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## STATUTORY INSTRUMENTS

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# 1996 No. 3158

## The Licensing (Northern Ireland) Order 1996

### PART II **N.I.**

#### THE GENERAL LICENSING SYSTEM

##### *Temporary continuance of business in certain circumstances*

#### **Temporary continuance of business on death, bankruptcy, etc. **N.I.****

28.—(1) Where at any time—

- (a) the holder of a licence dies or is adjudged bankrupt, or a composition or scheme proposed by him is approved under Chapter II of Part VIII of the Insolvency (Northern Ireland) Order 1989,<sup>F1</sup> ... or a receiver of his property or a committee or guardian is appointed with power to manage the business carried on under the licence; or
- (b) in the case of a body corporate which is the holder of a licence, a winding-up is commenced or a receiver is appointed as aforesaid;

the personal representative or, as the case requires, the person who is for the time being trustee in bankruptcy, supervisor of the composition or scheme,<sup>F2</sup> ... receiver, committee, guardian or liquidator shall be in the same position as regards carrying on business under the licence as if he were the holder of that licence.

(2) Where the holder of a licence dies and he has no personal representative or his personal representative is unwilling or unable to act, the licence shall, unless suspended, continue in force for the benefit of any person entitled in consequence of his death to a beneficial interest in the business until—

- (a) the expiration of a period of 2 months from the date of his death, or
- (b) a protection order is made, or
- (c) paragraph (1) becomes applicable by reason of the appointment of a personal representative,

whichever first occurs.

(3) The authority conferred on any person by virtue of paragraph (1) or (2) to carry on a business in licensed premises shall be suspended on the expiration of the period of 2 weeks from the date when he commenced to carry on the business unless during that period he has served notice that he is carrying on the business by virtue of that paragraph (and, if he is carrying it on by virtue of paragraph (1), the capacity in which he is doing so) [<sup>F3</sup>upon—

- (a) the clerk of petty sessions; and
- (b) the district commander of the police district in which the premises are situated;]

but the authority, if so suspended, shall revive upon the service of such a notice.

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**Changes to legislation:** *The Licensing (Northern Ireland) Order 1996, Section 28 is up to date with all changes known to be in force on or before 09 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- F1** Words in art. 28(1)(a) repealed (1.4.2016) by [Insolvency \(Amendment\) Act \(Northern Ireland\) 2016 \(c. 2\)](#), s. 28(2), [Sch. 4](#); S.R. 2016/203, art. 2
- F2** Words in art. 28(1) repealed (1.4.2016) by [Insolvency \(Amendment\) Act \(Northern Ireland\) 2016 \(c. 2\)](#), s. 28(2), [Sch. 4](#); S.R. 2016/203, [art. 2](#)
- F3** Words in art. 28(3) substituted (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), [Sch. 1 para. 110\(3\)](#) (with [Sch. 8 para. 1](#)); S.R. 2016/387, art. 2(k) (with art. 3)

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [art. 57B inserted by 2011 c. 18 \(N.I.\) s. 5](#)