
STATUTORY INSTRUMENTS

1996 No. 3158

The Licensing (Northern Ireland) Order 1996

PART III

PERMITTED HOURS

The permitted hours

General permitted hours

42.—(1) Subject to the succeeding provisions of this Part, the permitted hours for premises of a kind mentioned in Article 5(1), except premises of a kind mentioned in Article 5(1)(b) or a place of public entertainment, are the hours—

(a) on week-days, other than ^{F1}... Christmas Day, from half past 11 in the morning to 11 in the evening; and

[^{F2}(aa) on Sundays, other than Christmas Day, from half past 12 in the afternoon to 11 in the evening; and]

^{F3}(b)

(c) [^{F4}on Christmas Day,] from half past 12 in the afternoon to 10 in the evening.

[^{F5}(1A) Neither paragraph (1)(aa) nor, in a year when Christmas Day is on a Sunday, paragraph (1)(c) applies in the case of premises of a kind mentioned in Article 5(1)(a) with respect to which a direction under Article 7(10) or 15(5)(a) is in force.]

(2) The permitted hours for premises of a kind mentioned in Article 5(1)(b) are the hours—

(a) on week-days, other than Christmas Day, from 8 in the morning to 11 in the evening; and

(b) on Sunday, not being Christmas Day ^{F6}..., from 10 in the morning to 10 in the evening.

(3) The permitted hours for a place of public entertainment are that part of the hours mentioned in paragraph (1)(a) ^{F7}... and, in the case of a theatre [^{F8}or (subject to paragraph (4)) premises on a licensed track], [^{F9}paragraph (1)(aa) and (c)] which comprises—

(a) the period of an entertainment; and

(b) periods, not exceeding 30 minutes in each case, which immediately precede the commencement and immediately succeed the termination of an entertainment.

[^{F10}(4) The permitted hours for premises on a licensed track do not include any time on Christmas Day.

(5) In this Article, “licensed track” has the meaning given in the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.]

F1 Words in art. 42(1)(a) repealed (1.10.2021) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\)](#), ss. 1(2)(a), 47(2), [Sch. 2](#); S.R. 2021/247, art. 2, Sch.

Status: Point in time view as at 01/10/2021.

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- F2** Art. 42(1)(aa) inserted (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 2(2)(a), 47(2); S.R. 2021/247, art. 2, Sch.
- F3** Art. 42(1)(b) and word repealed (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 1(2)(b), 47(2), Sch. 2; S.R. 2021/247, art. 2, Sch.
- F4** Words in art. 42(1)(c) substituted (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 2(2)(b), 47(2); S.R. 2021/247, art. 2, Sch.
- F5** Art. 42(1A) inserted (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 2(3), 47(2); S.R. 2021/247, art. 2, Sch.
- F6** Words in art. 42(2)(b) repealed (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 1(3), 47(2), Sch. 2; S.R. 2021/247, art. 2, Sch.
- F7** Words in art. 42(3) omitted (1.10.2021) by virtue of Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 1(4), 47(2); S.R. 2021/247, art. 2, Sch.
- F8** Words in art. 42(3) inserted (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 8(1), 47(2); S.R. 2021/247, art. 2, Sch.
- F9** Words in art. 42(3) substituted (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 2(2)(c), 47(2); S.R. 2021/247, art. 2, Sch.
- F10** Art. 42(4)(5) inserted (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 8(2), 47(2); S.R. 2021/247, art. 2, Sch.

Alternative permitted hours for off-sales

- 43.—**(1) In respect of premises of a kind mentioned in Article 5(1)(a),—
- (a) a county court which grants a licence or declares a licence provisionally granted to be final, on the application of the person applying for the grant or declaration, or
 - (b) a court of summary jurisdiction, at any time, upon the application of the holder of the licence for those premises made in compliance with the procedure set out in Schedule 9,
- may, by order, direct that the permitted hours for a part of the premises for which the court imposes a condition under paragraph (2) shall be the hours mentioned in Article 42(2).
- (2) A court shall not make an order under paragraph (1) unless it is satisfied—
- (a) that a specified part of the premises is structurally adapted for the sale of intoxicating liquor for consumption off the premises, and
 - (b) that the specified part is 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,
- and the court may insert in the licence a condition that the specified part shall not be used for the sale of intoxicating liquor for consumption in the premises.
- (3) An order under paragraph (1) and the condition, if any, inserted under paragraph (2) may be revoked by a court of summary jurisdiction—
- (a) on the application of the holder of the licence; or
 - (b) where, upon complaint made under Part VIII of the Magistrates' Courts (Northern Ireland) Order 1981, the court is not satisfied, in a case where the order was made under paragraph (1), that the condition mentioned in paragraph (2) has been, and the requirements of sub-paragraphs (a) and (b) of that paragraph have continued to be, complied with.

Orders for additional permitted hours

- 44.—**(1) Subject to Article 17(3), where part or parts of premises, which are or include premises to which this Article applies, are structurally adapted and used, or intended to be used, for the purpose

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of habitually providing, for the accommodation of persons frequenting it, such entertainment or refreshment as is mentioned in paragraph (2)(i), (ii) or (iii) and the sale of intoxicating liquor is ancillary to that entertainment or refreshment—

- (a) a county court which grants a licence or declares a licence provisionally granted to be final, on the application of the person applying for the grant or declaration, or
- (b) a court of summary jurisdiction, at any time, upon the application of the holder of the licence for those premises made in compliance with the procedure set out in Schedule 9,

may make an order under this paragraph.

(2) An order under paragraph (1) may direct that, on such days as may be specified in the order, [F11the hours on any day from 11 in the evening to 1 in the morning of the day next following shall], in addition to the hours mentioned in Article 42(1), be included in the permitted hours for any such part or parts of the premises specified in the order for the purposes of the sale, before the provision of—

- (i) musical or other entertainment; or
- (ii) substantial refreshment; or
- (iii) both such entertainment and refreshment;

has ended, of intoxicating liquor for consumption on any such part or parts of the premises, and the consumption of such liquor.

(3) A court shall not make an order under paragraph (1) unless it is satisfied that—

- (a) the business will be conducted during the hours mentioned in paragraph (2) and any period immediately following their termination in such a manner as not to cause undue inconvenience to persons residing in the vicinity of the premises; and
- (b) the hours mentioned in paragraph (2) will not cause undue inconvenience to persons residing in the vicinity of the premises.

(4) An order under paragraph (1) may be revoked by a court of summary jurisdiction on the application of the holder of the licence.

(5) Where, upon complaint made under Part VIII of the Magistrates' Courts (Northern Ireland) Order 1981, a court of summary jurisdiction is satisfied—

- (a) that the business carried on in premises to which an order under paragraph (1) applies is being conducted during the hours mentioned in paragraph (2) 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; or
- (c) in the case of a complaint made by the sub-divisional commander of the police sub-division in which the premises are situated, that the specified part or parts of the premises are not being used for the purpose of habitually providing entertainment or substantial refreshment or both entertainment and substantial refreshment, as the case may require,

the court may—

- (i) revoke the order; or
- (ii) modify the order or, in relation to the order, the hours mentioned in paragraph (2); or
- (iii) make the continuance of the order subject to such terms and conditions as the court thinks fit.

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

- (a) on Christmas Day, F12 ... or
- (b) to a person admitted to the premises—

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- (i) less than 30 minutes before the end of the hours mentioned in paragraph (2), or
- (ii) where the provision of entertainment or substantial refreshment or both entertainment and substantial refreshment is due to cease before the end of those hours, less than 30 minutes before that cessation.

(7) Nothing in paragraph (2) shall require the provision of substantial refreshment during the 30 minutes before the end of the hours mentioned in that paragraph.

(8) In this Article “entertainment” does not include any form of entertainment given otherwise than by persons actually present and performing.

(9) No part of any premises shall be treated for the purposes of this Article as used, or intended to be used, for the purpose of habitually providing entertainment or substantial refreshment or both entertainment and substantial refreshment unless it is used, or intended to be used, for the purpose of providing such entertainment or refreshment during the hours mentioned in paragraph (2) and for a substantial period preceding the end of the general permitted hours mentioned in Article 42(1) on every day or on particular days in every week, any break for a period or periods not exceeding 2 weeks in any 3 successive months, or on any special occasion, or by reason of any emergency being disregarded.

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

- (a) an hotel;
- (b) a restaurant;
- (c) a conference centre;
- (d) a higher education institution;
- ^{F13}(dd) an indoor arena;
- (e) any part of premises of a kind mentioned in Article 5(1)(a) which, in the case of a part specified in an order under paragraph (1) where substantial refreshment is to be habitually provided, are structurally adapted and used, or intended to be used, for the purpose of providing persons frequenting the premises with a main table meal at midday or in the evening, or both.

F11 Words in art. 44(2) substituted (1.10.2021) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), ss. 2\(4\), 47\(2\)](#); S.R. 2021/247, art. 2, Sch.

F12 Words in art. 44(6)(a) repealed (1.10.2021) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), ss. 1\(5\), 47\(2\), Sch. 2](#); S.R. 2021/247, art. 2, Sch.

F13 2004 NI 17

^{F14}**Public houses or hotels: order for further additional permitted hours**

44A.—(1) In the case of premises of the kind referred to in Article 5(1)(a) or an hotel, a county court or court of summary jurisdiction may, when making an order under Article 44(1), also make an order under paragraph (3) or (4) of this Article.

(2) In the case of premises of the kind referred to in Article 5(1)(a), or an hotel, to which an order under Article 44 applies, a court of summary jurisdiction may, at any time, upon the application of the holder of the licence for those premises made in compliance with the procedure set out in Schedule 9, make an order under paragraph (3) or (4).

(3) An order under this paragraph may direct that, on each day specified in the order (being a day specified in the order under Article 44), an additional hour beginning immediately after the end of the period authorised by the order under Article 44 is to be included in the permitted hours for the premises to which that order applies for the purposes referred to in paragraph (2) of that Article.

(4) An order under this paragraph may direct that, on each day specified in the order (being a day other than one specified in the order under Article 44), the hours that would be included in the permitted hours if the day were one specified in the order under Article 44 and an additional hour beginning immediately after the end of those hours are to be included in the permitted hours for the premises to which that order applies.

(5) An order under paragraph (4) is subject to a condition that, during the hours authorised by the order, 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.

(6) In paragraph (5), “entertainment” has the same meaning as in Article 44 (see paragraph (8) of that Article).

(7) A court must not make an order under paragraph (3) or (4) unless the court is satisfied that—

- (a) the business will be conducted during the hours mentioned in that paragraph and any period immediately following their termination in such a manner as not to cause undue inconvenience to persons residing in the vicinity of the premises; and
- (b) the hours mentioned in that paragraph will not cause undue inconvenience to persons residing in the vicinity of the premises.

(8) The court may, accordingly, make the order subject to such terms and conditions as the court thinks fit for the purpose of avoiding such inconvenience as is mentioned in paragraph (7).

(9) Subject to paragraph (10), where notice of an application under paragraph (2) has been served on the clerk of petty sessions, the clerk may make the order sought as if the application had been made to the clerk and may do so in the absence of the applicant.

(10) Where—

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

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

(11) Paragraphs (6) and (7) of Article 44 apply in relation to an order under paragraph (3) or (4) of this Article as they apply in relation to an order under paragraph (1) of that Article; and for that purpose—

- (a) the reference to that Article in the opening words of paragraph (6) of that Article is to be read as including a reference to this Article, and
- (b) the references to paragraph (2) of that Article are to be read as references to paragraph (3) or (as the case may be) paragraphs (4) and (5) of this Article.

(12) Not more than 104 days in any year may be specified in an order or orders made under this Article.

(13) Regulations may modify paragraph (12) so as to substitute a different number of days for the number for the time being specified there.

(14) Regulations may not be made under paragraph (13) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

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F14 Arts. 44A, 44B inserted (1.10.2021) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), ss. 3\(1\), 47\(2\); S.R. 2021/247, art. 2, Sch.](#)

Orders under Article 44A: revocation, modification etc.

44B.—(1) An order under Article 44A may be revoked or modified by a court of summary jurisdiction on the application of the holder of the licence.

(2) Where a court of summary jurisdiction is, in the case of premises in relation to which an order under Article 44A has been made, satisfied for the purposes of paragraph (3), the court may act under paragraph (4) in relation to the order.

(3) A court is satisfied for the purposes of this paragraph in the case of premises if, on a complaint made under Part 8 of the Magistrates' Courts (Northern Ireland) Order 1981, it is satisfied that, on a previous day specified in an order under Article 44A in relation to the premises—

- (a) the business carried on in the premises was conducted during the hours mentioned in paragraph (3) or (4) of Article 44A (as the case may be) 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) such hours caused undue inconvenience to persons residing in the vicinity of the premises; or
 - (c) in the case of a complaint made by the district commander for the police district in which the premises are situated, the specified part or parts of the premises were not used for the purposes mentioned in paragraph (3) or (5) of Article 44A (as the case may be).
- (4) The court may—
- (a) revoke the order under Article 44A that is referred to in paragraph (2) of this Article; or
 - (b) modify the order or, in relation to the order, the hours mentioned in paragraph (3) or (4) of Article 44A (as the case may be); or
 - (c) make the continuance of the order subject to such terms and conditions as the court thinks fit.]

F14 Arts. 44A, 44B inserted (1.10.2021) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), ss. 3\(1\), 47\(2\); S.R. 2021/247, art. 2, Sch.](#)

[^{F15}Alignment of closing time for liquor and entertainment

44C.—(1) This Article applies in relation to any occasion on which an entertainments licence in force in respect of premises to which an order under Article 44 applies would (but for this Article) permit entertainment that was being provided in the premises to continue to be provided in the premises after the end of the hours mentioned in Article 44(2).

(2) The hours mentioned in Article 44(2) do not apply in relation to the premises on that occasion and the hours specified in Article 42 apply instead in relation to the premises on that occasion.

(3) But the entertainments licence continues in force on that occasion and accordingly permits entertainment to be provided in the premises after the end of the hours specified in Article 42.

(4) If an order under Article 44A(3) or (4) applies in relation to the premises, the references in this Article to the hours mentioned in Article 44(2) are to be read as including a reference to the additional hour authorised by that order.

(5) The references in this Article to the hours specified in Article 42 are references to those hours as extended by Article 46.

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(6) In this Article—

“entertainment” has the same meaning as in Article 44, and

“entertainments licence” means a licence under paragraph 3 of Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985.]

F15 Art. 44C inserted (1.10.2021) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), ss. 4, 47\(2\); S.R. 2021/247, art. 2, Sch.](#)

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) ^{F16}..., not less than 7 days before the [^{F17}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 [^{F18}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), [^{F19}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.

[^{F20}(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).]

[^{F21}(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^{F22}...; or
- (b) to a person admitted to the premises less than 30 minutes before the end of the hours mentioned in that paragraph.

[^{F23}(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.

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(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.]

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| F16 | 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. |
| F17 | 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. |
| F18 | 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. |
| F19 | 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. |
| F20 | 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. |
| F21 | 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. |
| F22 | 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. |
| F23 | 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. |

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