

EXPLANATORY MEMORANDUM TO

The Licensing (Register of Licences)(Amendment) Regulations (Northern Ireland) 2012

SR No. 23

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under The Licensing (Northern Ireland) Order 1996 (the Order) and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Statutory Rule amends the Licensing (Register of Licences) Regulations (Northern Ireland) 1997 to include in the Schedule particulars of any conviction for any offence under the Order and of any penalty points endorsed on a licence or any suspension order made in consequence of a conviction and the result of any appeal.

3. Background

- 3.1. Each court district is required to keep a register of licences granted under the Licensing Order in such form as prescribed by regulations.
- 3.2. The Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011 (the Amendment Act) amends the Order which regulates the sale of intoxicating liquor by retail to the public. It, among other amendments, makes provision for a system of penalty points to be levied by the courts on licensed premises on conviction of certain offences under the Order. When the tariff of 10 penalty points is reached, a licence will be suspended for a period not exceeding 3 months.
- 3.3. Courts are required to include particulars of any conviction, penalty points endorsed on a licence and suspension orders in the register of licences.

4. Consultation

- 4.1. Correspondence with the Northern Ireland Court Service confirmed they have no issue with the minor change required to the the register of intoxicating liquor licences.

5. Equality Impact

- 5.1. In accordance with its duty under Section 75 of the Northern Ireland Act 1998 the Department has conducted a screening exercise on the legislative proposals for these Regulations. The Department has concluded that the proposals would not have significant implications for equality of opportunity and therefore considered an equality Impact Assessment was not necessary.

6. Regulatory Impact

- 6.1. These Regulations do not require a regulatory impact assessment as they do not impose costs on businesses, charities or voluntary groups.

7. Financial Implications

- 7.1. No financial implications.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied that the Statutory Rule is not incompatible with the convention rights, is not incompatible with community law, does not discriminate against a person or class of person on the grounds of religious belief or political opinion and does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. Courts do not impose penalty points for licensing offences in Great Britain, therefore the required amendment to the register of licences applies to Northern Ireland only.

11. Additional Information

- 11.1. Not applicable.