
STATUTORY INSTRUMENTS

1996 No. 3158

The Licensing (Northern Ireland) Order 1996

PART IV

CONDUCT OF LICENSED PREMISES, ETC.

Miscellaneous

Conditions as to delivery of intoxicating liquor

66.—(1) A person shall not, himself or by his servant or agent,—

- (a) deliver in pursuance of a sale any intoxicating liquor from any vehicle or receptacle unless the quantity, description and price of the liquor and the name and address of the person to whom it is to be delivered had been entered before the liquor was dispatched—
 - (i) in a day book kept on the premises from which the liquor was dispatched; and
 - (ii) in a delivery book or invoice, carried by the person delivering the liquor; or
- (b) carry in any vehicle or receptacle, while in use for the delivery of intoxicating liquor in pursuance of a sale, any liquor for which there is no entry in any such day book and delivery book or invoice; or
- (c) deliver any intoxicating liquor in pursuance of a sale at any address not entered in any such day book and delivery book or invoice; or
- (d) refuse to allow a constable to examine any such vehicle or receptacle or any such day book or delivery book or invoice.

(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 3 on the standard scale.

(3) In any proceedings against the holder of a licence for an offence under this Article committed by his servant or agent it shall be a defence for him to prove—

- (a) that the commission of the offence was due to some cause beyond his control; and
- (b) that he exercised all due diligence to avoid the commission of such an offence.

Prohibition of consumption, etc., of intoxicating liquor at entertainments

67.—(1) Subject to paragraph (2), it shall be unlawful to supply, consume or keep for supply or consumption intoxicating liquor at any entertainment in any premises.

(2) Paragraph (1) shall not apply to anything done at—

- (a) any entertainment organised otherwise than for purposes of private gain; or
- (b) any entertainment in licensed premises or in the premises of a club registered under the Registration of Clubs (Northern Ireland) Order 1996; or
- (c) any entertainment in connection with which an occasional licence has been granted.

(3) Where a person—

- (a) himself or by his servant or agent, supplies or keeps for supply or consumption intoxicating liquor in contravention of paragraph (1), or
- (b) being a person concerned in the organisation of an entertainment, himself or by his servant or agent, permits any person to supply, consume or keep for supply or consumption intoxicating liquor in contravention of paragraph (1), or
- (c) being the holder of a licence, himself or by his servant or agent, delivers intoxicating liquor to any premises mentioned in paragraph (1) or permits it to be so delivered, or
- (d) consumes intoxicating liquor in contravention of paragraph (1),

he 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, except in the case of an offence under sub-paragraph (c), any intoxicating liquor found in his possession and its containers shall be liable to be forfeited.

(4) Where paragraph (1) is contravened, 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.

(5) Subject to paragraph (6), for the purposes of this Article, an entertainment shall be deemed to have been organised for private gain if any pecuniary advantage accrued or was intended to accrue to any person concerned in its organisation as a result of the entertainment; and in determining whether any such advantage so accrued or was intended to accrue no account shall be taken of any expenditure incurred in connection with the entertainment.

(6) An entertainment shall not be deemed to have been organised for private gain if the whole proceeds of the entertainment, after deducting the expenses of the entertainment, are devoted to purposes other than private gain.

(7) Any person who organises an entertainment to which paragraph (2)(a) applies shall—

- (a) make, and keep for a period of at least 18 months, records and accounts relating to that entertainment;
- (b) record in those accounts the purposes for which the proceeds of the entertainment are to be applied; and
- (c) inform all potential participants of those purposes.

(8) The person who organises an entertainment to which paragraph (2)(a) applies shall, not less than 7 days before the date on which the entertainment is to take place, serve notice of the entertainment upon the sub-divisional commander of the police sub-division in which the premises where the entertainment is to take place are situated.

(9) Nothing in this Article shall affect the delivery or supply of intoxicating liquor to, or the consumption of intoxicating liquor by, a person in premises in which he is residing; and in determining for the purpose of this Article whether an entertainment is being held in any premises, the presence of persons residing in the premises shall be disregarded.

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

Prohibition of consumption, etc., of intoxicating liquor in certain premises

68.—(1) Subject to paragraph (2), it shall be unlawful to supply, consume or keep for supply or consumption intoxicating liquor in any premises used by a club.

(2) Paragraph (1) shall not apply to—

- (a) any licensed premises or the premises of a club registered under the Registration of Clubs (Northern Ireland) Order 1996; or
 - (b) any premises for which an occasional licence has been granted.
- (3) Where a person—
- (a) himself or by his servant or agent, supplies or keeps for supply or consumption intoxicating liquor in contravention of paragraph (1), or
 - (b) himself or by his servant or agent, permits any person to supply, consume or keep for supply or consumption intoxicating liquor in contravention of paragraph (1), or
 - (c) being the holder of a licence, himself or by his servant or agent, delivers intoxicating liquor to any premises mentioned in paragraph (1) or permits it to be so delivered, or
 - (d) consumes intoxicating liquor in contravention of paragraph (1),

he 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, except in the case of an offence under sub-paragraph (c), any intoxicating liquor found in his possession and its containers shall be liable to be forfeited.

(4) Where paragraph (1) is contravened, 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.

(5) Nothing in this Article shall affect the delivery or supply of intoxicating liquor to, or the consumption of intoxicating liquor by, a person in premises in which he is residing.

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

Persons found on unlicensed premises, etc.

69.—(1) Where on any premises or in any place any liquor is sold or made available for purchase or permitted to be consumed in contravention of Article 3, 55 or 56, any person found there shall, unless he proves that he is there for a lawful purpose, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) Where, on being asked by a constable for his name and address, a person found as mentioned in paragraph (1)—

- (a) refuses to give them; or
- (b) gives a false name or address; or
- (c) refuses to answer satisfactorily any question put to him to ascertain the correctness of the name or address given,

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.