



Northern Ireland
Assembly

Committee for Communities

OFFICIAL REPORT (Hansard)

Licensing and Registration of Clubs
(Amendment) Bill:
Department for Communities

20 October 2016

NORTHERN IRELAND ASSEMBLY

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Licensing and Registration of Clubs (Amendment) Bill: Department for Communities

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Members present for all or part of the proceedings:

Ms Michelle Gildernew (Deputy Chairperson)

Mrs Naomi Long

Ms Nichola Mallon

Mr Fra McCann

Ms Carál Ní Chuilín

Mr Christopher Stalford

Witnesses:

Mr Liam Quinn

Department for Communities

The Acting Chairperson (Ms Mallon): I invite Mr Liam Quinn from the social policy unit to brief the meeting.

Mr Liam Quinn (Department for Communities): Good morning, everybody.

The Acting Chairperson (Ms Mallon): Good morning.

Mr Quinn: I spoke to the Clerk last week, and he suggested that it would be useful if I came along to talk about clause 27, which deals with commencement and how the Bill will, in effect, come into law.

As currently drafted, the clause states that the Bill:

"comes into operation on such day or days as the Department ... may by order appoint."

That means that the Department will make a commencement order, or, possibly, a number of commencement orders, and different clauses of the Bill will come into effect at different times. That is because, with some of the clauses, the changes to the law are quite straightforward and do not need an awful lot of background work or notice. With others, where, for example, a new offence will be imposed on businesses, it is only fair to give them fair notice. Normally, we give them three to six months' notice that a new offence is being created in order to give them the opportunity to train their staff or make changes to their premises so that they comply with the new legislation. There are also issues with the courts. If we introduce new offences or procedures, the courts need to have time to train up magistrates and put in place procedures for how to deal with the issues that will come before them in due course. In a nutshell, that is what clause 27 does.

There are alternatives to a commencement order. In some circumstances, a Bill may come into effect on the day that it gets Royal Assent. That was not considered appropriate in this case because, as I explained, offences are being created, and it would be unfair for people suddenly to find that they were

falling foul of the law without getting any notice or opportunity to comply. Alternatively, the Department could set out in clause 27 that the Bill would come into effect on a particular date, or the Committee, if it were so minded, could table such an amendment. Clause 27 could be amended to state that it will come into effect on a particular date at some point in the future following Royal Assent. That is the process.

The Acting Chairperson (Ms Mallon): Thank you. Do members have specific questions on commencement?

Ms Ní Chuilín: Yes. The issue is really giving people enough time to implement the outworkings of the Bill, if it is passed.

Mr Quinn: Yes.

Ms Ní Chuilín: You mentioned three to six months. Is that enough time? I do not want you to say that you need two years, but is it enough time, particularly if there is a consequence for licensees or anyone who obtains a licence — pubs and clubs or whatever? Are there any examples of that in the past, and, if so, what is the average time? You mentioned three to six months.

Mr Quinn: It really depends on what you are imposing: for example, one of the provisions in the Bill relates to licensed restaurants having to display a sign stating that they can sell alcohol only under certain conditions. That is fairly straightforward, so they do not need six months to comply with that. The Department will make regulations saying what form the notice should take, and it will specify that it must be such and such a size or a certain font size so that people can read it — we do not want somebody putting up something the size of a postage stamp and saying, "There is my sign". We go through that process and probably give them three months to get the sign and let all their members know: to get the word around all the restaurants and have the signs produced.

Ms Ní Chuilín: I am less concerned about the businesses and the licensees because I think that they can react to any anticipated changes. In fact, they will probably react a lot more quickly than some of the statutory partners: the courts, magistrates, the PSNI and others. In your experience of changes in legislation, has that period of six months been used to allow the statutory partners to get their heads around the implications?

Mr Quinn: There are two aspects to it. There is the aspect of giving businesses notice, and then there is the other aspect of the courts, in particular. Yes, it would be six months; in fact, sometimes it can take longer. At the minute, the courts suggest that some of the more complicated rules that they have to make could take them eight to nine months.

Ms Ní Chuilín: That is what I was worried about.

Mr Agnew: Thank you, Liam. I suppose that the big push is to try to get the Easter provision in place in time for this Easter. I suspect that that is unrealistic, although I am happy to be proved wrong. Could that provision be implemented immediately after Royal Assent, or do you think that is one of the provisions that would take a three- to six-month lead-in?

Mr Quinn: I suspect that it could come in at Royal Assent. All we have to do is advertise the fact that the law has changed. There are no additional offences or procedures for the courts associated with that provision. That one could come in very quickly.

The Acting Chairperson (Ms Mallon): Our Deputy Chair has arrived. Michelle, you are invited to take the Chair.

(The Deputy Chairperson [Ms Gildernew] in the Chair)

The Deputy Chairperson (Ms Gildernew): Thanks, Nichola. Liam, you are very welcome. There are no further questions, so we can let you go. Everybody is content.