

SCHEDULES

SCHEDULE 2

Articles 7, 18, 29, 40, Schedule 1.

MEANING OF “SUBSISTING LICENCE”

1. Except in the circumstances mentioned in paragraph 2 or 3, a licence shall be treated as a subsisting licence only if the business authorised by the licence has been regularly carried on throughout, or for a substantial part of, the year immediately preceding the date of its surrender or, where the licence has not been in force for a year, the period from the date when it was granted to the date of its surrender.
2. Notwithstanding anything in paragraph 1, a licence shall be treated as a subsisting licence if—
 - (a) the premises specified in it—
 - (i) have, by reason of fire, tempest, or other unforeseen and unavoidable calamity, become incapable of being used for the business carried on in them under the licence; or
 - (ii) have ceased, or are likely to cease, by reason of the termination of a tenancy or an alteration in the terms of a tenancy (whether under a lease or otherwise), to be available for the business carried on in them under the licence; or
 - (iii) have been, or are likely to be, acquired or demolished, either wholly or to a substantial extent, under any statutory provision; or
 - (iv) have been, or are to be, extended to include other premises which are, or are to be constructed so as to be, contiguous to them; or
 - (v) are, or are to be, used for the purpose of the same business in conjunction with other additional premises which are or are to be constructed adjacent to them; or
 - (vi) have been, or are to be, wholly or substantially demolished and new premises have been or are to be constructed wholly or partly within their curtilage; and
 - (b) where sub-paragraph (a)(iv), (v) or (vi) applies, the business carried on under the licence has been interrupted for the purpose of enabling the extension, demolition or construction to be carried out; and
 - (c) the application for the new licence has been made within a reasonable period.
3. Notwithstanding anything in paragraph 1, a licence shall be treated as a subsisting licence if the business carried on under it has been interrupted by reason only of the suspension of the licence.

Changes to legislation:

The Licensing (Northern Ireland) Order 1996, SCHEDULE 2 is up to date with all changes known to be in force on or before 22 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

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](#)