
STATUTORY INSTRUMENTS

1990 No. 594

The Licensing (Northern Ireland) Order 1990

PART III

PERMITTED HOURS

The permitted hours

General permitted hours

47.—(1) Subject to the succeeding provisions of this Part, the permitted hours for premises of a kind mentioned in Article 6(1)(a), (c), (d), (f) and (g) are the hours—

- (a) on week-days, other than Good Friday or Christmas Day, from half past 11 in the morning to 11 in the evening; and
- (b) on Good Friday from 5 in the afternoon to 11 in the evening.

(2) The permitted hours for premises of a kind mentioned in Article 6(1)(b) are the hours on week-days, other than Christmas Day, from half past 9 in the morning to 9 in the evening.

Permitted hours in certain premises on Sunday and Christmas Day

48. In addition to the hours mentioned in Article 47(1), the permitted hours for—

- (a) premises of a kind mentioned in Article 6(1)(a);
- (b) an hotel;
- (c) a restaurant;
- (d) a refreshment room in an airport;

include—

- (i) except in the case of such premises mentioned in sub-paragraph (a) with respect to of which a direction under Article 8(7) or 16(4)(a) is in force, the hours on Sunday (not being Christmas Day) from half past 12 in the afternoon to 10 in the evening with a break of 4 and a half hours beginning at half past 2 in the afternoon; and
- (ii) the hours on Christmas Day from half past 12 in the afternoon to 10 in the evening.

Alternative permitted hours for off-sales

49.—(1) A court which grants a licence or declares a licence provisionally granted to be final or renews a licence for premises of a kind mentioned in Article 6(1)(a) may, upon the application of the person applying for the grant, declaration or renewal, by order direct that the permitted hours for a part of the premises for which the court imposes a condition under paragraph (2) shall be the hours mentioned in Article 47(2).

(2) Where a court which grants or renews a licence for premises of a kind mentioned in Article 6(1)(a) or declares a licence provisionally granted for such premises to be final is satisfied—

- (a) that a specified part of the premises is structurally adapted for the sale of intoxicating liquor for consumption off the premises, and
- (b) that the specified part is not connected by any internal means of passage open to customers with a part of the premises used for the sale of intoxicating liquor for consumption in the premises,

the court may insert in the licence a condition that the specified part shall not be used for the sale of intoxicating liquor for consumption in the premises.

(3) An order under paragraph (1) and the condition, if any, inserted under paragraph (2) may be revoked by a court of summary jurisdiction—

- (a) on the application of the holder of the licence; or
- (b) where, upon complaint made under Part VIII of the Magistrates' Courts (Northern Ireland) Order 1981⁽¹⁾, the court is not satisfied, in a case where the order was made under paragraph (1), that the condition mentioned in paragraph (2) has been, and the requirements of sub-paragraphs (a) and (b) of that paragraph have continued to be, complied with.

Additional permitted hours in certain premises providing entertainment

50.—(1) Subject to the provisions of this Article and Article 18(3), a court of summary jurisdiction may, on an application duly made by a person who is the holder of a licence for premises which are or include premises to which this Article applies, by order direct that—

- (a) on such days in any licensing year, and
- (b) in such part or parts of the premises,

as may be specified in the order the hours from 11 in the evening to 1 in the morning of the day next following shall, in addition to the hours mentioned in Articles 47(1) and 48, be included in the permitted hours for those premises.

(2) The procedure for applications under paragraph (1) is set out in Schedule 9.

(3) A court shall not make an order under paragraph (1) unless it is satisfied—

- (a) that each part of the premises specified in the order is structurally adapted and used or intended to be used for the purpose of habitually providing, for the accommodation of persons frequenting it, musical or other entertainment as well as substantial refreshment; and
- (b) if such an order was in force with respect to the premises during the preceding year, that—
 - (i) the requirements of sub-paragraph (a) were complied with; and
 - (ii) the business was conducted during the hours mentioned in paragraph (1) and any period immediately following their termination in such a manner as not to cause undue inconvenience to persons residing in the vicinity of the premises; and
 - (iii) the hours mentioned in paragraph (1) have not caused undue inconvenience to persons residing in the vicinity of the premises.

(4) Where upon complaint made under Part VIII of the Magistrates' Courts (Northern Ireland) Order 1981⁽²⁾, a court of summary jurisdiction is satisfied—

- (a) that the business carried on in premises to which an order under paragraph (1) applies is being conducted during the hours mentioned in that paragraph or any period immediately following their termination in such a manner as to cause undue inconvenience to persons residing in the vicinity of the premises; or

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- (b) that such hours are causing undue inconvenience to persons residing in the vicinity of the premises; or
- (c) in the case of a complaint made by the sub-divisional commander of the police sub-division in which the premises are situated, that the specified part or parts of the premises are not being used for the purpose of habitually providing substantial refreshment and entertainment,

the court may—

- (i) revoke the order; or
- (ii) modify the order or, in relation to the order, the hours mentioned in paragraph (1); or
- (iii) make the continuance of the order subject to such terms and conditions as the court thinks fit.

(5) Nothing in this Article shall permit an order to authorise the sale of intoxicating liquor on any Sunday after 1 in the morning, or on Christmas Day, Easter Day or Good Friday, or to a person admitted to the premises after half past 12 in the morning or, where the entertainment is due to end before 1 in the morning, less than half an hour before the entertainment is due to end.

(6) In this Article “entertainment” does not include any form of entertainment given otherwise than by persons actually present and performing, and no part of any premises shall be treated for the purposes of this Article as used or intended to be used for the purpose of habitually providing refreshment and entertainment unless it is used or intended to be used for the purpose of providing them after, and for a substantial period preceding, the end of the general permitted hours mentioned in Article 47(1) on every weekday or on particular weekdays in every week, any break for a period or periods not exceeding 2 weeks in any 3 successive months, or on any special occasion, or by reason of any emergency being disregarded.

(7) The premises to which this Article applies are—

- (a) an hotel;
- (b) a restaurant;
- (c) any part of premises of a kind mentioned in Article 6(1)(a) which are structurally adapted and used, or intended to be used, for the purpose of providing persons frequenting the premises with a main table meal at midday or in the evening, or both, and for which there is in force a certificate from the Northern Ireland Tourist Board stating—
 - (i) that in the opinion of the Board the premises—
 - (aa) are well equipped and well furnished and provide comfortable seating in the dining-room or rooms; and
 - (bb) are operated by a competent management and staff; and
 - (cc) provide a high standard of catering; and
 - (ii) that the premises conform to the requirements, if any, prescribed by regulations made with the concurrence of the Department of Economic Development.

Permitted hours for places of public entertainment

51. The permitted hours for a place of public entertainment are that part of the hours mentioned in Article 47(1) and in the case of a theatre, Article 48 which comprises—

- (a) the period of an entertainment; and
- (b) periods, not exceeding 30 minutes in each case, which immediately precede the commencement and immediately succeed the termination of an entertainment.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
