
STATUTORY INSTRUMENTS

1990 No. 594

The Licensing (Northern Ireland) Order 1990

PART IV

CONDUCT OF LICENSED PREMISES, ETC.

Preservation of order

Drunkenness in licensed premises

70.—(1) Where the holder of a licence himself or by his servant or agent, or such a servant or agent,—

- (a) permits drunkenness or any disorderly conduct to take place in the licensed premises, or
- (b) sells intoxicating liquor to a drunken person knowing him to be such,

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) Where any person is found drunk in licensed premises he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(3) Where the holder of a licence or his servant or agent is charged under paragraph (1)(a) with permitting drunkenness, and it is proved that any person was drunk in the licensed premises, the burden of proving that the defendant took all reasonable steps to prevent drunkenness in the premises shall lie upon him.

Procuring drink for drunken person

71.—(1) If any person in licensed premises procures intoxicating liquor for consumption by a drunken person he shall be guilty of an offence.

(2) If any person aids a drunken person in obtaining or consuming intoxicating liquor in licensed premises he shall be guilty of an offence.

(3) If any person without reasonable excuse brings a drunken person into licensed premises he shall be guilty of an offence.

(4) A person guilty of an offence under this Article shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) A person shall not be convicted of an offence under this Article unless the court is satisfied that he knew or ought to have known the condition of the person in connection with whom the charge is brought.

Power to exclude drunken persons, etc., from licensed premises

72.—(1) Without prejudice to any other right to refuse a person admission to premises or to expel a person from premises, the holder of a licence or his servant or agent may refuse to admit to, or may

expel from, the licensed premises any person who is drunken, or is acting in a disorderly manner, or whose presence in the licensed premises would subject the holder of the licence to a penalty under this Order or under any other statutory provision.

(2) If any person liable to be expelled from licensed premises under this Article, when requested by the holder of the licence or his servant or agent or a constable to leave the premises, fails to do so, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) A constable shall, on the demand of the holder of a licence or his servant or agent, help to expel from the licensed premises any person liable to be expelled from those premises under this Article, and may use such force as may be required for the purpose.

Riotous, disorderly or indecent behaviour in licensed premises

73.—(1) A person who in any licensed premises uses—

- (a) riotous, disorderly or indecent behaviour, or
- (b) behaviour whereby a breach of the peace is likely to be occasioned,

shall be guilty of an offence.

(2) A person guilty of an offence under this Article shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.

Prostitutes not to be allowed to assemble on licensed premises

74.—(1) Where the holder of a licence himself or by his servant or agent, or such a servant or agent, permits the licensed premises to be the habitual resort or place of meeting of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Paragraph (1) shall not prohibit any such persons from being permitted to remain in the premises for the purpose of obtaining reasonable refreshment for such time as is necessary for that purpose.