1971. No. 126 **[NC]**

LICENSING ACT (NORTHERN IRELAND) 1971

Date of Commencement

ORDER, DATED 30TH APRIL 1971, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 87(2) OF AND PARAGRAPH 20 OF SCHEDULE 11 TO THE LICENSING ACT (NORTHERN IRELAND) 1971.

I, the Right Honourable Brian Faulkner, D.L., Minister of Home Affairs, in exercise of the powers conferred on me by section 87(2) of and paragraph 20 of Schedule 11 to the Licensing Act (Northern Ireland) 1971(a) (hereinafter referred to as "the Act") and all other powers thereunto enabling do hereby make the following order.

Dated this 30th day of April 1971.

Brian Faulkner,
Minister of Home Affairs.

Citation

1. This Order may be cited as the Licensing Act (Northern Ireland) 1971 (Date of Commencement) Order 1971.

Days appointed for commencement

2.—(1) The provisions of the Act specified in the first column of Part I of Schedule I, together with the repeals set out in the Appendix thereto, shall come into operation on 3rd May 1971.

(2) The transitional provisions set out in Part II of Schedule I shall have effect pending the making of County Court Rules and Magistrates' Courts Rules for the purposes of the provisions specified in Part I of that Schedule.

(3) The provisions of the Act specified in the first column of Part I of Schedule II, together with the repeals set out in the Appendix thereto, shall come into operation on 10th May 1971 and the transitional provisions set out in Part II of that Schedule shall apply for the purposes of the provisions specified in Part I thereof.

(4) The provisions of the Act specified in Part I of Schedule III, together with the repeal set out in the Appendix thereto, shall come into operation on 1st October 1971. Pending the coming into operation of that repeal the transitional provisions in Part II of that Schedule shall have effect.

(a) 1971. c. 13 (N.I.).

SCHEDULE I

PART I

Provisions operative from 3rd May 1971

Provisions of the Act	Subject Matter of Provisions
Part I	
Section 1	Prohibition of sale of intoxicating liquor without a licence
Section 2	Persons to whom a licence may be granted
Section 3	Premises for which licences may be granted
Section 4	Grant of licences
Section 5	Powers of court on applications for licences
Section 6	Grant of licence conditional on alterations being made in premises
Section 7	Provisional grant of licences
Section 8	Preliminary approval of sites and disposal in certain cases
Section 10	Duration of new licences
Section 11	Applications for the renewal of licences
Section 12	Powers of court hearing applications for renewal
Section 13	Power to renew licences out of time
Section 14	Renewal of licence pending grant of new licence
Section 16	Continuance of licence pending determination of appeal
Section 17	Duration of renewed licence
Section 18	Applications for the transfer of licences
Section 19	Powers of court on applications for transfer
Section 20	Concurrent transfer and renewal of licences
Section 22	Appeal from transfer
Section 23	Protection orders
Section 24	Supplementary provisions relating to protection orders
Section 25	Temporary continuance of business on death, bankruptcy, etc.
Section 26	Temporary continuance of business in other premises
Section 27	Occasional licences
Section 28	Separation of certain licensed premises from other business premises
Section 29	Suitability of certain premises for functions
Section 30	Restaurant not to contain a bar
Section 31	Consent required for certain alterations to premises
Section 32	New licences required on reconstruction of premises
Section 33	Form of licence
Section 34	Register of licences
Section 35	Inspection of register
Section 36	Returns to Ministry
Section 37	Register of licences to be evidence
Section 38	Proof, etc., of licence
Section 39	Provisions as to licences where premises are acquired under statutory powers
Section 40	Temporary occupation of licensed premises for purpose of carrying on business

Provisions of the Act	Subject Matter of Provisions
Part V	
Section 75	Special provisions with respect to grant or renewal of licences for seamen's canteens
Section 76	Sales by wholesalers, etc.
Section 77	Abolition of special dealer's licences and certificates for grant of wholesale beer dealer's licences
Section 78	Sale of intoxicating liquor, etc., by pharmacist
Section 79	Licences for non-seagoing vessels
Section 80	Application of Act to certain seagoing vessels and to aircraft and railway passenger vehicles
Section 83	Appeals
Section 84 (in its application to provisions brought into operation by this Schedule)	Interpretation
Section 85 (in its application to provisions brought into operation by this Schedule)	Exemptions and savings
Section 86(1)-(4)	Modifications of Schedules, amendments, transitional provisions
Section 86(5) (in its application to repeals specified in the Appendix to this Schedule)	Repeals
Schedule 1	Applications for the grant of licences
Schedule 2	Meaning of "subsisting licence"
Schedule 3	Approval of sites, disposal of sites or premises and grant of licences for premises on approved sites
Schedule 4	Applications for the renewal of licences
Schedule 5	Applications for the transfer of licences
Schedule 6	Applications for protection orders and authorisations of temporary continuance of businesses
Schedule 7	Applications for occasional licences
Schedule 8	Applications and notices under Section 31
Schedule 10	Amendments of statutory provisions
Part I	
Paragraph 1	(Amendment of Section 4 of the Intoxicating Liquor Act (Northern Ireland) 1923)
Paragraph 2	(Repeal of requirement as to grant of certificate of fitness for grant of methylated spirits retail excise licence)
Schedule 11	Transitional provisions

APPENDIX

Repeals operative from 3rd May 1971

Session or Year and Chapter	Short Title	Extent of Repeal
3 & 4 Wm. IV c. 68	The Licensing (Ireland) Act 1833	Sections 2, 3, 4, 6, 9 and 13
6 & 7 Wm. IV c. 38	The Licensing (Ireland) Act 1836	Section 2
8 & 9 Vict. c. 64	The Spirits (Ireland) Act 1845	The whole Act
17 & 18 Vict. c. 89	The Spirits (Ireland) Act 1854	In section 2 the words from "that spirits" to "place, or" and the words from "any spirits shall" to "thereof, or" Sections 9 to 11
18 & 19 Vict. c. 62	The Licensing (Ireland) Act 1855	The whole Act
18 & 19 Vict. c. 114	The Public House (Ireland) Act 1855	The whole Act
23 & 24 Vict. c. 35	The Licensing (Ireland) Act 1860	The whole Act
26 & 27 Vict. c. 33	The Revenue Act 1863	The whole Act
27 & 28 Vict. c. 35	The Beerhouses (Ireland) Act (1864)	Sections 3, 4 and 5
34 & 35 Vict. c. 111	The Beerhouses (Ireland) Act (1864) Amendment Act 1871	The whole Act
35 & 36 Vict. c. 94	The Licensing Act 1872	Sections 69, 73, 82 and 90
37 & 38 Vict. c. 69	The Licensing (Ireland) Act 1874	Sections 8, 10, 11, 12, 14, 16, 17 and 19
40 & 41 Vict. c. 4	The Beer Licences Regulation (Ireland) Act 1877	Section 2
63 & 64 Vict. c. 30	The Beer Retailers' and Spirit Grocers' Retail Licences (Ireland) Act 1900	The whole Act
13 & 14 Geo. 5 c. 12	The Intoxicating Liquor Act (Northern Ireland) 1923	Sections 2, 4(2), 6, 9 and 12(2)
13 & 14 Geo. 5 c. 14	The Finance Act 1923	In section 13(6) the words "other than sections nine and ten of the Spirits (Ireland) Act 1854"
17 & 18 Geo. 5 c. 21	The Intoxicating Liquor and Licensing Act (Northern Ireland) 1927	Sections 1, 3, 4, 5, 6 (except in relation to licences granted before the appointed day) and 7(1) and Schedule 1
18 & 19 Geo. 5 c. 9	The Finance Act (Northern Ireland) 1928	Section 1
1948 c. 4	The Development of Tourist Traffic Act (Northern Ireland) 1948	Section 24