
STATUTORY INSTRUMENTS

1987 No. 1277

The Licensing (Northern Ireland) Order 1987

Prohibition of consumption of intoxicating liquor at entertainments organised for gain

3.—(1) After section 1 of the Licensing Act there shall be inserted—

“Prohibition of consumption of intoxicating liquor at entertainments organised for gain.

1A.—(1) Subject to subsection (2), it shall be unlawful to supply, keep for consumption or consume intoxicating liquor at any entertainment organised for gain in any premises.

(2) Subsection (1) shall not apply to anything done at—

- (a) any entertainment in licensed premises or in the premises of a club registered under the Registration of Clubs (Northern Ireland) Order 1987; or
- (b) any entertainment in connection with which an occasional licence has been granted.

(3) Subject to subsection (4), for the purposes of this section, an entertainment shall be deemed to have been organised for gain if any pecuniary advantage accrued or was intended to accrue to any person concerned in its organisation as a result of the entertainment; and in determining whether any such advantage so accrued or was intended to accrue no account shall be taken of any expenditure incurred in connection with the entertainment.

(4) An entertainment shall not be deemed to have been organised for gain if the whole proceeds of the entertainment, after deducting the expenses of the entertainment, are devoted to purposes other than private gain.

(5) Nothing in this section shall affect the delivery or supply of intoxicating liquor to, or the consumption of intoxicating liquor by, a person in premises in which he is residing; and in determining for the purpose of this section whether an entertainment is being held in any premises, the presence of persons residing in the premises shall be disregarded.”.

(2) After section 52 of the Licensing Act there shall be inserted—

“Penalty for consumption of intoxicating liquor at entertainments organised for gain.

52A.—(1) Where a person—

- (a) himself or by his servant or agent, supplies or keeps intoxicating liquor for consumption in contravention of section 1A(1); or
- (b) being a person concerned in the organisation of an entertainment, himself or by his servant or agent, permits any person to supply, keep for consumption or consume intoxicating liquor in contravention of section 1A(1); or
- (c) being the holder of a licence, himself or by his servant or agent, delivers intoxicating liquor to any premises mentioned in section 1A(1) or permits it to be so delivered; or
- (d) consumes intoxicating liquor in contravention of section 1A(1); he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or

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both and, except in the case of an offence under paragraph (c), any intoxicating liquor found in his possession and its containers shall be liable to be forfeited.

(2) Where section 1A(1) is contravened, every occupier of the premises who is proved to have had knowledge of or consented to the contravention shall be guilty of an offence under this section.

(3) Without prejudice to section 79, for the purposes of this section a vessel shall be deemed to be premises and subsection (2) shall apply to the master of a vessel as it applies to the occupier of premises.”.

(3) In section 79(6) of the Licensing Act (licences for non-seagoing vessels) for “and section 52(3)” there shall be substituted “section 52(3) and section 52A(3)”.