
STATUTORY INSTRUMENTS

1990 No. 594

The Licensing (Northern Ireland) Order 1990

PART V

SUSPENSION OF LICENCES

Suspension of licences

78.—(1) Where the holder of a licence is convicted of—

- (a) an offence under Article 46(1)(a), 59, 62, 63 or 69(1), committed in or in relation to the licensed premises, and had previously been convicted of an offence under any of those Articles committed in or in relation to those premises, or
- (b) an offence under section 13 of the Criminal Law Amendment Act 1885⁽¹⁾ (permitting premises to be a brothel), where the offence was committed in the licensed premises or in premises which adjoin or are near them,

the court shall, unless satisfied that by reason of extenuating circumstances in connection with the offence (which shall be specified by the order) the licence ought not to be suspended, suspend the licence.

(2) Where the holder of a licence is convicted of an offence under—

- (a) any provision of this Order, other than an offence to which sub-paragraph (1)(a) applies of which he is convicted in circumstances such as are mentioned in that sub-paragraph, or
- (b) the Food (Northern Ireland) Order 1989⁽²⁾, where the offence was committed in or in relation to the licensed premises, or
- (c) the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985⁽³⁾, where the offence was committed in the licensed premises,

the court may suspend the licence.

(3) Without prejudice to paragraph (2), where the holder of a licence in respect of any premises is convicted of an offence under—

- (a) Article 46(1)(a) by virtue of a contravention of—
 - (i) Article 48 or 50, or
 - (ii) Article 51 in relation to the hours mentioned in Article 48, or
- (b) Article 54(9) or 63(4),

the court, instead of suspending the licence under paragraph (2), may—

- (i) in the case of an offence under Article 46(1)(a), order that the premises shall not be premises to which Article 48, Article 50 or, as the case may require, Article 51 in relation to the hours mentioned in Article 48 applies, or

(1) 1885 c. 69
(2) 1989 NI 6
(3) 1985 NI 11

- (ii) in the case of an offence under Article 54(9), order that the premises shall not be premises to which Article 54 applies, or
- (iii) in the case of an offence under Article 63(4), order that the premises shall not be premises to which Article 48 applies,

for such period as the court may determine.

(4) The period for which a licence is suspended under paragraph (1) or (2) shall be not less than 1 week or more than 3 months, except that, where in consequence of a conviction such as is mentioned in paragraph (2)(b) an order is made under section 14 of the said Act of 1958 disqualifying the holder of a licence for using the licensed premises for the purposes of a food business which is or includes the business authorised by the licence, the licence may be suspended for the period during which the order is in force.

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

(6) A suspended licence shall not be in force during the period of suspension except for the purposes of the provisions of this Order relating to the surrender, renewal or transfer of licences and to protection orders.

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