



Northern Ireland
Assembly

Licensing and Registration of Clubs (Amendment) Bill
Annotated Marshalled List of Amendments
Consideration Stage
Tuesday 8 June 2021

Amendments tabled up to 9.30am Wednesday, 2 June 2021 and selected for debate

The Bill will be considered in the following order-
Clauses, Schedules and Long Title

Amendment 1 [Made on Division]

New Clause

After clause 1 insert -

‘Removal of restrictions on late opening for on-sales on Sunday

1A.—(1) In Article 30 of the Licensing Order (occasional licences), in paragraph (1)(c), for paragraphs (ii) and (iii) substitute—

“(ii) on Sundays, between half past 12 in the afternoon and 1 in the morning of the day next following.”.

(2) In Article 42 of the Licensing Order (general permitted hours)—

(a) in paragraph (1), after sub-paragraph (a) and the following “and” insert—

“(aa) on Sundays, other than Christmas Day, from half past 12 in the afternoon to 11 in the evening; and”.

(b) in paragraph (1)(c), for the words from “except” to “Christmas Day” substitute “on Christmas Day.”, and

(c) in paragraph (3), for “paragraph (1)(c)” substitute “paragraph (1)(aa) and (c)”.

(3) In Article 42 of the Licensing Order, after paragraph (1) insert—

“(1A) Neither paragraph (1)(aa) nor, in a year when Christmas Day is on a Sunday, paragraph (1)(c) applies in the case of premises of a kind mentioned in Article 5(1)(a) with respect to which a direction under Article 7(10) or 15(5)(a) is in force.”.

(4) In Article 44 of the Licensing Order (orders for additional permitted hours), in paragraph (2), for the words from “the hours—” to “shall” substitute “the hours on any day from 11 in the evening to 1 in the morning of the day next following shall”.

(5) In Article 45 of that Order (authorisations for additional permitted hours), in paragraph (1), for the words from “the hours—” to “in addition to” substitute “the hours on any day from 11 in the evening to 1 in the morning of the day next following in addition to”.

(6) In Article 47 of that Order (extension licences), in paragraph (1)(b), for paragraphs (ii) and (iii) substitute—

“(ii) on Sundays, between half past 12 in the afternoon and 1 in the morning of the day next following.”.

Minister for Communities

Amendment 2 [Not moved]

Clause 2, Page 3, Line 22

Leave out ‘104’ and insert ‘208’

Ms Kellie Armstrong

Amendment 3 [Made]

Clause 2, Page 4, Line 13

At end insert -

“(1A) In Schedule 9 to the Licensing Order (procedure for certain applications), after paragraph 2 insert—

“2A. A person who intends to make an application under Article 44 or 44A must (in addition to complying with the duty under paragraph 2)—

(a) not more than 6 weeks nor less than 2 weeks before the time of the court sitting at which the application is to be made, cause notice of the application to be published at least once in 2 newspapers circulating in the vicinity of the premises to which the application relates;

(b) during the 3 weeks before that time, cause notice of the application to be displayed on or near the premises to which the application relates.”.

Minister for Communities

Clause 2 [Question that Clause 2, as amended, stand part agreed]

The Member listed below gives notice of his intention to oppose the question that clause 2 stand part of the Bill.

Mr Jim Allister

Amendment 4 [Made]

Clause 4, Page 5, Line 26

Leave out '85' and insert '104'

Minister for Communities

Amendment 5 [Not called]

Clause 4, Page 5, Line 26

Leave out '85' and insert '208'

Ms Kellie Armstrong

Amendment 6 [Made]

Clause 4, Page 5, Line 34

At end insert -

'(4) After paragraph (3) of that Article insert—

“(4) A person who intends to make an application under this Article shall—

(a) during the 3 weeks before the first occasion to which the application relates, cause notice of the application to be displayed on or near the premises for which the authorisation is to be sought;

(b) not less than 3 weeks before that time, serve a copy of the notice of the application on the district council for the district in which the premises are situated.

(5) The notice under paragraph (4) must specify the kind of premises to which the application relates and must contain such information as may be prescribed by magistrates' courts rules.

(6) The following provisions of this Article apply where a complaint is made to a court of summary jurisdiction under Part 8 of the Magistrates' Courts (Northern Ireland) Order 1981 on the grounds—

(a) that the business carried on in premises to which an authorisation under this Article applies is being conducted during the hours mentioned in paragraph (1) 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) that such hours are causing undue inconvenience to persons residing in the vicinity of the premises.

(7) Where the court is satisfied that the grounds of the complaint are made out, it may—

(a) revoke the authorisation; or

(b) modify the authorisation or, in relation to the authorisation, the hours mentioned in paragraph (1); or

(c) make the continuance of the authorisation subject to such terms and conditions as the court thinks fit.

(8) The terms and conditions which may be imposed under paragraph (7)(c) include those requested by the district commander of the police district in which the premises are situated.”.’

Minister for Communities

Clause 4 **[Question that Clause 4, as amended, stand part agreed]**

The Member listed below gives notice of his intention to oppose the question that clause 4 stand part of the Bill.

Mr Jim Allister

Amendment 7 **[Made on Division]**

New Clause

After clause 7 insert -

‘Places of public entertainment: inclusion of cinemas

7A.—(1) In Article 2 of the Licensing Order (interpretation) in paragraph 2—

(a) in the definition of “place of public entertainment”, after sub-paragraph (a) insert—
“(aa) premises used for a film exhibition;”

(b) at the appropriate place insert—

“Film exhibition has the meaning assigned to it by Article 2 of The Cinemas (Northern Ireland) Order 1991 and means any premises licensed under Article 3 of this Order.”

(2) In Article 42(3) of the Licensing Order (general permitted hours) after “theatre” insert “or a premises used for a film exhibition”

Ms Claire Sugden

Amendment 8 **[Not moved]**

Clause 8, Page 8

Leave out lines 27 to 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.’

Chair, Committee for Communities

Amendment 9 [Made]

Clause 8, Page 8, Line 32

Leave out from ‘a’ to ‘serving’ in line 33 and insert ‘an amount (whether in one serving or more)’

Minister for Communities

Amendment 10 [Not moved]

Clause 8, Page 8, Line 33

At end insert -

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

(a) in paragraph (2)(a) leave out “; and” and insert “;”,

(b) in paragraph (2)(b) leave out “.” and insert “; and”,

(c) 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.”’

Chair, Committee for Communities

Amendment 11 [Not called]

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.’

Chair, Committee for Communities

Amendment 12 [Not called]

Clause 8, Page 9, Line 23

At end insert -

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

Chair, Committee for Communities

Amendment 13 [Made]

Clause 8, Page 9, Line 24

Leave out ‘and 52D’ and insert ‘to 52F’

Minister for Communities

Amendment 14 [Not moved]

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.’

Chair, Committee for Communities

Amendment 15 [Not called]

An amendment to Amendment 14

Leave out from ‘means’ to end and insert -

‘, in relation to premises, means a tour of the premises which—

- (a) includes an explanation of, or information relating to, the process whereby the intoxicating liquor is produced in the premises,
- (b) is carried out in person, whether the tour is guided by a person or not, and
- (c) requires a ticket to be issued to each person participating in the tour.’

Minister for Communities

Amendment 16 [Made]

Clause 8, Page 12, Line 4

At end insert -

‘(5A) In each of the following provisions of that Order, after “Article 5(1)(b)” insert “or (m)”—

- (a) Article 46(1)(a)(ii) (exception for sales outside permitted hours),
- (b) Article 56(1) (penalty for permitting consumption in unlicensed part of premises), and
- (c) Article 58(1)(b) (prohibition on young persons).’

Minister for Communities

Amendment 17 [Not called]

Clause 8, Page 12, Line 21, (middle column)

After ‘sample’ insert ‘or measure’

Chair, Committee for Communities

Amendment 18 [Not called]

Clause 8, Page 13, Line 2, (after table)

Insert -

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

“52B	Provision of sample or measure, otherwise than during permitted hours	5-6”
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Chair, Committee for Communities

Amendment 19 [Made, as amended]

New Clause

After clause 8 insert -

‘Sales and consumption of liquor in local producer’s premises

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

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

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 to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

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

“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 to that Order (penalty points for offences punishable with level 5 fine), at the appropriate place insert—

“43B	Selling intoxicating liquor etc., otherwise than during permitted hours	5-6”
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Chair, Committee for Communities

Amendment 20 [Made]

An amendment to Amendment 19

In subsection (1), leave out ‘43 of the Licensing Order’ and insert ‘52D of the Licensing Order (inserted by section 8(3))’

Minister for Communities

Amendment 21 [Made]

An amendment to Amendment 19

In subsection (1), leave out first ‘43A’ and insert ‘52E’

Minister for Communities

Amendment 22 [Made]

An amendment to Amendment 19

In subsection (1), in the new Article 43A(1), leave out from ‘to which’ to ‘those premises’ and insert ‘which are of a kind mentioned in Article 5(1)(m) and part of 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—

- (a) a county court which grants a local producer’s licence or declares a local producer’s 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, on the application of the holder of the local producer’s licence’

Minister for Communities

Amendment 23 [Made]

An amendment to Amendment 19

In subsection (1), in the new Article 43A, leave out subsection (4)

Minister for Communities

Amendment 24 [Made]

An amendment to Amendment 19

In subsection (1), in the new Article 43A, leave out subsection (5)

Minister for Communities

Amendment 25 [Made]

An amendment to Amendment 19

In subsection (1), after the new Article 43A insert—

“Authorisations for on-sales on production premises

52F.—(1) In the case of premises of a kind specified in Article 5(1)(m) in respect of which an application has been made for an order under Article 52E, the court hearing the application may, if it makes the order, also grant an authorisation under this Article on an application made in compliance with the procedure set out in Schedule 10.

(2) In the case of premises of that kind in respect of which an order under Article 52E has effect, a court of summary jurisdiction may, on an application made in compliance with the procedure set out in Schedule 10, grant an authorisation under this Article.

(3) An authorisation under this Article may authorise the holder of the local producer’s licence, on the day and during the hours specified in the authorisation, to sell in the part of the premises to which the order under Article 52E applies intoxicating liquor produced in the production premises for consumption in that part of the premises.

(4) Not more than 104 authorisations shall be granted under this Article to the holder of a local producer’s licence in any year.

(5) Regulations may modify paragraph (4) so as to substitute a different number of orders 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.

(7) Nothing in this Article permits an authorisation under this Article to authorise the sale of intoxicating liquor on Christmas Day.

(8) 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 an authorisation under this Article, the holder is guilty of an offence.

(9) Where intoxicating liquor is made available for purchase in accordance with an authorisation under this Article, the holder of the local producer’s licence shall at all times display in the part of the premises to which the order under Article 52E applies 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.

(10) 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.

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

Minister for Communities

Amendment 26 [Made]

An amendment to Amendment 19

After subsection (1) insert—

‘(1A) In Article 42 of the Licensing Order (general permitted hours), in each of paragraphs (1) and (2), after “or (m)” (inserted by section 8(5)) insert “(subject to paragraph (4))”.’

Minister for Communities

Amendment 27 [Made]

An amendment to Amendment 19

In subsection (2), leave out from “Subject” to “Day,” and insert “In the case of premises of a kind mentioned in Article 5(1)(m) to which an order under Article 52E applies, the permitted hours for a part of the premises specified in the order on a day on which an authorisation under Article 52F has effect are the hours on that day”.

Minister for Communities

Amendment 28 [Negatived on Division]

An amendment to Amendment 19

Clause 8A(2) leave out ‘4 in the afternoon to 10 in the evening’ and insert ‘11 in the morning to 11 in the evening’

Ms Kellie Armstrong

Amendment 29 [Negatived on Division]

An amendment to Amendment 19

Clause 8A(2) leave out ‘4 in the afternoon to 10 in the evening’ and insert ‘12 in the afternoon to 11 in the evening’

Miss Rachel Woods [R]

Amendment 30 [Made]

An amendment to Amendment 19

Leave out subsection (3)

Minister for Communities

Amendment 31 [Not called]

An amendment to Amendment 19

Clause 8A(3), in inserted Article 43B(3) leave out ‘104’ and insert ‘208’

Ms Kellie Armstrong

Amendment 32 [Made]

An amendment to Amendment 19

After subsection (3) insert—

(4) In Article 46 of the Licensing Order (exception for sales outside permitted hours), in paragraph (1)(a)(ii), after “or (m)” (inserted by section 8(5A)(a)) insert “(but see paragraph (1A))”.

(5) In that Article, after paragraph (1) insert—

“(1A) The reference in paragraph (1)(a)(ii) to premises of a kind mentioned in Article 5(1)(m) does not include a reference to premises of that kind with respect to which an order under Article 52E is in force.”

(6) In Schedule 9 to the Licensing Order (procedure on certain applications)—

(a) in the title, before “or 58A” (inserted by section 11(4)(a)) insert “52E,”

(b) in paragraph 1, before “or 58A” (inserted by section 11(4)(b)) insert “52E”, and

(c) in paragraph 4, after paragraph (ca) (inserted by section 11(4)(c)) insert—

“(cb) in the case of an application under Article 52E, on the ground mentioned in Article 52E(2);”.

(7) In Schedule 10 to the Licensing Order (applications for extensions and authorisations), in paragraph 1A (inserted by section 11(5)(a)), before “58B” insert “52F or”.

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

“52F(9)	Failure by local producer to display notice on part of premises to which authorisation under Article 52F applies	3-4”.
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(9) In Part 2 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 4 fine), at the appropriate place insert—

“52F(8)	Failure by local producer to comply with authorisation under Article 52F	4-5”.
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Minister for Communities

Amendment 33 [Made, as amended]

New Clause

After clause 8 insert -

‘Restrictions on occasional licences

8B.—(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 43A applies”.

(2) In paragraph (5)(b) of that Article, at the end insert—
“(c) the sale of intoxicating liquor in premises to which an order under Article 43A applies.”.’

Chair, Committee for Communities

Amendment 34 [Made]

An amendment to Amendment 33

In subsection (1), leave out the new paragraph (1A) and insert—

“(1A) An occasional licence may not be granted for a part of premises of a kind mentioned in Article 5(1)(m) to which an order under Article 52E applies”.

Minister for Communities

Amendment 35 [Made]

Clause 11, Page 16, Line 12

At end insert -

“(5A) A court of summary jurisdiction which grants an authorisation under this Article may attach to the authorisation such other conditions as the court thinks fit.”.

Minister for Communities

Amendment 36 [Made]

Clause 11, Page 16, Line 16

Leave out ‘the condition in paragraph (5)’ and insert ‘a condition attached to the authorisation’.

Minister for Communities

Amendment 37 [Made]

Clause 11, Page 16, Line 38

After ‘force’ insert ‘or during the first 30 minutes after the authorisation has ceased to be in force’.

Minister for Communities

Amendment 38 [Made]

Clause 11, Page 17, Line 12, (middle column)

Leave out ‘on access to intoxicating liquor’ and insert ‘attached to authorisation for underage function’.

Minister for Communities

Amendment 39 [Made]

Clause 12, Page 17, Line 28

Leave out from ‘of’ to ‘parent’ in line 29 and insert ‘either of a parent of that person or of a parent of another person who is under 18 and attending the function’.

Minister for Communities

Amendment 40 [Made]

Clause 15, Page 19, Line 8

Leave out from ‘The’ to ‘is’ in line 10 and insert ‘In any licensed premises, intoxicating liquor must not be sold or made available for purchase for consumption in or off the premises in a form which would enable a person to whom it was’.

Minister for Communities

Amendment 41 [Made]

Clause 15, Page 19

Leave out lines 12 to 14 and insert -

‘(2) In any licensed premises, intoxicating liquor must not be sold or made available for purchase for consumption in or off the premises by means of a vending machine.’

Minister for Communities

Amendment 42 [Made]

Clause 15, Page 19, Line 14

At end insert -

‘(2A) The activities prohibited by this Article include making available in a public or common part of the premises concerned intoxicating liquor for consumption in or off the premises which, in the absence of the licence holder or a servant or agent, persons are trusted by the licence holder—

- (a) to pay for by placing money in a container, or by some other process, which the licence holder has provided for that purpose in a public or common part of the premises, or
- (b) to agree to pay for by recording by a process which the licence holder has provided for that purpose in a public or common part of the premises the intoxicating liquor appropriated.’

Minister for Communities

Amendment 43 [Made]

Clause 15, Page 19, Line 26, (middle column)

Leave out ‘a person to operate the dispenser, or selling it’ and insert ‘self-service or’

Minister for Communities

Amendment 44 [Made]

New Clause

After clause 17 insert -

‘Minimum unit pricing

17A. 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 intoxicating liquor in Northern Ireland.’

Chair, Committee for Communities

Amendment 45 [Made on Division]

New Clause

Before clause 19 insert -

‘Independent review of the licensing system and surrender principle

18A.—(1) The Department for Communities must, not later than 6 months after the date of Royal Assent of this Act, appoint an independent person to undertake a review of the licensing system, including the operation of the ‘Surrender Principle’, in Northern Ireland.

(2) The Department must, so far as is reasonable, ensure that the review mentioned in subsection (1) has regard to—

- (a) the social, health, economic and industry competition impact of the current licensing system in Northern Ireland,
- (b) the distribution of licences in areas that are under-licensed, including but not limited to rural areas and tourist areas,
- (c) the functioning of the ‘Surrender Principle’, including legislative options for reform to allow for the creation of new liquor licences for sale on premises, including specific options for the creation of licenses based on clear community need,
- (d) draft options, where appropriate, to compensate existing license holders.

(3) The person must, not later than 1 year after their appointment, report and make recommendations on developing a liquor licensing system that is responsive to consumer and community needs in a changing social and economic environment, while taking due account of the public health concerns around alcohol-related health and social harms.

(4) The Department must—

- (a) lay the report before the Northern Ireland Assembly, and
- (b) arrange for it to be published.

(5) The Department for Communities must, not later than six months after the date of the publication of the report mentioned in subsection (3), publish an action plan for addressing the recommendations contained in the report.

(6) The Minister for Communities, must, not later than six months after the date of the publication of the report mentioned in subsection (3), make an oral statement to the Northern Ireland Assembly on the Department’s action plan for addressing the recommendations contained in the report.’

Mr Matthew O’Toole

Amendment 46 [Made]

New Clause

Before clause 19 insert -

‘Annual publication of the number of operational liquor licenses

18B.—(1) The Department for Communities shall publish an annual report on the operation of the liquor licensing system in Northern Ireland that includes for each year—

- (a) the number of Article 5(1)(a) and Article 5(1)(b) licenses in operation,
- (b) the number of operational public houses and their location by postcode,
- (c) a ten-year rolling horizon forecast for each of 1(a) and 1(b).’

Mr Matthew O’Toole

Amendment 47 [Made]

New Clause

After clause 22 insert -

‘Alterations to premises

Consent required for alterations to premises

22A.—(1) After Article 12 of the Registration of Clubs Order insert—

“Alterations to club premises

Consent required for certain alterations to premises

12A.—(1) An alteration shall not, subject to paragraph (2), be made to the premises of a registered club if the alteration—

- (a) gives increased facilities for drinking in any part of the premises which contains a bar; or
- (b) adds to any part of the premises which contains a bar or substitutes one such part of the premises for another; or
- (c) conceals from observation a part of the premises in which intoxicating liquor is supplied; or
- (d) affects the means of passage between a part of the premises which contains a bar and the remainder of the premises or any road or other public place.

(2) An alteration such as is mentioned in paragraph (1) may be made if—

- (a) an application under this Article has been made by the secretary of the club to a county court and the court has made an order consenting to the alteration; or
- (b) the alteration is required by order of some lawful authority and, before the alteration is made, notice of the requirement is served by the secretary of the club on the clerk of petty sessions.

(3) The procedure for applications under paragraph (2)(a) is set out in Part 1 of Schedule 4A, and Part 2 of that Schedule has effect in relation to notices under paragraph (2)(b).

(4) If an alteration such as is mentioned in paragraph (1) is made to premises otherwise than in accordance with an order of the county court or an order of some lawful authority, a court of summary jurisdiction may order the registered club to restore, as far as is practicable, the premises to their original condition within a period fixed by the order.

(5) The period fixed by an order under paragraph (4) may be extended by order of a court of summary jurisdiction on the application of the secretary of the club.

(6) If paragraph (2)(b) is not complied with, the registered club and every official of the club is guilty of an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(7) If the registered club makes default in complying with an order under paragraph (4), the club and every official of the club is guilty of an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.

(8) This Article does not apply to an extension such as requires authorisation under Article 15A.”.

(2) After Schedule 4 to the Registration of Clubs Order insert—

“SCHEDULE 4A
 APPLICATIONS AND NOTICES UNDER ARTICLE 12A
 PART 1

APPLICATIONS FOR CONSENT TO ALTERATIONS

1. In this Part “application” means an application under Article 12A(2)(a).
2. The secretary of a club which intends to make an application must, not less than 3 weeks before the time of the opening of the court sitting at which the application is to be made, serve notice of the application upon the chief clerk and at the same time serve a copy of the notice upon—
 - (a) the district commander for the police district in which the premises of the club are situated; and
 - (b) the person whose name is recorded in the register of clubs as the owner of the premises of the club.
3. The notice mentioned in paragraph 2 must be in such form and, without prejudice to paragraph 4, must contain such other information as may be prescribed by county court rules.
4. The applicant must attach a plan of the premises showing the alteration to—
 - (a) the notice mentioned in paragraph 2, and
 - (b) the copy of that notice which is served upon the district commander.
5. The district commander upon whom notice is required by paragraph 2 to be served or the person whose name is recorded in the register of clubs as the owner of the premises of the club may appear at the hearing of the application and object to the court consenting to the alteration to which the application relates.
6. A person intending to object under paragraph 5 must, not less than 1 week before the time of the opening of the court sitting at which the application is to be made—
 - (a) serve upon the applicant notice of the intention to object, briefly stating the grounds for so doing;
 - (b) serve a copy of the notice upon the chief clerk.

PART 2

NOTICES OF ALTERATIONS REQUIRED BY AUTHORITIES

7. The notice must be in such form and, without prejudice to paragraph 8, must contain such other information as may be prescribed by magistrates’ courts rules.
- 8.—(1) The secretary of the club must attach to the notice a plan of the premises showing the proposed alterations.
 - (2) The alterations shown in the plan mentioned in sub-paragraph (1) must be authenticated by or on behalf of the authority in question in the manner prescribed by magistrates’ courts rules.”.
- (3) In Article 16 of the Registration of Clubs Order (register of clubs), in paragraph (2), after paragraph (d) insert—

“(da) particulars of any order made under Article 12A(2)(a), (4) or (5) in respect of the premises of the club and of any requirement in respect of those premises notice of which is served under Article 12A(2)(b);”.
- (4) In Part 3 of Schedule 6 to that Order (penalty points punishable with level 5 fine) at the appropriate place insert—

“12A(7)	Failure to comply with court order to make alterations etc.	5-6”
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Minister for Communities

Amendment 48 [Made]

New Clause

After clause 23 insert -

‘Removal of restrictions on late opening on Sunday

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

(a) after sub-paragraph (a) and the following “and” insert—

“(aa) on Sundays other than Christmas Day, from half past 12 in the afternoon to 11 in the evening; and”, and

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

(2) In Article 26 of the Registration of Clubs Order (authorisations for special occasions), in paragraph (1)(a), for paragraphs (ii) and (iii) (but not the “or” following paragraph (iii)) substitute—

“(ii) on Sundays, from 11 in the evening to 1 in the morning of the day next following.”’

Minister for Communities

Amendment 49 [Made]

New Clause

After clause 24 insert -

‘Increase in number of authorisations for special occasions

24A.—(1) In Article 26 of the Registration of Clubs Order (authorisation for special occasions), in paragraph (2), for “85” substitute “104”.

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

“(5) A person who intends to make an application under this Article shall—

(a) during the 3 weeks before the first occasion to which the application relates, cause notice of the application to be displayed on or near the premises of the club;

(b) not less than 3 weeks before that time, serve a copy of the notice of the application on the district council for the district in which the premises of the club are situated.

(6) The notice under paragraph (5) must contain such information as may be prescribed by magistrates’ courts rules.

(7) The following provisions of this Article apply where a complaint is made to a court of summary jurisdiction under Part 8 of the Magistrates’ Courts (Northern Ireland) Order 1981 on the grounds—

(a) that the business carried on in the premises of the club is being conducted during the hours mentioned in paragraph (1) 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) that such hours are causing undue inconvenience to persons residing in the vicinity of the premises.

(8) Where the court is satisfied that the grounds of the complaint are made out, it may—

(a) revoke the authorisation; or

(b) modify the authorisation or, in relation to the authorisation, the hours mentioned in paragraph (1); or

(c) make the continuance of the authorisation subject to such terms and conditions as the court thinks fit.

- (9) The terms and conditions which may be imposed under paragraph (8)(c) include those requested by the district commander of the police district in which the premises of the club are situated.”.’

Minister for Communities

Amendment 50 [Not called]

New Clause

After clause 24 insert -

‘Increase the number of authorisations for special occasions

24A. In Article 26 of the Registration of Clubs Order (authorisation for special occasions), in paragraph (2), leave out “85” and insert “208”.’

Ms Kellie Armstrong

Amendment 51 [Made]

Clause 27, Page 29, Line 8

After ‘force’ insert ‘or during the first 30 minutes after the authorisation has ceased to be in force’

Minister for Communities

Amendment 52 [Made]

Clause 28, Page 29, Line 29

Leave out from ‘of’ to ‘parent’ in line 30 and insert ‘either of a parent of that person or of a parent of another person who is under 18 and attending the function’

Minister for Communities

Amendment 53 [Made]

Clause 29, Page 30, Line 8

Leave out from ‘1 June’ to ‘August’ in line 9 and insert ‘and includes 1 May and ends on and includes 30 September’

Minister for Communities

Amendment 54 [Made]

Clause 29, Page 30, Line 25

Leave out from ‘one’ to ‘ceremony’ in line 26 and insert ‘up to three such ceremonies’

Minister for Communities

Amendment 55 [Made]

Clause 29, Page 30, Line 29

At end insert -

‘(5) In that Article, after paragraph (14) insert—

“(15) Regulations may modify paragraph (13)(a)(i) so as to substitute a different period for the period for the time being specified there.

(16) Regulations may modify paragraph (13A) so as to substitute a different number of prize-giving ceremonies for the number for the time being specified there.

(17) Regulations may not be made under paragraph (15) or (16) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.’

Minister for Communities

Amendment 56 [Made]

Clause 30, Page 30, Line 41

At end insert -

‘(2A) The activities prohibited by this Article include making intoxicating liquor available for consumption in the premises of a registered club which, in the absence of an official, manager or servant employed in the club, members or guests are trusted by the committee of management or governing body of the club—

(a) to pay for by placing money in a container, or by some other process, which the club has provided for that purpose, or

(b) to agree to pay for by recording by a process which the club has provided for that purpose the intoxicating liquor appropriated.’

Minister for Communities

Amendment 57 [Made]

Clause 30, Page 31, Line 6, (middle column)

Leave out ‘member or guest to operate dispenser or supplying it’ and insert ‘self-service or’

Minister for Communities

Amendment 58 [Made]

New Clause

Before clause 33 insert -

‘Guidance

32A.—(1) The Department for Communities must issue guidance about—

- (a) the effect of the Licensing Order,
- (b) the effect of Part 1 of this Act on that Order, and
- (c) such other matters as the Department considers appropriate in connection with licensing premises for the sale of intoxicating liquor (within the meaning of the Licensing Order).

(2) The Department for Communities must issue guidance about—

- (a) the effect of the Registration of Clubs Order,
- (b) the effect of Part 2 of this Act on that Order, and
- (c) such other matters as the Department considers appropriate in connection with the registration of clubs.

(3) The Department for Communities must—

- (a) keep any guidance issued under this section under review, and
- (b) revise any guidance issued under this section if the Department considers revision to be necessary in light of review.

(4) The Department for Communities must publish any guidance issued or revised under this section.’

Minister for Communities

Amendment 59 [Made]

New Clause

Before clause 33 insert -

‘Review

32B.—(1) The Department for Communities must review and make a report on the implementation of each provision of Part 1 and of each provision of Part 2—

- (a) as soon as practicable after the third anniversary of the commencement of that provision, and
- (b) at least once in every five years after the making of the previous report on the implementation of that provision.

(2) The Department for Communities must—

- (a) lay a copy of each report under this section before the Assembly, and
- (b) having done that, publish the report.

(3) The Department for Communities may by regulations provide that subsections (1) and (2) are to cease to have effect on the date specified; but the regulations may not specify a date which is earlier than the tenth anniversary of this Act receiving Royal Assent.

(4) Regulations under this section are not to be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.’

Minister for Communities

Amendment 60 [Made]

Clause 36, Page 33, Line 24

Leave out paragraph (a)

Minister for Communities

Amendment 61 [Made]

Schedule 1, Page 34, Line 11

After ‘52D,’ insert ‘52E,’

Minister for Communities

Amendment 62 [Made]

Schedule 1, Page 35, Line 34

At end insert -

‘18A. In Schedule 1 (provisions to be included in club rules), after paragraph 13 (day membership at sporting clubs) insert—

“13A. But paragraph 13 entitles a person to use facilities of the club on the day in question only if the person also engages in sporting activities of the club on that day; and paragraph 14 applies subject to this paragraph.”.’

Minister for Communities

Amendment 63 [Made]

Schedule 2, Page 37, Line 5

At end, insert in column 2 -

‘

| In Article 24(1)(c), “Sunday or”.

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Minister for Communities