



2021 CHAPTER 7

PART 1

LICENSING

Conduct of licensed premises

Restaurants and guest houses: notice displaying licence conditions

17.—(1) In Article 51 of the Licensing Order (conditions as to sale etc. in guest houses and restaurants), after paragraph (4) insert—

“(4A) Where a restaurant is licensed for the sale of intoxicating liquor, the holder of the licence must at all times display the notice specified in paragraph (4B)—

- (a) at each part of the restaurant mentioned in paragraph (4)(a)(ii); and
- (b) in a position where it is readily visible to any person seeking to purchase intoxicating liquor.

(4B) The notice referred to in paragraph (4A) must—

- (a) contain such information in relation to the conditions mentioned in paragraph (3) as is prescribed in regulations, and
- (b) be in such form and of such dimensions as are so prescribed.”

(2) In paragraph (2) of that Article, at the end insert “; and paragraph (4A) shall apply in relation to the restaurant.”

(3) After paragraph (5) of that Article insert—

“(6) A holder of a licence acting in contravention of paragraph (4A) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

(4) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

“51(6)	Failure to display notice relating to licence conditions.	3-4”
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Prohibition on self-service and sales by vending machines

18.—(1) After Article 54 of the Licensing Order insert—

“Self-service and vending machines

Prohibition on self-service and sales by vending machines

54A.—(1) In any licensed premises, intoxicating liquor must not be sold or made available for purchase for consumption in or off the premises in a form which would enable a person to whom it was sold (or a person that person is with) to operate the dispenser of the liquor.

(2) In any licensed premises, intoxicating liquor must not be sold or made available for purchase for consumption in or off the premises by means of a vending machine.

(3) The activities prohibited by this Article include making available in a public or common part of the premises concerned intoxicating liquor for consumption in or off the premises which, in the absence of the licence holder or a servant or agent, persons are trusted by the licence holder—

- (a) to pay for by placing money in a container, or by some other process, which the licence holder has provided for that purpose in a public or common part of the premises, or
- (b) to agree to pay for by recording by a process which the licence holder has provided for that purpose in a public or common part of the premises the intoxicating liquor appropriated.

(4) Regulations may provide that, where prescribed conditions are satisfied, paragraph (2) does not apply in the case of—

- (a) licensed premises within Article 5(1)(a) which provide accommodation for guests such as is mentioned in Article 46(3);
- (b) licensed premises within Article 5(1)(c);
- (c) licensed premises within Article 5(1)(d).

(5) A holder of a licence acting in contravention of paragraph (1) or (2) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

“54A(5)	Selling intoxicating liquor in a form which enables self-service or by means of vending machine	3-4”
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Restrictions on off-sales drinks promotions in supermarkets etc.

19.—(1) After Article 57 of the Licensing Order insert—

“Restrictions on off-sales drinks promotions in supermarkets etc.

57ZA.—(1) In the case of licensed premises of a kind mentioned in Article 5(1)(b) (other than premises the whole of which may be used for the sale of intoxicating liquor), the holder of the licence, personally or by a servant or agent, or such a servant or agent, must not carry on an off-sales drinks promotion relating to those licensed premises on any part of the premises of which the licensed premises form part other than a part in which intoxicating liquor is made available for purchase.

(2) In the case of licensed premises of a kind mentioned in Article 5(1)(b), the holder of the licence, personally or by a servant or agent, or such a servant or agent, must not carry on an off-sales drinks promotion relating to those licensed premises—

- (a) anywhere in the vicinity of the premises of which the licensed premises form the whole or part, or
- (b) anywhere in the vicinity of any other premises of which licensed premises of a kind mentioned in Article 5(1)(b) form the whole or part.

(3) In paragraph (2), the reference to the vicinity of premises is to the area that extends 200 metres from the boundary of the premises.

(4) Regulations may modify paragraph (3) so as to substitute a different distance for the distance for the time being specified there.

(5) A person acting in contravention of paragraph (1) or (2) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) In this Article, “off-sales drinks promotion”, in relation to licensed premises, means an activity which promotes, or seeks to promote, in relation to those premises specifically the purchase on the premises of intoxicating liquor for consumption off the premises.

(7) A reference in this Article to carrying on an off-sales drinks promotion in relation to licensed premises—

- (a) includes a reference to displaying or making available a publication which relates wholly or mainly to promoting the purchase on those premises of intoxicating liquor for consumption off the premises;
- (b) does not include a reference to carrying on an activity which promotes, or seeks to promote, the purchase of intoxicating liquor as part of a combination of products designed to constitute a meal;
- (c) does not include a reference to the provision of a scheme of the kind referred to in Article 57ZB.

(8) Regulations may not be made under paragraph (4) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

(2) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

“57ZA(5)	Breaching restrictions on drinks promotions	3-4”
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Prohibition of loyalty schemes

20.—(1) After Article 57ZA of the Licensing Order (inserted by section 19(1)) insert—

“Prohibition of loyalty schemes

57ZB.—(1) The holder of a licence for premises of any kind mentioned in Article 5(1) must not operate a scheme which—

- (a) provides awards to a member of the scheme in consequence of the purchase by the member of intoxicating liquor in the premises, and
- (b) entitles the member to redeem the awards, in the amount specified in the scheme, in exchange for the opportunity to purchase intoxicating liquor at a reduced price or to receive it free of charge.

(2) A person acting in contravention of paragraph (1) is guilty of an offence and is liable on conviction to a fine not exceeding level 5 on the standard scale.”.

(2) In Part 3 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 5 fine) insert at the appropriate place—

“57ZB(2)	Operating a loyalty scheme	5-6”
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Minimum price for alcohol

21.—(1) The Department of Health must, before the third anniversary of the whole of this Act coming into operation—

- (a) bring forward to the Assembly legislation to set a minimum price for the sale or supply of intoxicating liquor in Northern Ireland and to prohibit its sale or supply in Northern Ireland below that price, or
- (b) if it is not reasonably practicable for the Department to comply with paragraph (a), make a statement to the Assembly on why it is not reasonably practicable to do so.

(2) In this section, “intoxicating liquor” has the same meaning as in the Licensing Order.

Occasional licences: conditions

22.—(1) In Schedule 7 to the Licensing Order (application for occasional licence), after paragraph 4 insert—

“**4A.** The district commander mentioned in paragraph 2(a) may appear at the hearing of the application to request that the licence be granted subject to the terms and conditions specified by the district commander.”.

(2) In Article 30 of the Licensing Order (occasional licence), in paragraph (1), after sub-paragraph (c) insert “, and

- (d) if a request has been made under paragraph 4A of Schedule 7, subject to such terms and conditions,”.

(3) In that Article, after paragraph (4) insert—

“(4A) In the case of an occasional licence which is subject to terms and conditions imposed under paragraph (1)(d), a court of summary jurisdiction may, if it is satisfied on an application by the holder of the licence that it is appropriate to do so, vary or remove any of those terms or conditions.

(4B) Schedule 7 applies in relation to an application under paragraph (4A) as it applies in relation to an application for the grant of an occasional licence.”.

(4) In that Article, after paragraph (8) insert—

“(8A) Where an occasional licence has been granted subject to terms and conditions under paragraph (1)(d) and any of those terms or conditions is not observed, the holder of the licence shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(5) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine) insert at the appropriate place—

“30(8A)	Failure to observe term or condition of occasional licence	3-4”
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