
STATUTORY INSTRUMENTS

1996 No. 3158

The Licensing (Northern Ireland) Order 1996

PART II

THE GENERAL LICENSING SYSTEM

Occasional licences

Occasional licences

30.—(1) A court of summary jurisdiction sitting in the county court division in which the place for which the occasional licence is sought is situated, or any such court sitting in an adjoining county court division for a petty sessions district which includes that place, or a clerk of petty sessions acting under paragraph (3), may, on an application made, in compliance with the procedure set out in Schedule 7, by a person who is the holder of a licence for premises to which this Article applies, grant an occasional licence authorising that person to sell intoxicating liquor by retail—

- (a) subject to paragraph (2), at such place, other than those premises, and
- (b) during such period not exceeding 6 days at any one time, and
- (c) between such hours, being the hours—
 - (i) on week-days between half past 11 in the morning and 1 in the morning of the day next following, or
 - (ii) on Sunday, not being 31st December, between half past 12 in the afternoon and 12 in the evening, or
 - (iii) on Sunday, being 31st December, between half past 12 in the afternoon and 1 in the morning of the day next following,

as may be specified in the occasional licence.

(2) Not more than 13 occasional licences shall be granted on one application.

(3) Subject to paragraph (4), where notice of an application for an occasional licence has been served upon the clerk of petty sessions, he may grant the occasional licence as if the application had been made to him and may do so in the absence of the applicant.

(4) Where—

- (a) a notice of objection has been served on the clerk and has not been withdrawn, or
- (b) the clerk is of the opinion, for any other reason, that an application for the grant of an occasional licence should be made to the court,

the clerk shall require the application to be made to the court and shall notify the applicant and the objectors, if any, of the requirement and of the time and place of the hearing.

(5) An occasional licence shall not authorise—

- (a) the sale of intoxicating liquor otherwise than—

- (i) as ancillary to a function to which this sub-paragraph applies which is to be held at the place and during the period and hours specified in the licence; and
- (ii) where the applicant is the holder of a licence for a restaurant, as ancillary to a main table meal; and

(b) the sale of intoxicating liquor for consumption off the place specified in the licence.

(6) The functions to which sub-paragraph (5)(a) applies are functions of an occasional nature which are organised by any body established for social, charitable or benevolent purposes or for furthering the common interests of persons associated with any trade, profession, educational or cultural activity, game or sport.

(7) The days mentioned in paragraph (1)(b) may be in the same week or consecutive weeks, but nothing in this Article shall permit an occasional licence to authorise the sale of intoxicating liquor on Christmas Day, Easter Day or Good Friday.

(8) If the holder of an occasional licence or any servant or agent of his sells intoxicating liquor in contravention of paragraph (5), 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.

(9) Where an occasional licence has been granted in connection with a function at any place, a constable may at any time during the period of the function enter that place for the purpose of ascertaining whether there has been any contravention of any provision of this Order, and if any person, himself or by his servant or agent or any other person acting with his knowledge or consent, fails or unreasonably delays to admit a constable, knowing him to be such, demanding to enter in pursuance of this paragraph, 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.

(10) In any proceedings for an offence under paragraph (9) the burden of proving that any delay in admittance was reasonable shall lie upon the defendant.

(11) An occasional licence granted in connection with a function shall, at any time during the period of the function when intoxicating liquor is sold or made available for purchase at the place specified in the licence, forthwith be produced by the person who is in charge of the sale of intoxicating liquor there for examination by a constable at his request, and if it is not so produced without reasonable excuse the holder of the licence and that person shall each be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(12) Where upon complaint made under Part VIII of the Magistrates' Courts (Northern Ireland) Order 1981, a court of summary jurisdiction is satisfied that functions held at the place specified in an occasional licence have been conducted so as to cause undue inconvenience to persons residing in the vicinity of that place, that court may—

- (a) revoke any other occasional licences granted in respect of that place; or
- (b) order that the place specified in the licence shall not be a place for which an occasional licence may be granted; or
- (c) make any licences mentioned in sub-paragraph (a) subject to such terms and conditions as the court thinks fit.

(13) In this Article “place” includes “premises”.

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

- (a) premises of a kind mentioned in Article 5(1)(a);
- (b) an hotel;
- (c) a restaurant.