
STATUTORY INSTRUMENTS

1987 No. 1277

The Licensing (Northern Ireland) Order 1987

Suspension of licences

12.—(1) After section 71(2) of the Licensing Act (suspension of licences) there shall be inserted

“(2A) Without prejudice to subsection (2), where the holder of a licence in respect of any premises is convicted of an offence under—

- (a) section 41(1)(a) by virtue of a contravention of—
 - (i) section 43 or 45; or
 - (ii) section 46 in relation to the hours mentioned in section 43; or
- (b) section 49(9) or 57(4); the court, instead of suspending the licence under subsection (2), may—
 - (i) in the case of an offence under section 41(1)(a), order that the premises shall not be premises to which section 43, section 45 or, as the case may require, section 46 in relation to the hours mentioned in section 43 applies; or
 - (ii) in the case of an offence under section 49(9), order that the premises shall not be premises to which section 49 applies; or
 - (iii) in the case of an offence under section 57(4), order that the premises shall not be premises to which section 43 applies; for such period as the court may determine.”.

(2) In section 72 of the Licensing Act (penalty for opening licensed premises during period of suspension)—

- (a) for the words from the beginning to “himself” there shall be substituted “Where the holder of a licence himself”;
- (b) after “consumed in the premises” there shall be inserted—
 - “(a) on any day on which the licence for the premises is suspended; or
 - (b) in the case of premises to which an order under section 71(2A) applies, outside the permitted hours specified in section 42(1)”;
- (b) for “an additional period” there shall be substituted “a period or, as the case may be, an additional period”.

(3) In section 73 of the Licensing Act (procedure in connection with suspension)—

- (a) in subsection (2) after “a licence” there shall be inserted “or makes an order under section 71(2A)”;
- (b) in subsection (3)(b) at the beginning there shall be inserted “subject to subsection (4)”;
- (c) after subsection (3) there shall be added—

“(4) The clerk of petty sessions who keeps the register as mentioned in subsection (3) shall, in the case of a licence for premises with respect to which an order under

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section 71(2A) applies, note the effect of the order and the period for which it has effect on the licence.”.

(4) For section 74 of the Licensing Act (suspension of licence not to take effect pending appeal against conviction) there shall be substituted—

“**74.** Where on conviction of an offence a licence is suspended or an order under section 71(2A) is made the suspension or, as the case may be, the order shall not take effect

- (a) until the expiry of the time for bringing an appeal against the conviction or against the suspension or as the case may be, the making of the order, and
- (b) if such an appeal is brought, until the appeal has been determined or abandoned.”.