

SCHEDULE

CONSEQUENTIAL AMENDMENTS

The Criminal Justice (Northern Ireland) Order 2008 (NI 1)

4.—(1) Article 70 (designated public places) is amended as follows.

(2) In paragraph (2) (places that are not designated public places for the purposes of Articles 68 to 71 of that Order), after sub-paragraph (a) insert—

“(aa) a relevant pavement café area;”.

(3) After paragraph (6) insert—

“(7) In this Article “a relevant pavement café area” means a public area which—

- (a) is an area shown under section 5 of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 on the plan in a pavement café licence which is in force;
- (b) for the time being has temporary furniture on it that under the terms of that licence is permitted to be on that area at that time;
- (c) is associated with licensed premises which are—
 - (i) premises of a kind mentioned in Article 5(1)(a) of the Licensing (Northern Ireland) Order 1996;
 - (ii) a hotel;
 - (iii) a guest house in which the business of a restaurant is carried on;
 - (iv) a restaurant; or
 - (v) a refreshment room in public transport premises; and
- (d) is not subject to an alcohol condition.

(8) For the purposes of paragraph (7)—

- (a) the area is “associated with” particular premises if those premises are (or are part of) the premises in respect of which the pavement café licence relating to the area was granted;
- (b) the area is “subject to an alcohol condition” if the pavement café licence relating to the area includes a condition requiring the licence holder not to permit persons to consume intoxicating liquor when using furniture on the area.”.

5.—(1) Article 72 (interpretation of Articles 68 to 71) is amended as follows.

(2) In the definition of “intoxicating liquor”, “licensed premises” and “occasional licence”—

- (a) before “intoxicating liquor” insert “guest house”, “hotel”;
- (b) for “and “occasional licence”” substitute “, “occasional licence”, “public transport premises” and “restaurant””.
- (3) after that definition insert—
“pavement café licence”, “public area” and “temporary furniture” have the same meanings as in the Licensing of Pavement Cafés Act (Northern Ireland) 2014;”.