



## 2011 CHAPTER 18

### **PART 1**

#### LICENSING

##### **Penalty points**

2.—(1) Insert the following Articles after Article 71 of the Licensing Order—

*“Penalty points*

##### **Penalty points to be attributed to an offence**

**71A.**—(1) Where the holder of a licence is convicted of an offence under a provision of this Order specified in column 1 of Schedule 10A (the general nature of which offence is indicated in column 2) then, subject to the following provisions of this Article, the number of penalty points to be attributed to the offence is a number within the range of numbers shown in relation to the offence in column 3 of Schedule 10A (or if an order is made under paragraph (5) substituting a number for a range, the number shown in relation to that offence).

(2) Where the holder of a licence is convicted (whether on the same occasion or not) of 2 or more offences committed on the same occasion, the total number of penalty points to be attributed to them is the number or highest number that would be attributed on a conviction of one of them (so that if the convictions are on different occasions the number of penalty points to be attributed to the offences on the later occasion or occasions shall be restricted accordingly).

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*Changes to legislation: There are currently no known outstanding effects for the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011, Section 2. (See end of Document for details)*

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(3) In a case where (apart from this paragraph) paragraph (2) would apply to 2 or more offences, the court may if it thinks fit determine that that paragraph shall not apply to the offences (or, where 3 or more offences are concerned, to any one or more of them).

(4) Where a court makes such a determination it must state the reasons for the determination in the order of the court.

(5) The Department may, by order subject to affirmative resolution, amend column 3 of Schedule 10A (by substituting one range of numbers for another, a number for a range, or a range for a number).

### **Endorsement of licences**

**71B.**—(1) Where the holder of a licence is convicted of an offence under a provision of this Order specified in column 1 of Schedule 10A, the court must order there to be endorsed on the licence particulars of the conviction and also particulars of the offence, including the date when it was committed.

(2) Where the holder of a licence is convicted of an offence under a provision of this Order specified in column 1 of Schedule 10A—

- (a) subject to paragraph (3), where the provision is one specified in Part 1 of Schedule 10A, the court may order there to be endorsed on the licence the penalty points to be attributed to the offence;
- (b) subject to paragraph (4), where the provision is one specified in Part 2 of Schedule 10A, the court must order there to be endorsed on the licence the penalty points to be attributed to the offence unless for special reasons the court thinks fit not to do so;
- (c) where the provision is one specified in Part 3 of Schedule 10A, the court must order there to be endorsed on the licence the penalty points to be attributed to the offence.

(3) Where the holder of a licence who has been convicted of an offence under a provision of this Order specified in Part 1 of Schedule 10A (“the first offence”) is convicted of an offence under the same provision of this Order committed less than 3 years after the first offence was committed, the court must order the penalty points to be attributed to the offence to be endorsed on the licence.

(4) Where the holder of a licence who has been convicted of an offence under a provision of this Order specified in Part 2 of Schedule 10A (“the first offence”) is convicted of an offence under a provision of this Order specified in that Part of that Schedule committed less than 3 years after the first offence was committed, the court must order the penalty points to be attributed to the offence to be endorsed on the licence.

(5) A court which orders the endorsement of a licence under this Article must order the holder of the licence to deliver it to the clerk of the court within

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a period specified in the order and if the holder of the licence contravenes the order that person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months, or to both.

### **Suspension of licence for repeated offences**

**71C.**—(1) Where the holder of a licence is convicted of an offence under a provision of this Order specified in column 1 of Schedule 10A, the penalty points to be taken into account on that occasion are (subject to paragraphs (2) and (7))—

- (a) any that are to be attributed to the offence or offences in respect of which the holder of the licence is convicted; and
- (b) any that were on a previous occasion ordered to be endorsed on the licence;

and where the penalty points so taken into account number 10 or more, the court must, by order, suspend the licence.

(2) If any of the offences was committed more than 3 years before another, the penalty in respect of that offence shall not be added to those in respect of the other.

(3) The period for which a licence is suspended under paragraph (1) shall not be less than 1 week or more than 3 months.

(4) The suspension of a licence under paragraph (1) shall be in addition to any other penalty which may be imposed by the court.

(5) Article 72(5) applies where a court suspends a licence under paragraph (1) as it applies where a court suspends a licence under that Article.

(6) A licence may be suspended under paragraph (1) for any period notwithstanding that it is due to expire before the commencement of, or during, that period.

(7) After the suspension of a licence under paragraph (1), none of the penalty points taken into account on making the order under paragraph (1) may be taken into account on any other occasion.”.

(2) After Schedule 10 to the Licensing Order insert as Schedule 10A the Schedule set out in Schedule 1.

(3) In Article 73 of the Licensing Order (suspension of licences on conviction of certain offences), omit—

- (a) paragraph (1)(a);
- (b) in paragraph (2)(a)(i), the words from “other than an offence” to “that sub-paragraph,”; and
- (c) paragraph (3).

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**Changes to legislation:** *There are currently no known outstanding effects for the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011, Section 2. (See end of Document for details)*

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**Annotations:**

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**Commencement Information**

**II** S. 2 in operation at 1.5.2012 by S.R. 2012/28, art. 2, **Sch.**

**Changes to legislation:**

There are currently no known outstanding effects for the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011, Section 2.