
STATUTORY INSTRUMENTS

1990 No. 594

The Licensing (Northern Ireland) Order 1990

PART II

THE GENERAL LICENSING SYSTEM

Structure, etc., of licensed premises

Separation of certain licensed premises from other business premises

33.—(1) Subject to paragraph (8), a business, other than that authorised by the licence and the ancillary businesses mentioned in paragraph (2), shall not be carried on in premises of a kind mentioned in Article 6(1)(a) or (b).

(2) The ancillary businesses are the businesses of—

- (a) selling tobacco, cigarettes, cigars, matches and lighters;
- (b) selling table waters, fruit juices, angostura bitters and confectionery containing intoxicating liquor;
- (c) selling crisps and similar snack products and packaged nuts;
- (d) selling cork-screws and other bottle openers;
- (e) selling intoxicating liquor by wholesale;
- (f) in the case of premises of a kind mentioned in Article 6(1)(a)—
 - (i) selling meals and refreshments;
 - (ii) providing entertainment;
 - (iii) providing accommodation for guests such as is mentioned in paragraph (3).

(3) The accommodation for guests which is provided under paragraph (2)(f)(iii) shall be accommodation—

- (a) which is registered in the register of guest houses maintained by the Northern Ireland Tourist Board under section 10 of the Development of Tourist Traffic Act (Northern Ireland) 1948⁽¹⁾; and
- (b) which conforms to the requirements, if any, prescribed by regulations made with the concurrence of the Department of Economic Development.

(4) The ancillary businesses other than the business mentioned in paragraph (2)(f)(iii), shall be carried on in the premises only during the periods when the business authorised by the licence may lawfully be carried on.

(5) Subject to paragraph (7), premises of a kind mentioned in Article 6(1)(a) or (b) shall be so constructed that there is no internal means of passage between them and other premises in which a business is carried on.

⁽¹⁾ 1948 c. 4 (N.I.)

(6) Where—

- (a) any article is sold or made available for purchase in the course of a business which is carried on in contravention of paragraph (1) or (4), or
- (b) intoxicating liquor is sold or made available for purchase in premises of a kind mentioned in Article 6(1)(a) or (b) which do not comply with paragraph (5),

the holder of the licence shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale, and where sub-paragraph (a) or, as the case may be, sub-paragraph (b) is again contravened within 1 year after the conviction to a further fine not exceeding £100 for every day subsequent to the day on which he is first convicted of an offence under this paragraph on which it is so contravened.

(7) Paragraph (5) shall not prohibit internal means of passage between—

- (a) premises of a kind mentioned in Article 6(1)(a) and a restaurant for which a licence is in force, if that means of passage is not open to customers during the periods when the sale or consumption of intoxicating liquor in premises of the said kind is not permitted under this Order;
- (b) premises of a kind mentioned in Article 6(1)(a) or (b) and
 - (i) other premises of either such kind; or
 - (ii) premises in which the only business carried on is the business of selling intoxicating liquor by wholesale.

(8) This Article shall not apply to licensed premises such as are mentioned in Article 65(1) at an international airport.

(9) The Department may by regulations, made subject to affirmative resolution, modify the ancillary businesses mentioned in paragraph (2).