
STATUTORY INSTRUMENTS

1996 No. 3158

The Licensing (Northern Ireland) Order 1996

PART III

PERMITTED HOURS

The permitted hours

General permitted hours

42.—(1) Subject to the succeeding provisions of this Part, the permitted hours for premises of a kind mentioned in Article 5(1), except premises of a kind mentioned in Article 5(1)(b) or a place of public entertainment, are the hours—

- (a) on week-days, other than Good Friday or Christmas Day, from half past 11 in the morning to 11 in the evening; and
- (b) on Good Friday from 5 in the afternoon to 11 in the evening; and
- (c) except in the case of premises of a kind mentioned in Article 5(1)(a) with respect to which a direction under Article 7(10) or 15(5)(a) is in force, on Sunday or Christmas Day from half past 12 in the afternoon to 10 in the evening.

(2) The permitted hours for premises of a kind mentioned in Article 5(1)(b) are the hours—

- (a) on week-days, other than Christmas Day, from 8 in the morning to 11 in the evening; and
- (b) on Sunday, not being Christmas Day or Easter Day, from 10 in the morning to 10 in the evening.

(3) The permitted hours for a place of public entertainment are that part of the hours mentioned in paragraph (1)(a) and (b) and, in the case of a theatre, paragraph (1)(c) which comprises—

- (a) the period of an entertainment; and
- (b) periods, not exceeding 30 minutes in each case, which immediately precede the commencement and immediately succeed the termination of an entertainment.

Alternative permitted hours for off-sales

43.—(1) In respect of premises of a kind mentioned in Article 5(1)(a),—

- (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, direct that the permitted hours for a part of the premises for which the court imposes a condition under paragraph (2) shall be the hours mentioned in Article 42(2).

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

- (a) that a specified part of the premises is structurally adapted for the sale of intoxicating liquor for consumption off the premises, and
- (b) that the specified part is not connected by any internal means of passage open to customers with a part of the premises used for the sale of intoxicating liquor for consumption in the premises,

and the court may insert in the licence a condition that the specified part shall not be used for the sale of intoxicating liquor for consumption in the premises.

(3) An order under paragraph (1) and the condition, if any, inserted under paragraph (2) may be revoked by a court of summary jurisdiction—

- (a) on the application of the holder of the licence; or
- (b) where, upon complaint made under Part VIII of the Magistrates' Courts (Northern Ireland) Order 1981, the court is not satisfied, in a case where the order was made under paragraph (1), that the condition mentioned in paragraph (2) has been, and the requirements of sub-paragraphs (a) and (b) of that paragraph have continued to be, complied with.

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.

Authorisations for additional permitted hours

45.—(1) On the application of a holder of a licence for premises of a kind mentioned in Article 5(1)(a) other than premises to which an order under Article 44 applies, not less than 7 days before the occasion to which the application relates, the sub-divisional commander for the police sub-division in which the premises are situated may, in writing, authorise the holder of the licence to sell intoxicating liquor during the hours—

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

in addition to the hours mentioned in Article 42(1), on any 1 occasion specified in the authorisation, and any additional hours authorised under this Article shall be included in the permitted hours for those premises.

(2) Not more than 20 authorisations shall be granted under this Article to any holder of a licence in any year.

(3) Nothing in this Article shall permit an authorisation 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 less than 30 minutes before the end of the hours mentioned in that paragraph.