

STATUTORY INSTRUMENTS

1996 No. 3158

The Licensing (Northern Ireland) Order 1996

PART V

ENFORCEMENT

Suspension of licences

Suspension of licences

72.—(1) An application for the suspension of a licence until—

- (a) the end of the then current licensing period, or
- (b) in the case of a licence which a court has determined shall remain in force for a lesser period, the end of that lesser period,

may be made by the sub-divisional commander of the police sub-division in which the premises to which the application relates are situated to a court of summary jurisdiction on any of the grounds on which objection may be made to an application for renewal of the licence.

[^{F1}(1A) The grounds specified in Article 15(2)(b) (fitness to hold licence) include the grounds that, following a person becoming or ceasing to be a director of a body corporate which is the holder of the licence in question, the body is no longer fit to hold the licence.]

(2) On an application for the suspension of a licence a court shall hear representations, if any, from the holder of the licence.

(3) A court shall refuse an application for the suspension of a licence unless it is satisfied that the application is not made on grounds which have been, or ought to have been, raised previously by way of objection either when the licence was granted or on an occasion when it has been renewed.

(4) Where the court refuses an application for the suspension of the licence it shall specify in its order the reasons for its refusal.

(5) A suspended licence shall not be in force during the period of suspension except for the purposes of the provisions of this Order relating to the surrender, renewal or transfer of licences and to protection orders.

F1 Art. 72(1A) inserted (6.4.2022) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), ss. 26\(2\), 47\(2\); S.R. 2022/63, art. 2, Sch.](#)

Suspension of licences on conviction of certain offences

73.—(1) Where the holder of a licence is convicted of—

- ^{F2}(a)

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- (b) an offence under section 13 of the Criminal Law Amendment Act 1885 (permitting premises to be a brothel), where the offence was committed in the licensed premises or in premises which adjoin or are near them,

the court shall, unless satisfied that by reason of extenuating circumstances in connection with the offence (which shall be specified by the order) the licence ought not to be suspended, by order, suspend the licence.

(2) Where—

- (a) the holder of a licence is convicted of an offence under—
 - (i) any provision of this Order, ^{F3}... or
 - (ii) the Food Safety (Northern Ireland) Order 1991, where the offence was committed in or in relation to the licensed premises, or
- (b) the holder of a licence or his servant or agent is convicted of an offence under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, where—
 - (i) the offence was committed in the licensed premises, and
 - (ii) in the case of an offence committed by a servant or agent of the holder of the licence, the offence was committed with the knowledge of the holder of the licence,

the court may suspend the licence.

^{F4}(3)

(4) The period for which a licence is suspended under paragraph (1) or (2) shall be not less than 1 week or more than 3 months, except that, where in consequence of a conviction such as is mentioned in paragraph (2)(a)(ii) a prohibition order or emergency prohibition order is made under Article 10 or 11 of the said Order of 1991 prohibiting the holder of a licence from using the licensed premises for the purposes of a food business which is or includes the business authorised by the licence, the licence may be suspended for the period during which the order is in force.

(5) The suspension of a licence under paragraph (1) or (2) shall be in addition to any other penalty which may be imposed by the court.

(6) Article 72(5) shall apply where a court suspends a licence under paragraph (1) or (2) as it applies where a court suspends a licence under that Article.

(7) A licence may be suspended under paragraph (1) or (2) for any period notwithstanding that it is due to expire before the commencement of, or during, that period.

F2	Art. 73(1)(a) repealed (1.5.2012) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011 (c. 18), ss. 2(3)(a), 18, Sch. 4 ; S.R. 2012/28, art. 2, Sch.; S.R. 2012/48, art. 2, Sch.
F3	Words in art. 73(2)(a)(i) repealed (1.5.2012) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011 (c. 18), ss. 2(3)(b), 18, Sch. 4 ; S.R. 2012/28, art. 2, Sch.; S.R. 2012/48, art. 2, Sch.
F4	Art. 73(3) repealed (1.5.2012) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011 (c. 18), ss. 2(3)(c), 18, Sch. 4 ; S.R. 2012/28, art. 2, Sch.; S.R. 2012/48, art. 2, Sch.

Penalty for opening licensed premises during period of suspension

74. Where the holder of a licence himself or by his servant or agent sells intoxicating liquor or makes it available for purchase in the premises or permits it to be consumed in the premises—

- (a) on any day on which the licence for the premises is suspended, ^{F5}...

^{F5}(b)

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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 the court shall order the licence to be suspended for a period or, as the case may be, an additional period of not less than 1 month or more than 1 year.

F5 Art. 74(b) and word repealed (1.5.2012) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 18\)](#), s. 18, **Sch. 4**; S.R. 2012/48, art. 2, Sch.

Procedure in connection with suspension

75.—(1) Where the holder of a licence is charged with an offence under—

- (a) any provision of this Order, or
- (b) the Food Safety (Northern Ireland) Order 1991, where the offence was committed in or in relation to the licensed premises, or
- (c) the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 where the offence was committed in the licensed premises, or
- (d) section 13 of the Criminal Law Amendment Act 1885,

the court may require the register of licences in which particulars of the licence are recorded, or a copy of the entries therein relating to the licence, to be produced for inspection by the court before passing sentence.

(2) A court which suspends a licence ^{F6}... shall order the holder of the licence to deliver it to the clerk of the court within a period specified in the order, unless it has already been so delivered and has not been returned under paragraph (3); and if he contravenes the order 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 or to imprisonment for a term not exceeding 3 months or to both.

(3) The clerk of a court to whom a licence is delivered under paragraph (2) shall [^{F7}retain the licence] and the licence shall not be returned to the holder of the licence until the end of the period of suspension.

^{F8}(4)

F6 Words in art. 75(2) repealed (1.5.2012) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 18\)](#), s. 18, **Sch. 4**; S.R. 2012/48, art. 2, Sch.
F7 Words in art. 75(3) substituted (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), **Sch. 1 para. 110(18)** (with [Sch. 8 para. 1](#)); S.R. 2016/387, art. 2(k) (with art. 3)
F8 Art. 75(4) repealed (1.5.2012) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 18\)](#), s. 18, **Sch. 4**; S.R. 2012/48, art. 2, Sch.

Appeals against suspension of licence, etc.

76.—(1) Where a licence is suspended under Article 72 and the holder of the licence appeals, the licence shall continue in force until the appeal is determined or abandoned.

[^{F9}(2) When on conviction of an offence a licence is suspended the suspension shall not take effect—

- (a) until the expiry of the time for bringing an appeal against the conviction or against the suspension; and
- (b) if such an appeal is brought, until the appeal has been determined or abandoned.]

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F9 Art. 76(2) substituted (1.5.2012) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 18\)](#), s. 18, **Sch. 3 para. 4**; S.R. 2012/48, art. 2, Sch.

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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](#)