



2021 CHAPTER 7

PART 1
LICENSING

Young people in licensed premises

Removal of requirement for children’s certificate, etc.

13.—(1) Article 59 of the Licensing Order (children’s certificates) is repealed.

(2) In Article 58 of that Order (prohibition of young persons from certain premises), in paragraph (5)—

- (a) after “is in a part of licensed premises” insert “mentioned in paragraph (1) (c)”,
- (b) omit sub-paragraph (b) and the following “and”,
- (c) after sub-paragraph (c) (but before the following “and”) insert “and
 - (ca) the person under the age of 18 is in the premises at a time when meals, and beverages suitable for persons under that age (including drinking water), are also available for consumption on the premises;”, and
- (d) in sub-paragraph (d), for “the certificate is operational” substitute “the person under the age of 18 is not in the premises in the evening at any time after 9”.

(3) In paragraph (6) of that Article—

- (a) in sub-paragraph (a), for “before the certificate ceased to be operational” substitute “before 9 in the evening”, and

- (b) for sub-paragraph (b) substitute—
 - “(b) the person under the age of 18 is not in the premises in the evening at any time after half past 9.”.
- (4) Omit paragraphs (7), (8) and (9) of that Article.
- (5) In paragraph (10) of that Article—
 - (a) for “, (3), (7), (8) or (9)” substitute “or (3)”,
 - (b) in sub-paragraph (a), omit “or (7)”, and
 - (c) in sub-paragraph (b), for “, (3), (8) or (9)” substitute “or (3)”.
- (6) In paragraph (11) of that Article, omit “or (8)”.
- (7) In Article 60B of the Licensing Order (duty to display notice relating to age), in paragraph (3)(a), after “intoxicating liquor” insert “or in relation to offences concerning the presence of such persons in licensed premises”.

Underage functions

- 14.—(1) After Article 58 of the Licensing Order insert—

“Suitability of certain premises for underage functions

- 58A.—(1) In respect of premises to which this Article applies—

- (a) a county court which grants a licence or declares a licence provisionally granted to be final, on the application of the person applying for the grant or declaration, or
- (b) a court of summary jurisdiction, at any time, upon the application of the holder of the licence for those premises made in compliance with the procedure set out in Schedule 9,

may, by order, specify any part of the premises as being suitable for underage functions.

(2) In this Article and Article 58B, “underage function” means a function which is designed to appeal to persons under the age of 18 in particular.

(3) A court must not make an order under paragraph (1) unless it is satisfied—

- (a) that the part of the premises specified in the order is structurally adapted for the purpose of having functions held in it;
- (b) that appropriate steps have been taken for securing the safety of persons under the age of 18 while attending an underage function in that part of the premises and that it is otherwise suitable for underage functions;

- (c) that suitable arrangements are in place for securing that persons under the age of 18 attending the function do not have access to any other part of the premises which is used for the sale of intoxicating liquor.
- (4) An order under paragraph (1) may be revoked by a court of summary jurisdiction—
 - (a) on the application of the holder of the licence; or
 - (b) where, on complaint made under Part 8 of the Magistrates' Courts (Northern Ireland) Order 1981, the court is not satisfied that the requirements of paragraph (3) have continued to be complied with.
- (5) The premises to which this Article applies are—
 - (a) any part of premises of a kind mentioned in Article 5(1)(a) which is structurally adapted, and used or intended to be used, for the purpose of providing persons frequenting the premises with a main table meal at midday or in the evening, or both;
 - (b) an hotel;
 - (c) a restaurant;
 - (d) a conference centre;
 - (e) a higher education institution;
 - (f) an indoor arena;
 - (g) an outdoor stadium.

Authorisations for underage functions

58B.—(1) A court of summary jurisdiction, or a clerk of petty sessions acting under paragraph (3), may, on an application made in compliance with the procedure set out in Schedule 10 by the holder of a licence for premises which are or include premises for which an order under Article 58A is in force, grant an authorisation under this Article.

- (2) An authorisation under this Article may authorise the holder of the licence to hold an underage function—
 - (a) in such part of the premises for which the order is in force as is specified in the authorisation, and
 - (b) on the day so specified during such hours as are so specified ending no later than 1 in the morning of the next day.
- (3) Subject to paragraph (4), where notice of an application for an authorisation under this Article has been served upon the clerk of petty sessions, the clerk may grant the authorisation as if the application had been made to the clerk and may do so in the absence of the applicant.
- (4) Where—

(a) a notice of objection has been served upon the clerk and has not been withdrawn, or

(b) the clerk is of the opinion, for any other reason, that an application for an authorisation under this Article should be made to the court,

the clerk must require the application to be made to the court and must notify the applicant and the objector, if any, of the requirement and of the time and place of the hearing.

(5) It is a condition of an authorisation under this Article that, during the period for which the authorisation is in force—

(a) each dispenser of intoxicating liquor in the part of the premises for which the authorisation is in force must be incapable of operation, and

(b) access to any other container of intoxicating liquor in that part must be prevented.

(6) A court of summary jurisdiction which grants an authorisation under this Article may attach to the authorisation such other conditions as the court thinks fit.

(7) In the case of an indoor arena, the references in paragraph (5) to the part of the premises for which the authorisation is in force are to be read as including a reference to any entrance to that part.

(8) If a condition attached to the authorisation is contravened, the holder of the licence is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) The holder of a licence, personally or by a servant or agent, or such a servant or agent, must not, during the period for which an authorisation under this Article is in force—

(a) sell intoxicating liquor to, or make it available for purchase by, a person aged 18 or over in the part of the premises for which the authorisation is in force;

(b) permit a person aged 18 or over to consume intoxicating liquor in the part of the premises for which the authorisation is in force.

(10) A person who contravenes paragraph (9) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(11) A person aged 18 or over who consumes intoxicating liquor in a part of premises for which an authorisation under this Article is in force is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Article 58 of the Licensing Order (prohibition of young persons from certain premises), in paragraph (13), after sub-paragraph (g) insert “; or

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(h) in a part of the licensed premises for which an order under Article 58A is in force during a period for which an authorisation under Article 58B is in force or during the first 30 minutes after the authorisation has ceased to be in force.”.

(3) In Part 1 of Schedule 1 to the Licensing Order (application for grant of licence), in paragraph 7, for “or 48” substitute “, 48 or 58A”.

(4) In Schedule 9 to the Licensing Order (applications to court)—

(a) in the title, after “52E” (inserted by section 11(9)(a)) insert “or 58A”,

(b) in paragraph 1, after “52E” (inserted by section 11(9)(b)) insert “or 58A”, and

(c) in paragraph 4, after paragraph (ca) (inserted by section 11(9)(c)) insert—
“(cb) in the case of an application under Article 58A, on any ground mentioned in Article 58A(3);”.

(5) In Schedule 10 to the Licensing Order (applications for extensions and authorisations), in paragraph 1A (inserted by section 11(10)(a)), after “52F” insert “or 58B”.

(6) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

“58B(8) or (10)	Contravening conditions attached to authorisation for underage function; selling etc intoxicating liquor to, or permitting consumption of it by, person aged 18 or over during underage function	3-4”
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(7) In Article 108 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (use of gaming machines on premises), after paragraph (4) insert—

“(4ZA) Gaming machines shall not be made available in any part of licensed premises within the meaning of the Licensing (Northern Ireland) Order 1996 in which an authorisation under Article 58B of that Order (underage functions) is in force during the period for which it is in force.”.

Private functions

15.—(1) In Article 58 of the Licensing Order (young persons prohibited from certain premises), after paragraph (4) insert—

“(4A) Paragraphs (1) and (2) shall not apply with respect to a person under the age of 18 who is in a part of licensed premises in the evening at any time after half past 9 if—

- (a) a private function is being held in that part of the premises (and, accordingly, the public do not have access to that part of the premises while the function is being held);
- (b) the person under 18 is attending the function in the company either of a parent of that person or of a parent of another person who is under 18 and attending the function;
- (c) a meal consisting of at least a main course is being served at the function; and
- (d) the person under 18 does not consume any part of the meal at a counter or structure which is being used wholly or mainly as a bar.”.

(2) In Article 2 of the Licensing Order (interpretation), in paragraph (2), at the appropriate place insert—

““parent”, in relation to a person under the age of 18, includes any individual who—

- (a) has parental responsibility for that person (within the meaning of the Children (Northern Ireland) Order 1995), or
- (b) has care of that person.”.

Delivery of intoxicating liquor to young persons

16.—(1) In Article 60 of the Licensing Order (sale, etc., of intoxicating liquor to young persons), in paragraph (1), for “Subject to paragraph (5), the” substitute “The”.

(2) In paragraph (5) of that Article—

- (a) for “Paragraphs (1) and (4)” substitute “Paragraph (4)”, and
- (b) omit sub-paragraph (a).

(3) In paragraph (7A) of that Article, in sub-paragraph (a)—

- (a) after “the holder of the licence or his servant or agent” insert “—
(i)”,
and
- (b) after “paragraph (7B);” insert “and
(ii) entered in the delivery book or invoice that the holder, servant or agent was carrying as mentioned in Article 66(1)(a)(ii) the description of the document that was shown;”.

(4) At the end of that Article insert—

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“(9) Articles 67(9) and 68(5) do not apply to a delivery of intoxicating liquor to a person under the age of 18 in contravention of this Article.”.