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## STATUTORY INSTRUMENTS

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# 1996 No. 3158

## The Licensing (Northern Ireland) Order 1996

### [<sup>F1</sup>PART 4A

#### CLOSURE OF LICENSED PREMISES

##### *[<sup>F1</sup>Closure of identified licensed premises*

**F1** Pt. 4A inserted (10.12.2012) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 18\), ss. 1\(1\), 18; S.R. 2012/420, art. 2, Sch.](#)

#### **Closure orders for identified licensed premises**

**69B.**—(1) A senior police officer may make a closure order in relation to any licensed premises if that officer reasonably believes that there is disorder on, or in the vicinity of and related to, the premises and their closure is necessary in the interests of public safety.

(2) A closure order is an order under this Article requiring licensed premises to be closed for a period not exceeding 24 hours beginning with the coming into force of the order.

(3) In determining whether to make a closure order in respect of any premises, the senior police officer must have regard, in particular, to the conduct of the holder of the licence and the licence holder's servant or agent in relation to the disorder or nuisance.

(4) A closure order must—

- (a) specify the premises to which it relates;
- (b) specify the period for which the premises are to be closed;
- (c) specify the grounds on which it is made; and
- (d) state the effect of Articles 69C to 69G.

(5) A closure order in respect of any licensed premises comes into force at the time a constable gives notice of it to the holder of the licence or the licence holder's servant or agent.

(6) The holder of a licence or the licence holder's servant or agent shall be guilty of an offence if, without reasonable excuse, that person permits licensed premises to be open in contravention of a closure order or any extension of it and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months, or to both.

#### **Extension of closure order**

**69C.**—(1) Where, before the end of the period for which licensed premises are to be closed under a closure order or any extension of it (the “closure period”), the responsible senior police officer reasonably believes that—

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- (a) a <sup>F2</sup>... court of summary jurisdiction will not have determined whether to exercise its powers under Article 69F(2) in respect of the closure order and any extension of it or the premises concerned, by the end of the closure period, and
- (b) closure is necessary in the interests of public safety because of disorder on, or in the vicinity of and related to, the premises,

that officer may extend the closure period for a further period not exceeding 24 hours beginning with the end of the previous closure period.

(2) An extension in relation to any licensed premises comes into force when a constable gives notice of it to the holder of the licence or the licence holder's servant or agent.

(3) But the extension does not come into force unless the notice is given before the end of the previous closure period.

**F2** Word in [art. 69C\(1\)\(a\)](#) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 110\(16\)](#), Sch. 9 Pt. 1 (with [Sch. 8 para. 1](#)); S.R. 2016/387, art. 2(k)(m) (with art. 3)

### **Cancellation of closure order**

**69D.**—(1) The responsible senior police officer may cancel a closure order and any extension of it at any time—

- (a) after the making of the order, but
- (b) before a <sup>F3</sup>... court of summary jurisdiction has determined whether to exercise its powers under Article 69F(2) in respect of the order and any extension of it or the premises concerned.

(2) The responsible senior police officer must cancel a closure order and any extension of it if that officer does not reasonably believe that closure is necessary in the interests of public safety because of disorder on, or in the vicinity of and related to, the premises.

(3) Where a closure order and any extension of it are cancelled under this Article, the responsible senior police officer must, as soon as reasonably practicable, give notice of the cancellation to the holder of the licence or the licence holder's servant or agent.

**F3** Word in [art. 69D\(1\)\(b\)](#) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 110\(16\)](#), Sch. 9 Pt. 1 (with [Sch. 8 para. 1](#)); S.R. 2016/387, art. 2(k)(m) (with art. 3)

### **Application to court of summary jurisdiction by police**

**69E** The responsible senior police officer must, as soon as reasonably practicable after a closure order comes into force in respect of any licensed premises, apply to a <sup>F4</sup>... court of summary jurisdiction for it to consider the order and any extension of it.

**F4** Word in [art. 69E](#) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 110\(16\)](#), Sch. 9 Pt. 1 (with [Sch. 8 para. 1](#)); S.R. 2016/387, art. 2(k)(m) (with art. 3)

### **Consideration of closure order by court of summary jurisdiction**

**69F.**—(1) A <sup>F5</sup>... court of summary jurisdiction must as soon as reasonably practicable after receiving an application under Article 69E—

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- (a) hold a hearing to consider whether it is appropriate to exercise any of the court's powers under paragraph (2) in relation to the closure order or any extension of it or the premises concerned; and
  - (b) determine whether to exercise any of those powers.
- (2) The <sup>F6</sup>... court of summary jurisdiction may—
- (a) revoke the closure order and any extension of it;
  - (b) order the premises to remain, or to be, closed for such period not exceeding 28 days as the court may order;
  - (c) where an order under Article 44 [<sup>F7</sup>or 44A] has been made in respect of the premises—
    - (i) revoke the order;
    - (ii) modify the order, or in relation to the order, the hours mentioned in Article 44(2) [<sup>F8</sup>or Article 44A(3) or (4) (as the case may be)]; or
    - (iii) make the continuance of the order subject to such terms and conditions as the court thinks fit;
  - (d) where an occasional licence has been granted in respect of the premises—
    - (i) by order revoke that licence;
    - (ii) by order revoke any other occasional licences granted in respect of those premises;
    - (iii) order that the premises specified in the occasional licence shall not be premises for which an occasional licence may be granted.
- (3) In determining whether the premises will be, or will remain, closed, the <sup>F9</sup>... court of summary jurisdiction must—
- (a) consider whether closure is necessary in the interests of public safety because of disorder or likely disorder on, or in the vicinity of and related to, the premises; and
  - (b) hear representations, if any, from the holder of the licence.
- (4) The <sup>F10</sup>... court of summary jurisdiction must notify the district commander for the police district in which the premises are situated of any decision it makes under this Article.
- (5) The holder of a licence or the licence holder's servant or agent shall be guilty of an offence if, without reasonable excuse, that person permits licensed premises to be open in contravention of an order under paragraph (2)(b) and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months, or to both.

**F5** Word in art. 69F(1) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 110(16), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, **art. 2(k)(m)** (with art. 3)

**F6** Word in art. 69F(2) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 110(16), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, **art. 2(k)(m)** (with art. 3)

**F7** Words in art. 69F(2)(c) inserted (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), s. 47(2), **Sch. 1 para. 9(a)**; S.R. 2021/247, art. 2, Sch.

**F8** Words in art. 69F(2)(c)(ii) inserted (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), s. 47(2), **Sch. 1 para. 9(b)**; S.R. 2021/247, art. 2, Sch.

**F9** Word in art. 69F(3) omitted (31.10.2016) by virtue of Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 1 para. 110(16)** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)

**F10** Word in art. 69F(4) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 110(16), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, **art. 2(k)(m)** (with art. 3)

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### **Appeal from decision of court of summary jurisdiction**

**69G.**—(1) Any person aggrieved by a decision of a court of summary jurisdiction under Article 69F may, within 21 days from the day the decision is made, appeal against the decision to the county court in accordance with magistrates' court rules.

(2) When an order is made under Article 69F(2)(b) to (d), the order shall not have effect from the time a person brings an appeal under paragraph (1) against the making of the order until the appeal is abandoned or determined.

### **Enforcement of closure order**

**69H** A constable may use such force as may be necessary for the purposes of closing premises in compliance with a closure order.

### **Exemption of police from liability for damages**

**69I.**—(1) A constable is not liable for relevant damages in respect of any act or omission of that constable in the performance or purported performance of that constable's functions in relation to a closure order or any extension of it.

(2) The Chief Constable is not liable for relevant damages in respect of any act or omission of a constable under the Chief Constable's direction or control in the performance or purported performance of a function of that constable in relation to a closure order or any extension of it.

(3) But neither paragraph (1) nor (2) applies—

- (a) if the act or omission is shown to have been in bad faith; or
- (b) so as to prevent an award of damages in respect of an act or omission on the grounds that the act or omission was unlawful as a result of section 6(1) of the Human Rights Act 1998 (incompatibility of act or omission with Convention rights).

(4) This Article does not affect any other exemption from liability for damages (whether at common law or otherwise).

(5) In this Article, “relevant damages” means damages awarded in proceedings for judicial review, the tort of negligence or misfeasance in public office.]

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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](#)