

Licensing and Registration of Clubs (Amendment) Bill

[AS INTRODUCED]

CONTENTS

PART 1

LICENSING

Permitted hours

1. Additional hours at Easter
2. Additional hours: applications to court
3. Section 2: consequential provision
4. Additional hours: police authorisations
5. Extension of “drinking-up time”
6. Alignment of liquor, entertainment and refreshment provision etc.

Young people in licensed premises

7. Removal of requirement for children’s certificate, etc.
8. Underage functions
9. Delivery of intoxicating liquor to young persons

Conduct of licensed premises

10. Restaurants and guest houses: notice displaying licence conditions
11. Prohibition on self-service and sales by vending machines
12. Restrictions on off-sales drinks promotions in supermarkets etc.

Miscellaneous

13. Code of practice
14. Removal of exemption for angostura bitters

PART 2

REGISTRATION OF CLUBS

Extension of premises

15. Sporting clubs: extension of premises

Permitted hours

16. Additional hours at Easter
17. Extension of “drinking-up time”

Young people in registered clubs

18. Removal of requirement for children’s certificate, etc.
19. Underage functions
20. Young people in sporting club premises

Licensing and Registration of Clubs (Amendment)

Conduct of registered clubs

- 21. Prohibition on self-service and sales by vending machines
- 22. Restrictions relating to advertisements

Miscellaneous

- 23. Code of practice

“Code of practice

PART 3

GENERAL

- 24. Interpretation
- 25. Repeals
- 26. Ancillary provision
- 27. Commencement and short title

Schedule Repeals

A

B I L L

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

Additional hours at Easter

5 **1.**—(1) In Article 30 of the Licensing Order (occasional licences), in paragraph (7), before “Good Friday” insert “(except as provided for by paragraph (7A))”.

(2) After paragraph (7) of that Article insert—

10 “(7A) An occasional licence may authorise the sale of intoxicating liquor between such hours as may be specified in the licence between half past 11 in the morning of the Thursday before Good Friday and 1 in the morning of Good Friday.”

(3) In Article 44 of the Licensing Order (additional permitted hours), in paragraph (6)(a), before “Good Friday” insert “(except as provided for by paragraph (6A))”.

15 (4) After paragraph (6) of that Article insert—

 “(6A) An order under paragraph (1) may authorise the sale of intoxicating liquor from 11 in the evening of the Thursday before Good Friday to 1 in the morning of Good Friday.”

20 (6B) A reference in this Article to the hours mentioned in paragraph (2) accordingly includes a reference to the hours mentioned in paragraph (6A).”.

(5) In Article 45 of the Licensing Order (authorisations for additional permitted hours), in paragraph (3)(a), before “Good Friday” insert “(except as provided for by paragraph (4))”.

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

5 “(4) An authorisation under paragraph (1) may authorise the sale of intoxicating liquor from 11 in the evening of the Thursday before Good Friday to 1 in the morning of Good Friday”.

(7) In Article 47 of the Licensing Order (extension licences), in paragraph (6) (a), before “Good Friday” insert “(except as provided for by paragraph (6A))”.

10 (8) After paragraph (6) of that Article insert—

“(6A) An extension licence may authorise the sale of intoxicating liquor during such hours as may be specified in the licence between half past 11 in the morning of the Thursday before Good Friday and 1 in the morning of Good Friday.”.

15 **Additional hours: applications to court**

2.—(1) After Article 30 of the Licensing Order insert—

“Occasional licences: additional hours

20 30A.—(1) A court of summary jurisdiction of a kind mentioned in Article 30(1), or a clerk of petty sessions acting under paragraph (3) of this Article, may, on an application made in compliance with the procedure set out in Schedule 7 by the holder of an occasional licence, grant an additional occasional licence.

25 (2) An additional occasional licence is a licence authorising that person, on each day specified in the licence, to sell intoxicating liquor by retail at the place specified in the licence (being the place specified in the occasional licence) for an additional hour beginning at the end of the hours specified in the occasional licence for that day.

30 (3) Subject to paragraph (4), where notice of an application for an additional occasional licence has been served upon the clerk of petty sessions, he may grant the additional occasional licence as if the application had been made to him and may do so in the absence of the applicant.

(4) Where—

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

(b) the clerk is of the opinion, for any other reason, that an application for the grant of an additional occasional licence should be made to the court,

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

(5) Paragraphs (5) to (7) and (8) to (12) of Article 30 apply to an additional occasional licence as they apply to an occasional licence (with paragraphs (13) and (14) applying accordingly); and for that purpose—

- 5 (a) the reference in paragraph (5)(a)(i) of that Article to the period specified in the occasional licence is to be read as a reference to the day specified in the additional occasional licence,
- (b) the reference to that Article in paragraph (7) is to be read as including a reference to this Article, and
- 10 (c) in paragraph (7), the words “(except as provided for by paragraph (7A))” are to be ignored.

(6) Not more than 12 days in any year may be specified in an additional occasional licence or licences granted to any holder of a licence.

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

15 (8) 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.

(9) The reference in paragraph (1) to the holder of an occasional licence includes a reference to the holder of a licence who is applying for an occasional licence but whose application has yet to be determined (but, in such a case, the reference in paragraph (2) to that person is a reference to that person only once the application for the occasional licence has been granted).”

20 (2) In Schedule 7 to the Licensing Order (applications for occasional licences)—

- 25 (a) in the title, at the end insert “etc.”,
- (b) in paragraph 1, after “an occasional licence” insert “or an additional occasional licence”,
- 30 (c) in paragraph 3, after “application for an occasional licence” insert “or additional occasional licence”, and
- (d) in paragraph 5(b), after “a previous occasional licence” insert “or additional occasional licence”.

(3) After Article 44 of the Licensing Order insert—

“Orders for further additional permitted hours

35 44A.—(1) 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.

(2) In the case of premises 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).

40 (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.

5 (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.

10 (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
- 15 (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—

- 20 (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
25 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).

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

(10) Where—

- 35 (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,

40 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—

- 45 (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,

(b) in paragraph (6)(a), the words “(except as provided for by paragraph (6A))” are to be ignored, and

(c) 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 12 days in any year may be specified in an order or orders made under this Article in the case of any holder of a licence.

(13) Regulations may amend 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.

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 VIII 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—

(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 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).

(4) The court may—

(a) revoke the order under Article 44A that is referred to in paragraph (2) of this Article; or

(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.”.

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

(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(7);”.

5 (5) After Article 47 of the Licensing Order insert—

“Extension licences: further additional permitted hours

10 47A.—(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 an extension licence, grant an additional extension licence.

15 (2) An additional extension licence is a licence authorising that person, on each day specified in the licence, to sell intoxicating liquor by retail in the premises specified in the extension licence for an additional hour beginning at the end of the period authorised by the extension licence; and that hour shall be included in the permitted hours for the premises specified in the extension licence.

20 (3) Subject to paragraph (4), where notice of an application for an additional extension licence has been served upon the clerk of petty sessions, he may grant the additional extension licence as if the application had been made to him 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

25 (b) the clerk is of the opinion, for any other reason, that an application for the additional extension licence 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.

30 (5) Paragraphs (4) to (6), (7) and (8) of Article 47 apply to an additional extension licence as they apply to an extension licence; and for that purpose—

(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,

35 (b) in paragraph (6)(a), the words “(except as provided for by paragraph (6A))” are to be ignored, and

(c) the references in paragraph (6)(b) to a time of day are to be read as a reference to the time which, in each case, is one hour later.

(6) Not more than 12 days in any year may be specified in an additional extension licence or licences granted to any holder of a licence.

40 (7) Regulations may amend paragraph (6) so as to substitute a different number of days for the number for the time being specified there.

(8) 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.

(9) The reference in paragraph (1) to the holder of an extension licence includes a reference to the holder of a licence who is applying for an extension licence but whose application has yet to be determined (but, in such a case, the reference in paragraph (2) to that person is a reference to that person only once the application for the extension licence has been granted).”.

(6) In Schedule 10 to the Licensing Order (application for extension licence)—

(a) in the title at the end insert “etc.”, and

(b) in paragraph (1), after “an extension licence” insert “or an additional extension licence”.

Section 2: consequential provision

3.—(1) In Article 2 of the Licensing Order (interpretation)—

(a) at the appropriate place in paragraph (2) insert each of the following—

““additional extension licence” means a licence under Article 47A;”,
and

““additional occasional licence” means a licence under Article 30A;”,

(b) in the definition of “licence” in that paragraph, after “an occasional licence” insert “or additional occasional licence”,

(c) in the definition of “licensed premises” in that paragraph, after “an occasional licence” insert “or additional occasional licence”,

(d) in the definition of “permitted hours” in that paragraph—

(i) after “44,” insert “44A,” and

(ii) for “and 47” substitute “, 47 and 47A”, and

(e) after paragraph (10) insert—

“(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 him.”.

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

(3) In Article 34 of that Order (register of licences), in paragraph (1)(f), after “44”, insert “, 44A”.

(4) In Article 67 of that Order (prohibition of consumption, etc., of intoxicating liquor at entertainments), in paragraph (2)(c), after “an occasional licence” insert “or additional occasional licence”.

(5) In Article 68 of that Order (prohibition of consumption, etc., of intoxicating liquor in any premises used by a club), in paragraph (2)(b), after “an occasional licence” insert “or additional occasional licence”.

(6) In Article 69F of that Order (consideration of closure order by court of summary jurisdiction), in paragraph (2)—

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

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

- (c) in sub-paragraph (d), after “an occasional licence” insert “or additional occasional licence”,
 - (d) in sub-paragraph (d)(ii), after “any other occasional licences” insert “or additional occasional licences”, and
 - 5 (e) in sub-paragraph (d)(iii), after “an occasional licence” insert “or additional occasional licence”.
- (7) In paragraph 7 of Schedule 1 to that Order (application for certain orders at same time as application for licence), after “44” insert “, 44A”.
- (8) In Part 1 of Schedule 10A to that Order (penalty points for offences punishable with level 3 fine on the standard scale)—
- 10 (a) in the entry for Article 30(8), in the second column, after “an occasional licence” insert “or additional occasional licence”,
 - (b) in the entry for Article 30(9), in the second column, after “an occasional licence” insert “or additional occasional licence”, and
 - 15 (c) in the entry for Article 47(7), in the second column, after “an extension licence” insert “or additional extension licence”.

Additional hours: police authorisations

4.—(1) In Article 45 of the Licensing Order (authorisations for additional permitted hours), in paragraph (1), omit “other than premises to which an order under Article 44 applies”.

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(2) After that paragraph insert—

“(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—

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

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

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

“(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.

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

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(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.”

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)(a), for “30 minutes” substitute “60 minutes”.

5 (2) In paragraph (1)(b) of that Article, omit paragraph (i) and the following “or”.

(3) Paragraph (1) of this Article ceases to have effect at the end of the period of one year beginning with the day on which it comes into operation unless, before the end of that period, regulations provide for it to continue to have effect after the end of that period.

10 (4) Regulations under paragraph (3) may include provision (whether by amendment of Article 46 or otherwise) conferring power to make regulations to amend Article 46(1)(a) so as to substitute “30 minutes” for “60 minutes”.

(5) Regulations may not be made under paragraph (3), or under provision made in reliance on paragraph (4), unless a draft of the regulations has been laid before, 15 and approved by a resolution of, the Assembly.

Alignment of liquor, entertainment and refreshment provision etc.

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

“Alignment of liquor, entertainment and refreshment provision etc.

20 44C.—(1) Premises to which an order under Article 44 applies may not continue to be used for the provision of entertainment or refreshment, or both, as mentioned in that Article after the end of the hours permitted in accordance with this Order for the consumption of intoxicating liquor on the premises.

25 (2) Accordingly, an entertainments licence under paragraph 3 of Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 for such premises is of no effect in so far as it purports to permit the premises to continue to be used for the provision of entertainment as mentioned in Article 44 after the end of the hours mentioned in paragraph (1) of this Article.”.

30 *Young people in licensed premises*

Removal of requirement for children’s certificate, etc.

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

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

35 (a) after “is in a part of licensed premises” insert “mentioned in paragraph (1) (c)”,

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

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

40 (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

- (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—
- 5 (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—
- “(b) the person under the age of 18 is not in the premises in the evening at any time after half past 9.”.
- 10 (4) Omit paragraphs (7), (8) and (9) of that Article.
- (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)”.
- 15 (6) In paragraph (11) of that Article, omit “or (8)”.
- (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”.
- 20 (8) In Article 2(2) of that Order (interpretation), omit the definition of “children’s certificate”.
- (9) In Article 34 of that Order (register of licences), in paragraph (1), omit sub-paragraph (g).
- (10) In Schedule 1 to that Order (grant of licences), in paragraph 7—
- (a) omit “or for a children’s certificate”, and
- 25 (b) omit “or, as the case may be, the children’s certificate”.
- (11) In Schedule 9 to that Order (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).
- 30 (12) In Article 58(1)(b) of that Order (prohibition on young persons in premises which sell intoxicating liquor for consumption off the premises), at the end insert “in which intoxicating liquor is made available for purchase”.

Underage functions

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

35 **“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

(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,

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

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

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

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

15 (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;

20 (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.

(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

25 (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 (3) have continued to be complied with.

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

30 (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;

(b) a hotel;

(c) a restaurant;

35 (d) a conference centre;

(e) a higher education institution;

(f) an indoor arena;

(g) an outdoor stadium.

Authorisations for underage functions

40 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—

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

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

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(4) Where—

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

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(b) the clerk is of the opinion, for any other reason, that an application for the extension licence 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—

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(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

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(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.

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

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(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.

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(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

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

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

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

10 (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);”.

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

(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

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

(5) 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 3-4”.
on access to intoxicating
25 liquor; selling etc.
intoxicating liquor to, or
permitting consumption
of it by, person aged 18 or
over during underage
30 function

(6) In Article 108 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (NI 11), after paragraph (4) insert—

35 “(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.”.

Delivery of intoxicating liquor to young persons

40 **9.**—(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 (2) of that Article, after sub-paragraph (a) (but before the following “or”) insert “or

(aa) knowingly accept a delivery of intoxicating liquor made at the residence or working place of the purchaser;”.

(3) In paragraph (5) of that Article—

(a) for “Paragraphs (1) and (4)” substitute “Paragraph (4)”, and

5 (b) omit sub-paragraph (a).

(4) 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

10 (ii) entered in the delivery book or invoice he was carrying as mentioned in Article 66(1)(a)(ii) the description of the document he was shown;”.

(5) At the end of that Article insert—

15 “(9) The savings in Articles 67(9) and 68(5) do not apply to a delivery of intoxicating liquor to a person aged under 18 in contravention of this Article.”.

Conduct of licensed premises

Restaurants and guest houses: notice displaying licence conditions

20 **10.**—(1) In Article 51 of the Licensing Order (conditions as to sale etc. in guest houses and restaurants), in paragraph (2), at the end insert “; and paragraph (4A) shall apply in relation to the restaurant.”

(2) After paragraph (4) of that Article insert—

25 “(4A) Where a restaurant is licensed for the sale of intoxicating liquor, the holder of the licence shall 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 purchase intoxicating liquor.

(4B) The notice referred to in paragraph (4A) must—

30 (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.”.

(3) After paragraph (5) of that Article insert—

35 “(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—

40 “51(6) Failure to display notice 3-4”.
relating to licence
conditions

Prohibition on self-service and sales by vending machines

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

“Self-service and vending machines

Prohibition on self-service and sales by vending machines

5 54A.—(1) The holder of a licence must not, by himself or by his 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 he is with) to operate the dispenser of the liquor.

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

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

15 (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);

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

20 (4) A holder of a licence acting in contravention of paragraph (1) or (2) is guilty of an offence and 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—

25 “54A(4) Selling intoxicating liquor in a 3-4”.
form which enables person to
operate the dispenser, or selling it
by means of vending machine

Restrictions on off-sales drinks promotions in supermarkets etc.

12.—(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 himself or by his servant or agent, or such a servant or agent, must not carry on an off-sales drinks promotion relating to the premises on any part of the premises other than a part in which intoxicating liquor is made available for purchase.

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

40 (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 amend paragraph (3) so as to substitute a different distance for the distance for the time being specified there.

(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.

(6) In this Article, “off-sales drinks promotion”, in relation to licensed premises—

(a) 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; but

(b) does not include 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.

(7) 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.”.

(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 3-4”.
drinks promotions

Miscellaneous

Code of practice

13.—(1) At the beginning of Part 6 of the Licensing Order (miscellaneous) insert—

“Code of practice

Code of practice

76A.—(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,

(b) is representative of persons whose business involves the manufacture of intoxicating liquor,

(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.

(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.

5 (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.

10 (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 (but only if the Department considers the amendment to be significant).

15 (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

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

25 (3) In Article 15(2) of the Licensing Order (renewal of licence: 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 his responsibilities under, and has been complying with, any code of practice which the Department has approved under Article 76A (and from which it has not withdrawn its approval);”.

30 (4) 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

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

Removal of exemption for angostura bitters

14. In Article 2(2) of the Licensing Order (interpretation), in the definition of “intoxicating liquor”, omit paragraph (a) (which excludes angostura bitters from the definition).

Licensing and Registration of Clubs (Amendment)

PART 2

REGISTRATION OF CLUBS

Extension of premises

Sporting clubs: extension of premises

5 **15.**—(1) In Part 1 of the Registration of Clubs Order (registration of clubs),
after Article 15 insert—

“Extension authorisations

Extension authorisations for sporting clubs

10 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.

15 (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).

20 (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—

- 25 (a) must not exceed one unless 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.

30 (4) A district commander must refuse an application for the grant of an
authorisation under this Article unless he 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.

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

40 (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,
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)—

5 (a) in paragraph (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”, and

(b) after paragraph (4) insert—

10 “(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 him.”

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

Permitted hours

Additional hours at Easter

20 **16.**—(1) In Article 26 of the Registration of Clubs Order (authorisations for special occasions), in paragraph (3), before “Good Friday” insert “(except as provided for by paragraph (3A))”.

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

25 “(3A) An authorisation under paragraph (1) may authorise the supply of intoxicating liquor from 11 in the evening of the Thursday before Good Friday to 1 in the morning of Good Friday.”.

Extension of “drinking-up time”

17.—(1) In Article 25 of the Registration of Clubs Order (consumption after permitted hours of liquor supplied during those hours), in each of sub-paragraphs (a) and (b), for “30 minutes” substitute “60 minutes”.

30 (2) Paragraph (1) of this Article ceases to have effect at the end of the period of one year beginning with the day on which it comes into operation unless, before the end of that period, regulations provide for it to continue to have effect after the end of that period.

35 (3) Regulations under paragraph (2) may include provision (whether by amendment of Article 25 or otherwise) conferring power to make regulations to amend Article 25(1)(a) and (b) so as to substitute “30 minutes” for “60 minutes”.

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

Young people in registered clubs

Removal of requirement for children’s certificate, etc.

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

5 (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

10 (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

15 (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

20 (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 (6), (7) and (8) of that Article.

(5) In paragraph (9)—

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

(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)”.

30 (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”.

(8) In Article 2(2) of that Order (interpretation), omit the definition of “children’s certificate”.

35 (9) In Article 52(1) of that Order (modifications of Schedules), for “, 4 and 5” substitute “and 4”.

(10) In Schedule 2 to that Order (applications for grant of registration), omit paragraph 5.

Underage functions

19.—(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.

5 (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

10 (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.

15 (4) A district commander must not grant an authorisation under this Article unless he 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—

20 (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.

25 (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.

30 (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 any person aged 18 or over to consume intoxicating liquor in the part of the premises in which the authorisation is in force.

35 (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 the liquor or, as the case may be, permitting the consumption of the intoxicating liquor,

40 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.”.

(2) In Article 32 of the Registration of Clubs Order, in paragraph (13), after sub-paragraph (c) insert “; or

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

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

10 “32A(6) or (8) Contravening conditions 3-4”.
on access to intoxicating
liquor; supplying
intoxicating liquor to, or
15 permitting consumption
of it by, a person aged 18
or over during underage
function

(4) In Article 106 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (NI 11) (use of gaming machines in registered clubs), after paragraph (7) insert—

20 “(7A) No gaming machine shall be made available on any premises mentioned in paragraph (1) in which an authorisation under Article 32A of that Order (underage functions) is in force during the period for which it is in force.”.

Young people in sporting club premises

25 **20.**—(1) In Article 32(13) of the Registration of Clubs Order (young persons in licensed premises: exception for sporting clubs), in sub-paragraph (a), for “during the part of the permitted hours before 10 in the evening” substitute “—

30 (i) on a day in the period that begins on 1 June and ends on 31 August, during the permitted hours or, if by virtue of Article 26 the permitted hours continue after 11 in the evening, during the part of the permitted hours before that time;

35 (ii) on a day not in the period mentioned in paragraph (i) if solely for the purpose of attending a prize-giving ceremony, during the permitted hours or, if by virtue of Article 26 the permitted hours continue after 11 in the evening, during the part of the permitted hours before that time;

(iii) on any other day to which neither paragraph (i) nor paragraph (ii) applies, during the part of the permitted hours before 10 in the evening;”.

40 (2) In Article 32 of that Order, in each of paragraphs (13)(b) and (14), for “10 in the evening” substitute “the time in the evening provided for under sub-paragraph (a)”.

(3) In that Article, after paragraph (13) insert—

45 “(13A) In the case of a sporting club at which more than one prize-giving ceremony is held in a calendar year, paragraph (13)(a)(ii) has effect

“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 manufacture 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.

(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 (but only if the Department considers the amendment to be significant).

(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 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 his responsibilities under any code of practice which the Department has approved under Article 41K (and from which it has not withdrawn its approval).”.

(3) 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

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

Licensing and Registration of Clubs (Amendment)

PART 3

GENERAL

Interpretation

24. In this Act—

5 “the Licensing Order” means the Licensing (Northern Ireland) Order 1996 (NI 22); and

“the Registration of Clubs Order” means the Registration of Clubs (Northern Ireland) Order 1996 (NI 23).

Repeals

10 25. The Schedule (which contains repeals) has effect.

Ancillary provision

15 26.—(1) The Department for Communities may by order make such incidental, supplementary, consequential, transitional, transitory or saving provision as it considers appropriate in consequence of, or for giving full effect to, this Act or a provision of it.

(2) An order under this section may amend, repeal, revoke or otherwise modify a statutory provision (within the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954).

20 (3) An order under this section is subject to negative resolution, except as mentioned in subsection (4).

(4) An order under this section which contains (whether alone or with other provision) provision of the kind mentioned in subsection (2) is not to be made unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.

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

Commencement and short title

30 27.—(1) This Act, except sections 24 and 26 and this section, comes into operation on such day or days as the Department for Communities may by order appoint.

(2) 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 (3) This Act may be cited as the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2016.

Licensing and Registration of Clubs (Amendment)

SCHEDULE

Section 25.

REPEALS

Short Title	Extent of Repeal
<p>5 Licensing (Northern Ireland) Order 1996 (NI 22)</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p>	<p>In Article 2(2)—</p> <p>(a) the definition of “children’s certificate”, and</p> <p>(b) in the definition of “intoxicating liquor”, paragraph (a).</p> <p>Article 34(1)(g).</p> <p>In Article 45(1), the words “other than premises to which an order under Article 44 applies”.</p> <p>Article 46(1)(b)(i) and the following “or”.</p> <p>Article 58(5)(b) and the following “and”.</p> <p>Article 58(7), (8) and (9).</p> <p>In Article 58(10)(a), the words “or (7)”.</p> <p>In Article 58(11), the words “or (8)”.</p> <p>Article 59.</p> <p>Article 60(5)(a).</p> <p>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”.</p> <p>In Schedule 9—</p> <p>(a) in the Title, the words “or 59”,</p> <p>(b) in paragraph 1, the words “or 59”, and</p> <p>(c) paragraph 4(d).</p>
<p>Registration of Clubs (Northern Ireland) Order 1996 (NI 23)</p> <p>30</p> <p>35</p>	<p>In Article 2(2), the definition of “children’s certificate”.</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>