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## STATUTORY INSTRUMENTS

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# 1996 No. 3158

## The Licensing (Northern Ireland) Order 1996

### PART II

#### THE GENERAL LICENSING SYSTEM

##### *Provisions as to certain acquisitions of licensed premises*

#### **Temporary occupation of licensed premises for purpose of carrying on business**

**40.**—(1) Where an estate in premises for which a licence is in force is acquired (whether by agreement or otherwise) by an authority who have powers under any statutory provision to acquire land compulsorily, the authority, without prejudice to their powers under any statutory provision other than this Article, may, for the purpose of enabling the holder of the licence to carry on in those premises business under the licence or any other business to which that business is ancillary until actual possession of the premises is required by the authority, grant to the holder of the licence a right to occupy the premises upon such terms and subject to such conditions as the authority may determine and such right to occupy may be granted so as to operate retrospectively from the date of the acquisition of the premises.

(2) Until a right to occupy the premises is granted under paragraph (1) by the acquiring authority or, where the acquiring authority do not propose to grant any such right, until such date as that authority may determine, the holder of the licence shall be deemed for the purposes of Article 4(3) to have retained the estate which he held in those premises immediately before the acquisition by the authority.

(3) The expiration of any right to occupy granted under paragraph (1) or of any estate deemed to have been retained under paragraph (2) shall not be treated as an expiration of a tenancy for the purpose of paragraph 2(a)(ii) of Schedule 2.

**Changes to legislation:**

The Licensing (Northern Ireland) Order 1996, Section 40 is up to date with all changes known to be in force on or before 04 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.

[View outstanding changes](#)

**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](#)