
STATUTORY INSTRUMENTS

1996 No. 3158

The Licensing (Northern Ireland) Order 1996

PART V

ENFORCEMENT

Suspension of licences

Suspension of licences on conviction of certain offences

73.—(1) Where the holder of a licence is convicted of—

- (a) an offence under Article 3, 5(6), 41(1)(a), 50, 51, 55 or 60(1), committed in or in relation to the licensed premises, and that offence is committed within the period of 5 years from the commission by the holder of an offence under any of those Articles committed in or in relation to those premises, or
- (b) an offence under section 13 of the Criminal Law Amendment Act 1885 (permitting premises to be a brothel), where the offence was committed in the licensed premises or in premises which adjoin or are near them,

the court shall, unless satisfied that by reason of extenuating circumstances in connection with the offence (which shall be specified by the order) the licence ought not to be suspended, by order, suspend the licence.

(2) Where—

- (a) the holder of a licence is convicted of an offence under—
 - (i) any provision of this Order, other than an offence to which sub-paragraph (1)(a) applies of which he is convicted in circumstances such as are mentioned in that sub-paragraph, or
 - (ii) the Food Safety (Northern Ireland) Order 1991, where the offence was committed in or in relation to the licensed premises, or
- (b) the holder of a licence or his servant or agent is convicted of an offence under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, where—
 - (i) the offence was committed in the licensed premises, and
 - (ii) in the case of an offence committed by a servant or agent of the holder of the licence, the offence was committed with the knowledge of the holder of the licence,

the court may suspend the licence.

(3) Without prejudice to paragraph (2), where the holder of a licence in respect of any premises is convicted of an offence under—

- (a) Article 41(1)(a) by virtue of a contravention of Article 44 or 45 or
- (b) Article 47(4)(b),

the court, instead of suspending the licence under paragraph (2), may—

- (i) in the case of an offence under Article 41(1)(a), order that the premises shall not be premises to which Article 44 or 45 applies, or
- (ii) in the case of an offence under Article 47(4)(b), order that the premises shall not be premises to which Article 47 applies,

for such period as the court may determine.

(4) The period for which a licence is suspended under paragraph (1) or (2) shall be not less than 1 week or more than 3 months, except that, where in consequence of a conviction such as is mentioned in paragraph (2)(a)(ii) a prohibition order or emergency prohibition order is made under Article 10 or 11 of the said Order of 1991 prohibiting the holder of a licence from using the licensed premises for the purposes of a food business which is or includes the business authorised by the licence, the licence may be suspended for the period during which the order is in force.

(5) The suspension of a licence under paragraph (1) or (2) shall be in addition to any other penalty which may be imposed by the court.

(6) Article 72(5) shall apply where a court suspends a licence under paragraph (1) or (2) as it applies where a court suspends a licence under that Article.

(7) A licence may be suspended under paragraph (1) or (2) for any period notwithstanding that it is due to expire before the commencement of, or during, that period.