

STATUTORY INSTRUMENTS

1996 No. 3158

The Licensing (Northern Ireland) Order 1996

PART IV

CONDUCT OF LICENSED PREMISES, ETC.

General provisions regulating sale, etc., possession and delivery of intoxicating liquor

Restrictions on sale of certain kinds of alcohol

55.—(1) A person shall not, himself or by his servant or agent, sell, make available for purchase or supply in any licensed premises any liquor which consists of or is mixed with any alcohol of a kind other than ethyl alcohol.

(2) Any person acting in contravention of paragraph (1) 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.

Penalty for permitting consumption of intoxicating liquor in unlicensed part of premises

56.—(1) Where part or parts of any premises (other than premises of a kind mentioned in Article 5(1)(a) which provides accommodation for guests such as is mentioned in Article 46(3), premises of a kind mentioned in Article 5(1)(b) [^{F1}or (m)] , an hotel or a guest house) are licensed premises the holder of the licence, himself or by his servant or agent, shall not permit any other person to consume intoxicating liquor in any other part of the premises.

[^{F2}(1A) The exception in paragraph (1) for premises of a kind mentioned in Article 5(1)(m) does not apply to premises of that kind to which an order under Article 52E applies during the period for which an authorisation under Article 52F has effect.]

(2) If paragraph (1) is contravened 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.

(3) Where the holder of a licence is charged with an offence under this Article it shall be a defence to prove—

- (a) that the liquor was supplied by the person in charge of the business carried on under the licence at the expense of the holder or that person; and
- (b) that it was consumed by either—
 - (i) the holder of the licence or that person, or his guests; or
 - (ii) persons employed in the premises for the purposes of the business carried on under the licence; and
- (c) that it was consumed in a part of the premises to which the public do not have access.

F1 Words in art. 56(1) inserted (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 10(6)(b), 47(2); S.R. 2022/63, art. 2, Sch.

Changes to legislation: *The Licensing (Northern Ireland) Order 1996, Cross Heading: General provisions regulating sale, etc., possession and delivery of intoxicating liquor is up to date with all changes known to be in force on or before 19 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*

F2 Art. 56(1A) inserted (1.6.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 11(7), 47(2); S.R. 2022/133, art. 2, Sch.

Penalty for breach of terms of off-licence

57.—(1) Where, having purchased intoxicating liquor from the holder of an off-licence or his servant or agent, a person consumes the liquor—

- (a) in the licensed premises, or
- (b) in premises which adjoin or are near the licensed premises and which belong to the holder of the licence or are under his control or used by his permission,

then, that person and the holder of the licence, if the consumption is with his or his servant's or agent's knowledge or consent, shall be guilty of an offence.

(2) If the holder of an off-licence, himself or by his servant or agent, with intent to evade the terms of the licence takes any intoxicating liquor from the licensed premises for the purpose of its being sold on his account or for his benefit or profit, he shall be guilty of an offence.

(3) A person guilty of an offence under paragraph (1) or (2) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) For the purposes of paragraph (2), if liquor is taken for the purpose of its being consumed in any premises or place belonging to the holder of the licence, or used or occupied by him, the burden of proving that he did not intend to evade the terms of the licence shall lie upon him.

(5) In this Article “off-licence” means a licence for premises of a kind mentioned in Article 5(1)(b).

[^{F3}Restrictions on off-sales drinks promotions in supermarkets etc.

57ZA.—(1) In the case of licensed premises of a kind mentioned in Article 5(1)(b) (other than premises the whole of which may be used for the sale of intoxicating liquor), the holder of the licence, personally or by a servant or agent, or such a servant or agent, must not carry on an off-sales drinks promotion relating to those licensed premises on any part of the premises of which the licensed premises form part other than a part in which intoxicating liquor is made available for purchase.

(2) In the case of licensed premises of a kind mentioned in Article 5(1)(b), the holder of the licence, personally or by a servant or agent, or such a servant or agent, must not carry on an off-sales drinks promotion relating to those licensed premises—

- (a) anywhere in the vicinity of the premises of which the licensed premises form the whole or part, or
- (b) anywhere in the vicinity of any other premises of which licensed premises of a kind mentioned in Article 5(1)(b) form the whole or part.

(3) In paragraph (2), the reference to the vicinity of premises is to the area that extends 200 metres from the boundary of the premises.

(4) Regulations may modify paragraph (3) so as to substitute a different distance for the distance for the time being specified there.

(5) A person acting in contravention of paragraph (1) or (2) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) In this Article, “off-sales drinks promotion”, in relation to licensed premises, means an activity which promotes, or seeks to promote, in relation to those premises specifically the purchase on the premises of intoxicating liquor for consumption off the premises.

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(7) A reference in this Article to carrying on an off-sales drinks promotion in relation to licensed premises—

- (a) includes a reference to displaying or making available a publication which relates wholly or mainly to promoting the purchase on those premises of intoxicating liquor for consumption off the premises;
- (b) does not include a reference to carrying on an activity which promotes, or seeks to promote, the purchase of intoxicating liquor as part of a combination of products designed to constitute a meal;
- (c) does not include a reference to the provision of a scheme of the kind referred to in Article 57ZB.

(8) 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.]

F3 Art. 57ZA inserted (1.10.2022) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), ss. 19\(1\), 47\(2\)](#); S.R. 2022/180, arts. 1(2), 2, Sch.

[^{F4}Prohibition of loyalty schemes

57ZB.—(1) The holder of a licence for premises of any kind mentioned in Article 5(1) must not operate a scheme which—

- (a) provides awards to a member of the scheme in consequence of the purchase by the member of intoxicating liquor in the premises, and
- (b) entitles the member to redeem the awards, in the amount specified in the scheme, in exchange for the opportunity to purchase intoxicating liquor at a reduced price or to receive it free of charge.

(2) A person acting in contravention of paragraph (1) is guilty of an offence and is liable on conviction to a fine not exceeding level 5 on the standard scale.]

F4 Art. 57ZB inserted (6.4.2023) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021 \(c. 7\), ss. 20\(1\), 47\(2\)](#); S.R. 2022/180, arts. 1(2), 3

[^{F5}Irresponsible drinks promotions

57A.—(1) Regulations may prohibit or restrict the holder of a licence or the licence holder's servant or agent from carrying on an irresponsible drinks promotion on or in connection with the licensed premises.

(2) A drinks promotion is irresponsible if it—

- (a) relates specifically to any intoxicating liquor likely to appeal largely to persons under the age of 18,
- (b) involves the supply of any intoxicating liquor free of charge or at a reduced price on the purchase of one or more drinks (whether or not intoxicating liquor),
- (c) involves the supply free of charge or at a reduced price of one or more extra measures of intoxicating liquor on the purchase of one or more measures of the liquor,
- (d) involves the supply of unlimited amounts of intoxicating liquor for a fixed charge (including any charge for entry to the premises),
- (e) encourages, or seeks to encourage, a person to buy or consume a larger measure of intoxicating liquor than the person had otherwise intended to buy or consume,

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- (f) is based on the strength of any intoxicating liquor,
 - (g) rewards or encourages, or seeks to reward or encourage, consuming intoxicating liquor quickly, or
 - (h) offers intoxicating liquor as a reward or prize, unless the liquor is in a sealed container and consumed off the premises.
- (3) Sub-paragraphs (b) to (d) of paragraph (2) apply only to a drinks promotion carried on in relation to intoxicating liquor sold for consumption on the premises.
- (4) Regulations may modify paragraph (2) or (3) so as to—
- (a) add further descriptions of drinks promotions,
 - (b) modify any of the descriptions of drinks promotions for the time being listed in it, or
 - (c) extend or restrict the application of any of those descriptions of drinks promotions.
- (5) A person who contravenes any provision of regulations made under this Article is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (6) Regulations shall not be made under this Article unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.
- (7) In this Article “drinks promotion” means, in relation to any licensed premises, any activity which promotes, or seeks to promote, the buying or consumption of any intoxicating liquor on the premises.]

<p>F5 Art. 57A inserted (1.1.2013 for specified purposes) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011 (c. 18), ss. 4, 18; S.R. 2012/405, 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](#)