
STATUTORY INSTRUMENTS

1992 No. 1726 (N.I. 16)

NORTHERN IRELAND

The Licensing (Validation) (Northern Ireland) Order 1992

Made - - - - - *15th July 1992*

Coming into Operation *15th July 1992*

At the Court at Buckingham Palace, the 15th day of July 1992

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974⁽¹⁾ and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

- 1.—(1) This Order may be cited as the Licensing (Validation) (Northern Ireland) Order 1992.
- (2) This Order shall come into operation forthwith.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954⁽²⁾ shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) Expressions used in this Order and in the Licensing (Northern Ireland) Order 1990⁽³⁾ have the same meaning in this Order as in that Order.

Validation of certain protection orders, renewals, transfers, etc.

3.—(1) Where, notwithstanding sections 23 and 24 of the Licensing Act (Northern Ireland) 1971⁽⁴⁾ or Articles 28 and 29 of the Licensing (Northern Ireland) Order 1990, during the period from 3rd May 1971 until the day on which this Order is made, in connection with any licence, more than

(1) 1974 c. 28
(2) 1954 c. 33 (N.I.)
(3) 1990 NI 6
(4) 1971 c. 13 (N.I.)

one protection order has been made in favour of a person, other than a person to whom section 24(2) of that Act or, as the case may be, Article 29(2) of that Order applies (protection order made to carry on business under licence where holder of licence has become incapable through illness or other infirmity),—

- (a) any such second, and if the case so requires, subsequent protection order made in favour of that person shall be deemed to have been validly made; and
- (b) any renewal or transfer of the licence during that period, and any licence granted or issued on the surrender of the licence during that period, shall be valid and effective.

(2) Where, during the period from 3rd May 1971 until the day on which this Order is made, in connection with any licence,—

- (a) notwithstanding sections 23 and 24 of the Licensing Act (Northern Ireland) 1971⁽⁵⁾ or Articles 28 and 29 of the Licensing (Northern Ireland) Order 1990⁽⁶⁾, one or more than one protection order has been made in favour of a person on whom authority to carry on business under the licence has been conferred by section 25(1) of that Act or Article 30(1) of that Order (temporary continuance on death, bankruptcy, etc.); or
- (b) that person has carried on business under the licence by virtue of that section 25(1) or Article 30(1) for an indefinite period,

then—

- (i) any such protection order and, if the case so requires, subsequent protection order shall be deemed to have been validly made; and
- (ii) any renewal or transfer of the licence during that first-mentioned period, and any licence granted or issued on the surrender of the licence during that first-mentioned period, shall be valid and effective.

G. I. de Deney
Clerk of the Privy Council

⁽⁵⁾ 1971 c. 13 (N.I.)
⁽⁶⁾ 1990 NI 6

EXPLANATORY NOTE

(This note is not part of the Order)

This Order validates protection orders made in relation to, and renewals, transfers and the issue of, licences for the sale of intoxicating liquor where more than one protection order has been made contrary to the provisions of the Licensing Act (Northern Ireland) 1971 or the Licensing (Northern Ireland) Order 1990.