

2023 No. 72

LICENSING

**The Licensing (Form of Licence) (Amendment) Regulations
(Northern Ireland) 2023**

Made - - - - *24th April 2023*

Coming into operation *31st May 2023*

The Department for Communities(a) makes the following Regulations in exercise of the powers conferred on it by Article 33 of the Licensing (Northern Ireland) Order 1996(b) and now vested in it(c).

Citation and commencement

1. These Regulations may be cited as the Licensing (Form of Licence) (Amendment) Regulations (Northern Ireland) 2023 and come into operation on 31st May 2023.

Amendment to the Licensing (Form of Licence) Regulations (Northern Ireland) 1997

2.—(1) The Licensing (Form of Licence) Regulations (Northern Ireland) 1997(d) are amended in accordance with paragraphs (2) to (6).

(2) In Part I of Form 1 of the Schedule (Kind of Premises for which Licence Granted), after “[an outdoor stadium]” insert “[premises in which the business of producing intoxicating liquor is carried on in accordance with any certificate of registration, licence or other authorisation which is required by a statutory provision.]”.

(3) In Part III of Form 1 of the Schedule (Orders Made in Relation to the Premises as to Suitability for Extension Licences, Alternative or Additional Permitted Hours etc.)—

- (a) substitute “(Orders Made in Relation to the Premises as to Suitability for Extension Licences, Authorisations for on-sales, or Underage Functions, Alternative, Additional, or Further Additional Permitted Hours etc.)” for “(Orders Made in Relation to the Premises as to Suitability for Extension Licences, Alternative or Additional Permitted Hours etc.)”;
- (b) in paragraph B omit “or Easter Day”;
- (c) in paragraph C omit “Easter Day or Good Friday”; omit “[on weekdays,];” omit “[on Sunday, not being 31st December, from 10 in the evening to 12 in the evening]” and “[on Sunday, being 31st December, from 10 in the evening to 1 in the morning of the day next following]”;
- (d) after paragraph C insert—

(a) Formerly the Department for Social Development see section 1 (7) of the Departments Act (Northern Ireland) 2016 (2016 c.5 (N.I.))
(b) S.I. 1996 No. 3158 (N.I. 22)
(c) See Article 8(b) of and Part II of Schedule 6 to the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481)
(d) S.I. 1997 No. 20 as amended by S.R. 2004 No. 426; S.R. 2012 No. 22; S.R. 2016 No. 295 and S.R. 2016 No. 317

D. The Court sitting at _____, on the _____ day of _____ 20____, by order made under Article 44A(3) of the 1996 Order in respect of premises of a kind mentioned in Article [5(1)(a)][5(1)(c)] directed that on each of the following specified days (being days specified in the order under Article 44), namely–

an additional hour beginning immediately after the end of the period authorised by the Article 44 order, shall, in addition to the hours mentioned in Article 42 of the said Order, be included in the permitted hours for the premises, [and, for the purpose of avoiding undue inconvenience to persons residing in the vicinity of the premises, subject to the following terms and conditions–]

Dated this _____ day of _____ 20____.

Chief Clerk _____ Clerk of Petty Sessions

E. The Court sitting at _____, on the _____ day of _____ 20____, by order made under Article 44A(4) of the 1996 Order in respect of premises of a kind mentioned in Article [5(1)(a)][5(1)(c)] directed that on each of the following specified days (not being days specified in the order under Article 44) namely–

the hours that would be included in the permitted hours if each of the named days were specified in that order and an additional hour beginning immediately after the end of those hours, shall, in addition to the hours mentioned in Article 42 of the said Order, be included in the permitted hours for the premises subject to the condition that during the hours authorised by the order, the premises may be used for the sale of intoxicating liquor only if they are being used for the provision of–

1. musical or other entertainment; or
2. substantial refreshment; or
3. both such entertainment and refreshment

[and, for the purpose of avoiding undue inconvenience to persons residing in the vicinity of the premises, the following terms and conditions–]

Dated this _____ day of _____ 20____.

Chief Clerk _____ Clerk of Petty Sessions

F. The Court sitting at _____, [in [granting] [declaring final the grant of] [renewing] this licence on the _____ day of _____ 20__], [on application of the holder of the licence] for premises of a kind mentioned in Article 5(1)(m) of the 1996 Order, by order under Article 52E of the said Order specified the following part(s) of the premises as suitable for the sale of intoxicating liquor produced in the premises for consumption in the premises during the hours specified in Article 42(6) of the said Order, namely–

and which [is][are] particularly delineated on the plan lodged in Court.

Dated this _____ day of _____ 20__ .

Chief Clerk

Clerk of Petty Sessions

G. The Court sitting at _____, [in [granting] [declaring final the grant of] [renewing] this licence the _____ day of _____ 20__], [on application of the holder of the licence] for premises of a kind mentioned in Article [5(1)(a)][5(1)(c)][5(1)(e)][5(1)(f)][5(1)(g)][5(1)(k)][5(1)(l)] of the 1996 Order, by order under Article 58A(1) of the said Order specified the following part(s) of the premises as being suitable for underage functions as defined in Article 58A(2) of the said Order, namely–

and which [is][are] particularly delineated on the plan lodged in Court.

Dated this _____ day of _____ 20__ .

Chief Clerk

Clerk of Petty Sessions

- (4) In Form 2 of the Schedule,
- (a) after “The Licensing (Northern Ireland) Order 1996” insert “Part I”;
 - (b) in paragraph (1) of the “Warning to the Licence Holder” omit “, Easter Day or Good Friday”;
 - (c) in paragraph (2) for “30” substitute “60”.
- (5) In Form 2 of the Schedule, after paragraph (4) of the “Warning to the Licence Holder”, insert–

PART II

(Article 52F)

Local producer's premises: authorisation for on-sales

The holder,
of a local producer's licence authorising the sale of intoxicating liquor for consumption
in the production premises at

being premises of a kind mentioned in Article 52E(1) of the Licensing (Northern
Ireland) Order 1996, for [part of] which an order is in force under Article 52E of the
said Order, is granted authorisation to sell intoxicating liquor produced in the
production premises for consumption in the following specified part(s) of the premises,
namely–

on the following day(s) and between the hours of 4pm and 10pm:

Dated this day of 20 .

Chief Clerk

Clerk of Petty Sessions

Warning to the Licence Holder

1. This authorisation does not authorise the sale of intoxicating liquor on Christmas Day.
2. This authorisation permits the purchase of intoxicating liquor in the part or parts of the premises to which an order under Article 52E applies only on the day, and during the hours specified in the authorisation, and its consumption during those hours and the first 60 minutes after the conclusion of those hours.
3. A notice in the form and manner, and containing the information prescribed in the Licensing (Notice Relating to Local Producer's Licence) Regulations (Northern Ireland) 2022 must be displayed at all times in the part of the premises to which the order under Article 52E applies. Where a notice in the prescribed form is not displayed the licence holder is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

PART III

(Article 58B)

Authorisations for underage functions

The holder,
of a licence authorising the sale of intoxicating liquor in the premises at

being premises of a kind mentioned in Article 58A(5) of the Licensing (Northern Ireland) Order 1996, for [part of] which an order is in force under Article 58A of the said Order, is granted authorisation to hold an underage function in the following specified part(s) of those premises namely—

[between the hours of and on the day of
20] [between the hours of on the day of 20 and
ending no later than 1 in the morning of the next day], subject to the following
conditions:

1. that each dispenser of intoxicating liquor in the part of the premises for which the authorisation is in force is incapable of operation;
2. access to any other container of intoxicating liquor in that part must be prevented;
3. [include any other conditions imposed by a court].

Dated this day of 20 . *(description)*

Clerk of Petty Sessions

Warning to the Licence Holder

1. If a condition is contravened, the holder of the licence is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
2. This authorisation does not permit a licence holder to allow any person under the age of 18 attending an underage function to remain in the premises longer than 30 minutes after the authorisation has ceased.
3. This authorisation does not permit, during the period for which an authorisation is in force, for the holder of the licence, personally or by a servant or agent, to sell intoxicating liquor to, or make it available for purchase by a person aged 18 or over in the part of the premises for which the authorisation is in force.

“

A person who contravenes this condition is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

4. It also does not permit a person aged 18 or over to consume intoxicating liquor in the part of the premises for which the authorisation is in force, during the period for which it is in force, or gaming machines in any part of licensed premises in which an authorisation is in force, during the period for which it is in force. A person who contravenes this condition is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

”

(6) In Form 1 and Form 2, substitute “20 ” for all references to “19 ”.

Sealed with the Official Seal of the Department for Communities on 24th April 2023.

(L.S.)

Anthony Carleton
A senior officer of the Department for Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Licensing (Form of Licence) Regulations (Northern Ireland) 1997, to take account of changes required to the form of licence as a result of provisions within the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021. The relevant provisions authorise underage functions in specified licensed premises, further later opening for public houses and hotels, and the retail sale and consumption of intoxicating liquor in a local producer's premises under the Licensing (Northern Ireland) Order 1996.

These Regulations also remove references relating to provisions which removed additional restrictions on Good Friday, Easter Day and late night permitted hours on a Sunday.

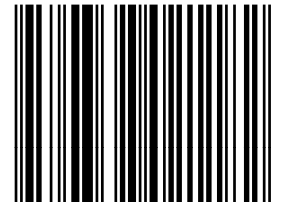
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