STATUTORY INSTRUMENTS

1989 No. 1999 (N.I. 16)

NORTHERN IRELAND

The Licensing and Clubs (Amendment) (Northern Ireland) Order 1989

Made - - - - 1st November 1989

Coming into operation in accordance with Article 1

At the Court at Buckingham Palace, the 1st day of November 1989

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974(**1**) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1.—(1) This Order may be cited as the Licensing and Clubs (Amendment) (Northern Ireland) Order 1989.

(2) Except as provided by paragraph (3) this Order shall come into operation on the expiration of 2 months from the day on which it is made.

(3) Articles 1, 2 and 4 shall come into operation forthwith.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**2**) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order "the Licensing Act" means the Licensing Act (Northern Ireland) 1971(**3**).

(**1**) 1974 c. 28
(**2**) 1954 c. 33 (N.I.)
(**3**) 1971 c. 13 (N.I.)

Ancillary businesses in certain licensed premises

3. In section 28 of the Licensing Act (ancillary businesses which may be carried on in certain licensed premises) after subsection (6) there shall be added the following subsection—

"(7) The Department may by regulations, made subject to affirmative resolution, modify the ancillary businesses mentioned in subsection (2).".

Extension licences and special occasion authorisations where new year's eve falls on Sunday

4.—(1) In section 49 of the Licensing Act (extension licences)—

(a) in subsection (7) at the beginning there shall be inserted "Subject to subsection (7A),";

(b) after subsection (7) there shall be inserted the following subsection—

"(7A) Where 31st December in any year falls on a Sunday, an extension licence may authorise the sale of intoxicating liquor on that day after ten in the evening.".

(2) In Article 25 of the Registration of Clubs (Northern Ireland) Order 1987(**4**) (special occasion authorisations)—

(a) in paragraph (3) at the beginning there shall be inserted "Subject to paragraph (3A),";

(b) after paragraph (3) there shall be inserted the following paragraph—

"(3A) Where 31st December in any year falls on a Sunday, an authorisation under paragraph (1) may authorise the supply of intoxicating liquor on that day after 10 in the evening.".

Restriction on sale of intoxicating liquor in certain premises and hotels for consumption off the premises

5. In section 57 of the Licensing Act (conditions as to sale, etc., of intoxicating liquor for consumption off the premises) for subsection (1) there shall be substituted the following subsection —

"(1) The holder of a licence for premises of a kind mentioned in section 3(1)(*a*) or an hotel shall not, himself or by his servant or agent, sell intoxicating liquor to, or make it available for purchase by, any person for consumption off the premises—

(a) on weekdays or Good Friday after nine in the evening; or

(b) on Sunday or Christmas Day.".

Defences to proceedings for offences relating to minors

6.—(1) In section 61(5) of the Licensing Act (minors prohibited from bars) for paragraphs (*a*) and (*b*) there shall be substituted—

"(a) in the case of proceedings against the holder of the licence for an offence committed by his servant or agent, for the holder of the licence to prove that he exercised all due diligence to avoid the commission of such an offence; or

(b) in any other case, for the holder of the licence or his servant or agent to prove—

(i) that he exercised all due diligence to avoid the commission of such an offence; or

(ii) that he had no reason to suspect that the minor was not of full age.".

(2) In section 62 of the Licensing Act (sale, etc., of intoxicating liquor to minors)—

(a) in subsection (1)(*c*) the word "knowingly" shall be omitted;

(**4**) 1987 NI 14