
STATUTORY INSTRUMENTS

1996 No. 3158

The Licensing (Northern Ireland) Order 1996

PART II

THE GENERAL LICENSING SYSTEM

Prohibition on sale of intoxicating liquor without a licence

3.—(1) Except as permitted by this Order, it shall be unlawful for any person to sell intoxicating liquor by retail unless he holds a licence authorising him to do so in the course of a business carried on in premises specified in the licence.

(2) Any person who, himself or by his servant or agent,—

- (a) where he is not the holder of a licence, sells intoxicating liquor by retail or makes it available for purchase by retail, or
- (b) where he is the holder of a licence, either sells intoxicating liquor by retail or makes it available for purchase by retail in any premises or place where he is not authorised under this Order to sell such liquor by retail,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both and any intoxicating liquor found in his possession and its containers shall be liable to be forfeited.

(3) Where intoxicating liquor is sold or made available for purchase in any premises in contravention of this Article, every occupier of the premises who is proved to have had knowledge of or consented to the contravention shall be guilty of an offence under this Article.

(4) Without prejudice to Article 80, for the purposes of this Article a vessel shall be deemed to be premises and paragraph (3) shall apply to the master of a vessel as it applies to the occupier of premises.

Persons to whom licences may be granted

4.—(1) The person to whom a licence is granted (other than a housing authority to whom a licence is granted provisionally) shall be the owner of the business proposed to be carried on under the licence.

(2) A licence may be granted to an individual, to a body corporate or to two or more persons carrying on business in partnership.

(3) In considering the fitness of a person to hold a licence for any premises, a court shall have regard to—

- (a) the character, reputation and financial standing of the applicant;
- (b) the qualifications and experience of the applicant to manage the business which is, or is proposed to be, carried on under the licence, or the qualifications and experience of any person who is, or is proposed to be, employed by him in that behalf;

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(c) the extent to which, by virtue of any estate vested in him, the applicant is entitled to possession and control of the premises.

(4) In considering the fitness of a body corporate to hold a licence, a court shall also have regard to the character, reputation and financial standing of the directors of the body and any other persons who have executive control of it, as if the licence were, or were proposed to be, held by them jointly.

[^{F1}(5) Where a person becomes or ceases to be a director of a body corporate which is the holder of a licence, the body must, within the period of 28 days of that change taking effect, serve notice of the change upon—

- (a) the chief clerk; and
- (b) the district commander of the police district in which any premises to which the licence applies are situated.

(6) A person who contravenes paragraph (5) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

F1 Art. 4(5)(6) inserted (6.4.2022) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), ss. 26\(1\), 47\(2\); S.R. 2022/63, art. 2, Sch.](#)

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.

[^{F2}(k) an indoor arena]

[^{F3}(l) an outdoor stadium.][^{F4};

[^{F5}(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 [^{F6}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 [^{F7}(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;
- (b) ^{F8}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) ^{F9}... 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 ^{F10}(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.
- ^{F11}(7) Paragraph (1)(m) applies only where ^{F11}the business in question is carried on wholly or mainly in Northern Ireland.]

F2 2004 NI 17

F3 Art. 5(1)(l) inserted (1.9.2016) by [Licensing Act \(Northern Ireland\) 2016 \(c. 24\)](#), **ss. 3(2)**, 8(1)

F4 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.

F5 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.

F6 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.

F7 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.

F8 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.

F9 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)

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- F10** Word in art. 5(6) substituted (1.9.2016) by [Licensing Act \(Northern Ireland\) 2016 \(c. 24\), ss. 3\(3\), 8\(1\)](#)
- F11** [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.](#)

[^{F12}Remote sales: requirement for off-licence

5A. Where a sale of intoxicating liquor by retail is made otherwise than in person and the premises from which the intoxicating liquor is despatched are in Northern Ireland, the sale is not authorised for the purposes of this Order unless—

- (a) the premises are licensed for the sale of intoxicating liquor for consumption off the premises, and
- (b) the person making the sale, personally or by a servant or agent, is the person who holds that licence.]

- F12** [Art. 5A](#) and heading inserted (6.4.2022) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), ss. 12\(1\), 47\(2\); S.R. 2022/63, art. 2, Sch.](#)

Premises for which licences shall not be granted

6.—(1) The premises in which the sale of intoxicating liquor shall not be authorised by a licence shall be—

- (a) premises situated on a service area; and
- (b) premises in which the principal business carried on is the business of a garage or premises which form part of such premises.

(2) In this Article—

“service area” has the same meaning as in Article 2(2) of the Roads (Northern Ireland) Order 1993;

“garage”, in relation to a business, means—

- (a) the retailing of petrol or derv; or
- (b) the sale or maintenance of motor vehicles.

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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](#)