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STATUTORY INSTRUMENTS

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**1996 No. 3158**

**The Licensing (Northern Ireland) Order 1996**

**PART III**

**PERMITTED HOURS**

*Extension licences*

**Extension licences for sale, etc., of liquor in certain premises outside permitted hours**

**47.**—(1) A court of summary jurisdiction, or a clerk of petty sessions acting under paragraph (2), may, on an application made, in compliance with the procedure set out in Schedule 10, by the holder of a licence for premises which are or include premises for which an order under Article 48 is in force, grant an extension licence authorising that person to sell intoxicating liquor by retail—

- (a) in such part or parts of the premises for which an order under Article 48 is in force, and
- (b) during such hours, being the hours—
  - (i) on week-days between half past 11 in the morning and 1 in the morning of the day next following, or
  - (ii) on Sunday, not being 31st December, between half past 12 in the afternoon and 12 in the evening, or
  - (iii) on Sunday, being 31st December, between half past 12 in the afternoon and 1 in the morning of the day next following,

as may be specified in the extension licence; and those hours shall, so far as not otherwise comprised in them, be included in the permitted hours for the part or parts of the premises specified in the extension licence.

(2) Subject to paragraph (3), where notice of an application for an extension licence has been served upon the clerk of petty sessions, he may grant the extension licence as if the application had been made to him and may do so in the absence of the applicant.

(3) Where—

- (a) a notice of objection has been served upon the clerk and has not been withdrawn, or
- (b) the clerk is of the opinion, for any other reason, that an application for the extension licence should be made to the court,

the clerk shall require the application to be made to the court and shall notify the applicant and the objector, if any, of the requirement and of the time and place of the hearing.

(4) An extension licence shall not authorise—

- (a) the sale of intoxicating liquor otherwise than as ancillary to a function to which this paragraph applies which is to be held in the premises to which this Article applies during the hours specified in the licence; and

- (b) the sale of intoxicating liquor for consumption off the part or parts of the premises specified in the licence.
- (5) The functions to which paragraph (4) applies are—
  - (a) functions organised by any body established for social, charitable or benevolent purposes or for furthering the common interests of persons associated with any trade, profession, educational or cultural activity, game or sport;
  - (b) functions (not exceeding 6 in number in any year) organised by the licence holder.
- (6) Nothing in this Article shall permit an extension licence 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 after half past 12 in the morning or, where the function is due to end before 1 in the morning, less than 30 minutes before the function is due to end.
- (7) If the holder of an extension licence or any servant or agent of his sells intoxicating liquor in contravention of paragraph (4), the holder of the licence shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) An extension licence granted in connection with a function in any premises shall, at any time during the period of the function when intoxicating liquor is sold or made available for purchase or being consumed in the premises, forthwith be produced by the person who is in charge of the sale of intoxicating liquor there for examination by a constable at his request, and if it is not so produced without reasonable excuse the holder of the licence and that person shall each be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

#### **Suitability of certain premises for functions**

- 48.**—(1) In respect of premises to which this Article 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, by order, specify any part of the premises as being suitable for functions such as are mentioned in Article 47(5).
- (2) A court shall not make an order under paragraph (1) unless it is satisfied—
    - (a) that the part of the premises specified in the order is suitable for functions; and
    - (b) that—
      - (i) that part of the premises is structurally adapted and used or intended to be used for the purpose of providing for the accommodation of persons frequenting it substantial refreshment to which the sale of intoxicating liquor is ancillary; and
      - (ii) suitable means of access to that part of the premises, otherwise than through any other part of the premises which is used for the sale of intoxicating liquor, are available for customers.
  - (3) An order under paragraph (1) may be revoked by a court of summary jurisdiction—
    - (a) on the application of the holder of the licence; or
    - (b) where, on complaint made under Part VIII of the Magistrates' Courts (Northern Ireland) Order 1981 the court is not satisfied that the requirements of paragraph (2)(a) and
    - (b) have continued to be complied with.
  - (4) 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 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.