
STATUTORY RULES OF NORTHERN IRELAND

2023 No. 6

**The Packaging Waste (Data Reporting)
Regulations (Northern Ireland) 2023**

PART 1

General

Licensors and pub operating businesses

9.—(1) For the purposes of these Regulations, a person (“L”) is a licensor where L is a party to a licence agreement in or under which L grants a licence to use a trade mark to another.

(2) For the purposes of these Regulations, a person (“P”) is a pub operating business where—

- (a) P is a party to a pub operating agreement in or under which P grants a lease or tenancy of premises to another; and
- (b) Those premises are used by the tenant in order to carry on the licensable activity of—
 - (i) selling intoxicating liquor by retail for consumption in, or both in or off the premises; or
 - (ii) the supply of intoxicating liquor by or on behalf of a club, or to the order of, a member of the club or both, for consumption on the premises or both on and off the premises,

and the tenant holds a license in respect of those premises.

(3) In this regulation—

“intoxicating liquor” has the same meaning as in Article 2(2) of the Licensing (Northern Ireland) Order 1996⁽¹⁾;

“licence” has the same meaning as in Article 2(2) of the Licensing (Northern Ireland) Order 1996;

“licence agreement” means an agreement or number of related agreements in or under which the licensor grants the licensee a licence that allows the licensee to use a trade mark as the name under which the licensee sells from premises goods that are associated with that trade mark, and includes an obligation (whether expressed as a positive or as a negative obligation) on the licensee that relates to the presentation of those premises;

“licensee” means the party to the licence agreement to whom a licence to use a trade mark is granted;

“premises” means any sales outlet on which packaging is handled and includes any land, vehicle, vessel, mobile plant and stall;

“pub operating agreement” means an agreement or number of related agreements in or under which one person (the pub operating business) grants a tenancy or lease of the premises to another person (the tenant) that includes an obligation (whether expressed as a positive or as

a negative obligation) on the tenant to purchase some or all of the intoxicating liquor to be sold or otherwise supplied on or from the premises, from the pub operating business or from a person or persons nominated or authorised by or on behalf of that business;

“selling by retail” in relation to any intoxicating liquor shall be construed in accordance with section 4(4) of the Alcoholic Liquor Duties Act 1979⁽²⁾;

“supply of intoxicating liquor” shall be construed in accordance with Registration of Clubs (Northern Ireland) Order 1996⁽³⁾;

“tenant” means the party to a pub operating agreement to whom the lease or tenancy of premises is granted.

(2) 1979 c.4.

(3) S.I. 1996/3159 (N.I. 23)