STATUTORY INSTRUMENTS

1996 No. 3158

The Licensing (Northern Ireland) Order 1996

PART IV

CONDUCT OF LICENSED PREMISES, ETC.

Special provision with respect to young persons

Young persons prohibited from certain premises

58.—(1) During the permitted hours a person under the age of 18 shall not be in—

(a) any part of premises of a kind mentioned in Article 5(1)(a) which is—

  (i) structurally adapted for the sale of intoxicating liquor for consumption off the premises; and

  (ii) 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;

(b) any part of premises of a kind mentioned in Article 5(1)(b);

(c) any part of any other licensed premises which—

  (i) contains a bar; or

  (ii) is used exclusively or mainly for the sale and consumption of intoxicating liquor.

(2) The holder of a licence himself or by his servant or agent, or such a servant or agent, shall not allow a person under the age of 18 to be in any part of the licensed premises as mentioned in paragraph (1) during the permitted hours.

(3) A person shall not cause or procure any person under the age of 18 to go to, or to be in, any part of licensed premises as mentioned in paragraph (1) during the permitted hours.

(4) Paragraphs (1) and (2) shall not apply with respect to a person under the age of 18 who is in a part of premises mentioned in paragraph (1)(a) or (b) and is in the company of a person who is 18 or over.

(5) Paragraphs (1), (2) and (3) shall not apply with respect to a person under the age of 18 who is in a part of licensed premises if—

(a) the person under 18 is in the company of a person who is 18 or over; and

(b) the part of the licensed premises are premises for which a children's certificate is in force; and

(c) where the premises contain a bar, the person under the age of 18 is seated at a table away from the bar; and

(d) the certificate is operational or paragraph (6) applies.

(6) This paragraph applies where—

   (a) the person under the age of 18, or a person in whose company he is, is consuming a meal purchased before the certificate ceased to be operational, and

   (b) no more than 30 minutes have elapsed since the certificate ceased to be operational.

(7) A person under the age of 18 shall not be at the bar in a part of licensed premises for which a children's certificate is in force and the certificate is operational or paragraph (6) applies.

(8) The holder of a licence himself or by his servant or agent, or such a servant or agent, shall not allow a person under the age of 18 to be at the bar in a part of licensed premises for which a children's certificate is in force and the certificate is operational or paragraph (6) applies.

(9) A person shall not cause or procure any person under the age of 18 to go to, or to be at, the bar in a part of licensed premises for which a children's certificate is in force and the certificate is operational or paragraph (6) applies.

(10) Any person acting in contravention of paragraph (1), (2), (3), (7), (8) or (9) shall be guilty of an offence and shall be liable on summary conviction—

   (a) for a contravention of paragraph (1) or (7), to a fine not exceeding level 3 on the standard scale;

   (b) for a contravention of paragraph (2), (3), (8) or (9), to a fine not exceeding level 4 on the standard scale.

(11) In any proceedings for an offence by reason of a contravention of paragraph (2) or (7) it shall be a defence—

   (a) in the case of proceedings against the holder of the licence for an offence committed by his servant or agent, for the holder of the licence to prove that he exercised all due diligence to avoid the commission of such an offence; or

   (b) in any other case, for the holder of the licence or his servant or agent to prove—

      (i) that he exercised all due diligence to avoid the commission of such an offence; or

      (ii) that he had no reason to suspect that the person under the age of 18 had not attained that age.

(12) Where a person under the age of 18 represents himself to be the age of 18 or over for the purpose of being in any part of licensed premises as mentioned in paragraph (1) during the permitted hours, 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.

(13) Nothing in this Article shall apply with respect to a person under the age of 18 who is—

   (a) a child of the licence holder; or

   (b) a person who has attained the age which is the upper limit of compulsory school age and is—

      (i) employed by the holder of the licence under a contract in writing; or

      (ii) receiving training under a scheme approved by the Department of Economic Development; or

      (iii) engaged in a placement scheme as part of a further or higher education course; or

   (c) resident in the licensed premises, but not employed there; or

   (d) in a part of licensed premises as mentioned in paragraph (1) solely for the purposes of passing to or from some other part of the premises which is not such a part as aforesaid and to or from which there is no other convenient means of access; or

   (e) in a refreshment room in public transport premises or in a room constructed, fitted and intended to be used for any purpose to which the holding of a licence is ancillary.

(14) Where a person under the age of 18 who is found in any part of 4 licensed premises as mentioned in paragraph (1) is employed by, or in training or placement with, the holder of the licence, that person or the holder shall, at the request of a constable, produce the written contract or other proof of training or placement within 7 days of the request to, or in accordance with reasonable directions of, the constable for examination, and if it is not so produced that person or, as the case may be, the holder shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.