
STATUTORY INSTRUMENTS

1996 No. 3158

The Licensing (Northern Ireland) Order 1996

PART II

THE GENERAL LICENSING SYSTEM

Premises for which licences may be granted

5.—(1) Without prejudice to Article 80, the premises in which the sale of intoxicating liquor is authorised by a licence shall be premises of one of the following kinds—

- (a) premises in which the business carried on under the licence is the business of selling intoxicating liquor by retail for consumption either in or off the premises;
- (b) premises in which the business carried on under the licence is the business of selling intoxicating liquor by retail for consumption off the premises;
- (c) an hotel;
- (d) a guest house;
- (e) a restaurant;
- (f) a conference centre;
- (g) a higher education institution;
- (h) a place of public entertainment;
- (i) a refreshment room in public transport premises;
- (j) a seamen's canteen.
- [^{F1}(k) an indoor arena]
- [^{F2}(l) an outdoor stadium.][^{F3};
- [^{F4}(m) premises in which the business of producing intoxicating liquor is carried on in accordance with any certificate of registration, licence or other authorisation which is required by a statutory provision.]

(2) Regulations, made subject to affirmative resolution, may prescribe the conditions under which any business authorised by the licence may be carried on in premises of a kind mentioned in paragraph (1)(a) or (b).

(3) Subject to paragraph (5) and to [^{F5}Articles 48B(2) to (6), 51(1)(b) and 52C(1)] , a licence shall not authorise the sale of intoxicating liquor in premises of any kind mentioned in paragraph (1) (c) to [^{F6}(m)] ,—

- (a) unless, subject to Article 17(3)—
 - (i) there is being carried on in those premises a business of the type normally carried on in premises of that kind; and
 - (ii) the sale of intoxicating liquor is ancillary to that business;

Changes to legislation: *The Licensing (Northern Ireland) Order 1996, Section 5 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) [^{F7}except in the case of premises of a kind mentioned in Article 5(1)(m),] for consumption off the premises.

(4) A licence for premises other than an hotel shall be authority for the sale of intoxicating liquor only in the part or parts of the premises delineated in plans kept under Article 34(2) ^{F8}... as the part or parts of the premises in which such liquor is permitted to be sold.

(5) In relation to premises which are an hotel—

(a) paragraph (3)(a) shall not apply where a note showing that the licence was granted—

(i) before 31st July 1902; or

(ii) between 30th July 1902 and 3rd May 1971 otherwise than under section 2(2) of the Licensing (Ireland) Act 1902 or section 9(a)(ii) of the Intoxicating Liquor Act (Northern Ireland) 1923; or

(iii) under Article 4(1) of the Licensing (Northern Ireland) Order 1978 or Article 12(1) of the Licensing (Northern Ireland) Order 1990 or Article 11(1) of this Order in lieu of an existing licence to which head (i) or (ii) applied,

has been made on the licence and recorded in the register of licences in respect of the premises;

(b) paragraph (3)(b) shall not prohibit or restrict the sale of intoxicating liquor for consumption off the premises, where—

(i) the purchaser is a resident or diner in the premises, or

(ii) a note such as is mentioned in sub-paragraph (a) has been made on the licence and recorded in the register of licences in respect of the premises.

(6) Subject to Article 17(3), where any person, being the holder of a licence for premises of a kind mentioned in paragraph (1)(c) to [^{F9}(1)], himself or by his servant or agent, either sells intoxicating liquor or makes it available for purchase in those premises in contravention of paragraph (3) 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 or to imprisonment for a term not exceeding 3 months or to both.

[^{F10}(7) Paragraph (1)(m) applies only where the business in question is carried on wholly or mainly in Northern Ireland.]

F1 2004 NI 17

F2 Art. 5(1)(l) inserted (1.9.2016) by [Licensing Act \(Northern Ireland\) 2016 \(c. 24\), ss. 3\(2\)](#), 8(1)

F3 Word in [art. 5\(1\)](#) inserted (6.4.2022) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), ss. 10\(1\)](#), 47(2); S.R. 2022/63, art. 2, Sch.

F4 Art. 5(1)(m) inserted (6.4.2022) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), ss. 10\(1\)](#), 47(2); S.R. 2022/63, art. 2, Sch.

F5 Words in [art. 5\(3\)](#) substituted (6.4.2022) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), s. 47\(2\)](#), [Sch. 1 para. 3\(a\)](#); S.R. 2022/63, art. 2, Sch.

F6 Word in [art. 5\(3\)](#) substituted (6.4.2022) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), s. 47\(2\)](#), [Sch. 1 para. 3\(b\)](#); S.R. 2022/63, art. 2, Sch.

F7 Words in [art. 5\(3\)\(b\)](#) inserted (6.4.2022) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), s. 47\(2\)](#), [Sch. 1 para. 3\(c\)](#); S.R. 2022/63, art. 2, Sch.

F8 Words in [art. 5\(4\)](#) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\)](#), Sch. 1 para. 110(2), [Sch. 9 Pt. 1](#) (with [Sch. 8 para. 1](#)); S.R. 2016/387, art. 2(k)(m) (with art. 3)

F9 Word in [art. 5\(6\)](#) substituted (1.9.2016) by [Licensing Act \(Northern Ireland\) 2016 \(c. 24\), ss. 3\(3\)](#), 8(1)

F10 [Art. 5\(7\)](#) inserted (6.4.2022) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), ss. 10\(2\)](#), 47(2); S.R. 2022/63, art. 2, Sch.

Changes to legislation:

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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](#)