
STATUTORY INSTRUMENTS

1996 No. 3158

The Licensing (Northern Ireland) Order 1996

PART IV

CONDUCT OF LICENSED PREMISES, ETC.

Special provision with respect to young persons

Children's certificates

59.—(1) In respect of premises which are or include premises to which Article 58(1)(c) applies,—

- (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 grant a children's certificate in respect of any part of the premises to which Article 58(1)(c) applies.

(2) A court shall refuse an application for the grant of a children's certificate unless it is satisfied that—

- (a) the part of the premises to which the application relates constitutes an environment in which it is suitable for a person under the age of 18 to be present; and
- (b) meals and suitable beverages other than intoxicating liquor (including drinking water) will also be made available for consumption in that part when the certificate is operational; and
- (c) that part is equipped and furnished with an adequate number of tables and chairs; and
- (d) any conditions prescribed by regulations made for the purposes of this Article have been complied with.

(3) Subject to paragraph (4), a children's certificate shall be operational at any time up to 9 in the evening.

(4) A court which grants a children's certificate may, on the application of the applicant or, as the case may be, the holder of the certificate, by order direct that, on such day or days as may be specified in the order, the time when the certificate ceases to be operational shall be such earlier time as may be so specified.

(5) Where a children's certificate is in force for any part of licensed premises the holder of the licence shall keep displayed in some conspicuous place in that part a notice which—

- (a) states that a children's certificate is in force for that part; and
- (b) explains the effect of the certificate and of the conditions under paragraph (2) or Article 58(5) which extend to it.

(6) A holder of a licence acting in contravention of paragraph (5) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(7) In any proceedings for an offence by reason of a contravention of paragraph (5) it shall be a defence for the holder of the licence to prove that he exercised all due diligence to avoid the commission of such an offence.

(8) A children's certificate may be revoked by a court of summary jurisdiction on the application of the holder of the licence.

(9) 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 part of the premises for which a children's certificate is in force does not constitute an environment in which it is suitable for a person under the age of 18 to be present; or
- (b) in the case of a complaint made by the sub-divisional commander of the police sub-division in which the premises are situated, that any condition specified in paragraph (2)(b) to (d) or in Article 58(5) is not being complied with,

the court may—

- (i) revoke the children's certificate; or
 - (ii) revoke any order under paragraph (4) which relates to the certificate; or
 - (iii) modify, in relation to the certificate, the time mentioned in paragraph (3) or in any order under paragraph (4) which relates to the certificate.
- (10) A children's certificate shall be in such form as may be prescribed by regulations.