
STATUTORY INSTRUMENTS

1996 No. 3158

The Licensing (Northern Ireland) Order 1996

PART III

PERMITTED HOURS

The permitted hours

Orders for additional permitted hours

44.—(1) Subject to Article 17(3), where part or parts of premises, which are or include premises to which this Article applies, are structurally adapted and used, or intended to be used, for the purpose of habitually providing, for the accommodation of persons frequenting it, such entertainment or refreshment as is mentioned in paragraph (2)(i), (ii) or (iii) and the sale of intoxicating liquor is ancillary to that entertainment or refreshment—

- (a) a county court which grants a licence or declares a licence provisionally granted to be final, on the application of the person applying for the grant or declaration, or
- (b) a court of summary jurisdiction, at any time, upon the application of the holder of the licence for those premises made in compliance with the procedure set out in Schedule 9,

may make an order under this paragraph.

(2) An order under paragraph (1) may direct that, on such days as may be specified in the order, the hours—

- (a) on week-days from 11 in the evening to 1 in the morning of the day next following, and
- (b) on Sunday, not being 31st December, from 10 in the evening to 12 in the evening, and
- (c) on Sunday, being 31st December, from 10 in the evening to 1 in the morning of the day next following,

shall, in addition to the hours mentioned in Article 42(1), be included in the permitted hours for any such part or parts of the premises specified in the order for the purposes of the sale, before the provision of—

- (i) musical or other entertainment; or
- (ii) substantial refreshment; or
- (iii) both such entertainment and refreshment;

has ended, of intoxicating liquor for consumption on any such part or parts of the premises, and the consumption of such liquor.

(3) A court shall not make an order under paragraph (1) unless it is satisfied that—

- (a) the business will be conducted during the hours mentioned in paragraph (2) and any period immediately following their termination in such a manner as not to cause undue inconvenience to persons residing in the vicinity of the premises; and

(b) the hours mentioned in paragraph (2) will not cause undue inconvenience to persons residing in the vicinity of the premises.

(4) An order under paragraph (1) may be revoked by a court of summary jurisdiction on the application of the holder of the licence.

(5) Where, upon complaint made under Part VIII of the Magistrates' Courts (Northern Ireland) Order 1981, a court of summary jurisdiction is satisfied—

(a) that the business carried on in premises to which an order under paragraph (1) applies is being conducted during the hours mentioned in paragraph (2) or any period immediately following their termination in such a manner as to cause undue inconvenience to persons residing in the vicinity of the premises; or

(b) that such hours are causing undue inconvenience to persons residing in the vicinity of the premises; or

(c) in the case of a complaint made by the sub-divisional commander of the police sub-division in which the premises are situated, that the specified part or parts of the premises are not being used for the purpose of habitually providing entertainment or substantial refreshment or both entertainment and substantial refreshment, as the case may require,

the court may—

(i) revoke the order; or

(ii) modify the order or, in relation to the order, the hours mentioned in paragraph (2); or

(iii) make the continuance of the order subject to such terms and conditions as the court thinks fit.

(6) Nothing in this Article shall permit an order under paragraph (1) to authorise the sale of intoxicating liquor—

(a) on Christmas Day, Easter Day or Good Friday, or

(b) to a person admitted to the premises—

(i) less than 30 minutes before the end of the hours mentioned in paragraph (2), or

(ii) where the provision of entertainment or substantial refreshment or both entertainment and substantial refreshment is due to cease before the end of those hours, less than 30 minutes before that cessation.

(7) Nothing in paragraph (2) shall require the provision of substantial refreshment during the 30 minutes before the end of the hours mentioned in that paragraph.

(8) In this Article “entertainment” does not include any form of entertainment given otherwise than by persons actually present and performing.

(9) No part of any premises shall be treated for the purposes of this Article as used, or intended to be used, for the purpose of habitually providing entertainment or substantial refreshment or both entertainment and substantial refreshment unless it is used, or intended to be used, for the purpose of providing such entertainment or refreshment during the hours mentioned in paragraph (2) and for a substantial period preceding the end of the general permitted hours mentioned in Article 42(1) on every day or on particular days in every week, any break for a period or periods not exceeding 2 weeks in any 3 successive months, or on any special occasion, or by reason of any emergency being disregarded.

(10) The premises to which this Article applies are—

(a) an hotel;

(b) a restaurant;

(c) a conference centre;

(d) a higher education institution;

- (e) any part of premises of a kind mentioned in Article 5(1)(a) which, in the case of a part specified in an order under paragraph (1) where substantial refreshment is to be habitually provided, are structurally adapted and used, or intended to be used, for the purpose of providing persons frequenting the premises with a main table meal at midday or in the evening, or both.