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STATUTORY INSTRUMENTS

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**1996 No. 3158**

**The Licensing (Northern Ireland) Order 1996**

**PART III**

**PERMITTED HOURS**

**Prohibition of sale, etc., of intoxicating liquor outside permitted hours**

**41.**—(1) Except as permitted by or under this Order, a person shall not—

- (a) himself or by his servant or agent—
  - (i) sell intoxicating liquor in licensed premises, or
  - (ii) permit the consumption of intoxicating liquor in licensed premises, or
- (b) purchase intoxicating liquor in licensed premises, or
- (c) consume intoxicating liquor in licensed premises, or
- (d) take intoxicating liquor from licensed premises,

except during the permitted hours.

(2) Any person who contravenes this Article shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) This Article shall not apply to licensed premises such as are mentioned in Article 53(1) at an international airport.

*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) [<sup>F1</sup>or (m)] [<sup>F2</sup>(subject to paragraph (6))] or a place of public entertainment, are the hours—

- (a) on week-days, other than <sup>F3</sup>... Christmas Day, from half past 11 in the morning to 11 in the evening; and
- [<sup>F4</sup>(aa) on Sundays, other than Christmas Day, from half past 12 in the afternoon to 11 in the evening; and]
- <sup>F5</sup>(b) .....
- (c) [<sup>F6</sup>on Christmas Day,] from half past 12 in the afternoon to 10 in the evening.

[<sup>F7</sup>(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.]

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(2) The permitted hours for premises of a kind mentioned in Article 5(1)(b) <sup>F8</sup>or (m)] <sup>F9</sup>(subject to paragraph (6)) 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 <sup>F10</sup>..., 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) <sup>F11</sup>... and, in the case of [<sup>F12</sup>a cinema,] a theatre [<sup>F13</sup>or (subject to paragraph (4)) premises on a licensed track], [<sup>F14</sup>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.

<sup>F15</sup>(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.]

<sup>F16</sup>(6) In the case of premises of a kind mentioned in Article 5(1)(m) to which an order under Article 52E applies, the permitted hours for a part of the premises specified in the order on a day on which an authorisation under Article 52F has effect are the hours on that day from 4 in the afternoon to 10 in the evening.]

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|------------|---|
| <b>F1</b>  | Words in art. 42(1) inserted (6.4.2022) by <a href="#">Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 10(5), 47(2)</a> ; S.R. 2022/63, art. 2, Sch.                |
| <b>F2</b>  | Words in art. 42(1) inserted (1.6.2022) by <a href="#">Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 11(3), 47(2)</a> ; S.R. 2022/133, art. 2, Sch.               |
| <b>F3</b>  | Words in art. 42(1)(a) repealed (1.10.2021) by <a href="#">Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 1(2)(a), 47(2), Sch. 2</a> ; S.R. 2021/247, art. 2, Sch. |
| <b>F4</b>  | Art. 42(1)(aa) inserted (1.10.2021) by <a href="#">Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 2(2)(a), 47(2)</a> ; S.R. 2021/247, art. 2, Sch.                 |
| <b>F5</b>  | Art. 42(1)(b) and word repealed (1.10.2021) by <a href="#">Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 1(2)(b), 47(2), Sch. 2</a> ; S.R. 2021/247, art. 2, Sch. |
| <b>F6</b>  | Words in art. 42(1)(c) substituted (1.10.2021) by <a href="#">Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 2(2)(b), 47(2)</a> ; S.R. 2021/247, art. 2, Sch.      |
| <b>F7</b>  | Art. 42(1A) inserted (1.10.2021) by <a href="#">Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 2(3), 47(2)</a> ; S.R. 2021/247, art. 2, Sch.                       |
| <b>F8</b>  | Words in art. 42(2) inserted (6.4.2022) by <a href="#">Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 10(5), 47(2)</a> ; S.R. 2022/63, art. 2, Sch.                |
| <b>F9</b>  | Words in art. 42(2) inserted (1.6.2022) by <a href="#">Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 11(3), 47(2)</a> ; S.R. 2022/133, art. 2, Sch.               |
| <b>F10</b> | Words in art. 42(2)(b) repealed (1.10.2021) by <a href="#">Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 1(3), 47(2), Sch. 2</a> ; S.R. 2021/247, art. 2, Sch.    |
| <b>F11</b> | Words in art. 42(3) omitted (1.10.2021) by virtue of <a href="#">Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 1(4), 47(2)</a> ; S.R. 2021/247, art. 2, Sch.      |
| <b>F12</b> | Words in art. 42(3) inserted (6.4.2022) by <a href="#">Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 9(2), 47(2)</a> ; S.R. 2022/63, art. 2, Sch.                 |
| <b>F13</b> | Words in art. 42(3) inserted (1.10.2021) by <a href="#">Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 8(1), 47(2)</a> ; S.R. 2021/247, art. 2, Sch.               |
| <b>F14</b> | Words in art. 42(3) substituted (1.10.2021) by <a href="#">Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 2(2)(c), 47(2)</a> ; S.R. 2021/247, art. 2, Sch.         |
| <b>F15</b> | Art. 42(4)(5) inserted (1.10.2021) by <a href="#">Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 8(2), 47(2)</a> ; S.R. 2021/247, art. 2, Sch.                     |

**F16** Art. 42(6) inserted (1.6.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 11(4), 47(2); S.R. 2022/133, 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 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, [F17the 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

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(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, <sup>F18</sup>... or
- (b) to a person admitted to the premises—
  - (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;

[<sup>F19</sup>(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.

**F17** 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.

**F18** 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.

**F19** 2004 NI 17

#### [<sup>F20</sup>**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—

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- (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.

**F20** 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

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- 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.]

**F20** 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.

#### [<sup>F21</sup>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.

(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.]

**F21** 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) <sup>F22</sup>..., not less than 7 days before the [<sup>F23</sup>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 [<sup>F24</sup>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

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mentioned in Article 42(1), [<sup>F25</sup>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.

[<sup>F26</sup>(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).]

[<sup>F27</sup>(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<sup>F28</sup> ...; or
- (b) to a person admitted to the premises less than 30 minutes before the end of the hours mentioned in that paragraph.

[<sup>F29</sup>(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



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- (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.]

- F22** 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.
- F23** 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.
- F24** 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.
- F25** 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.
- F26** 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.
- F27** 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.
- F28** 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.
- F29** 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.

### Exceptions

#### Exceptions from prohibition of sale, etc., of intoxicating liquor outside permitted hours

**46.**—(1) Where intoxicating liquor is sold in licensed premises during the permitted hours, Article 41 shall not prohibit or restrict—

- (a) during the first [<sup>F30</sup>60 minutes] after the conclusion of the permitted hours except where the premises are—
  - (i) part of premises of a kind mentioned in Article 5(1)(a) with respect to which an order under Article 43 is in force; or
  - (ii) of a kind mentioned in Article 5(1)(b) [<sup>F31</sup>or (m)] [<sup>F32</sup>(but see paragraph (1A))] ;  
the consumption or permitting consumption of the liquor in the premises;
- (b) during the first [<sup>F33</sup>60 minutes] after the Inclusion of the permitted hours, the taking of the liquor from the premises in a sealed container, if the premises are—
  - (i) of a kind mentioned in Article 5(1)(a) (except where the liquor is taken from a part of the premises with respect to which an order under Article 43 is in force or where the liquor was sold in contravention of Article 50(1)); or
  - (ii) an hotel (except where the liquor was sold in contravention of Article 5(3)(b) or 50(1)).

[<sup>F34</sup>(1A) The reference in paragraph (1)(a)(ii) to premises of a kind mentioned in Article 5(1)(m) does not include a reference to premises of that kind with respect to which an order under Article 52E is in force.]

(2) Article 41 shall not prohibit or restrict—

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- (a) the sale of intoxicating liquor to a resident in premises of a kind mentioned in Article 5(1)(a) which provides accommodation for guests such as is mentioned in paragraph (3) or in an hotel or in a guest house; or
  - (b) the taking of it by a resident from such premises or hotel or, in a case to which Article 51(1)(b) applies, guest house; or
  - (c) the consumption or permitting consumption of it in such premises, hotel or guest house by a resident or his guests; or
  - (d) the dispatch, in a vehicle or receptacle, by the holder of a licence for premises which are either of a kind mentioned in Article 5(1)(a) or (b) or an hotel to which Article 5(5)(b)(ii) applies, of intoxicating liquor sold by him for delivery and consumption off the premises.
- (3) The accommodation for guests to which paragraph (2) applies is accommodation—
- (a) in an establishment allocated by a certificate under Article 13 of the Tourism (Northern Ireland) Order 1992 to the statutory category of tourist establishment mentioned in Article 12(1)(b) of that Order; and
  - (b) which conforms to the requirements, if any, prescribed by regulations made with the concurrence of the Department of Economic Development.
- [<sup>F35</sup>(4) Regulations may modify paragraph (1)(a) or (b) so as to substitute “30 minutes” for “60 minutes”.
- (5) Regulations may not be made under paragraph (4) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.]

- F30** Words in art. 46(1)(a) substituted (1.10.2021) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), ss. 6\(1\), 47\(2\); S.R. 2021/247, art. 2, Sch.](#)
- F31** Words in art. 46(1)(a)(ii) inserted (6.4.2022) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), ss. 10\(6\)\(a\), 47\(2\); S.R. 2022/63, art. 2, Sch.](#)
- F32** Words in art. 46(1)(a)(ii) inserted (1.6.2022) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), ss. 11\(5\), 47\(2\); S.R. 2022/133, art. 2, Sch.](#)
- F33** Words in art. 46(1)(b) substituted (1.10.2021) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), ss. 6\(1\), 47\(2\); S.R. 2021/247, art. 2, Sch.](#)
- F34** Art. 46(1A) inserted (1.6.2022) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), ss. 11\(6\), 47\(2\); S.R. 2022/133, art. 2, Sch.](#)
- F35** Art. 46(4)(5) inserted (1.10.2021) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), ss. 6\(2\), 47\(2\); S.R. 2021/247, art. 2, Sch.](#)

### *Extension licences*

#### **Extension licences for sale, etc., of liquor in certain premises outside permitted hours**

47.—(1) A court of summary jurisdiction, or a clerk of petty sessions acting under paragraph (2), may, on an application made, in compliance with the procedure set out in Schedule 10, by the holder of a licence for premises which are or include premises for which an order under Article 48 is in force, grant an extension licence authorising that person to sell intoxicating liquor by retail—

- (a) in such part or parts of the premises for which an order under Article 48 is in force, and
- (b) during such hours, being the hours—
  - (i) on week-days between half past 11 in the morning and 1 in the morning of the day next following, or
  - [<sup>F36</sup>(ii) on Sundays, between half past 12 in the afternoon and 1 in the morning of the day next following,]

as may be specified in the extension licence; and those hours shall, so far as not otherwise comprised in them, be included in the permitted hours for the part or parts of the premises specified in the extension licence.

(2) Subject to paragraph (3), where notice of an application for an extension licence has been served upon the clerk of petty sessions, he may grant the extension licence as if the application had been made to him and may do so in the absence of the applicant.

(3) Where—

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

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

(4) An extension licence shall not authorise—

- (a) the sale of intoxicating liquor otherwise than as ancillary to a function to which this paragraph applies which is to be held in the premises to which this Article applies during the hours specified in the licence; and
- (b) the sale of intoxicating liquor for consumption off the part or parts of the premises specified in the licence.

(5) The functions to which paragraph (4) applies are—

- (a) functions organised by any body established for social, charitable or benevolent purposes or for furthering the common interests of persons associated with any trade, profession, educational or cultural activity, game or sport;
- (b) functions (not exceeding 6 in number in any year) organised by the licence holder.

(6) Nothing in this Article shall permit an extension licence to authorise the sale of intoxicating liquor—

- (a) on Christmas Day,<sup>F37</sup> ... or
- (b) to a person admitted to the premises after half past 12 in the morning or, where the function is due to end before 1 in the morning, less than 30 minutes before the function is due to end.

(7) If the holder of an extension licence or any servant or agent of his sells intoxicating liquor in contravention of paragraph (4), the holder of the licence shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) An extension licence granted in connection with a function in any premises shall, at any time during the period of the function when intoxicating liquor is sold or made available for purchase or being consumed in the premises, forthwith be produced by the person who is in charge of the sale of intoxicating liquor there for examination by a constable at his request, and if it is not so produced without reasonable excuse the holder of the licence and that person shall each be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

**F36** Art. 47(1)(b)(ii) substituted for art. 47(1)(b)(ii)(iii) (1.10.2021) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), ss. 2\(6\), 47\(2\)](#); S.R. 2021/247, art. 2, Sch.

**F37** Words in art. 47(6)(a) repealed (1.10.2021) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), ss. 1\(7\), 47\(2\), Sch. 2](#); S.R. 2021/247, art. 2, Sch.

### Suitability of certain premises for functions

**48.**—(1) In respect of premises to which this Article applies,—

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(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, specify any part of the premises as being suitable for functions such as are mentioned in Article 47(5).

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

(a) that the part of the premises specified in the order is suitable for functions; and

(b) that—

(i) that part of the premises is structurally adapted and used or intended to be used for the purpose of providing for the accommodation of persons frequenting it substantial refreshment to which the sale of intoxicating liquor is ancillary; and

(ii) suitable means of access to that part of the premises, otherwise than through any other part of the premises which is used for the sale of intoxicating liquor, are available for customers.

(3) An order under paragraph (1) may be revoked by a court of summary jurisdiction—

(a) on the application of the holder of the licence; or

(b) where, on complaint made under Part VIII of the Magistrates' Courts (Northern Ireland) Order 1981 the court is not satisfied that the requirements of paragraph (2)(a) and (b) have continued to be complied with.

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

(a) an hotel;

(b) a restaurant;

(c) a conference centre;

(d) a higher education institution;

[<sup>F38</sup>(dd) an indoor arena;]

[<sup>F39</sup>(de) an outdoor stadium;]

(e) any part of premises of a kind mentioned in Article 5(1)(a) which 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.

**F38** 2004 NI 17

**F39** Art. 48(4)(de) inserted (1.9.2016) by [Licensing Act \(Northern Ireland\) 2016 \(c. 24\)](#), ss. 6, 8(1)

#### <sup>F40</sup>Major event orders

**F40** Arts. 48A, 48B and cross-heading inserted (6.4.2022) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\)](#), ss. 7(1), 47(2); S.R. 2022/63, art. 2, Sch.

### Extension of permitted hours for major events

**48A.**—(1) Where the Department considers that an event which is to take place in Northern Ireland will attract significant public interest (whether throughout Northern Ireland or in certain areas only), it may make an order (a “major event order”) which—

- (a) designates the event as a major event, and
  - (b) provides that, during the period specified in the order, the permitted hours for any place or premises to which the order applies are the hours specified in the order.
- (2) A major event order may apply to—
- (a) all licensed premises either in Northern Ireland as a whole or in the area or areas specified;
  - (b) all licensed premises of a specified kind either in Northern Ireland as a whole or in the area or areas specified;
  - (c) any place or premises for which an occasional licence has been granted and which is or are situated on the site where the event is to take place.
- (3) In specifying an area for the purposes of paragraph (2)(a) or (b), a major event order may in particular do so by reference to the place or premises at which the event is to take place or the area in the vicinity of the place or premises.
- (4) The Department may vary or revoke a major event order; and the circumstances in which it may revoke an order include, in a case where the period specified under paragraph (1)(b) includes two or more days, circumstances in which it considers it necessary to do so because of disorder, or expected disorder, at or in the vicinity of the place or premises at which the event is taking place.
- (5) The period specified in a major event order may not include Christmas Day.
- (6) The hours specified in a major event order are in addition to the hours permitted by any occasional licence, any order under Article 44 or 44A, any authorisation under Article 45 or any extension licence, which applies to a place or premises to which the major event order applies.
- (7) If, in the case of premises to which an order under Article 44, 44A or 48 applies, the event designated by a major event order is to take place on a day which is not specified in an order under Article 44 or 44A or an extension licence, the major event order has effect as if that day were so specified.
- (8) A major event order may make consequential, incidental or supplementary provision (including provision which modifies provisions of this Order for the purpose of giving effect to the major event order).
- (9) Before making a major event order, the Department must consult such persons as it considers appropriate.

### **Major event order: conditions**

- 48B.**—(1) A major event order may impose conditions; and it may (without prejudice to the generality of section 17(5)(b)(ii) of the Interpretation Act (Northern Ireland) 1954) impose conditions which, in particular, vary according to whether they relate to the sale of intoxicating liquor for consumption on, or for consumption off, a place or premises.
- (2) A major event order may not authorise at any place or premises, other than the place or premises at which the event is to take place, the sale of intoxicating liquor for consumption off that place or premises.
- (3) Accordingly, a major event order may, in so far as it applies to a place or premises for which an occasional licence has been granted, authorise during the period specified under Article 48A(1) (b) the sale of intoxicating liquor for consumption off the place or premises specified in the licence, despite the prohibition in Article 30(5)(b).
- (4) Paragraphs (2) and (3) do not apply in the case of a place or premises for which an occasional licence has been granted to the holder of a licence for a restaurant.
- (5) A major event order which authorises the sale of intoxicating liquor for consumption in a place or premises also authorises, during the first 60 minutes after the conclusion of the hours specified in the order, the consumption of intoxicating liquor in the place or premises.

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(6) A major event order which authorises the sale of intoxicating liquor for consumption off any place or premises also authorises, during the first 60 minutes after the conclusion of the hours specified in the order, the taking of intoxicating liquor in a sealed container from the place or premises.

(7) Regulations under Article 46(4) may also modify paragraph (5) or (6) of this Article so as to substitute “30 minutes” for “60 minutes”.

(8) A major event order, in so far as it applies to premises of any of the kinds mentioned in Article 5(1), does not affect the requirement to comply with the conditions relating to the sale of intoxicating liquor which apply to premises of that kind.

(9) Any person acting in contravention of a condition imposed by a major event order is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

*Miscellaneous*

**Power of Secretary of State to vary hours in certain circumstances**

<sup>F41</sup>49. ....

<p><b>F41</b> Art. 49 repealed (10.12.2012) by <a href="#">Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011 (c. 18), ss. 1(3), 18, Sch. 4</a>; S.R. 2012/420, art. 2, Sch.</p>
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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](#)