

IN CONFIDENCE

Licensing and Registration of Clubs (Amendment) Bill
Committee amendments

Instruction: Clause 8 –revise 52B (Local producer’s licence: sales on own premises) to:

- Increase the quantity of alcohol that local producers may provide as part of a tour from 1 sample to not more than 4 samples and 1 measure.
- Secondary legislation making powers to prescribe the content, amount or strength of intoxicating liquor in each sample and measure (negative resolution).
- Secondary legislation making powers to alter the number of samples and measure(s) to be provided (draft affirmative).
- Limit the permitted hours for consumption of samples in the premises from 10am to 7pm
- Opening hours for off sales remain unchanged.
- Provide definition of “tour”.

Amendment 1

Clause 8, Page 8, Line 27

‘Leave out lines 27-33 and insert—

- (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 no more than a total of four samples and one measure of any combination of intoxicating liquor produced in the premises for consumption in the premises, so long as no charge is made for providing the samples or measure separate from the charge being given by the tour.
- (3) In paragraph (2), “sample”, in relation to intoxicating liquor means, a serving which does not exceed the content, amount or strength prescribed in regulations.
- (4) In paragraph (2), “measure”, in relation to intoxicating liquor means, a serving which does not exceed the content, amount or strength prescribed in regulations.
- (5) Regulations may modify paragraph (2) so as to substitute a different number of samples and measures to be provided to each person for the number for the time being specified there.
- (6) Regulations may not be made under paragraph (5) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”

Amendment 2

Clause 8, page 8, line 33

At end insert—

(3A) 'In Article 42 of the Licensing Order (permitted hours) —

- (2) in paragraph (2)(a) leave out “and” and insert “,”,
- (3) in paragraph (2)(b) at end insert “and”,
- (4) after paragraph (2)(b) insert—

“(c) in the case of premises of a kind mentioned in Article 5(1)(m) which are authorised under Article 52B to provide samples and measures as part of a tour of production premises, these samples and measures may be provided from 10 in the morning to 7 in the evening, other than Christmas Day.’

Amendment 3

Clause 8, Page 9, Line 3

At end insert—

(5A) Where the holder of a local producer’s licence, personally or by servant or agent, provides a person with intoxicating liquor in contravention of paragraph (3A), the holder is guilty of an offence.

Amendment 4

Clause 8, Page 9, Line 23

At end insert—

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

Amendment 5

Clause 8, Page 9, Line 28

‘At end insert—

“tour”, means a tour of the premises of a kind mentioned in Article 5(1)(m) that —

- a) includes an explanation of, or information relating to, the process, whereby the intoxicating liquor is manufactured on the premises in accordance with a relevant licence,
- b) is carried out in person, whether the tour is guided or not, and
- c) requires a ticket to be issued to the person participating in the tour.’

Amendment 6

Clause 8, Page 12, Line 21

‘After “sample” insert “or measure”

Amendment 7

Clause 8, Page 13, Line 2

'At end insert—

(10) In Part 3 of Schedule 10A to that Order (penalty points for offences punishable with level 5 fine)

52B	Provision of sample or measure, otherwise than during permitted hours	5-6
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Taproom Amendment

Instruction: Allow local producers to operate a taproom during limited hours (4pm-10pm) for 104 days in any year. Restrict the sale of alcohol to that produced in the production premises only. Restrict the use of occasional licences.

Amendment 8

New Clause

After clause 8 insert—

“Suitability of local producer’s premises for sales and consumption on own premises

8A—(1) After Article 43 of the Licensing Order insert—

43A.- (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
- (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 the sale of intoxicating liquor produced in the premises for consumption in the premises during the hours specified in Article 42(4).

(2) A court shall not make an order under paragraph (1) unless it is satisfied that the part of the premises specified in the order is suitable for the sale of intoxicating liquor produced in the premises for consumption in the premises.

(3) 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 VIII of the Magistrates Courts (Northern Ireland) Order 1981 the court is not satisfied that the requirements of paragraph (2) have continued to be complied with.

(4) The premises to which this Article applies are—

(a) any part of a premises of a kind mentioned in Article 5(1)(m) which is structurally adapted, and used or intended to be used, for the purpose of providing persons frequenting the premises with intoxicating liquor produced in the premises for consumption in the premises.

(5) In Schedule 9 to the Licensing Order (procedure for certain applications)—

(a) in the title, after “43” insert “,43A”,

(b) in paragraph 1, after “43” insert “,43A”, and

(c) after paragraph (4)(a)” insert—

(aa) in the case of an application under Article 43A, on any ground mentioned in Article 43(2).

(2) In Article 42(4) of the Licensing Order (general permitted hours) after paragraph (3) insert—

(4) Subject to Article 43B, the permitted hours for premises of a kind mentioned in Article 5(1)(m) to which an order under Article 43(A) applies are the hours on any day, other than Christmas Day, from 4 in the afternoon to 10 in the evening.

(3) After Article 43 of the Licensing Order insert—

“Permitted hours for sale and consumption of liquor in local producer’s production premises

43B- (1) In respect of premises of a kind to which an order under Article 43A 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

(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, direct that the permitted hours for a part of the premises for which an order under Article 43A is in force, shall be the hours mentioned in Article 42(4).

(2) Nothing in this Article shall authorise the sale of intoxicating liquor—

(a) for consumption in or off the premises unless it is produced in the production premises,

(b) for consumption in the premises to which this Article applies other than during the hours specified in Article 42(4); and

(c) for consumption off the part or parts of the premises specified in the licence other than during the hours specified in Article 42(2), or

(d) to a person admitted to a premises less than 30 minutes before the permitted hours specified in Article 42(4).

- (3) In the case of premises to which an order under Article 43A applies, not more than 104 orders shall be granted under this Article to the holder of the licence of the premises in any one year.
- (4) Regulations may modify paragraph (3) so as to substitute a different number of orders for the time being specified there.
- (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.
- (6) Where the holder of a local producer's licence to which an order under Article 43A applies, personally or by a servant or agent, sells intoxicating liquor or makes it available for purchase in the production premises in contravention of paragraph (2), the holder is guilty of an offence.
- (7) Where intoxicating liquor is available for purchase in accordance with this Article, the holder of the local producer's licence to which an Article 43A applies, shall at all times display in the production premises a notice in the form and manner, and containing the information prescribed in the regulations; and a person acting in contravention of this paragraph is guilty of an offence.
- (8) A person guilty of an offence under paragraph (2a) is liable on summary conviction on to a fine not exceeding level 4 on the standard scale.
- (9) A person guilty of an offence under paragraph (2b), (2c) and (2d) is liable on summary conviction on to a fine not exceeding level 5 on the standard scale.
- (10) A person guilty of an offence under paragraph (7) is liable on summary conviction on to a fine not exceeding level 3 on the standard scale.
- (11) In Part 1 of Schedule 10A of the Licensing Order (penalty points for offences punishable with level 3 fine)

43B	Failure by local producer to display notice on own premises.	3-4
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- (12) In Part 2 of Schedule 10A of the Licensing Order (penalty points for offences punishable with level 4 fine)

43B	Failure by local producer to comply with licence on own premises	4-5
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- (13) In Part 3 of Schedule 10A of that Ord(er penalty points for offences punishable with level 5 fine)

43B	Selling intoxicating liquor etc., otherwise than during permitted hours	5-6
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Amendment 9

New Clause

After clause 8 insert—

‘8B – Restrictions on occasional licences

(1) In Article 30 of the Licensing Order (occasional licences), after paragraph (1), insert

“(1A) The holder of a licence for premises for which this Articles applies shall not make an application on behalf of a person who is the holder of a licence for premises to which an order under Article 48C applies”.

(2) In paragraph (5)(b) of that Article, at the end insert —

(c) the sale of intoxicating liquor in premises to which an Article 48C applies.’

Minimum Unit Pricing

Instruction: To place a statutory duty on the Department of Health to legislate for minimum unit pricing within 3 years of this Act coming into operation.

Amendment 10

After Clause 17 insert New Clause —

‘17A Minimum Unit Pricing

(1) Within 3 years of this Act coming into operation, the Department of Health must bring forward to the Assembly legislation introducing minimum pricing provisions for the sale and supply of alcohol in Northern Ireland.’