

STATUTORY INSTRUMENTS

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 ^{F1}....

(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.

F1 Words in [art. 50\(1\)](#) repealed (1.10.2021) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\)](#), ss. 1(8), 47(2), [Sch. 2](#); S.R. 2021/247, art. 2, Sch.

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 ^{F2}; and paragraph (4A) shall apply in relation to the restaurant.]

(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—

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- (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
- (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.

[^{F3}(4A) Where a restaurant is licensed for the sale of intoxicating liquor, the holder of the licence must at all times display the notice specified in paragraph (4B)—

- (a) at each part of the restaurant mentioned in paragraph (4)(a)(ii); and
- (b) in a position where it is readily visible to any person seeking to purchase intoxicating liquor.

(4B) The notice referred to in paragraph (4A) must—

- (a) contain such information in relation to the conditions mentioned in paragraph (3) as is prescribed in regulations, and
- (b) be in such form and of such dimensions as are so prescribed.]

(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.

[^{F4}(6) A holder of a licence acting in contravention of paragraph (4A) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

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| F2 | Words in art. 51(2) inserted (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 17(2) , 47(2); S.R. 2022/63, art. 2, Sch. |
| F3 | Art. 51(4A)(4B) inserted (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 17(1) , 47(2); S.R. 2022/63, art. 2, Sch. |
| F4 | Art. 51(6) inserted (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 17(3) , 47(2); S.R. 2022/63, art. 2, Sch. |

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.

[^{F5}^{F6}Indoor arenas and outdoor stadia]

52A.—(1) Where an indoor arena [^{F7}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.]

F5 2004 NI 17

F6 Art. 52A heading substituted (1.9.2016) by [Licensing Act \(Northern Ireland\) 2016 \(c. 24\), ss. 7\(1\), 8\(1\)](#)

F7 Words in art. 52A(1) inserted (1.9.2016) by [Licensing Act \(Northern Ireland\) 2016 \(c. 24\), ss. 7\(1\), 8\(1\)](#)

[^{F8}Local producer’s licence: sales on own premises

52B.—(1) A local producer’s licence shall not authorise—

- (a) the sale of intoxicating liquor unless it is produced in the production premises;
- (b) the sale of intoxicating liquor for consumption in the production premises, except in so far as that is permitted by Articles 52E and 52F.

(2) But a local producer’s licence shall, where one or more persons are being given a tour of the production premises, authorise the provision to each person of a sample of intoxicating liquor produced in the premises for consumption in the premises, so long as no charge is made for providing the sample separate from the charge made for giving the tour.

(3) In paragraph (2), “sample”, in relation to intoxicating liquor, means an amount (whether in one serving or more) which does not exceed the amount prescribed in regulations.

(4) Where the holder of a local producer’s licence, personally or by a servant or agent, sells intoxicating liquor or makes it available for purchase in the production premises in contravention of paragraph (1), the holder is guilty of an offence.

(5) Where the holder of a local producer’s licence, personally or by a servant or agent, provides a person with intoxicating liquor in contravention of paragraph (2), the holder is guilty of an offence.

(6) Where intoxicating liquor is available for purchase in accordance with this Article, the holder of the local producer’s licence shall at all times display in the production premises a notice in the form and manner, and containing the information, prescribed by regulations; and a person acting in contravention of this paragraph is guilty of an offence.

(7) Where, having purchased intoxicating liquor from the holder of a local producer’s licence, a person consumes the liquor—

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

that person and the holder of the licence, if the consumption is with the holder’s or a servant’s or agent’s knowledge or consent, are each guilty of an offence.

(8) A person guilty of an offence under paragraph (4) is liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

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(9) A person guilty of an offence under paragraph (5), (6) or (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(10) In this Article and Articles 52C to 52F—

“local producer’s licence” means a licence for premises of a kind mentioned in Article 5(1)(m), and

“production premises”, in relation to a local producer’s licence, means the premises to which the licence relates.

F8 Arts. 52B-52D and heading inserted (6.4.2022) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), ss. 10\(3\), 47\(2\); S.R. 2022/63, art. 2, Sch.](#)

Local producer’s licence: sale on other licensed premises

52C.—(1) A local producer’s licence shall authorise the holder of the licence, personally or by a servant or agent, to sell by retail in licensed premises to which this Article applies intoxicating liquor produced in the production premises if the sale—

- (a) is for consumption off those licensed premises, and
- (b) is ancillary to an event which is held wholly or mainly to promote food, drink or craftwork produced in Northern Ireland or relates to agriculture in Northern Ireland.

(2) The licensed premises to which this Article applies are—

- (a) an hotel;
- (b) a conference centre;
- (c) an indoor arena;
- (d) an outdoor stadium;
- (e) a place or premises specified in an occasional licence.

(3) Regulations may modify paragraph (2) so as to add or remove a reference to licensed premises of a specified kind.

(4) Regulations may not be made under paragraph (3) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(5) Where the holder of a local producer’s licence, personally or by a servant or agent, sells intoxicating liquor or makes it available for purchase in contravention of paragraph (1), the holder is guilty of an offence.

(6) Where intoxicating liquor is made available for purchase in accordance with this Article, the holder of the local producer’s licence shall at all times display in the licensed premises to which this Article applies at the point of sale of the intoxicating liquor a notice in the form and manner, and containing the information, prescribed in regulations; and a person acting in contravention of this paragraph is guilty of an offence.

(7) A person guilty of an offence under paragraph (5) is liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

(8) A person guilty of an offence under paragraph (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

F8 Arts. 52B-52D and heading inserted (6.4.2022) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), ss. 10\(3\), 47\(2\); S.R. 2022/63, art. 2, Sch.](#)

Local producer's licence: sales not on licensed premises

52D.—(1) A local producer's licence shall authorise the holder of the licence, personally or by a servant or agent, to sell by retail in a place which is not licensed premises intoxicating liquor produced in the production premises if the sale—

- (a) is for consumption away from that place, and
- (b) is ancillary to an event being held at that place, which is open to the public and in relation to which each of the following three conditions is satisfied.

(2) The first condition is that the Department, in response to a request made by the person organising the event, has published a statement that, in its opinion, the event—

- (a) is being held to promote food, drink or craftwork produced in Northern Ireland or relates to agriculture in Northern Ireland, and
- (b) is of importance to the area of Northern Ireland in which it is being held.

(3) The second condition is that a senior local police officer, in response to a request made by the person organising the event, has given the person written approval for intoxicating liquor to be sold at the event for consumption away from the place where the event is being held.

(4) The third condition is that a senior local police officer, in response to a request made by the holder of the local producer's licence, has given the holder written approval for the sale by the holder, or a servant or agent, of intoxicating liquor at the event in accordance with this Article.

(5) A request under paragraph (2), (3) or (4) must be made in writing at least two weeks before the day (or the first day) on which the event is due to be held.

(6) In considering a request under paragraph (2), the Department must consult such persons as it considers appropriate.

(7) The holder of a local producer's licence is also authorised to provide any person at the event in question with a sample of the intoxicating liquor for consumption at the event as an inducement to purchase the intoxicating liquor; and for this purpose, "sample" has the same meaning as in Article 52B.

(8) A person who, being the holder of a local producer's licence, personally or by a servant or agent, sells intoxicating liquor or makes it available for purchase in contravention of paragraph (1), is guilty of an offence.

(9) Where the holder of a local producer's licence, personally or by a servant or agent, provides a person with intoxicating liquor in contravention of paragraph (7), the holder is guilty of an offence.

(10) Where intoxicating liquor is made available for purchase in accordance with this Article, the holder of the local producer's licence shall at all times display at the point of sale of the intoxicating liquor a notice in the form and manner, and containing the information, prescribed by regulations; and a person acting in contravention of this paragraph is guilty of an offence.

(11) Where, having purchased intoxicating liquor from the holder of a local producer's licence, a person consumes the liquor at the place where the event is being held, that person and the holder of the licence, if the consumption is with the holder's or a servant's or agent's knowledge or consent, are each guilty of an offence.

(12) A person guilty of an offence under paragraph (8) is liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

(13) A person guilty of an offence under paragraph (9), (10) or (11) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(14) In this Article—

- "place" includes "premises", and

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“senior local police officer” means a police officer of, or above, the rank of inspector designated for the purpose of giving approvals under this Article by the district commander for the police district in which the place where the event is being held is situated.]

F8 Arts. 52B-52D and heading inserted (6.4.2022) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), ss. 10\(3\)](#), 47(2); S.R. 2022/63, art. 2, Sch.

[^{F9}Local producer’s premises: suitability for on-sales

52E.—(1) In respect of premises which are of a kind mentioned in Article 5(1)(m) and part of which is structurally adapted, and used or intended to be used, for the purpose of providing persons frequenting the premises with intoxicating liquor produced in the premises for consumption in the premises—

- (a) a county court which grants a local producer’s licence or declares a local producer’s 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, on the application of the holder of the local producer’s licence made in compliance with the procedure set out in Schedule 9,

may, by order, specify any part of the premises as being suitable for the sale of intoxicating liquor produced in the premises for consumption in the premises during the hours specified in Article 42(6).

(2) A court shall not make an order under paragraph (1) unless it is satisfied that the part of the premises specified in the order is suitable for the sale of intoxicating liquor produced in the premises for consumption in the premises.

(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 8 of the Magistrates’ Courts (Northern Ireland) Order 1981, the court is not satisfied that the requirements of paragraph (2) have continued to be complied with.]

F9 Art. 52E inserted (1.6.2022) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), ss. 11\(1\)](#), 47(2); S.R. 2022/133, art. 2, Sch.

[^{F10}Local producer’s premises: authorisation for on-sales

52F.—(1) In the case of premises of a kind specified in Article 5(1)(m) in respect of which an application has been made for an order under Article 52E, the court hearing the application may, if it makes the order, also grant an authorisation under this Article on an application made in compliance with the procedure set out in Schedule 10.

(2) In the case of premises of that kind in respect of which an order under Article 52E has effect, a court of summary jurisdiction may, on an application made in compliance with the procedure set out in Schedule 10, grant an authorisation under this Article.

(3) An authorisation under this Article may authorise the holder of the local producer’s licence, on the day and during the hours specified in the authorisation, to sell in the part of the premises to which the order under Article 52E applies intoxicating liquor produced in the production premises for consumption in that part of the premises.

(4) Not more than 104 authorisations shall be granted under this Article to the holder of a local producer’s licence in any year.

(5) Regulations may modify paragraph (4) so as to substitute a different number of authorisations for the time being specified there.

(6) Regulations may not be made under paragraph (5) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(7) Nothing in this Article permits an authorisation under this Article to authorise the sale of intoxicating liquor on Christmas Day.

(8) Where the holder of a local producer's licence, personally or by a servant or agent, sells intoxicating liquor or makes it available for purchase in contravention of an authorisation under this Article, the holder is guilty of an offence.

(9) Where intoxicating liquor is made available for purchase in accordance with an authorisation under this Article, the holder of the local producer's licence shall at all times display in the part of the premises to which the order under Article 52E applies a notice in the form and manner, and containing the information, prescribed in regulations; and a person acting in contravention of this paragraph is guilty of an offence.

(10) A person guilty of an offence under paragraph (8) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(11) A person guilty of an offence under paragraph (9) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

F10 Art. 52F inserted (1.6.2022) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\)](#), ss. **11(1)**, 47(2); S.R. 2022/133, art. 2, Sch.

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.

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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](#)