to continue to be provided in the premises after the end of the hours mentioned in Article 44(2).

30 (2) The hours mentioned in Article 44(2) do not apply in relation to the premises on that occasion and the hours specified in Article 42 apply instead in relation to the premises on that occasion.

(3) But the entertainments licence continues in force on that occasion and accordingly permits entertainment to be provided in the premises after the end of the hours specified in Article 42.

35 (4) If an order under Article 44A(3) or (4) applies in relation to the premises, the references in this Article to the hours mentioned in Article 44(2) are to be read as including a reference to the additional hour authorised by that order.

(5) The references in this Article to the hours specified in Article 42 are references to those hours as extended by Article 46.

40 (6) In this Article—

“entertainment” has the same meaning as in Article 44, and

“entertainments licence” means a licence under paragraph 3 of Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985.”.

Police authorisations for additional hours

5 **4.**—(1) In Article 45 of the Licensing Order (authorisations for additional permitted hours), in paragraph (1)—

- (a) omit “other than premises to which an order under Article 44 applies”,
- (b) before “occasion to which the application relates” insert “first”, and
- 10 (c) in the full-out words at the end, for “on any 1 occasion specified in the authorisation” substitute “on such occasions specified in the authorisation as the commander thinks fit”.

(2) After that paragraph insert—

15 “(1A) In the case of premises to which an order under Article 44 applies, an authorisation under this Article is subject to a condition that, during the additional hours authorised, the premises may be used for the sale of intoxicating liquor only if they are also being used for the provision of—

- (a) musical or other entertainment; or
- (b) substantial refreshment; or
- (c) both such entertainment and refreshment.

20 (1B) In paragraph (1A), “entertainment” has the same meaning as in Article 44 (see paragraph (8) of that Article).”.

(3) For paragraph (2) of that Article substitute—

25 “(2) In the case of premises to which an order under Article 44 applies, not more than 20 authorisations shall be granted under this Article to the holder of the licence of the premises in any year.

(2A) In the case of premises of any other description, not more than 85 authorisations shall be granted under this Article to the holder of the licence of the premises in any year.

30 (2B) Regulations may modify paragraph (2) or (2A) so as to substitute a different number of authorisations for the number for the time being specified there.

(2C) Regulations may not be made under paragraph (2B) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

35 **Extension of “drinking-up time”**

5.—(1) In Article 46 of the Licensing Order (exceptions from prohibition of sale etc. of intoxicating liquor outside permitted hours), in paragraph (1), in each of sub-paragraphs (a) and (b), for “30 minutes” substitute “60 minutes”.

(2) After paragraph (3) of that Article insert—

40 “(4) Regulations may modify paragraph (1)(a) or (b) so as to substitute “30 minutes” for “60 minutes”.

(5) Regulations may not be made under paragraph (4) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

Major events

5 **6.**—(1) After Article 48 of the Licensing Order (but before the following cross-heading) insert—

“Major event orders

Extension of permitted hours for major events

10 48A.—(1) Where the Department considers that an event which is to take place in Northern Ireland will attract significant public interest (whether throughout Northern Ireland or in certain areas only), it may make an order (a “major event order”) which—

- (a) designates the event as a major event, and
- 15 (b) provides that, during the period specified in the order, the permitted hours for any place or premises to which the order applies are the hours specified in the order.

(2) A major event order may apply to—

- (a) all licensed premises either in Northern Ireland as a whole or in the area or areas specified;
- 20 (b) all licensed premises of a specified kind either in Northern Ireland as a whole or in the area or areas specified;
- (c) any place or premises for which an occasional licence has been granted and which is or are situated on the site where the event is to take place.

25 (3) In specifying an area for the purposes of paragraph (2)(a) or (b), a major event order may in particular do so by reference to the place or premises at which the event is to take place or the area in the vicinity of the place or premises.

30 (4) The Department may vary or revoke a major event order; and the circumstances in which it may revoke an order include, in a case where the period specified under paragraph (1)(b) includes two or more days, circumstances in which it considers it necessary to do so because of disorder, or expected disorder, at or in the vicinity of the place or premises at which the event is taking place.

35 (5) The period specified in a major event order may not include Christmas Day.

40 (6) The hours specified in a major event order are in addition to the hours permitted by any occasional licence, any order under Article 44 or 44A, any authorisation under Article 45 or any extension licence, which applies to a place or premises to which the major event order applies.

(7) If, in the case of premises to which an order under Article 44, 44A or 48 applies, the event designated by a major event order is to take place on a day which is not specified in an order under Article 44 or 44A or an

extension licence, the major event order has effect as if that day were so specified.

5 (8) A major event order may make consequential, incidental or supplementary provision (including provision which modifies provisions of this Order for the purpose of giving effect to the major event order).

(9) Before making a major event order, the Department must consult such persons as it considers appropriate.

Major event order: conditions

10 48B.—(1) A major event order may impose conditions; and it may (without prejudice to the generality of section 17(5)(b)(ii) of the Interpretation Act (Northern Ireland) 1954) impose conditions which, in particular, vary according to whether they relate to the sale of intoxicating liquor for consumption on, or for consumption off, a place or premises.

15 (2) A major event order may not authorise at any place or premises, other than the place or premises at which the event is to take place, the sale of intoxicating liquor for consumption off that place or premises.

20 (3) Accordingly, a major event order may, in so far as it applies to a place or premises for which an occasional licence has been granted, authorise during the period specified under Article 48A(1)(b) the sale of intoxicating liquor for consumption off the place or premises specified in the licence, despite the prohibition in Article 30(5)(b).

(4) Paragraphs (2) and (3) do not apply in the case of a place or premises for which an occasional licence has been granted to the holder of a licence for a restaurant.

25 (5) A major event order which authorises the sale of intoxicating liquor for consumption in a place or premises also authorises, during the first 60 minutes after the conclusion of the hours specified in the order, the consumption of intoxicating liquor in the place or premises.

30 (6) A major event order which authorises the sale of intoxicating liquor for consumption off any place or premises also authorises, during the first 60 minutes after the conclusion of the hours specified in the order, the taking of intoxicating liquor in a sealed container from the place or premises.

35 (7) Regulations under Article 46(4) may also modify paragraph (5) or (6) of this Article so as to substitute “30 minutes” for “60 minutes”.

(8) A major event order, in so far as it applies to premises of any of the kinds mentioned in Article 5(1), does not affect the requirement to comply with the conditions relating to the sale of intoxicating liquor which apply to premises of that kind.

40 (9) Any person acting in contravention of a condition imposed by a major event order is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

| | | |
|---------|---|---------|
| “48B(9) | Contravening condition of major event order | of 3-4” |
|---------|---|---------|

Licensed race tracks: Sunday sales

7.—(1) In Article 42 of the Licensing Order (permitted hours), in paragraph (3), after “a theatre” insert “or (subject to paragraph (4)) premises on a licensed track”.

5 (2) After that paragraph insert—

“(4) The permitted hours for premises on a licensed track do not include any time on Christmas Day.

(5) In this Article, “licensed track” has the meaning given in the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.”.

10 *Local alcohol producers*

Licence for off-sales

8.—(1) In Article 5 of the Licensing Order (premises for which licence may be granted), in paragraph (1), after sub-paragraph (1) insert “;

15 (m) premises in which the business of producing intoxicating liquor is carried on in accordance with any certificate of registration, licence or other authorisation which is required by a statutory provision.”.

(2) After paragraph (6) of that Article insert—

“(7) Paragraph (1)(m) applies only where the business in question is carried on wholly or mainly in Northern Ireland.”

20 (3) After Article 52A of the Licensing Order insert—

“Local producer’s licence: sales on own premises

52B.—(1) A local producer’s licence shall not authorise—

25 (a) the sale of intoxicating liquor unless it is produced in the production premises;

(b) the sale of intoxicating liquor for consumption in the production premises.

30 (2) But a local producer’s licence shall, where one or more persons are being given a tour of the production premises, authorise the provision to each person of a sample of intoxicating liquor produced in the premises for consumption in the premises, so long as no charge is made for providing the sample separate from the charge made for giving the tour.

(3) In paragraph (2), “sample”, in relation to intoxicating liquor, means a serving which does not exceed the amount prescribed in regulations.

35 (4) Where the holder of a local producer’s licence, personally or by a servant or agent, sells intoxicating liquor or makes it available for purchase in the production premises in contravention of paragraph (1), the holder is guilty of an offence.

(5) Where the holder of a local producer's licence, personally or by a servant or agent, provides a person with intoxicating liquor in contravention of paragraph (2), the holder is guilty of an offence.

5 (6) Where intoxicating liquor is available for purchase in accordance with this Article, the holder of the local producer's licence shall at all times display in the production premises a notice in the form and manner, and containing the information, prescribed by regulations; and a person acting in contravention of this paragraph is guilty of an offence.

10 (7) Where, having purchased intoxicating liquor from the holder of a local producer's licence, a person consumes the liquor—

(a) in the production premises, or

(b) in premises which adjoin or are near the production premises and which belong to the holder of the licence or are under his control or used by his permission,

15 that person and the holder of the licence, if the consumption is with the holder's or a servant's or agent's knowledge or consent, are each guilty of an offence.

20 (8) A person guilty of an offence under paragraph (4) is liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

(9) A person guilty of an offence under paragraph (5), (6) or (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(10) In this Article and Articles 52C and 52D—

25 "local producer's licence" means a licence for premises of a kind mentioned in Article 5(1)(m), and

"production premises", in relation to a local producer's licence, means the premises to which the licence relates.

Local producer's licence: sale on other licensed premises

30 52C.—(1) A local producer's licence shall authorise the holder of the licence, personally or by a servant or agent, to sell by retail in licensed premises to which this Article applies intoxicating liquor produced in the production premises if the sale—

(a) is for consumption off those licensed premises, and

35 (b) is ancillary to an event which is held wholly or mainly to promote food, drink or craftwork produced in Northern Ireland or relates to agriculture in Northern Ireland.

(2) The licensed premises to which this Article applies are—

(a) an hotel;

40 (b) a conference centre;

(c) an indoor arena;

(d) an outdoor stadium;

(e) a place or premises specified in an occasional licence.

(3) Regulations may modify paragraph (2) so as to add or remove a reference to licensed premises of a specified kind.

(4) Regulations may not be made under paragraph (3) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(5) Where the holder of a local producer's licence, personally or by a servant or agent, sells intoxicating liquor or makes it available for purchase in contravention of paragraph (1), the holder is guilty of an offence.

(6) Where intoxicating liquor is made available for purchase in accordance with this Article, the holder of the local producer's licence shall at all times display in the licensed premises to which this Article applies at the point of sale of the intoxicating liquor a notice in the form and manner, and containing the information, prescribed in regulations; and a person acting in contravention of this paragraph is guilty of an offence.

(7) A person guilty of an offence under paragraph (5) is liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

(8) A person guilty of an offence under paragraph (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Local producer's licence: sales not on licensed premises

52D.—(1) A local producer's licence shall authorise the holder of the licence, personally or by a servant or agent, to sell by retail in a place which is not licensed premises intoxicating liquor produced in the production premises if the sale—

- (a) is for consumption away from that place, and
- (b) is ancillary to an event being held at that place, which is open to the public and in relation to which each of the following three conditions is satisfied.

(2) The first condition is that the the Department, in response to a request made by the person organising the event, has published a statement that, in its opinion, the event—

- (a) is being held to promote food, drink or craftwork produced in Northern Ireland or relates to agriculture in Northern Ireland, and
- (b) is of importance to the area of Northern Ireland in which it is being held.

(3) The second condition is that a senior local police officer, in response to a request made by the person organising the event, has given the person written approval for intoxicating liquor to be sold at the event for consumption away from the place where the event is being held.

(4) The third condition is that a senior local police officer, in response to a request made by the holder of the local producer's licence, has given the holder written approval for the sale by the holder, or a servant or agent, of intoxicating liquor at the event in accordance with this Article.

(5) A request under paragraph (2), (3) or (4) must be made in writing at least two weeks before the day (or the first day) on which the event is due to be held.

5 (6) In considering a request under paragraph (2), the Department must consult such persons as it considers appropriate.

(7) The holder of a local producer’s licence is also authorised to provide any person at the event in question with a sample of the intoxicating liquor for consumption at the event as an inducement to purchase the intoxicating liquor; and for this purpose, “sample” has the same meaning as in Article 10 52B.

(8) A person who, being the holder of a local producer’s licence, personally or by a servant or agent, sells intoxicating liquor or makes it available for purchase in contravention of paragraph (1), is guilty of an offence.

15 (9) Where the holder of a local producer’s licence, personally or by a servant or agent, provides a person with intoxicating liquor in contravention of paragraph (7), the holder is guilty of an offence.

(10) Where intoxicating liquor is made available for purchase in accordance with this Article, the holder of the local producer’s licence shall at all times display at the point of sale of the intoxicating liquor a notice in the form and manner, and containing the information, prescribed by regulations; and a person acting in contravention of this paragraph is guilty of an offence.

20 (11) Where, having purchased intoxicating liquor from the holder of a local producer’s licence, a person consumes the liquor at the place where the event is being held, that person and the holder of the licence, if the consumption is with the holder’s or a servant’s or agent’s knowledge or consent, are each guilty of offence.

25 (12) A person guilty of an offence under paragraph (8) is liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

(13) A person guilty of an offence under paragraph (9), (10) or (11) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

35 (14) In this Article—
“place” includes “premises”, and
“senior local police officer” means a police officer of, or above, the rank of inspector designated for the purpose of giving approvals under this Article by the district commander for the police district in which the place where the event is being held is situated.”.

40 (4) In Article 2 of the Licensing Order (interpretation), after paragraph (6) insert—

“(6A) In this Order any reference to the production of intoxicating liquor includes a reference to the brewing, fermenting or distilling of

intoxicating liquor but does not include a reference merely to the packaging of intoxicating liquor.”.

(5) In Article 42 of that Order (general permitted hours), in each of paragraphs (1) and (2), after “Article 5(1)(b)” insert “or (m)”.

5 (6) In Part 1 of Schedule 1 to that Order (application for grant of licence), after paragraph 3 insert—

10 “3A. In the case of an application for the grant of a licence for premises of a kind mentioned in Article 5(1)(m), the notice mentioned in paragraph 1(c) must be accompanied by a copy of any certificate of registration, licence or other authorisation which is required by a statutory provision for the production of intoxicating liquor in the premises.”.

(7) In Part 1 of Schedule 4 to that Order (application for renewal of licence), after paragraph 4 insert—

15 “4A. In the case of an application for the renewal of a licence for premises of a kind mentioned in Article 5(1)(m), the notice mentioned in paragraph 3 must be accompanied by a copy of any certificate of registration, licence or other authorisation which is required by a statutory provision for the production of intoxicating liquor in the premises.”.

20 (8) In Part 1 of Schedule 10A to that Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

| | | |
|---------|---|------|
| “52B(9) | Provision of sample in contravention of local producer’s licence. Failure by local producer to display notice on own premises. Consumption on premises of intoxicating liquor purchased there | 3-4 |
| 52C(8) | Failure by local producer to display notice at point of sale on other licensed premises. | 3-4 |
| 52D(13) | Provision of sample in contravention of local producer’s licence. Failure by local producer to display notice at point of sale at unlicensed place. | 3-4” |

25 (9) In Part 2 of Schedule 10A to that Order (penalty points for offences punishable with level 4 fine), at the appropriate place insert—

| | | |
|---------|--|-----|
| “52B(8) | Failure by local producer to comply with licence on own premises | 4-5 |
|---------|--|-----|

| | | |
|---------|---|------|
| 52C(7) | Failure by local producer to comply with licence on other licensed premises | 4-5 |
| 52D(12) | Failure by local producer to comply with licence at unlicensed place | 4-5” |

*Remote sales***Requirement for off-licence**

5 **9.**—(1) After Article 5 of the Licensing Order insert—

“Remote sales: requirement for off-licence

5A. Where a sale of intoxicating liquor by retail is made otherwise than in person and the premises from which the intoxicating liquor is despatched are in Northern Ireland, the sale is not authorised for the purposes of this Order unless—

- 10 (a) the premises are licensed for the sale of intoxicating liquor for consumption off the premises, and
- (b) the person making the sale, personally or by a servant or agent, is the person who holds that licence.”.

15 (2) In Article 66 of the Licensing Order (conditions as to delivery of intoxicating liquor), after paragraph (1) insert—

20 “(1A) Where, in the case of a sale of the kind mentioned in Article 5A, the person who is to deliver the intoxicating liquor to the purchaser is not a servant or agent of the holder of the licence for the premises from which the intoxicating liquor is despatched, that person must—

- (a) secure that the delivery is made without unreasonable delay, and
- (b) when making the delivery, be carrying a receipt from the holder of the licence, or a servant or agent, for the purchase of the intoxicating liquor.”.

25 (3) In paragraph (2) of that Article, after “paragraph (1)” insert “or (1A)”.

(4) In paragraph (3) of that Article, for “this Article” substitute “paragraph (1)”.

*Young people in licensed premises***Removal of requirement for children’s certificate, etc.**

10.—(1) Article 59 of the Licensing Order (children’s certificates) is repealed.

30 (2) In Article 58 of that Order (prohibition of young persons from certain premises), in paragraph (5)—

- (a) after “is in a part of licensed premises” insert “mentioned in paragraph (1) (c)”,
- (b) omit sub-paragraph (b) and the following “and”,
- 35 (c) after sub-paragraph (c) (but before the following “and”) insert “and

- (ca) the person under the age of 18 is in the premises at a time when meals, and beverages suitable for persons under that age (including drinking water), are also available for consumption on the premises;”, and
- 5 (d) in sub-paragraph (d), for “the certificate is operational” substitute “the person under the age of 18 is not in the premises in the evening at any time after 9”.
- (3) In paragraph (6) of that Article—
- (a) in sub-paragraph (a), for “before the certificate ceased to be operational” substitute “before 9 in the evening”, and
- 10 (b) for sub-paragraph (b) substitute—
- “(b) the person under the age of 18 is not in the premises in the evening at any time after half past 9.”.
- (4) Omit paragraphs (7), (8) and (9) of that Article.
- 15 (5) In paragraph (10) of that Article—
- (a) for “, (3), (7), (8) or (9)” substitute “or (3)”,
- (b) in sub-paragraph (a), omit “or (7)”, and
- (c) in sub-paragraph (b), for “, (3), (8) or (9)” substitute “or (3)”.
- (6) In paragraph (11) of that Article, omit “or (8)”.
- 20 (7) In Article 60B of the Licensing Order (duty to display notice relating to age), in paragraph (3)(a), after “intoxicating liquor” insert “or in relation to offences concerning the presence of such persons in licensed premises”.

Underage functions

11.—(1) After Article 58 of the Licensing Order insert—

25 **“Suitability of certain premises for underage functions**

58A.—(1) In respect of premises to which this Article applies—

- (a) a county court which grants a licence or declares a licence provisionally granted to be final, on the application of the person applying for the grant or declaration, or
- 30 (b) a court of summary jurisdiction, at any time, upon the application of the holder of the licence for those premises made in compliance with the procedure set out in Schedule 9,

may, by order, specify any part of the premises as being suitable for underage functions.

35 (2) In this Article and Article 58B, “underage function” means a function which is designed to appeal to persons under the age of 18 in particular.

(3) A court must not make an order under paragraph (1) unless it is satisfied—

- 40 (a) that the part of the premises specified in the order is structurally adapted for the purpose of having functions held in it;

(b) that appropriate steps have been taken for securing the safety of persons under the age of 18 while attending an underage function in that part of the premises and that it is otherwise suitable for underage functions;

5 (c) that suitable arrangements are in place for securing that persons under the age of 18 attending the function do not have access to any other part of the premises which is used for the sale of intoxicating liquor.

10 (4) An order under paragraph (1) may be revoked by a court of summary jurisdiction—

(a) on the application of the holder of the licence; or

(b) where, on complaint made under Part 8 of the Magistrates' Courts (Northern Ireland) Order 1981, the court is not satisfied that the requirements of paragraph (3) have continued to be complied with.

15 (5) The premises to which this Article applies are—

(a) any part of premises of a kind mentioned in Article 5(1)(a) which is structurally adapted, and used or intended to be used, for the purpose of providing persons frequenting the premises with a main table meal at midday or in the evening, or both;

20 (b) an hotel;

(c) a restaurant;

(d) a conference centre;

(e) a higher education institution;

(f) an indoor arena;

25 (g) an outdoor stadium.

Authorisations for underage functions

30 58B.—(1) A court of summary jurisdiction, or a clerk of petty sessions acting under paragraph (3), may, on an application made in compliance with the procedure set out in Schedule 10 by the holder of a licence for premises which are or include premises for which an order under Article 58A is in force, grant an authorisation under this Article.

(2) An authorisation under this Article may authorise the holder of the licence to hold an underage function—

35 (a) in such part of the premises for which the order is in force as is specified in the authorisation, and

(b) on the day so specified during such hours as are so specified ending no later than 1 in the morning of the next day.

40 (3) Subject to paragraph (4), where notice of an application for an authorisation under this Article has been served upon the clerk of petty sessions, the clerk may grant the authorisation as if the application had been made to the clerk and may do so in the absence of the applicant.

(4) Where—

(a) a notice of objection has been served upon the clerk and has not been withdrawn, or

(b) the clerk is of the opinion, for any other reason, that an application for an authorisation under this Article should be made to the court, the clerk must require the application to be made to the court and must notify the applicant and the objector, if any, of the requirement and of the time and place of the hearing.

(5) It is a condition of an authorisation under this Article that, during the period for which the authorisation is in force—

(a) each dispenser of intoxicating liquor in the part of the premises for which the authorisation is in force must be incapable of operation, and

(b) access to any other container of intoxicating liquor in that part must be prevented.

(6) In the case of an indoor arena, the references in paragraph (5) to the part of the premises for which the authorisation is in force are to be read as including a reference to any entrance to that part.

(7) If the condition in paragraph (5) is contravened, the holder of the licence is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) The holder of a licence, personally or by a servant or agent, or such a servant or agent, must not, during the period for which an authorisation under this Article is in force—

(a) sell intoxicating liquor to, or make it available for purchase by, a person aged 18 or over in the part of the premises for which the authorisation is in force;

(b) permit a person aged 18 or over to consume intoxicating liquor in the part of the premises for which the authorisation is in force.

(9) A person who contravenes paragraph (8) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(10) A person aged 18 or over who consumes intoxicating liquor in a part of premises for which an authorisation under this Article is in force is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Article 58 of the Licensing Order (prohibition of young persons from certain premises), in paragraph (13), after sub-paragraph (g) insert “; or

(h) in a part of the licensed premises for which an order under Article 58A is in force during a period for which an authorisation under Article 58B is in force.”.

(3) In Part 1 of Schedule 1 to the Licensing Order (application for grant of licence), in paragraph 7, for “or 48” substitute “, 48 or 58A”.

(4) In Schedule 9 to the Licensing Order (applications to court)—

(a) in the title, after “48” insert “or 58A”,

(b) in paragraph 1, after “48” insert “or 58A”, and

(c) in paragraph 4, after sub-paragraph (c) insert—

“(ca) in the case of an application under Article 58A, on any ground mentioned in Article 58A(3);”.

(5) In Schedule 10 to the Licensing Order (applications for extension licences etc.)—

5 (a) after paragraph 1 insert—

“1A. In this Schedule “authorisation” means an authorisation under Article 58B.”,

(b) in paragraph 2, after “the grant of a licence” insert “or authorisation”, and

(c) in paragraph 4, after “the granting of the licence” insert “or authorisation”.

10 (6) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

| | | |
|----------------|---|------|
| “58B(7) or (9) | Contravening conditions on access to intoxicating liquor; selling etc intoxicating liquor to, or permitting consumption of it by, person aged 18 or over during underage function | 3-4” |
|----------------|---|------|

(7) In Article 108 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, after paragraph (4) insert—

15 “(4ZA) Gaming machines shall not be made available in any part of licensed premises within the meaning of the Licensing (Northern Ireland) Order 1996 in which an authorisation under Article 58B of that Order (underage functions) is in force during the period for which it is in force.”.

Private functions

20 **12.**—(1) In Article 58 of the Licensing Order (young persons prohibited from certain premises), after paragraph (4) insert—

“(4A) Paragraphs (1) and (2) shall not apply with respect to a person under the age of 18 who is in a part of licensed premises in the evening at any time after half past 9 if—

25 (a) a private function is being held in that part of the premises (and, accordingly, the public do not have access to that part of the premises while the function is being held);

(b) the person under 18 is attending the function in the company of a parent;

30 (c) a meal consisting of at least a main course is being served at the function; and

(d) the person under 18 does not consume any part of the meal at a counter or structure which is being used wholly or mainly as a bar.”.

35 (2) In Article 2 of the Licensing Order (interpretation), in paragraph (2), at the appropriate place insert—

““parent”, in relation to a person under the age of 18, includes any individual who—

- (a) has parental responsibility for that person (within the meaning of the Children (Northern Ireland) Order 1995), or
- (b) has care of that person.”.

Delivery of intoxicating liquor to young persons

- 5 **13.**—(1) In Article 60 of the Licensing Order (sale, etc., of intoxicating liquor to young persons), in paragraph (1), for “Subject to paragraph (5), the” substitute “The”.
- (2) In paragraph (5) of that Article—
 - (a) for “Paragraphs (1) and (4)” substitute “Paragraph (4)”, and
 - 10 (b) omit sub-paragraph (a).
 - (3) In paragraph (7A) of that Article, in sub-paragraph (a)—
 - (a) after “the holder of the licence or his servant or agent” insert “—
 - (i) ”, and
 - (b) after “paragraph (7B);” insert “and
 - 15 (ii) entered in the delivery book or invoice that the holder, servant or agent was carrying as mentioned in Article 66(1)(a)(ii) the description of the document that was shown;”.
 - (4) At the end of that Article insert—
 - 20 “(9) Articles 67(9) and 68(5) do not apply to a delivery of intoxicating liquor to a person under the age of 18 in contravention of this Article.”.

Conduct of licensed premises

Restaurants and guest houses: notice displaying licence conditions

- 14.—(1) In Article 51 of the Licensing Order (conditions as to sale etc. in guest houses and restaurants), after paragraph (4) insert—
- 25 “(4A) Where a restaurant is licensed for the sale of intoxicating liquor, the holder of the licence must at all times display the notice specified in paragraph (4B)—
- (a) at each part of the restaurant mentioned in paragraph (4)(a)(ii); and
 - (b) in a position where it is readily visible to any person seeking to
 - 30 purchase intoxicating liquor.
- (4B) The notice referred to in paragraph (4A) must—
- (a) contain such information in relation to the conditions mentioned in paragraph (3) as is prescribed in regulations, and
 - (b) be in such form and of such dimensions as are so prescribed.”.
- 35 (2) In paragraph (2) of that Article, at the end insert “; and paragraph (4A) shall apply in relation to the restaurant.”
- (3) After paragraph (5) of that Article insert—
- 40 “(6) A holder of a licence acting in contravention of paragraph (4A) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(4) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

| | | |
|--------|---|------|
| “51(6) | Failure to display notice relating to licence conditions. | 3-4” |
|--------|---|------|

Prohibition on self-service and sales by vending machines

5 15.—(1) After Article 54 of the Licensing Order insert—

“Self-service and vending machines

Prohibition on self-service and sales by vending machines

10 54A.—(1) The holder of a licence must not, personally or by a servant or agent, sell intoxicating liquor for consumption in or off the licensed premises in a form which enables the person to whom it is sold (or a person that person is with) to operate the dispenser of the liquor.

(2) The holder of a licence must not, personally or by a servant or agent, sell by means of a vending machine in the licensed premises intoxicating liquor for consumption in or off the premises.

15 (3) Regulations may provide that, where prescribed conditions are satisfied, paragraph (2) does not apply in the case of—

(a) licensed premises within Article 5(1)(a) which provide accommodation for guests such as is mentioned in Article 46(3);

(b) licensed premises within Article 5(1)(c);

20 (c) licensed premises within Article 5(1)(d).

(4) A holder of a licence acting in contravention of paragraph (1) or (2) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

25 (2) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

| | | |
|---------|--|------|
| “54A(4) | Selling intoxicating liquor in a form which enables a person to operate the dispenser, or selling it by means of vending machine | 3-4” |
|---------|--|------|

Restrictions on off-sales drinks promotions in supermarkets etc.

16.—(1) After Article 57 of the Licensing Order insert—

“Restrictions on off-sales drinks promotions in supermarkets etc.

30 57ZA.—(1) In the case of licensed premises of a kind mentioned in Article 5(1)(b) (other than premises the whole of which may be used for the sale of intoxicating liquor), the holder of the licence, personally or by a servant or agent, or such a servant or agent, must not carry on an off-sales drinks promotion relating to those licensed premises on any part of the premises of which the licensed premises form part other than a part in
35 which intoxicating liquor is made available for purchase.

(2) In the case of licensed premises of a kind mentioned in Article 5(1)(b), the holder of the licence, personally or by a servant or agent, or such a servant or agent, must not carry on an off-sales drinks promotion relating to those licensed premises—

- 5 (a) anywhere in the vicinity of the premises of which the licensed premises form the whole or part, or
- (b) anywhere in the vicinity of any other premises of which licensed premises of a kind mentioned in Article 5(1)(b) form the whole or part.

10 (3) In paragraph (2), the reference to the vicinity of licensed premises is to the area that extends 200 metres from the boundary of the premises.

(4) Regulations may modify paragraph (3) so as to substitute a different distance for the distance for the time being specified there.

15 (5) A person acting in contravention of paragraph (1) or (2) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

20 (6) In this Article, “off-sales drinks promotion”, in relation to licensed premises, means an activity which promotes, or seeks to promote, in relation to those premises specifically the purchase on the premises of intoxicating liquor for consumption off the premises.

(7) A reference in this Article to carrying on an off-sales drinks promotion in relation to licensed premises—

- 25 (a) includes a reference to displaying or making available a publication which relates wholly or mainly to promoting the purchase on those premises of intoxicating liquor for consumption off the premises;
- (b) does not include a reference to carrying on an activity which promotes, or seeks to promote, the purchase of intoxicating liquor as part of a combination of products designed to constitute a meal;
- 30 (c) does not include a reference to the provision of a scheme of the kind referred to in Article 57ZB.

(8) Regulations may not be made under paragraph (4) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

35 (2) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

| | | |
|----------|---|------|
| “57ZA(5) | Breaching restrictions on drinks promotions | 3-4” |
|----------|---|------|

Prohibition of loyalty schemes

40 17.—(1) After Article 57ZA of the Licensing Order (inserted by section 16(1)) insert—

“Prohibition of loyalty schemes

57ZB.—(1) The holder of a licence for premises of any kind mentioned in Article 5(1) must not operate a scheme which—

- 5 (a) provides awards to a member of the scheme in consequence of the purchase by the member of intoxicating liquor in the premises, and
- (b) entitles the member to redeem the awards, in the amount specified in the scheme, in exchange for the opportunity to purchase intoxicating liquor at a reduced price or to receive it free of charge.

10 (2) A person acting in contravention of paragraph (1) is guilty of an offence and is liable on conviction to a fine not exceeding level 5 on the standard scale.”.

(2) In Part 3 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 5 fine) insert at the appropriate place—

| | | |
|----------|----------------------------|------|
| “57ZB(1) | Operating a loyalty scheme | 5-6” |
|----------|----------------------------|------|

15 **Occasional licences: conditions**

18.—(1) In Schedule 7 to the Licensing Order (application for occasional licence), after paragraph 4 insert—

20 “4A. The district commander mentioned in paragraph 2(a) may appear at the hearing of the application to request that the licence be granted subject to the terms and conditions specified by the district commander.”.

(2) In Article 30 of the Licensing Order (occasional licence), in paragraph (1), after sub-paragraph (c) insert “, and

- (d) if a request has been made under paragraph 4A of Schedule 7, subject to such terms and conditions as the court thinks fit,”.

25 (3) In that Article, after paragraph (4) insert—

30 “(4A) In the case of an occasional licence which is subject to terms and conditions imposed under paragraph (1)(d), a court of summary jurisdiction may, if it is satisfied on an application by the holder of the licence that it is appropriate to do so, vary or remove any of those terms or conditions.

(4B) Schedule 7 applies in relation to an application under paragraph (4A) as it applies in relation to an application for the grant of an occasional licence.”.

(4) In that Article, after paragraph (8) insert—

35 “(8A) Where an occasional licence has been granted subject to terms and conditions under paragraph (1)(d) and any of those terms or conditions is not observed, the holder of the licence shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

40 (5) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine) insert at the appropriate place—

| | | |
|---------|--|------|
| “30(8A) | Failure to observe term or condition of occasional licence | 3-4” |
|---------|--|------|

Miscellaneous

Code of practice

5 **19.**—(1) At the beginning of Part 6 of the Licensing Order (miscellaneous) insert—

“Code of practice

Code of practice

10 76F.—(1) Where a person or group of persons which the Department considers to have a relevant interest produces a relevant code of practice, the Department may approve the code.

(2) A person or group has a “relevant interest” if the person or group—

- (a) is representative of persons whose business involves the sale of intoxicating liquor under a licence, or
- 15 (b) is representative of persons whose business involves the production of intoxicating liquor, or
- (c) is representative of persons whose business involves dealing wholesale in intoxicating liquor, or
- (d) is engaged in research into, or otherwise has an interest in, the effects of the consumption of intoxicating liquor on personal or public health or on public order.

20 (3) A code of practice is relevant if it relates to—

- (a) the display or sale of intoxicating liquor in licensed premises, or
- (b) activities designed to promote the sale of intoxicating liquor in licensed premises whether for consumption in or off such premises.

(4) Where the Department approves a relevant code of practice, it must give notice of its approval in the Belfast Gazette.

(5) Before deciding whether to approve a relevant code of practice, the Department must consult the Police Service of Northern Ireland.

30 (6) Where a person or group of the kind referred to in paragraph (1) amends a relevant code of practice, the Department may approve the amendments; and paragraphs (4) and (5) apply in relation to approving an amendment as they apply in relation to approving a code, unless the Department does not consider the amendment significant enough for those paragraphs to apply.

35 (7) The Department may withdraw its approval of a relevant code or of an amendment to it; and paragraphs (4) and (5) apply in relation to withdrawing approval of a code or amendment as they apply in relation to approving it.”.

(2) In Article 7(4) of the Licensing Order (grant of licence: matters of which court must be satisfied), after sub-paragraph (b) (but before the following “and”) insert “and

5 (ba) that the applicant is aware of the responsibilities under any code of practice which the Department has approved under Article 76F (and from which it has not withdrawn its approval);”.

(3) In Article 14(4) of the Licensing Order (renewal of licence by clerk of petty sessions: grounds for clerk to refer to court), after sub-paragraph (f) insert—

10 “(fa) the clerk is not satisfied that the applicant has been complying with any code of practice which the Department has approved under Article 76F (and from which it has not withdrawn its approval);”.

(4) In Article 15(2) of the Licensing Order (renewal of licence by court: matters of which court must be satisfied), after sub-paragraph (b) (but before the following “and”) insert “and

15 (ba) that the applicant is aware of the responsibilities under, and has been complying with, any code of practice which the Department has approved under Article 76F (and from which it has not withdrawn its approval);”.

20 (5) In Article 22(6) of the Licensing Order (transfer of licences: matters of which the court must be satisfied), after sub-paragraph (b) (but before the following “and”) insert “and

(ba) that the applicant is aware of the responsibilities under any code of practice which the Department has approved under Article 76F (and from which it has not withdrawn its approval);”.

25 **Body corporate: change of directors**

20.—(1) In Article 4 of the Licensing Order (persons to whom licences may be granted), at the end insert—

30 “(5) Where a person becomes or ceases to be a director of a body corporate which is the holder of a licence, the body must, within the period of 28 days of that change taking effect, serve notice of the change upon—

(a) the chief clerk; and

(b) the district commander of the police district in which any premises to which the licence applies are situated.

35 (6) A person who contravenes paragraph (5) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.

(2) In Article 72 of the Licensing Order (suspension of licence), after paragraph (1) insert—

40 “(1A) The grounds specified in Article 15(2)(b) (fitness to hold licence) include the grounds that, following a person becoming or ceasing to be a director of a body corporate which is the holder of the licence in question, the body is no longer fit to hold the licence.”.

(3) In Part 3 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 5 fine), insert at the appropriate place—

| | | |
|-------|--|------|
| “4(6) | Failure to notify courts and police of change of directorships | 5-6” |
|-------|--|------|

Removal of exemption for angostura bitters

21. In Article 2(2) of the Licensing Order (interpretation), in the definition of “intoxicating liquor”—

- 5 (a) omit sub-paragraph (a) (which excludes angostura bitters from that definition), and
- (b) in the full-out words beneath sub-paragraph (e), omit “(a).”.

PART 2

REGISTRATION OF CLUBS

10 *Extension of premises*

Sporting clubs

22.—(1) In Part 1 of the Registration of Clubs Order (registration of clubs), after Article 15 insert—

“Extension authorisations

15 **Extension authorisations for sporting clubs**

15A.—(1) On the application of the secretary of a sporting club, the district commander for the police district in which the premises of the club are situated may, in writing, authorise the extension of the area of the premises in respect of which the club is registered.

20 (2) An authorisation under this Article authorises the club to hold a function at which intoxicating liquor may be supplied in the area of the premises to which the authorisation applies to members of the club, and guests of members of the club, who are present at the function (with Article 30 applying in relation to the function accordingly).

25 (3) An authorisation under this Article authorises the supply of intoxicating liquor during the permitted hours on the day or days specified in the authorisation; but the number of days so specified—

- 30 (a) may exceed one only if the district commander is satisfied that there are exceptional circumstances which justify granting an authorisation for more than one day; and
- (b) in a case where the district commander is so satisfied, must not exceed 5.

35 (4) A district commander may refuse an application for the grant of an authorisation under this Article only if the district commander is satisfied that the function is likely to attract people in such numbers that it would not be practicable to accommodate them in the premises in respect of which the club is registered.

(5) An application for an authorisation under this Article must be accompanied by a plan showing the area of the proposed extension.

(6) Not more than 6 authorisations may be granted under this Article to any club in any year.

5 (7) Regulations may modify paragraph (6) so as to substitute a different number of authorisations for the number for the time being specified there.

(8) In the case of a sporting club in respect of which an authorisation under this Article has effect, a reference in this Order to the premises of the club includes, in relation to any time at which the authorisation has effect,
10 a reference to the area to which the authorisation applies.

(9) Regulations may not be made under paragraph (7) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

(2) In Article 2 of the Registration of Clubs Order (interpretation), in paragraph
15 (2), in the definition of “sporting club”, at the end insert “and, in the case of a sporting club in respect of which an authorisation under Article 15A has effect, a reference to the premises of the club is to be construed in accordance with paragraph (8) of that Article”.

(3) In Article 3 of the Registration of Clubs Order (restriction on supply etc. of
20 intoxicating liquor on club premises), at the end of paragraph (1) insert “or unless the supply or consumption is authorised in accordance with Article 15A”.

Permitted hours

Removal of additional restrictions at Easter

25 **23.**—(1) In Article 24 of the Registration of Clubs Order (general permitted hours), in paragraph (1)—

(a) in sub-paragraph (a), omit “Good Friday or”, and

(b) omit sub-paragraph (b) and the following “and”.

(2) In paragraph (2) of that Article—

(a) in sub-paragraph (a)(i), omit “Good Friday or”,

30 (b) omit sub-paragraph (a)(ii), and

(c) omit sub-paragraph (b) and the following “and”.

(3) In Article 25 of the Registration of Clubs Order (consumption of liquor after permitted hours), omit sub-paragraph (b) and the preceding “or”.

35 (4) In Article 26 of the Registration of Clubs Order (authorisations for special occasions), in paragraph (3), omit “, Easter Day or Good Friday”.

Extension of “drinking-up time”

24.—(1) In Article 25 of the Registration of Clubs Order (consumption after permitted hours of liquor supplied during those hours), the text of which becomes paragraph (1), in sub-paragraph (a), for “30 minutes” substitute “60 minutes”.

40 (2) After paragraph (1) of that Article insert—

“(2) Regulations may modify paragraph (1)(a) so as to substitute “30 minutes” for “60 minutes”.

(3) Regulations may not be made under paragraph (2) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

Major events

25. —(1) After Article 26 of the Registration of Clubs Order (but before the following cross-heading), insert—

“Major event orders

Extension of permitted hours for major events

26A.—(1) Where the Department considers that an event which is to take place in Northern Ireland will attract significant public interest (whether throughout Northern Ireland or in certain areas only), it may make an order (a “major event order”) which—

(a) designates the event as a major event, and

(b) provides that, during the period specified in the order, the permitted hours for registered clubs to which the order applies are the hours specified in the order.

(2) A major event order may apply to all registered clubs in Northern Ireland as a whole or in the area or areas specified.

(3) In specifying an area for the purposes of paragraph (2), a major event order may in particular do so by reference to the place or premises at which the event is to take place or the area in the vicinity of the place or premises.

(4) A major event order may impose conditions.

(5) The Department may vary or revoke a major event order; and the circumstances in which it may revoke an order include, in a case where the period specified under paragraph (1)(b) includes two or more days, circumstances in which it considers it necessary to do so because of disorder, or expected disorder, at or in the vicinity of the place or premises at which the event is taking place.

(6) The period specified in a major event order may not include Christmas Day.

(7) The hours specified in a major event order have effect in addition to the hours permitted by any authorisation under Article 26 which applies to a registered club to which the major event order applies.

(8) A major event order may make consequential, incidental or supplementary provision (including provision which modifies provisions of this Order for the purpose of giving effect to the major event order).

(9) Before making a major event order, the Department must consult such persons as it considers appropriate.

(10) Any person acting in contravention of a condition imposed by a major event order is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Article 2 of the Registration of Clubs Order (interpretation), in paragraph (2), in the definition of “permitted hours”, for “Article 26” substitute “Articles 26 and 26A”.

(3) In Part 1 of Schedule 6 to the Registration of Clubs Order (penalty points for offences punishable with level 3 fine) at the appropriate place insert—

| | | |
|----------|---|------|
| “26A(10) | Contravening condition of major event order | 3-4” |
|----------|---|------|

10 *Young people in registered clubs*

Removal of requirement for children’s certificate, etc.

26.—(1) Article 33 of, and Schedule 5 to, the Registration of Clubs Order (children’s certificates) are repealed.

(2) In Article 32 of that Order (young persons prohibited from bars), in paragraph (4)—

(a) after “is in a part of club premises” insert “as mentioned in paragraph (1)”,

(b) omit sub-paragraph (b) and the following “and”,

(c) after sub-paragraph (c) (but before the following “and”) insert “and

20 (ca) the person under the age of 18 is in the premises at a time when meals, and beverages suitable for persons under that age (including drinking water), are also available for consumption on the premises;”, and

25 (d) in sub-paragraph (d), for “the certificate is operational” substitute “the person under the age of 18 is not in the premises in the evening at any time after 9”.

(3) In paragraph (5) of that Article—

(a) in sub-paragraph (a), for “before the certificate ceased to be operational” substitute “before 9 in the evening”, and

(b) for sub-paragraph (b) substitute—

30 “(b) the person under the age of 18 is not in the premises in the evening at any time after half past 9.”.

(4) Omit paragraphs (6), (7) and (8) of that Article.

(5) In paragraph (9)—

(a) for “, (3), (6) or (8)” substitute “or (3)”,

35 (b) in sub-paragraph (a), omit “or (6)”, and

(c) in sub-paragraph (b), omit “or (8)”.

(6) In each of paragraphs (10) and (11) of that Article, omit “or (7)”.

40 (7) In Article 34A of the Registration of Clubs Order (duty to display notice relating to age), in paragraph (3)(a), after “intoxicating liquor” insert “or in relation to offences concerning the presence of such persons in club premises”.

Underage functions

27.—(1) After Article 32 of the Registration of Clubs Order insert—

“Authorisation for underage functions

32A.—(1) On the application of the secretary of a registered club, the district commander for the police district in which the club is situated may, in writing, grant an authorisation under this Article.

(2) An authorisation under this Article may authorise the club to hold an underage function—

(a) in such part of the club premises as is specified in the authorisation, and

(b) on the day so specified during such hours as are so specified ending no later than 1 in the morning of the next day.

(3) In this Article, “underage function” means a function which is designed to appeal to persons under the age of 18 in particular.

(4) A district commander must not grant an authorisation under this Article unless the district commander is satisfied that suitable arrangements are in place for securing that persons under the age of 18 attending the function do not have access to any part of the premises which is used for the supply, consumption or storage of intoxicating liquor.

(5) It is a condition of an authorisation under this Article that, during the period for which the authorisation is in force—

(a) each dispenser of intoxicating liquor at a bar in the part of the club premises for which the authorisation is in force must be incapable of operation, and

(b) access to any other container of intoxicating liquor in that part must be prevented.

(6) If the condition in paragraph (5) is contravened, the registered club and every official of the club at the time of the contravention is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) A registered club must not, during the period for which an authorisation under this Article is in force—

(a) supply intoxicating liquor to a person aged 18 or over in the part of the premises in which the authorisation is in force; or

(b) permit a person aged 18 or over to consume intoxicating liquor in the part of the premises in which the authorisation is in force.

(8) If paragraph (7) is contravened—

(a) the registered club;

(b) every official of the club at the time of the contravention; and

(c) the person supplying the intoxicating liquor or, as the case may be, permitting the consumption of the intoxicating liquor,

is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) A person aged 18 or over who consumes intoxicating liquor in a part of club premises for which an authorisation under this Article is in force is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

5 (2) In Article 32 of the Registration of Clubs Order (prohibition on young persons from bars), in paragraph (13), after sub-paragraph (c) insert “; or

(d) in a part of club premises for which an authorisation under Article 32A is in force.”.

10 (3) In Part 1 of Schedule 6 to that Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

| | | |
|----------------|---|------|
| “32A(6) or (8) | Contravening conditions on access to intoxicating liquor; supplying intoxicating liquor to, or permitting consumption of it by, a person aged 18 or over during underage function | 3-4” |
|----------------|---|------|

(4) In Article 106 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (use of gaming machines in registered clubs), after paragraph (7) insert—

15 “(7A) No gaming machine shall be made available in any premises mentioned in paragraph (1) for which an authorisation under Article 32A of that Order (underage functions) is in force during the period for which it is in force.”.

Private functions

20 **28.** In Article 32 of the Registration of Clubs Order (young persons prohibited from bars), after paragraph (3) insert—

“(3A) Paragraphs (1) and (2) shall not apply to a person under the age of 18 who is in a part of club premises as mentioned in paragraph (1) in the evening at any time after 9 if—

- 25 (a) a private function is being held in that part of the club premises (and, accordingly, other members or guests of other members do not have access to that part of the premises while the function is being held);
- (b) the person under 18 is attending the function in the company of a parent;
- 30 (c) a meal consisting of at least a main course is being served at the function; and
- (d) the person under 18 does not consume any part of the meal at a counter or structure which is being used wholly or mainly as a bar.

35 (3B) In its application to a sporting club, paragraph (3A) has effect as if the reference to any time after 9 were a reference to any time after 10.

(3C) In paragraph (3A), “parent”, in relation to a person under the age of 18, includes any individual who—

(3) If paragraph (1) or (2) is contravened the registered club is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Part 1 of Schedule 6 to the Registration of Clubs Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

| | | |
|---------|--|------|
| “31C(3) | Supplying intoxicating liquor in a form which enables member or guest to operate dispenser or supplying it by means of vending machine | 3-4” |
|---------|--|------|

Restrictions relating to advertisements

31.—(1) In Article 38 of the Registration of Clubs Order (restrictions on advertisements), in paragraph (1), for the words from “no person shall” to “the premises of a registered club” substitute “any advertisement drawing attention to any function to be held in the premises of a registered club must include a clear statement to the effect that the function may be attended only by members of the club and guests of members of the club;”.

(2) For paragraph (2) of that Article substitute—

“(2) Paragraph (1) does not apply to an advertisement in so far as it relates to a function the whole proceeds of which are, after deduction of the expenses of the function, to be devoted to charitable or benevolent purposes.”.

Miscellaneous

Code of practice

32.—(1) At the beginning of Part 5 of the Registration of Clubs Order insert—

“Code of practice

Code of practice

41K.—(1) Where a person or group of persons which the Department considers to have a relevant interest produces a relevant code of practice, the Department may approve the code.

(2) A person or group has a “relevant interest” if the person or group—

- (a) is representative of registered clubs, or
- (b) is representative of persons whose business involves the production of intoxicating liquor, or
- (c) is representative of persons whose business involves dealing wholesale in intoxicating liquor, or
- (d) is engaged in research into, or otherwise has an interest in, the effects of the consumption of intoxicating liquor on personal or public health or public order.

(3) A code of practice is relevant if it relates to the display or supply, or activities designed to promote the supply or consumption, of intoxicating liquor in registered clubs.

(4) Where the Department approves a relevant code of practice, it must give notice of its approval in the Belfast Gazette.

(5) Before deciding whether to approve a relevant code of practice, the Department must consult the Police Service of Northern Ireland.

5 (6) Where a person or group of the kind referred to in paragraph (1) amends a relevant code of practice, the Department may approve the amendments; and paragraphs (4) and (5) apply in relation to approving an amendment as they apply in relation to approving a code, unless the Department does not consider the amendment significant enough for those
10 paragraphs to apply.

(7) The Department may withdraw its approval of a relevant code or of an amendment to it; and paragraphs (4) and (5) apply in relation to withdrawing approval of a code or amendment as they apply in relation to approving it.”.

15 (2) In Article 5(5) of the Registration of Clubs Order (grant of registration: matters of which court must be satisfied), after sub-paragraph (i) insert “; and

(j) that each of the officials of the club is aware of the responsibilities under any code of practice which the Department has approved under Article 41K (and from which it has not withdrawn its
20 approval).”.

(3) In Article 7(4) of the Registration of Clubs Order (renewal of registration by clerk of petty sessions: grounds for clerk to refer to court), after sub-paragraph (b) (but before the following “or”) insert “or

25 (ba) the clerk is not satisfied that the applicant has been complying with any code of practice which the Department has approved under Article 41K (and from which it has not withdrawn its approval).”.

(4) In Article 8(3) of the Registration of Clubs Order (renewal of registration: matters of which court must be satisfied), after sub-paragraph (d) insert “; and

30 (e) that each of the officials of the club is aware of the responsibilities under, and has been complying with, any code of practice which the Department has approved under Article 41K (and from which it has not withdrawn its approval).”.

PART 3

GENERAL

35 **Interpretation**

33. In this Act—

“the Licensing Order” means the Licensing (Northern Ireland) Order 1996,

“the Registration of Clubs Order” means the Registration of Clubs (Northern Ireland) Order 1996, and

40 “statutory provision” has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954.

Minor and consequential amendments

34.—(1) Schedule 1, which contains minor amendments and amendments consequential on provision made by this Act, has effect.

5 (2) The Department for Communities may by regulations make provision in consequence of this Act.

(3) Regulations under this section may—

(a) amend, repeal, revoke or otherwise modify a statutory provision;

(b) include transitional, transitory or saving provision in connection with the coming into operation of provision made by the order.

10 (4) Regulations under this section are subject to negative resolution, except as mentioned in subsection (5).

15 (5) Regulations under this section which contain (whether alone or with other provision) provision that amends the text of Northern Ireland legislation or an Act of Parliament are not to be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(6) The power conferred by this section is not restricted by any other provision of this Act.

Repeals

20 35. The statutory provisions specified in Schedule 2 are repealed to the extent specified.

Commencement and short title

36.—(1) The following provisions of this Act come into operation on the day after Royal Assent—

25 (a) sections 1 and 23 (removal of additional restrictions at Easter),

(b) section 33,

(c) section 34(2) to (6),

(d) this section, and

(e) in Schedule 1, paragraphs 7(1) and (3), 11 and 16 and section 34(1) so far as relating to those provisions.

30 (2) The other provisions of this Act come into operation on such day or days as the Department for Communities may by order appoint.

(3) An order under this section may make such transitional or saving provision, or such transitory modifications of this Act, as the Department considers appropriate in connection with the coming into operation of a provision of this Act.

35 (4) This Act may be cited as the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2020.

Licensing and Registration of Clubs (Amendment)

SCHEDULES

SCHEDULE 1

Section 34

MINOR AND CONSEQUENTIAL AMENDMENTS

5

Licensing (Northern Ireland) Order 1996

1. The Licensing Order is amended as follows.

2.—(1) Article 2 (interpretation) is amended as follows.

(2) In paragraph (2)—

(a) omit the definition of “children’s certificate”,

10 (b) in the definition of “licensed premises”, in the full-out words at the end, after “Articles” insert “52C, 52D,”,

(c) at the appropriate place insert—

““major event order” means an order under Article 48A;”

(d) in the definition of “permitted hours”, after “44,” insert “44A”, and

15 (e) in that definition, for “and 47” substitute “, 47 and 48A”.

(3) In paragraph (4), for “(l)” substitute “(m)”.

(4) After paragraph (10) insert—

20 “(11) In this Order (other than Part 4A and Article 77A(3)) any reference to a district commander for a police district includes a reference to any other member of the Police Service of Northern Ireland nominated by the district commander.”.

3. In Article 5 (premises for which a licence may be granted), in paragraph (3), for “Article 51(1)(b)” substitute “Articles 48B(2) to (6), 51(1)(b) and 52C(1)”.

4. In Article 15(2)(e) (renewal of licence), for “(l)” substitute “(m)”.

25 5. In Article 17(3) (renewal of licence: certain provisions not to apply), after “44” insert “, 44A”.

6. In Article 22(6)(c)(ii) (transfer of licence), for “(l)” substitute “(m)”.

7.—(1) Article 34 (register of licences) is amended as follows.

(2) In paragraph (1)—

30 (a) in sub-paragraph (f), after “44”, insert “, 44A”, and

(b) omit sub-paragraph (g).

(3) In paragraph (4), for “Department” substitute “Department of Justice”.

8. In Article 58(1)(b) (prohibition on young persons in premises which sell intoxicating liquor for consumption off the premises), at the end insert “in which
35 intoxicating liquor is made available for purchase”.

9. In Article 69F (consideration of closure order by court of summary jurisdiction), in paragraph (2)—

(a) in sub-paragraph (c), after “Article 44” insert “or 44A”, and

5 (b) in sub-paragraph (c)(ii), after “Article 44(2)” insert “or Article 44A(3) or (4) (as the case may be)”.

10. In Article 76D (young persons prohibited from certain pavement cafe areas), omit paragraphs (3) and (4).

11. In Article 77A (conditions and licences for indoor arenas and outdoor stadia), in paragraph (3), after “the indoor arena” insert “or outdoor stadium”.

10 12. In Schedule 1 (application for certain orders at same time as application for licence), in paragraph 7—

(a) after “44” insert “, 44A”,

(b) omit “or for a children’s certificate”, and

(c) omit “or, as the case may be, the children’s certificate”.

15 13. In Schedule 9 (certain applications to court)—

(a) in the title, omit “or 59”,

(b) in paragraph 1, omit “or 59”, and

(c) in paragraph 4, omit paragraph (d).

Registration of Clubs (Northern Ireland) Order 1996

20 14. The Registration of Clubs Order is amended as follows.

15.—(1) Article 2 (interpretation) is amended as follows.

(2) In paragraph (2), omit the definition of “children’s certificate”.

(3) After paragraph (4) insert—

25 “(5) In this Order (other than Part 4A) any reference to a district commander for a police district includes a reference to any other member of the Police Service of Northern Ireland nominated by the district commander.”.

16. In Article 16(5) (alteration of register of clubs), for “Department” substitute “Department of Justice”.

30 17. In Article 32(5) (prohibition on young persons from bars: exception where meal being eaten), in sub-paragraph (a), after “a meal” insert “consisting of at least a main course and”.

18. In Article 52(1) (modifications of Schedules), for “, 4 and 5” substitute “and 4”.

35 19. In Schedule 2 (applications for grant of registration), omit paragraph 5.

Licensing and Registration of Clubs (Amendment)

SCHEDULE 2

Section 35

REPEALS

| Short Title | Extent of Repeal |
|---|---|
| 5 Licensing (Northern Ireland) Order 1996 10 15 20 25 30 35 | In Article 2(2)— (a) the definition of “children’s certificate”, and (b) in the definition of “intoxicating liquor”, sub-paragraph (a) and, in the full-out words beneath sub-paragraph (e), “(a),”. In Article 30(7), the words “, Easter Day or Good Friday”. Article 34(1)(g). In Article 42(1)(a), the words “Good Friday or”. Article 42(1)(b) and the preceding “and”. In Article 42(2)(b), the words “or Easter Day”. In Article 44(6)(a), the words “Easter Day or Good Friday,”. In Article 45(1), the words “other than premises to which an order under Article 44 applies”. In Article 45(3)(a), the words “, Easter Day or Good Friday”. In Article 47(6)(a), the words “Easter Day or Good Friday,”. In Article 50(1), the words “or Easter Day”. Article 58(5)(b) and the following “and”. Article 58(7), (8) and (9). In Article 58(10)(a), the words “or (7)”. In Article 58(11), the words “or (8)”. Article 59. Article 60(5)(a). Article 76D(3) and (4). In Schedule 1, in paragraph 7, the words “or for a children’s certificate” and “or, as the case may be, the children’s certificate”. In Schedule 9— (a) in the Title, the words “or 59”, (b) in paragraph 1, the words “or 59”, and |

| | |
|---|--|
| Registration of Clubs (Northern Ireland) Order 1996 | <p>(c) paragraph 4(d).</p> <p>In Article 2(2), the definition of “children’s certificate”.</p> <p>In Article 24(1)(a), the words “Good Friday or”.</p> <p>Article 24(1)(b) and the preceding “and”.</p> <p>In Article 24(2)(a)(i), the words “Good Friday or”.</p> <p>Article 24(2)(a)(ii).</p> <p>Article 24(2)(b) and the preceding “and”.</p> <p>Article 25(b) and the preceding “or”.</p> <p>In Article 26(3), the words “, Easter Day or Good Friday”.</p> <p>Article 32(4)(b) and the following “and”.</p> <p>Article 32(6), (7) and (8).</p> <p>In Article 32(9)(a), the words “or (6)”.</p> <p>In Article 32(9)(b), the words “or (8)”.</p> <p>In Article 32(10), the words “or (7)”.</p> <p>In Article 32(11), the words “or (7)”.</p> <p>Article 33.</p> <p>In Schedule 2, paragraph 5.</p> <p>Schedule 5.</p> |
|---|--|

Licensing and Registration of Clubs (Amendment) Bill

[AS INTRODUCED]

A Bill to make provision about liquor licensing and the registration of clubs.

Introduced by: Mr Conor Murphy, Minister of Finance, on behalf of

Ms Carál Ní Chuilín, Minister for Communities

On: 19 October 2020

Bill Type: Executive Bill

ACCOMPANYING DOCUMENTS

**An Explanatory and Financial Memorandum is printed separately as
NIA Bill 10/17-22 EFM.**



Northern Ireland
Assembly

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ISBN: 978-1-78619-339-1