
STATUTORY INSTRUMENTS

1995 No. 759

The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995

Entertainments licences

Refusal of entertainments licences

9. In paragraph 5 of Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985(1) (applications for the grant, renewal or transfer of licences)—

(a) in sub-paragraph (8), after head (a) there shall be inserted—

“(aa) have regard to any conviction of the applicant of an offence under paragraph 10 within the period of 5 years immediately preceding the date when the application was made;”;

(b) after sub-paragraph (8) there shall be inserted—

“(9) Subject to paragraph 13 and without prejudice to its power to refuse an application on any other grounds, the council may refuse an application for the grant, renewal or transfer of an entertainments licence on the ground that the applicant has been convicted of an offence under paragraph 10 within the period of 5 years immediately preceding the date when the application was made.”.

Increase in penalties

10.—(1) In paragraph 10 of Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (licensing of places of entertainment)—

(a) in sub-paragraphs (1) and (2) the words “and liable on summary conviction to a fine not exceeding level 5 on the standard scale” shall be omitted; and

(b) after sub-paragraph (2) there shall be inserted—

“(2A) Any person guilty of an offence under sub-paragraph (1) or (2) shall be liable on summary conviction—

(a) in the case of an offence to which sub-paragraph (2B) applies, to a fine not exceeding £20,000 or to imprisonment for a term not exceeding 6 months or to both;

(b) in any other case, to a fine not exceeding level 5 on the standard scale.

(2B) This sub-paragraph applies to—

(a) any offence under sub-paragraph (1) where the entertainment provided is—

(i) entertainment referred to in sub-paragraph (2)(b) of paragraph 1 and to which that paragraph applies; or

(ii) entertainment to which paragraph 2 applies; and

(b) any offence under sub-paragraph (2) where the entertainment for which the place is used is—

(i) entertainment referred to in sub-paragraph (2)(b) of paragraph 1 and to which that paragraph applies; or

(ii) entertainment to which paragraph 2 applies,

and the terms, conditions or restrictions which are contravened or not complied with include one which imposes a limit on the number of persons who may be present at the entertainment.”.

(2) Nothing in this Article shall have effect in relation to offences committed before the coming into operation of this Article.