
STATUTORY INSTRUMENTS

1996 No. 3158

The Licensing (Northern Ireland) Order 1996

PART IV

CONDUCT OF LICENSED PREMISES, ETC.

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.

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).