

**THE LICENSING AND REGISTRATION OF
CLUBS (AMENDMENT) ACT
(NORTHERN IRELAND) 2021
GUIDE**

Department for Communities February 2022

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INTRODUCTION

This guide outlines the provisions of the *Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021* (the Act) which received Royal Assent on 26 August 2021. **The first phase of changes came into effect on 1 October 2021; phase 2 will come into effect on 6 April 2022.**

It will be of particular interest to the licensed trade, registered clubs, courts and police but should be a useful source of information for district councils, the legal profession and the general public.

The information contained in this guide should not be treated as a complete and authoritative statement of the law which is contained only in the Act and regulations made under it. This guide will be updated as and when outstanding provisions are due to come into effect.

As licensing law is a complex piece of legislation, licence holders may wish to engage the services of a solicitor in terms of bringing any applications through the courts. It is the responsibility of the licence holder to ensure that they, their servants and agents, are fully aware of their requirements under licensing law.

Copies of the Act and associated regulations may be purchased from the Stationery Office at www.tsoshop.co.uk or by contacting the TSO Customer Services on 0870 6005522. Alternatively, this legislation may be accessed at legislation.gov.uk.

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Background

The Department for Communities is responsible for the policy and legislation regulating the retail sale and supply of alcoholic drinks in Northern Ireland.

The current law dates back to 1996 and reform was an Executive priority under the New Decade New Approach Deal.

The aim of licensing law is to try and strike a balance between the controls which are necessary for the protection of public health and the preservation of public order, and on the other hand, individual freedom of choice and the opportunity for local businesses to meet customer's expectations.

The Act amends the Licensing (Northern Ireland) Order 1996 (the Licensing Order) and the Registration of Clubs (Northern Ireland) Order 1996 (the Clubs Order).

The key changes include*:

- Pubs and Hotels can apply to open until 2am up to 104 nights per year;
- Smaller pubs will be able to open to 1am up to 104 nights per year;
- Drinking-up time will be increased to 1 hour;
- All additional restrictions on opening hours over Easter weekend will be removed;
- Opening hours on Sunday evenings will be the same as any other night;
- There will be flexibility around opening hours for bars at major events;
- A new category of licence will be created for local producers of craft beers, ciders and spirits;
- Cinemas will be able to apply for a liquor licence and serve drink to customers watching a movie;
- Sporting clubs will be able to use their grounds for functions up to 6 times per year;
- Registered clubs will be able to open to 1am up to 104 nights per year;
- Self-service of alcohol and sales by vending machines will be prohibited;
- Restrictions will be placed on off-sales drinks promotions;
- Loyalty schemes will not be able to award or redeem points for the sale of alcoholic drinks.

*** The changes made by the Act will not come into operation at the same time. This guide will be updated as and when outstanding changes are due to come into effect.**

LIQUOR LICENCE RENEWAL REMINDER

Northern Ireland liquor licence holders are reminded that the current 5-year licensing period ends on 30 September 2022.

Further reminders will be published by the Department for Communities in the local press in July 2022.

The process for renewing licences is detailed in Schedule 4 to the Licensing Order (Applications for the renewal of licences), Part 1 (General procedure).

Renewal applications must be submitted to the court by 9 August and at the same time a copy of the notice of application must be served on:

- (a) the district commander for the police district in which the premises are situated;
- (b) where the applicant resides in some other police district, upon the district commander of that police district;
- (c) the district council for the district in which the premises are situated.

PART 1 – LICENSING

Section 1: Removal of additional restrictions at Easter - Commenced 1 October 2021

Easter weekend permitted hours now mirror what is available for any other weekend throughout the year.

Section 1 amends Article 30 of the Licensing Order (Occasional licences), Article 42 (General permitted hours), Article 44 (Additional permitted hours), Article 45 (Authorisations for additional permitted hours), Article 47 (Extension licences) and Article 50 (Restrictions as to sales for consumption off premises) by removing all references to Good Friday and Easter Sunday.

The above Articles relate to the permitted hours for the sale of intoxicating liquor under the authority of an occasional licence or in licensed premises (both on and off-sales).

Section 2: Removal of restrictions on late opening for on-sales on Sunday - Commenced 1 October 2021

This section brings the end of general and additional permitted hours on any Sunday into line with those permitted on any other day (11pm with general permitted hours, 1am the following morning with additional hours, or 2am the following morning in pubs and hotels with further additional permitted hours).

Opening times for on-sales on Sundays (12.30pm) and Christmas Day hours (12.30pm -10pm) remain the same.

Section 2 amends Article 30 of the Licensing Order (Occasional licences), Article 42 (General permitted hours), Article 44 (Additional permitted hours), Article 45 (Authorisations for additional permitted hours) and Article 47 (Extension licences) and removes the restrictions on late night permitted hours on a Sunday (currently restricted to 10pm with general permitted hours or 12 midnight with additional hours) for premises licensed for the sale and consumption of intoxicating liquor on the premises.

Section 3: Public houses and hotels: further additional hours - Commenced 1 October 2021

This section allows certain pubs and hotels to apply for an additional hour up to 104 times per year.

Section 3 introduces new Articles 44A and 44B in the Licensing Order in relation to further later opening for public houses and hotels.

The new Article 44A (Order for further additional permitted hours) gives a court ¹or clerk of petty sessions a power, in certain circumstances, to extend later opening by one hour in public houses or hotels which are structurally adapted to provide entertainment and/or substantial refreshment and which hold a court order for later opening under Article 44.

This means that on a night that a pub or hotel has an Article 44 order in place (until 1am), an order under Article 44A permits later opening for an additional one hour (2am).

On a night that a pub or hotel, which has an Article 44 order but not for that night, an order under Article 44A also permits later opening for three hours in premises (11.00pm – 2.00am).

Musical or other entertainment and/or substantial refreshment must be provided throughout the later opening just as if an order under Article 44 applied that day.

A late licence granted under an Article 44A may be made for a maximum of 104 days in any year (twelve month period) but may not be made for Christmas Day.

The Department may, subject to the approval of the NI Assembly, make regulations in the future to change the number of days on which orders under Article 44A may be made.

The new Article 44B (Orders under Article 44A: revocation, modification etc.) provides powers for a magistrates' court to revoke or modify an order for further later opening or to place terms and conditions on an order.

These powers mirror the powers a court has for later opening made under Article 44. The reasons why it may be necessary to revoke or modify a late opening order are if the business was conducted in such a manner to cause undue inconvenience to local residents, or that the hours caused undue inconvenience to local residents, or that the part of the premises mentioned in the order wasn't being used for the purposes of providing entertainment and/or substantial refreshment.

¹ an application can be made to the county court at the grant of a licence application or a magistrates' court at any point in the future

It is important to note that a licence holder applying to a court of summary jurisdiction for an order under Article 44A is required to follow the process set out in Schedule 9 to the Licensing Order (procedure for certain applications), including placing a notice of the application in local newspapers* and display the notice on or near the premises.

The administrative court forms to apply to the county and magistrates' courts for an order under Article 44A which will allow pubs and hotels to apply for further additional permitted hours can be downloaded from the Department's website at:

<https://www.communities-ni.gov.uk/publications/licensing-and-registration-clubs-amendment-act-ni-2021-guide>

*Newspaper notice - There is no legislative requirement to include the full list of dates for which the application relates, however the notice should include details of where any interested person may find those dates.

Section 4: Alignment of closing time for liquor and entertainment - Commenced 1 October 2021

This section ensures that entertainment stops at the end of drinking-up time.²

Section 4 adds a new Article 44C in the Licensing Order (Alignment of closing time for liquor and entertainment) to ensure that the entertainment provided during later opening under Article 44, or further later opening under Article 44A, is not allowed to continue after the end of "drinking-up time". This ensures that entertainment must end at the latest at 2.00am when an Article 44 order applies and 3.00am when an Article 44A order applies.

² If a licence holder wishes to continue entertainment beyond drinking-up time, any order for additional (or further) additional permitted hours is invalidated, and the sale of intoxicating liquor must cease at 11pm.

Section 5: Police authorisations for additional hours - Commenced 1 October 2021

This section does two things;

- allows pubs which have an Article 44 order in place to apply to the police for ad-hoc late opening, up to 20 times per year; and
- increases the number of times smaller pubs, (which are not structurally adapted and therefore can't apply for an Article 44 order), can apply to the police for late opening from 20 to 104.

Article 45(1) of the Licensing Order (authorisations for additional permitted hours) is amended to allow police to authorise later opening (11.00pm- 1.00am), in pubs which have a court order for later opening under Article 44, on a day that is not covered in the Article 44 order.

These pubs can apply for the ad-hoc late nights up to 20 times in any year, and must continue to provide entertainment and or substantial refreshment on the ad-hoc nights granted by the police.

A new Article 45(2A) increases the number of authorisations to pubs not holding an order for later opening under Article 44 from 20 days to 104 days in any year. Multiple dates may be included in one application to the police.

A new Article 45(2B) provides the Department with a power to make regulations [subject to the approval of the NI Assembly] to change the number of days in which orders under Article 45(2) or (2A) may be made.

It is important to note that subsection (4) inserts new paragraphs (4) to (8) to Article 45 to require a licence holder applying for an authorisation under this Article, to display a notice of the application on or near the relevant premises during the three weeks before the first occasion to which the application relates.

A copy of the notice must also be served on the district council.

An administrative form of notice that pubs can use to comply with the requirement to display under Article 45 can be can be downloaded from the Department's website at:

<https://www.communities-ni.gov.uk/publications/licensing-and-registration-clubs-amendment-act-ni-2021-guide>

Applications should be addressed to the district licensing officer, or the duty inspector, of the local police district in which the premises is situated.

Furthermore, there is provision for complaints from the police, council or any person owning or residing in premises within the vicinity, to be made to the courts where

undue inconvenience is caused to local residents as a result of a late night authorisation. Courts are given the power to revoke an authorisation, modify the hours of an authorisation, or make an authorisation subject to such terms and conditions as it thinks fit, including those requested by the district commander of the police of the district in which the premises are situated.

Section 6: Extension of “drinking-up time” - Commenced 1 October 2021

This section increases drinking-up time from 30 minutes to 1 hour.

Section 6 amends Article 46 of the Licensing Order (Exceptions from prohibition of sale etc., of intoxicating liquor outside permitted hours).

Subsection (1) amends Article 46(1) which provides for the duration of the “drinking-up time” at the end of normal opening hours or later opening in licensed premises, substituting the current “30 minutes” with “60 minutes”.

Subsection (2) provides the Department with a power to make regulations to allow “drinking-up time” to revert to 30 minutes, subject to the approval of the NI Assembly

Section 7: Major Events - Commencing 6 April 2022

This section adds a new Article 48A to the Licensing Order which gives the Department the power designate an event being held in NI, which will attract significant interest, as a major event and make a “major event order”.

A major event order may:

- specify the permitted hours and days for the sale of intoxicating liquor, outside of what is currently available under the Licensing Order.
- apply to all licensed premises in NI as a whole or a specific area.
- specify a type of premises within NI as a whole or a specific area.
- apply to a place or premises which has been granted an occasional licence, situated on the site of the major event.

The Department must consult with appropriate persons. These persons may vary depending on the event, however examples would be the police and council local to where the event is taking place.

It is important to note:

- any event which is being considered for a major event order must be being held at a place or premises which is already licensed, either under Article 5(1) or Article 30 of the Licensing Order.
- the Department may also impose conditions for on or off-sales in any major event order (under a new Article 48B). Failure to comply may result in a fine of up to £1,000 on summary conviction.
- that off-sales may be permitted only from the place or premises at which the event is taking place.
- The period specified in a major event order may not include Christmas Day.

The Department is currently developing a framework for the processing of major event orders which will be made available at the earliest opportunity.

Section 8: Licensed race tracks: Sunday sales - Commenced 1 October 2021

This section allows the sale of intoxicating liquor at licensed race tracks on a Sunday.

Section 8 amends Article 42 of the Licensing Order (General permitted hours) to permit “licensed race tracks”³, within the “place of public entertainment” category of premises which may be granted a liquor licence, to sell intoxicating liquor on Sundays (not including Christmas Day) from 30 minutes before the entertainment and 30 minutes after, between the hours of 12.30pm and 11.00pm.

Section 9: Places of public entertainment – Commencing 6 April 2022

This section amends Article 2 of the Licensing Order to include cinemas as a place of public entertainment, allowing them to apply for a licence to sell intoxicating liquor on the premises.

The process for applying for a liquor licence is the same as for any other premises and is set out in Article 7 of and Schedule 1 to the Licensing Order.

As the process for applying for a liquor licence is through the County Courts it is recommended that any potential applicant engages the services of a specialist solicitor.

³ As defined in Article 2 of the Licensing Order place of public entertainment (c) premises on a licensed track within the meaning of the [1985 NI 11.] Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985

Cinemas will be allowed to sell intoxicating liquor

- from 30 minutes before the entertainment and up to 30 minutes after,
- between 11.30am to 11pm on weekdays,
- 12.30pm to 11pm on Sundays and
- 12.30pm to 10pm on Christmas day.

It is important to note that the current licensing period (which runs for 5 years) ends on 30 September 2022 and any licence granted up to and including 30 June 2022 will need to be renewed by 30 September 2022.

Renewal applications must be submitted to the court by 9 August 2022. Any licence granted in July, August and September 2022 will be carried forward into the next licensing period.

Section 10: Licence for off-sales – Commencing 6 April 2022

This section adds local producers of intoxicating liquor to the categories of premises under Article 5(1) of the Licensing Order which may be granted a liquor licence.

The process for applying for a liquor licence is the same as for any other premises and is set out in Article 7 of and Schedule 1 to the Licensing Order.

As the process for applying for a liquor licence is through the County Courts it is recommended that any potential applicant engages the services of a specialist solicitor.

Section 10 also adds new Articles 52B, C and D to the Licensing Order which set out specific conditions which apply to a local producer's licence.

Local producer's licence: sales on own premises

New Article 52B allows a local producer of intoxicating liquor to apply for a licence to sell their own products, from their own premises for consumption off the premises. Only intoxicating liquor produced on the premises may be sold.

Selling other intoxicating liquor or selling for consumption on the premises carries a fine of up to £2,500 or up to 3 months in prison, or both.

A sample may be provided for consumption on the premises as part of a tour of the premises, provided no charge is made for the sample separate to the charge for the tour.

Providing samples without a tour carries a fine of up to £1,000.

The following samples, allowed per person per day, must not be exceeded –

- 1.5 pints (852mls) Beer or Cider up to and including 6% ABV; or
- 1 pint (568mls) Beer or Cider above 6% ABV; or
- 3 measures (35mls) of any spirit; or
- 3 measures (70mls) of any liqueur

A notice detailing the conditions of the licence held must also be displayed at all times. The notice will be added to the guide once it has been finalised.

Failure to display this notice carries a fine of up to £1,000.

This notice is important as it is an offence for a person, having purchased intoxicating liquor from the holder of the licence, to consume it in the production premises or in premises which adjoin or are near the production premises and which belong to the holder of the licence or are under his control or used by his permission.

The licence holder, if the consumption is with the holder's or a servant's or agent's knowledge or consent, will also be guilty of the offence.

Local producer's licence: sale on other licensed premises

New Article 52C allows local alcohol producers to sell their own products (produced on their own production premises), for consumption off the premises, in certain other licensed premises.

These licensed premises are:

- an hotel;
- a conference centre;
- an indoor arena;
- an outdoor stadium;
- a place or premises specified in an occasional licence.

The sale must be ancillary to an event which is being held on those premises wholly or mainly to promote food, drink or craftwork produced in Northern Ireland.

Sales for consumption on the premises or in any other category of licensed premises carries a fine of up to £2,500 or up to 3 months in prison, or both.

It should also be noted that the holder of the licence must display at all times a notice detailing the conditions of the licence held at the point of sale. The notice will be added to the guide once it has been finalised.

Failure to display this notice carries a fine of up to £1,000.

Local producer's licence: sales not on licensed premises

New Article 52D permits local producers of intoxicating liquor to sell their own products, (produced on their own production premises), for consumption off the premises, at a place which is not licensed for the sale of alcohol in any way.

An event must be being held at that place which is open to the public to wholly or mainly promote food, drink or craftwork in Northern Ireland.

A number of approvals must be obtained prior to the event taking place. It is advisable that the approvals are obtained at the earliest opportunity.

The person organising the event must make a request to the Department asking it to publish a statement (and this statement must be published) that the event:

- is being held to promote food, drink or craftwork produced in Northern Ireland or relates to agriculture in Northern Ireland; and
- is of importance to the area of Northern Ireland in which it is being held.

The person organising the event must make a request to the local police and have obtained written approval from a senior local police officer for intoxicating liquor to be sold at the event for consumption away from the place where the event is being held.

The holder of the local producer's licence must make a request to the local police and have obtained written approval from a senior local police officer that the holder of the licence, or a servant or agent, is permitted to sell intoxicating liquor at the event. Similarly, the intoxicating liquor being sold must have been produced on the licence holder's production premises and sold for consumption away from the place the event is being held.

It should also be noted that the holder of the licence must display at all times a notice detailing the conditions of the licence held at the point of sale. The notice will be added to the guide once it has been finalised.

Local producers may provide samples at the event.

The following samples, allowed per person per day, must not be exceeded –

- 1.5 pints (852mls) Beer or Cider up to and including 6% ABV; or
- 1 pint (568mls) Beer or Cider above 6% ABV; or

- 3 measures (35mls) of any spirit; or
- 3 measures (70mls) of any liqueur

These are maximum amounts and are intended to allow local producers who have a larger product range to offer smaller samples of more products.

The Department of Health encourages that such samples are taken over an appropriate period of time; that drink-driving is completely discouraged and that water and soft drinks are also available.

Industrial de-Rating information

It should be noted that any Industrial de-Rating currently granted to a local producer's premises may be impacted by any licence granted for the sale of intoxicating liquor from those premises.

The primary function of the premises will dictate whether Industrial de-Rating is retained or not however each premises needs to be individually assessed in accordance with the rating legislation.

Where the premises are used for other purposes such as a part of the premises set aside for the retail sale of intoxicating liquor for consumption off the premises (off-sales), this part will be subject to rates payable at the full rate and a rates reassessment will need to be carried out by Land & Property Services (LPS). Licence holders should apply for a rates reassessment once licensing or physical changes have been made to premises.

LPS is unable to provide estimates of the potential impact on rateable value or Industrial de-Rating in advance of changes having been undertaken, however prospective licence holders who wish to contact LPS for further information may do so by emailing valuation@lpsni.gov.uk.

It is important to note that the current licensing period ends on 30 September 2022 and any licence granted up to and including 30 June 2022 will need to be renewed by 30 September 2022.

Renewal applications must be submitted to the court by 9 August 2022. Any licence granted in July, August and September 2022 will be carried forward into the next licensing period.

Section 12: Requirement for off licence – Commencing 6 April 2022

This section relates to remote sales of intoxicating liquor.

A new Article 5A in the Licensing Order requires that where a sale takes place in any way other than in person:

- the place of dispatch in Northern Ireland must be licensed to sell intoxicating liquor for consumption off the premises; and
- the person making the sale, personally or by a servant or agent, is the holder of the licence.

This section also amends Article 66 of the Licensing Order (conditions as to delivery of intoxicating liquor), requiring any person, who is not a servant or agent of the licence holder, and who is delivering intoxicating liquor to the purchaser, to make the delivery without reasonable delay, and to have with them a receipt from the holder of the licence for the purchase of intoxicating liquor.

Failure to make the delivery without unreasonable delay or to carry the relevant receipt carries a fine of up to £1000).

Section 13: Removal of requirements for children's certificates, etc. – Commencing 6 April 2022

This section repeals Article 59 of the Licensing Order (children's certificates) which required licensees to hold a children's certificate if they wished young people under 18 years of age to be allowed in areas of the premises which contained a bar or are used mainly or exclusively for the consumption of intoxicating liquor.

The section makes further amendments to ensure all safeguards remain in place before young people under 18 years of age are allowed in areas of the premises which contain a bar or are used mainly or exclusively for the consumption of intoxicating liquor.

These safeguards include:

- meals must be available,
- a young person must be accompanied by an adult and sit away from the bar,
- a young must leave the premises by 9.00pm (9.30pm if consuming a meal purchased before 9.00pm).

Section 14: Underage functions – Commencing 6 April 2022

This section relates to the suitability of certain premises and authorisation for those premises to hold functions which are designed to appeal to under 18s in particular (underage functions).

The licensed premises in question are:

- pub;
- an hotel;
- a restaurant;
- a conference centre;
- a higher education institution;
- an indoor arena;
- an outdoor stadium.

A new Article 58A in the Licensing Order permits a court to make an order specifying a certain part of a licensed premises as suitable to hold underage functions when they are satisfied the required conditions have been met.

These conditions include:

- that the part of the premises specified in the order is structurally adapted for the purpose of having functions held in it;
- that appropriate steps have been taken for securing the safety of under 18s while attending an underage function in that part of the premises and that is it otherwise suitable for underage functions;
- that suitable arrangements are in place for securing under 18s attending the function do not have access to any other part of the premises which is used for the sale of intoxicating liquor.

A new Article 58B in the Licensing Order provides for authorisations for specific functions.

The holder of a licence must apply to the relevant magistrates' courts for an authorisation for each underage function. The procedure which must be followed is set out in Schedule 10 to the Licensing Order.

An authorisation permits under 18s to be in the part of the premises which has been granted a suitability order up to 1.00am to attend the function, and up to 1.30am following the function.

A condition of the authorisation is that during the period for which the authorisation is in force:

- each dispenser of intoxicating liquor in the part of the premises where the function is taking place must be incapable of operation; and
- access to any other container of intoxicating liquor in that part must be prevented.

A court may place other conditions as it thinks fit. Failure to comply with any condition carries a fine of up to £1,000.

Sales of intoxicating liquor to anyone aged 18 or over in the part of the premises where the function is taking place is an offence.

The licence holder, servant or agent, is also not permitted to allow anyone aged 18 or over to consume intoxicating liquor in that part.

Furthermore, a person aged 18 or over is not permitted to consume intoxicating liquor in the area authorised for the underage function whilst the function takes place.

Sales, permission to consume, and consumption, all carry a fine of up to £1,000.

This section also makes changes to Article 108 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985. It is now an offence for gaming machines to be made available in any part of licensed premises in which an underage function is being held.

Section 15: Private functions – Commencing 6 April 2022

This section amends Article 58 of the Licensing Order which relates to under 18s in licensed premises. Under 18s will be able to remain on licensed premises, to attend a private function, provided certain conditions are met.

The conditions are:

- the function is held in a part of the premises where the public do not have access to for the duration of the function;
- the person under 18 is in the company either of a parent or of a parent of another person who is under 18 and attending the function;
- at least a main meal is being served at the function; and
- the person under 18 does not consume any part of that meal at a counter or structure that is being used wholly or mainly as a bar.

NB: “parent” includes any individual who has parental responsibility for that person or has care of that person.

Section 16: Delivery of intoxicating liquor to young persons – Commencing 6 April 2022

This section amends Article 60 of the Licensing Order which relates to the sale, etc., of intoxicating liquor to young persons.

It makes it an offence for a licensee, or servant or agent, to make a home delivery of intoxicating liquor (purchased by an adult) to any person under 18 years of age.

It also provides that in court proceedings, licensees, or servants or agents, may rely on a defence of due diligence by demonstrating that, when delivering the intoxicating liquor, they recorded details of any proof of age document they had requested in the delivery book or on an invoice.

Section 17: Restaurants and guest houses: notice displaying licence conditions – Commencing 6 April 2022

This section amends Article 51 of the Licensing Order (conditions as to sale etc. in guest houses and restaurants). It adds a new Article 51(4A) which requires a restaurant, and a guest house which also has a restaurant, to display a notice detailing the conditions in relation to the sale and consumption of intoxicating liquor in the premises.

The notice will be added to this guide once it has been finalised.

Failure to display the notice carries a fine of up to £1,000.

Section 21: Minimum price for alcohol - Commenced 1 October 2021

This section places a duty on the Department of Health to, within 3 years of whole of this Act coming into operation, bring forward to the Assembly, legislation introducing minimum pricing for the sale and supply of intoxicating liquor and to prohibit its sale or supply below that price.

Section 22: Occasional licences: conditions – Commencing 6 April 2022

This section allows for the police to appear at a hearing of an application for an occasional licence and ask for terms and conditions to be placed on it.

There is also an opportunity, on request by the holder of the occasional licence, for a magistrates' court to vary or remove any of the terms or conditions if it is satisfied that it is appropriate to do so.

Failure to comply with terms and conditions placed on an occasional licence carries a fine up to £1,000.

Section 23: Independent review of licensing system including surrender principle - Commenced 1 October 2021

This section places a duty on the Department for Communities to appoint an independent person, within one year of this Act receiving Royal Assent, to undertake a review of the licensing system.

Subsections (2) and (3) set out the areas to be covered by the review and stipulate that the appointed person must report and make recommendations within two years of their appointment.

Subsections (4), (5) and (6) require the Department to lay the report of the review before the Assembly, publish the report, and, within six months of publication, produce and publish an action plan to address the recommendations of the review report.

Subsections (7) and (8) give the Department the power to modify by regulation the time periods by which the review and the Department's response must be completed, subject to the approval of the Assembly.

Section 24: Annual publication of the number of licences - Commenced 1 October 2021

This section requires the Department for Communities to publish an annual statement of the number of liquor licences in force for public houses and off-licences and any trends which may be observed from these numbers.

Licensed public houses are to be listed by district electoral area or, where feasible, by reference to smaller areas within each of those areas.

Section 26: Body Corporate: change of directors – Commencing 6 April 2022

This sections deals with licence holders which are made up of a body corporate.

Article 4 of the Licensing Order (persons to whom licences may be granted) is amended to require a body corporate licence holder to notify the courts and police of any change of directorship within 28 days.

Failure to comply with this requirement carries a fine up to £5,000, or up to 6 months imprisonment, or both.

Article 72 of the Licensing Order (suspension of licence) is also amended to allow the suspension of a licence on the grounds that the body corporate is no longer fit to hold a licence, having not informed the courts and police of a change of directorship.

Section 27: Removal of exemption for angostura bitters - Commenced 1 October 2021

This section effectively includes angostura bitters, a product of high alcohol content which is used to flavour a wide variety of drinks and food, in the definition of intoxicating liquor. This means that they may only be sold in licensed premises, or in the licensed part of premises.

PART 2 - REGISTRATION OF CLUBS

Section 28: Sporting Clubs – Commencing 6 April 2022

This section deals with extending an area of a sporting club authorised to supply intoxicating liquor.

New Article 15A in the Clubs Order (Extension authorisations for sporting clubs) allows police to authorise, in writing, a sporting club to extend the area of its premises which is registered to supply intoxicating liquor for the purpose of holding a function.

The function must be likely to attract more people than could be accommodated in the registered club premises, and the application to the police must include a plan showing the area of the proposed extension.

The extended area will be treated as part of the registered club premises for the duration of the authorisation and therefore the function will be subject to the conditions set out in Article 30 (Functions in registered clubs) of the Licensing Order.

No more than 6 authorisations may be granted in any year. An authorisation may exceed 1 day only in exceptional circumstances, determined by the police, and must not exceed 5 days.

Section 30: Removal of additional restrictions at Easter - Commenced 1 October 2021

Easter weekend permitted hours now mirror what is available for any other weekend throughout the year.

Section 30 amends Article 24 (general permitted hours), Article 25 (consumption of liquor after permitted hours) and Article 26 (authorisations for special occasions) of the Clubs Order to remove all Easter restrictions.

This corresponds with changes made for licensed premises in Section 1 of the Act.

Section 31: Removal of restrictions on late opening on Sunday - Commenced 1 October 2021

This section brings the end of general and extended permitted hours on any Sunday into line with those permitted on any other day (11pm with general permitted hours, and 1am the following morning for special occasions).

Opening times on Sundays (12.30pm) and Christmas Day hours (12.30pm -10pm) remain the same.

Section 31 amends Article 24 of the Clubs Order (general permitted hours) and Article 26 (authorisations for special occasions) and removes the restrictions on late night permitted hours on a Sunday (currently restricted to 10pm and 12pm respectively) for registered clubs.

Section 32: Extension of “drinking-up time” - Commenced 1 October 2021

This section increases drinking-up time from 30 minutes to 1 hour.

Section 32 amends Article 25 of the Clubs Order (consumption after permitted hours of liquor supplied during those hours) to create similar provisions for the duration of the “drinking-up time” in private members’ clubs to those set out in Section 6 of the Act in relation to licensed premises⁴.

Section 33: Increase in number of authorisations for special occasions - Commenced 1 October 2021

This section increases the number of late nights a club can apply to the police for.

Section 33 amends Article 26 of the Clubs Order (authorisation for special occasions) to increase the number of authorisations which can be granted by the police to any club in any year from 85 to 104.

Subsection (2) inserts new paragraphs (2A) and (2B) to Article 25 to give the Department the power to modify by regulation, subject to Assembly approval, the number of authorisations which can be granted for the time specified.

It is important to note that subsection (3) inserts new paragraphs (5) to (9) to Article 26 to require a person applying for an authorisation under this Article, to display a notice of the application on or near the club premises for which the authorisation is sought during the three weeks before the first occasion to which the application relates.

A copy of the notice must also be served on the district council.

An administrative form of notice that registered clubs can use to comply with the requirement to display under Article 26 can be downloaded from the Department’s website at

⁴ See page 7 of this guide for Section 6

<https://www.communities-ni.gov.uk/publications/licensing-and-registration-clubs-amendment-act-ni-2021-guide>

Applications should be addressed to the district licensing officer, or the duty inspector, of the local police district in which the premises is situated.

Furthermore, there is provision for complaints to be made from the police, council or any person owning or residing in premises within the vicinity, to the courts where undue inconvenience is caused to local residents as a result of a late night authorisation. Courts are given the power to revoke an authorisation, modify the hours of an authorisation, or make an authorisation subject to such terms and conditions as it thinks fit, including any which may be requested by the district commander of the police of the district in which the club premises are situated.

Section 34: Major Events – Commencing 6 April 2022

This section adds a new Article 26A to the Clubs Order which gives the Department the power to make a “major event order” which will:

- designate an event, held in NI, as a major event; and
- specify the permitted hours for the sale supply of intoxicating liquor, outside of what is currently available under the Clubs Order.

The period specified in a major event order may not include Christmas Day.

The Department must consult with appropriate persons. These persons may vary depending on the event however examples would be the police and council local to where the event is taking place.

The Department may also impose conditions for the supply of intoxicating liquor in any major event order. Failure to comply may result in a fine of up to £1,000 on summary conviction.

The Department is currently developing a framework for the processing of major event orders which will be made available at the earliest opportunity.

Section 35: Removal of requirement for children’s certificate, etc. – Commencing 6 April 2022

This section repeals Article 33 of and Schedule 5 to the Clubs Order (children’s certificates) which required a registered club to hold a children’s certificate if they wished young people under 18 years of age to be allowed in areas of club premises which contained a bar or are used mainly or exclusively for the consumption of intoxicating liquor.

The section makes further amendments to ensure all safeguards remain in place before young people under 18 years of age are allowed in areas of the premises which contain a bar or are used mainly or exclusively for the consumption of intoxicating liquor.

These safeguards include:

- meals, and beverages suitable for young people under 18 years of age, must be available,
- a young person must be accompanied by an adult and sit away from the bar,
- a young must leave the premises by 9.00pm (9.30pm if consuming a meal purchased before 9.00pm).

Section 36: Underage functions – Commencing 6 April 2022

This section relates to the suitability of a registered club to hold a function which is designed to appeal to under 18s in particular (underage functions).

A district commander, for the police district in which the club is situated, will need to be satisfied of the following conditions before authorising a function:

- that suitable arrangements are in place for securing under 18s attending the function do not have access to any other part of the premises which is used for the supply, consumption or storage of intoxicating liquor;
- each dispenser of intoxicating liquor at a bar in the part of the club premises where the function is being held are incapable of operation;
- access to any other container of intoxicating liquor is prevented.

The authorisation will specify the area in the registered club to hold the function and the duration of the function, up to 1.00am.

A registered club must not supply or permit consumption of intoxicating liquor to anyone aged 18 or over in the area of the club authorised to hold the function.

Failure to comply with these conditions means:

- the club,
 - every official in the club at the time the conditions were contravened and
 - the person supplying or permitting the consumption of the intoxicating liquor,
- are each guilty of an offence and each liable to a fine of up to £1,000.

This section also makes changes to Article 108 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985. It is now an offence for gaming machines to be made available in any part of licensed premises in which an underage function is being held.

Section 37: Private functions – Commencing 6 April 2022

This section amends Article 32 of the Clubs Order (young persons prohibited from bars) which relates to under 18s in part of club premises which contain a bar or is used exclusively or mainly for the supply, consumption or storage of intoxicating liquor. Under 18s will be able to remain on club premises after 9pm (or 10pm if in sporting club premises), to attend a private function, provided certain conditions are met.

The conditions are:

- the private function is held in a part of the club premises where other members, or guests of other members, do not have access to that part of the club for the duration of the function;
- the person under 18 is in the company either of a parent or of a parent of another person who is under 18 and attending the function;
- at least a main meal is being served at the function; and
- the person under 18 does not consume any part of that meal at a counter or structure that is being used wholly or mainly as a bar.

NB: “parent” includes any individual who has parental responsibility for that person or has care of that person.

Section 38: Young people prohibited from bars – Commencing 6 April 2022

This section amends Article 32 of the Clubs Order (young persons prohibited from bars). It extends the last time that young people under 18 years of age may be in the bar area of sporting club premises from 10.00pm to 11.00pm during the summer months (1 May to 30 September).

New Article 32(13A) further allows a young person to remain in the bar area of a sporting club premises until 11.00pm at any time of the year, up to 3 times per calendar year, to attend a prize-giving ceremony.

Section 40: Restrictions relating to advertisements – Commencing 6 April 2022

This section amends Article 38 of the Clubs Order (restrictions on advertisements relating to functions in clubs) which restricts advertising to solely within club premises unless the function was for sport, game or other physical recreation.

Clubs are now permitted to advertise any function outside of club premises provided, where appropriate, the advertisement clearly states that only members of the club and their guests may attend the function.

It is important to note that the statement must be clearly visible on the advertisement.

Advertisements relating to functions where the proceeds are devoted to charitable or benevolent purposes will not be required to include such a statement.

PART 3 - GENERAL

Section 42: Guidance - Commenced 1 October 2021

This section places a duty on the Department for Communities to produce and publish guidance on the effects of the licensing legislation and the registration of clubs legislation, the effects of the provisions of this Act and the practical implementation of Part 1, and any other matters it considers appropriate in relation to those issues.

Section 43: Review - Commenced 1 October 2021

This section requires the Department for Communities to review and report on each of the provisions in Parts 1 and 2 of this legislation as soon as is practicable after the third anniversary of the commencement of that provision and thereafter, at least once in every five years. The Department is required to lay each of these reports before the Assembly, and must then publish the reports.

The Department has a power to make regulations to discontinue these requirements, but not from any date earlier than the tenth anniversary of the Act receiving Royal Assent. The regulations cannot come into operation unless and until approved by the Assembly.

Section 44: Interpretation

In this Act:

“the Licensing Order” means the Licensing (Northern Ireland) Order 1996,

“the Registration of Clubs Order” means the Registration of Clubs (Northern Ireland) Order 1996, and

“statutory provision” has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954.