
STATUTORY INSTRUMENTS

1996 No. 3158

The Licensing (Northern Ireland) Order 1996

PART III

PERMITTED HOURS

The permitted hours

Authorisations for additional permitted hours

45.—(1) On the application of a holder of a licence for premises of a kind mentioned in Article 5(1)(a)^{F1} ..., not less than 7 days before the [^{F2}first] occasion to which the application relates, the sub-divisional commander for the police sub-division in which the premises are situated may, in writing, authorise the holder of the licence to sell intoxicating liquor during [^{F3}the hours on any day from 11 in the evening to 1 in the morning of the day next following in addition to] the hours mentioned in Article 42(1), [^{F4}on such occasions specified in the authorisation as the commander thinks fit], and any additional hours authorised under this Article shall be included in the permitted hours for those premises.

[^{F5}(1A) In the case of premises to which an order under Article 44 applies, an authorisation under this Article is subject to a condition that, during the additional hours authorised, the premises may be used for the sale of intoxicating liquor only if they are also being used for the provision of—

- (a) musical or other entertainment; or
- (b) substantial refreshment; or
- (c) both such entertainment and refreshment.

(1B) In paragraph (1A), “entertainment” has the same meaning as in Article 44 (see paragraph (8) of that Article).]

[^{F6}(2) In the case of premises to which an order under Article 44 applies, not more than 20 authorisations shall be granted under this Article to the holder of the licence of the premises in any year.

(2A) In the case of premises of any other description, not more than 104 authorisations shall be granted under this Article to the holder of the licence of the premises in any year.

(2B) Regulations may modify paragraph (2) or (2A) so as to substitute a different number of authorisations for the number for the time being specified there.

(2C) Regulations may not be made under paragraph (2B) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.]

(3) Nothing in this Article shall permit an authorisation under paragraph (1) to authorise the sale of intoxicating liquor—

- (a) on Christmas Day^{F7}...; or

Changes to legislation: *The Licensing (Northern Ireland) Order 1996, Section 45 is up to date with all changes known to be in force on or before 22 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (b) to a person admitted to the premises less than 30 minutes before the end of the hours mentioned in that paragraph.

[^{F8}(4) A person who intends to make an application under this Article shall—

- (a) during the 3 weeks before the first occasion to which the application relates, cause notice of the application to be displayed on or near the premises for which the authorisation is to be sought;
- (b) not less than 3 weeks before that time, serve a copy of the notice of the application on the district council for the district in which the premises are situated.

(5) The notice under paragraph (4) must specify the kind of premises to which the application relates and must contain such information as may be prescribed by magistrates' courts rules.

(6) The following provisions of this Article apply where a complaint is made to a court of summary jurisdiction under Part 8 of the Magistrates' Courts (Northern Ireland) Order 1981 on the grounds—

- (a) that the business carried on in premises to which an authorisation under this Article applies is being conducted during the hours mentioned in paragraph (1) 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
- (b) that such hours are causing undue inconvenience to persons residing in the vicinity of the premises.

(7) Where the court is satisfied that the grounds of the complaint are made out, it may—

- (a) revoke the authorisation; or
- (b) modify the authorisation or, in relation to the authorisation, the hours mentioned in paragraph (1); or
- (c) make the continuance of the authorisation subject to such terms and conditions as the court thinks fit.

(8) The terms and conditions which may be imposed under paragraph (7)(c) include those requested by the district commander of the police district in which the premises are situated.]

F1	Words in art. 45(1) repealed (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 5(1)(a), 47(2), Sch. 2 ; S.R. 2021/247, art. 2, Sch.
F2	Word in art. 45(1) inserted (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 5(1)(b) , 47(2); S.R. 2021/247, art. 2, Sch.
F3	Words in art. 45(1) substituted (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 2(5) , 47(2); S.R. 2021/247, art. 2, Sch.
F4	Words in art. 45(1) substituted (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 5(1)(c) , 47(2); S.R. 2021/247, art. 2, Sch.
F5	Art. 45(1A)(1B) inserted (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 5(2) , 47(2); S.R. 2021/247, art. 2, Sch.
F6	Art. 45(2)-(2C) substituted for art. 45(2) (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 5(3) , 47(2); S.R. 2021/247, art. 2, Sch.
F7	Words in art. 45(3)(a) repealed (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 1(6) , 47(2), Sch. 2 ; S.R. 2021/247, art. 2, Sch.
F8	Art. 45(4)-(8) inserted (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 5(4) , 47(2); S.R. 2021/247, art. 2, Sch.

Changes to legislation:

The Licensing (Northern Ireland) Order 1996, Section 45 is up to date with all changes known to be in force on or before 22 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [art. 57B inserted by 2011 c. 18 \(N.I.\) s. 5](#)