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## STATUTORY INSTRUMENTS

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# 1996 No. 3158

## The Licensing (Northern Ireland) Order 1996

### PART IV

#### CONDUCT OF LICENSED PREMISES, ETC.

##### *Conditions for sale, etc., of intoxicating liquor applicable to certain licences*

##### **Restriction as to sale, etc., of intoxicating liquor for consumption off the premises**

**50.**—(1) The holder of a licence for premises of a kind mentioned in Article 5(1)(a) or an hotel shall not, himself or by his servant or agent, sell intoxicating liquor to, or make it available for purchase by, any person for consumption off the premises on Christmas Day or Easter Day.

(2) Any person acting in contravention of paragraph (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) Paragraph (1) shall not prohibit or restrict the selling of intoxicating liquor for consumption off the premises to a resident in premises of a kind mentioned in Article 5(1)(a) which provides accommodation for guests such as is mentioned in Article 46(3) or an hotel or the taking of it by him from such premises or hotel.

##### **Conditions as to sale, etc., in guest houses and restaurants**

**51.**—(1) Subject to paragraph (2), where a guest house is licensed for the sale of intoxicating liquor, the holder of the licence shall not, himself or by his servant or agent, sell such liquor to, or make it available for purchase by, any person or permit it to be consumed by any person unless the intoxicating liquor is sold to a resident and is consumed by him or his guest either—

- (a) on the premises; or
- (b) with a meal supplied at, but consumed off, the premises.

(2) Where there is carried on the business of a restaurant in the premises of a guest house licensed for the sale of intoxicating liquor, paragraph (3) shall apply to the sale and consumption of intoxicating liquor in the restaurant as it applies to a restaurant which is licensed for the sale of intoxicating liquor.

(3) Where a restaurant is licensed for the sale of intoxicating liquor, the holder of the licence shall not, himself or by his servant or agent, sell such liquor to, or make it available for purchase by, any person or permit it to be consumed by any person unless the conditions specified in paragraph (4) are complied with.

(4) The conditions mentioned in paragraph (3) are—

- (a) that the intoxicating liquor is sold for consumption and is consumed—
  - (i) as ancillary to a main table meal; and
  - (ii) in a part of the restaurant set apart for the service of such meals or for the service of intoxicating liquor and other beverages to diners before or after such meals; and

**Status:** Point in time view as at 01/09/2016.

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- (b) that suitable beverages other than intoxicating liquor (including drinking water) are also made available for consumption; and
- (c) that the intoxicating liquor is paid for at the same time, and on the same bill, as the meal; and
- (d) that no payment by way of entrance fee to the premises containing the restaurant shall be made; and
- (e) any conditions prescribed by regulations for the purposes of this Article.

(5) Any person acting in contravention of paragraph (1), (2) or (3) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### Places of public entertainment

**52.**—(1) Where a place of public entertainment of any description is licensed for the sale of intoxicating liquor, such liquor shall not be sold or made available for purchase there, except where—

- (a) it is sold to, or made available for purchase by, persons employed or attending an entertainment in the premises; and
- (b) other beverages and food are also made available for purchase; and
- (c) any conditions prescribed by regulations applying to places of public entertainment of that description are observed.

(2) If paragraph (1) is contravened 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.

### [<sup>F1</sup><sup>F2</sup>Indoor arenas and outdoor stadia]

**52A.**—(1) Where an indoor arena [<sup>F3</sup>or outdoor stadium] is licensed for the sale of intoxicating liquor, such liquor shall not be sold or made available for purchase there, except where—

- (a) it is sold to, or made available for purchase by, persons employed or attending events and activities in the premises; and
- (b) other beverages and food are also made available for purchase.

(2) If paragraph (1) is contravened 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.]

**F1** 2004 NI 17

**F2** Art. 52A heading substituted (1.9.2016) by [Licensing Act \(Northern Ireland\) 2016 \(c. 24\), ss. 7\(1\), 8\(1\)](#)

**F3** Words in art. 52A(1) inserted (1.9.2016) by [Licensing Act \(Northern Ireland\) 2016 \(c. 24\), ss. 7\(1\), 8\(1\)](#)

### International airports

**53.**—(1) Where any licensed premises are within the examination station approved under section 22 of the Customs and Excise Management Act 1979 for an airport the Department may, by order, specify the airport as an international airport.

- (2) The Department shall not specify an airport as an international airport unless—
  - (a) it appears to it that there is a substantial amount of international passenger traffic at the airport; and
  - (b) it is satisfied that arrangements have been made for affording reasonable facilities on licensed premises within the examination station referred to in paragraph (1) at the airport

for obtaining hot and cold beverages other than intoxicating liquor at all times when such liquor is obtainable for consumption in the premises.

(3) Where it appears to the Department that at any airport specified as an international airport by order under paragraph (1) the arrangements referred to in paragraph (2)(b) are not being maintained, it shall revoke that order in relation to the airport, but without prejudice to its power of making a further order with respect to it.

### **Seamen's canteens**

**54.**—(1) Where a seamen's canteen is licensed for the sale of intoxicating liquor, such liquor shall not be sold or made available for purchase there, except where—

- (a) it is sold to, or made available for purchase by, persons who are entitled to use the canteen under rules in force under Article 77; and
- (b) other beverages and food are also made available for purchase.

(2) If paragraph (1) is contravened 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.

### *General provisions regulating sale, etc., possession and delivery of intoxicating liquor*

### **Restrictions on sale of certain kinds of alcohol**

**55.**—(1) A person shall not, himself or by his servant or agent, sell, make available for purchase or supply in any licensed premises any liquor which consists of or is mixed with any alcohol of a kind other than ethyl alcohol.

(2) Any person acting in contravention of paragraph (1) shall be guilty of an offence 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.

### **Penalty for permitting consumption of intoxicating liquor in unlicensed part of premises**

**56.**—(1) Where part or parts of any premises (other than premises of a kind mentioned in Article 5(1)(a) which provides accommodation for guests such as is mentioned in Article 46(3), premises of a kind mentioned in Article 5(1)(b), an hotel or a guest house) are licensed premises the holder of the licence, himself or by his servant or agent, shall not permit any other person to consume intoxicating liquor in any other part of the premises.

(2) If paragraph (1) is contravened 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.

(3) Where the holder of a licence is charged with an offence under this Article it shall be a defence to prove—

- (a) that the liquor was supplied by the person in charge of the business carried on under the licence at the expense of the holder or that person; and
- (b) that it was consumed by either—
  - (i) the holder of the licence or that person, or his guests; or
  - (ii) persons employed in the premises for the purposes of the business carried on under the licence; and
- (c) that it was consumed in a part of the premises to which the public do not have access.

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### **Penalty for breach of terms of off-licence**

**57.**—(1) Where, having purchased intoxicating liquor from the holder of an off-licence or his servant or agent, a person consumes the liquor—

- (a) in the licensed premises, or
- (b) in premises which adjoin or are near the licensed premises and which belong to the holder of the licence or are under his control or used by his permission,

then, that person and the holder of the licence, if the consumption is with his or his servant's or agent's knowledge or consent, shall be guilty of an offence.

(2) If the holder of an off-licence, himself or by his servant or agent, with intent to evade the terms of the licence takes any intoxicating liquor from the licensed premises for the purpose of its being sold on his account or for his benefit or profit, he shall be guilty of an offence.

(3) A person guilty of an offence under paragraph (1) or (2) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) For the purposes of paragraph (2), if liquor is taken for the purpose of its being consumed in any premises or place belonging to the holder of the licence, or used or occupied by him, the burden of proving that he did not intend to evade the terms of the licence shall lie upon him.

(5) In this Article “off-licence” means a licence for premises of a kind mentioned in Article 5(1)(b).

### **[<sup>F4</sup>Irresponsible drinks promotions**

**57A.**—(1) Regulations may prohibit or restrict the holder of a licence or the licence holder's servant or agent from carrying on an irresponsible drinks promotion on or in connection with the licensed premises.

(2) A drinks promotion is irresponsible if it—

- (a) relates specifically to any intoxicating liquor likely to appeal largely to persons under the age of 18,
- (b) involves the supply of any intoxicating liquor free of charge or at a reduced price on the purchase of one or more drinks (whether or not intoxicating liquor),
- (c) involves the supply free of charge or at a reduced price of one or more extra measures of intoxicating liquor on the purchase of one or more measures of the liquor,
- (d) involves the supply of unlimited amounts of intoxicating liquor for a fixed charge (including any charge for entry to the premises),
- (e) encourages, or seeks to encourage, a person to buy or consume a larger measure of intoxicating liquor than the person had otherwise intended to buy or consume,
- (f) is based on the strength of any intoxicating liquor,
- (g) rewards or encourages, or seeks to reward or encourage, consuming intoxicating liquor quickly, or
- (h) offers intoxicating liquor as a reward or prize, unless the liquor is in a sealed container and consumed off the premises.

(3) Sub-paragraphs (b) to (d) of paragraph (2) apply only to a drinks promotion carried on in relation to intoxicating liquor sold for consumption on the premises.

(4) Regulations may modify paragraph (2) or (3) so as to—

- (a) add further descriptions of drinks promotions,
- (b) modify any of the descriptions of drinks promotions for the time being listed in it, or

(c) extend or restrict the application of any of those descriptions of drinks promotions.

(5) A person who contravenes any provision of regulations made under this Article is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(6) Regulations shall not be made under this Article unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(7) In this Article “drinks promotion” means, in relation to any licensed premises, any activity which promotes, or seeks to promote, the buying or consumption of any intoxicating liquor on the premises.]

**F4** Art. 57A inserted (1.1.2013 for specified purposes) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 18\)](#), ss. 4, 18; S.R. 2012/405, art. 2, Sch.

### *Special provision with respect to young persons*

#### **Young persons prohibited from certain premises**

**58.**—(1) During the permitted hours a person under the age of 18 shall not be in—

- (a) any part of premises of a kind mentioned in Article 5(1)(a) which is—
  - (i) structurally adapted for the sale of intoxicating liquor for consumption off the premises; and
  - (ii) 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;
- (b) any part of premises of a kind mentioned in Article 5(1)(b);
- (c) any part of any other licensed premises which—
  - (i) contains a bar; or
  - (ii) is used exclusively or mainly for the sale and consumption of intoxicating liquor.

(2) The holder of a licence himself or by his servant or agent, or such a servant or agent, shall not allow a person under the age of 18 to be in any part of the licensed premises as mentioned in paragraph (1) during the permitted hours.

(3) A person shall not cause or procure any person under the age of 18 to go to, or to be in, any part of licensed premises as mentioned in paragraph (1) during the permitted hours.

(4) Paragraphs (1) and (2) shall not apply with respect to a person under the age of 18 who is in a part of premises mentioned in paragraph (1)(a) or (b) and is in the company of a person who is 18 or over.

(5) Paragraphs (1), (2) and (3) shall not apply with respect to a person under the age of 18 who is in a part of licensed premises if—

- (a) the person under 18 is in the company of a person who is 18 or over; and
- (b) the part of the licensed premises are premises for which a children's certificate is in force; and
- (c) where the premises contain a bar, the person under the age of 18 is seated at a table away from the bar; and
- (d) the certificate is operational or paragraph (6) applies.

(6) This paragraph applies where—

- (a) the person under the age of 18, or a person in whose company he is, is consuming a meal purchased before the certificate ceased to be operational, and

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(b) no more than 30 minutes have elapsed since the certificate ceased to be operational.

(7) A person under the age of 18 shall not be at the bar in a part of licensed premises for which a children's certificate is in force and the certificate is operational or paragraph (6) applies.

(8) The holder of a licence himself or by his servant or agent, or such a servant or agent, shall not allow a person under the age of 18 to be at the bar in a part of licensed premises for which a children's certificate is in force and the certificate is operational or paragraph (6) applies.

(9) A person shall not cause or procure any person under the age of 18 to go to, or to be at, the bar in a part of licensed premises for which a children's certificate is in force and the certificate is operational or paragraph (6) applies.

(10) Any person acting in contravention of paragraph (1), (2), (3), (7), (8) or (9) shall be guilty of an offence and shall be liable on summary conviction—

- (a) for a contravention of paragraph (1) or (7), to a fine not exceeding level 3 on the standard scale;
- (b) for a contravention of paragraph (2), (3), (8) or (9), to a fine not exceeding level 4 on the standard scale.

(11) In any proceedings for an offence by reason of a contravention of paragraph (2) or <sup>[F5]</sup>(8) it shall be a defence—

- (a) in the case of proceedings against the holder of the licence for an offence committed by his servant or agent, for the holder of the licence to prove that he exercised all due diligence to avoid the commission of such an offence; or
- (b) in any other case, for the holder of the licence or his servant or agent to prove—
  - (i) that he exercised all due diligence to avoid the commission of such an offence; or
  - (ii) that he had no reason to suspect that the person under the age of 18 had not attained that age.

<sup>[F6]</sup>(11A) Without prejudice to any other means of proving the exercise of all due diligence, for the purposes of paragraph (11) the holder of the licence or his servant or agent is to be treated as having exercised all due diligence to avoid the commission of an offence if—

- (a) the holder of the licence or his servant or agent was shown any of the documents specified in paragraph (11B); and
- (b) that document would have convinced a reasonable person.

(11B) The documents referred to in paragraph (11A)(a) are any document purporting to be—

- (a) a passport;
- (b) a photocard driving licence;
- (c) an electoral identity card;
- (d) a photographic identity card of a type approved by the British Retail Consortium for the purposes of its Proof of Age Scheme; or
- (e) such other document, or a document of such other description, as may be prescribed by regulations.]

(12) Where a person under the age of 18 represents himself to be the age of 18 or over for the purpose of being in any part of licensed premises as mentioned in paragraph (1) during the permitted hours, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(13) Nothing in this Article shall apply with respect to a person under the age of 18 who is—

- (a) a child of the licence holder; or

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- (b) a person who has attained the age which is the upper limit of compulsory school age and is—
  - (i) employed by the holder of the licence under a contract in writing; or
  - (ii) receiving training under a scheme approved by the Department of Economic Development; or
  - (iii) engaged in a placement scheme as part of a further or higher education course; or
- (c) resident in the licensed premises, but not employed there; or
- (d) in a part of licensed premises as mentioned in paragraph (1) solely for the purposes of passing to or from some other part of the premises which is not such a part as aforesaid and to or from which there is no other convenient means of access; or
- (e) in a refreshment room in public transport premises or in a room constructed, fitted and intended to be used for any purpose to which the holding of a licence is ancillary.<sup>[F7]</sup> or
- <sup>[F7]</sup>(f) in any part of an indoor arena (which is not a room or other place set apart as a bar) containing a kiosk or other salespoint from which food and beverages, including intoxicating liquor, are made available for purchase<sup>[F8]</sup>; or
- (g) in any part of an outdoor stadium containing a kiosk or other salespoint from which food and beverages, including intoxicating liquor, are made available for purchase.]

(14) Where a person under the age of 18 who is found in any part of 4 licensed premises as mentioned in paragraph (1) is employed by, or in training or placement with, the holder of the licence, that person or the holder shall, at the request of a constable, produce the written contract or other proof of training or placement within 7 days of the request to, or in accordance with reasonable directions of, the constable for examination, and if it is not so produced that person or, as the case may be, the holder shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

**F5** Word in art. 58(11) substituted (1.5.2012) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 18\)](#), s. 18, **Sch. 3 para. 3**; S.R. 2012/48, art. 2, Sch.

**F6** Art. 58(11A)(11B) inserted (1.5.2012) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 18\)](#), **ss. 3(1), 18**; S.R. 2012/28, art. 2, Sch.

**F7** 2004 NI 17

**F8** [Art. 58\(13\)\(g\)](#) and word inserted (1.9.2016) by [Licensing Act \(Northern Ireland\) 2016 \(c. 24\)](#), **ss. 7(2), 8(1)**

### 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

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- (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.

### **Sale, etc., of intoxicating liquor to young persons**

**60.**—(1) Subject to paragraph (5), the holder of a licence himself or by his servant or agent, or such a servant or agent, shall not—

- (a) sell or deliver intoxicating liquor to a person under the age of 18; or
- (b) sell or deliver intoxicating liquor to any person for consumption by a person under the age of 18 in the licensed premises; or
- (c) sell or deliver intoxicating liquor to any person for consumption by a person under the age of 18 off the licensed premises; or



- (d) permit a person under the age of 18 to consume intoxicating liquor—
    - (i) in the licensed premises; or
    - (ii) in premises which adjoin or are near the licensed premises and which belong to the holder of the licence or are under his control or used by his permission.
  - (2) A person under the age of 18 shall not—
    - (a) purchase intoxicating liquor; or
    - (b) consume intoxicating liquor in any place or premises except premises used only as a private residence.
  - (3) A person shall not purchase intoxicating liquor for delivery to, or consumption by, a person under the age of 18 in any place or premises except premises used only as a private residence or deliver it to, or permit it to be consumed by, him in any such place or premises.
  - (4) Subject to paragraph (5), a person shall not send a person under the age of 18 for the purpose of obtaining intoxicating liquor sold or to be sold in licensed premises for consumption off the premises whether the liquor is to be obtained from the licensed premises or other premises from which it is delivered in pursuance of the sale.
  - (5) Paragraphs (1) and (4) shall not prohibit or restrict—
    - (a) the delivery of intoxicating liquor to a person under the age of 18, where the delivery is made at the residence or working place of the purchaser;
    - (b) the employment, by the holder of a licence, of a person under the age of 18 who is a child of the licence holder or his servant, as a messenger to deliver intoxicating liquor.
  - (6) Any person acting in contravention of paragraph (1), (2), (3) or (4) shall be guilty of an offence and shall be liable on summary conviction—
    - (a) for a contravention of paragraph (1), (3) or (4), to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both;
    - (b) for a contravention of paragraph (2), to a fine not exceeding level 3 on the standard scale.
  - (7) In any proceedings for an offence by reason of the contravention of paragraph (1) it shall be a defence—
    - (a) in the case of proceedings against the holder of the licence for an offence committed by his servant or agent, for the holder of the licence to prove that he exercised all due diligence to avoid the commission of such an offence; or
    - (b) in any other case, for the holder of the licence or his servant or agent to prove—
      - (i) that he exercised all due diligence to avoid the commission of such an offence; or
      - (ii) that he had no reason to suspect that the person under the age of 18 had not attained that age.
- [<sup>F9</sup>(7A) Without prejudice to any other means of proving the exercise of all due diligence, for the purposes of paragraph (7) the holder of the licence or his servant or agent is to be treated as having exercised all due diligence to avoid the commission of an offence if—
- (a) the holder of the licence or his servant or agent was shown any of the documents specified in paragraph (7B); and
  - (b) that document would have convinced a reasonable person.
- (7B) The documents referred to in paragraph (7A)(a) are any document purporting to be—
- (a) a passport;
  - (b) a photocard driving licence;
  - (c) an electoral identity card;

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- (d) a photographic identity card of a type approved by the British Retail Consortium for the purposes of its Proof of Age Scheme; or
- (e) such other document, or a document of such other description, as may be prescribed by regulations.]

(8) Where a person under the age of 18 represents himself to be the age of 18 or over for the purpose of obtaining, or being permitted to consume, intoxicating liquor, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**F9** Art. 60(7A)(7B) inserted (1.5.2012) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 18\), ss. 3\(2\), 18; S.R. 2012/28, art. 2, Sch.](#)

### [<sup>F10</sup>Test purchases of alcohol

**60A.**—(1) Articles 58 and 60(2)(a) and (4) do not apply in relation to a person under the age of 18 who is sent into licensed premises to purchase intoxicating liquor by a constable who is acting in the course of his duty.

(2) A constable may not send a person under the age of 18 into any licensed premises to purchase intoxicating liquor unless—

- (a) the constable is satisfied that all reasonable steps have been or will be taken to avoid any risk to the welfare of that person; and
- (b) that person and a parent of that person have both consented in writing to his being sent into those premises for that purpose.

(3) The Secretary of State shall issue guidance as to the exercise by constables of their powers under this Article.]

**F10** Art. 60A inserted (8.12.2008) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\), arts. 1\(4\), 67; S.R. 2008/472, art. 2\(1\), Sch. Pt. I para. 1](#)

### Modifications etc. (not altering text)

**C1** Art. 60A(3): transfer of functions from Secretary of State to Department of Justice (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), arts. 1\(2\), 4\(1\)\(2\), Sch. 1 \(with arts. 28-31\); S.I. 2010/977, art. 1\(2\)](#)

### [<sup>F11</sup>Duty to display notice relating to age

**60B.**—(1) A holder of a licence must at all times display the notice specified in paragraph (2)—

- (a) at each place in the licensed premises where intoxicating liquor is sold; and
- (b) in a position where it is readily visible to any person seeking to purchase intoxicating liquor.

(2) The notice referred to in paragraph (1) must contain such information and be in such form and of such dimensions as are prescribed by regulations.

(3) Without prejudice to the generality of paragraph (2), the notice must contain—

- (a) such information as may be prescribed by regulations in relation to offences concerning the sale to or purchase by persons under the age of 18 of intoxicating liquor; and
- (b) a description of the documents specified in Articles 58(11B) and 60(7B).

(4) A holder of a licence acting in contravention of this Article or any provision made under this Article shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

**F11** Art. 60B inserted (1.5.2012) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 18\)](#), **ss. 3(3), 18**; S.R. 2012/28, art. 2, Sch.

### *Preservation of order*

#### **Drunkenness in licensed premises**

**61.**—(1) Where the holder of a licence himself or by his servant or agent, or such a servant or agent,—

- (a) permits drunkenness or any disorderly conduct to take place in the licensed premises, or
- (b) sells intoxicating liquor to a drunken person knowing him to be such,

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) Where any person is found drunk in licensed premises he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(3) Where the holder of a licence or his servant or agent is charged under paragraph (1)(a) with permitting drunkenness, and it is proved that any person was drunk in the licensed premises, the burden of proving that the defendant took all reasonable steps to prevent drunkenness in the premises shall lie upon him.

#### **Procuring drink for drunken person**

**62.**—(1) If any person in licensed premises procures intoxicating liquor for consumption by a drunken person he shall be guilty of an offence.

(2) If any person aids a drunken person in obtaining or consuming intoxicating liquor in licensed premises he shall be guilty of an offence.

(3) If any person without reasonable excuse brings a drunken person into licensed premises he shall be guilty of an offence.

(4) A person guilty of an offence under this Article shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) A person shall not be convicted of an offence under this Article unless the court is satisfied that he knew or ought to have known the condition of the person in connection with whom the charge is brought.

#### **Power to exclude drunken persons, etc., from licensed premises**

**63.**—(1) Without prejudice to any other right to refuse a person admission to premises or to expel a person from premises, the holder of a licence or his servant or agent may refuse to admit to, or may expel from, the licensed premises any person who is drunken, or is acting in a disorderly manner, or whose presence in the licensed premises would subject the holder of the licence to a penalty under this Order or under any other statutory provision.

(2) If any person liable to be expelled from licensed premises under this Article, when requested by the holder of the licence or his servant or agent or a constable to leave the premises, fails to do so, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

*Status: Point in time view as at 01/09/2016.*

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(3) A constable shall, on the demand of the holder of a licence or his servant or agent, help to expel from the licensed premises any person liable to be expelled from those premises under this Article, and may use such force as may be required for the purpose.

### **Riotous, disorderly or indecent behaviour in licensed premises**

**64.** A person who in any licensed premises uses—

- (a) riotous, disorderly or indecent behaviour, or
- (b) behaviour whereby a breach of the peace is likely to be occasioned,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.

### **Prostitutes not to be allowed to assemble on licensed premises**

**65.—(1)** Where the holder of a licence himself or by his servant or agent, or such a servant or agent, permits the licensed premises to be the habitual resort or place of meeting of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Paragraph (1) shall not prohibit any such persons from being permitted to remain in the premises for the purpose of obtaining reasonable refreshment for such time as is necessary for that purpose.

## *Miscellaneous*

### **Conditions as to delivery of intoxicating liquor**

**66.—(1)** A person shall not, himself or by his servant or agent,—

- (a) deliver in pursuance of a sale any intoxicating liquor from any vehicle or receptacle unless the quantity, description and price of the liquor and the name and address of the person to whom it is to be delivered had been entered before the liquor was dispatched—
  - (i) in a day book kept on the premises from which the liquor was dispatched; and
  - (ii) in a delivery book or invoice, carried by the person delivering the liquor; or
- (b) carry in any vehicle or receptacle, while in use for the delivery of intoxicating liquor in pursuance of a sale, any liquor for which there is no entry in any such day book and delivery book or invoice; or
- (c) deliver any intoxicating liquor in pursuance of a sale at any address not entered in any such day book and delivery book or invoice; or
- (d) refuse to allow a constable to examine any such vehicle or receptacle or any such day book or delivery book or invoice.

(2) Any person acting in contravention of paragraph (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) In any proceedings against the holder of a licence for an offence under this Article committed by his servant or agent it shall be a defence for him to prove—

- (a) that the commission of the offence was due to some cause beyond his control; and
- (b) that he exercised all due diligence to avoid the commission of such an offence.

### **Prohibition of consumption, etc., of intoxicating liquor at entertainments**

67.—(1) Subject to paragraph (2), it shall be unlawful to supply, consume or keep for supply or consumption intoxicating liquor at any entertainment in any premises.

(2) Paragraph (1) shall not apply to anything done at—

- (a) any entertainment organised otherwise than for purposes of private gain; or
- (b) any entertainment in licensed premises or in the premises of a club registered under the Registration of Clubs (Northern Ireland) Order 1996; or
- (c) any entertainment in connection with which an occasional licence has been granted.

(3) Where a person—

- (a) himself or by his servant or agent, supplies or keeps for supply or consumption intoxicating liquor in contravention of paragraph (1), or
- (b) being a person concerned in the organisation of an entertainment, himself or by his servant or agent, permits any person to supply, consume or keep for supply or consumption intoxicating liquor in contravention of paragraph (1), or
- (c) being the holder of a licence, himself or by his servant or agent, delivers intoxicating liquor to any premises mentioned in paragraph (1) or permits it to be so delivered, or
- (d) consumes intoxicating liquor in contravention of paragraph (1),

he shall be guilty of an offence 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 and, except in the case of an offence under sub-paragraph (c), any intoxicating liquor found in his possession and its containers shall be liable to be forfeited.

(4) Where paragraph (1) is contravened, every occupier of the premises who is proved to have had knowledge of or consented to the contravention shall be guilty of an offence under this Article.

(5) Subject to paragraph (6), for the purposes of this Article, an entertainment shall be deemed to have been organised for private gain if any pecuniary advantage accrued or was intended to accrue to any person concerned in its organisation as a result of the entertainment; and in determining whether any such advantage so accrued or was intended to accrue no account shall be taken of any expenditure incurred in connection with the entertainment.

(6) An entertainment shall not be deemed to have been organised for private gain if the whole proceeds of the entertainment, after deducting the expenses of the entertainment, are devoted to purposes other than private gain.

(7) Any person who organises an entertainment to which paragraph (2)(a) applies shall—

- (a) make, and keep for a period of at least 18 months, records and accounts relating to that entertainment;
- (b) record in those accounts the purposes for which the proceeds of the entertainment are to be applied; and
- (c) inform all potential participants of those purposes.

(8) The person who organises an entertainment to which paragraph (2)(a) applies shall, not less than 7 days before the date on which the entertainment is to take place, serve notice of the entertainment upon the sub-divisional commander of the police sub-division in which the premises where the entertainment is to take place are situated.

(9) Nothing in this Article shall affect the delivery or supply of intoxicating liquor to, or the consumption of intoxicating liquor by, a person in premises in which he is residing; and in determining for the purpose of this Article whether an entertainment is being held in any premises, the presence of persons residing in the premises shall be disregarded.

*Status: Point in time view as at 01/09/2016.*

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(10) Without prejudice to Article 80, for the purposes of this Article a vessel shall be deemed to be premises and paragraph (4) shall apply to the master of a vessel as it applies to the occupier of premises.

### **Prohibition of consumption, etc., of intoxicating liquor in certain premises**

**68.**—(1) Subject to paragraph (2), it shall be unlawful to supply, consume or keep for supply or consumption intoxicating liquor in any premises used by a club.

(2) Paragraph (1) shall not apply to—

- (a) any licensed premises or the premises of a club registered under the Registration of Clubs (Northern Ireland) Order 1996; or
- (b) any premises for which an occasional licence has been granted.

(3) Where a person—

- (a) himself or by his servant or agent, supplies or keeps for supply or consumption intoxicating liquor in contravention of paragraph (1), or
- (b) himself or by his servant or agent, permits any person to supply, consume or keep for supply or consumption intoxicating liquor in contravention of paragraph (1), or
- (c) being the holder of a licence, himself or by his servant or agent, delivers intoxicating liquor to any premises mentioned in paragraph (1) or permits it to be so delivered, or
- (d) consumes intoxicating liquor in contravention of paragraph (1),

he shall be guilty of an offence 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 and, except in the case of an offence under sub-paragraph (c), any intoxicating liquor found in his possession and its containers shall be liable to be forfeited.

(4) Where paragraph (1) is contravened, every occupier of the premises who is proved to have had knowledge of or consented to the contravention shall be guilty of an offence under this Article.

(5) Nothing in this Article shall affect the delivery or supply of intoxicating liquor to, or the consumption of intoxicating liquor by, a person in premises in which he is residing.

(6) Without prejudice to Article 80, for the purposes of this Article a vessel shall be deemed to be premises and paragraph (4) shall apply to the master of a vessel as it applies to the occupier of premises.

### **Persons found on unlicensed premises, etc.**

**69.**—(1) Where on any premises or in any place any liquor is sold or made available for purchase or permitted to be consumed in contravention of Article 3, 55 or 56, any person found there shall, unless he proves that he is there for a lawful purpose, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) Where, on being asked by a constable for his name and address, a person found as mentioned in paragraph (1)—

- (a) refuses to give them; or
- (b) gives a false name or address; or
- (c) refuses to answer satisfactorily any question put to him to ascertain the correctness of the name or address given,

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

**Status:**

Point in time view as at 01/09/2016.

**Changes to legislation:**

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