
STATUTORY INSTRUMENTS

1990 No. 594

The Licensing (Northern Ireland) Order 1990

PART IV

CONDUCT OF LICENSED PREMISES, ETC.

Minors

Minors prohibited from certain premises

68.—(1) During the permitted hours a minor shall not be in—

- (a) any part of premises of a kind mentioned in Article 6(1)(a) which is—
 - (i) structurally adapted for the sale of intoxicating liquor for consumption off the premises; and
 - (ii) not connected by any internal means of passage open to customers with a part of the premises used for the sale of intoxicating liquor for consumption in the premises;
- (b) any part of premises of a kind mentioned in Article 6(1)(b);
- (c) any part of any other licensed premises which—
 - (i) contains a bar; or
 - (ii) is used exclusively or mainly for the sale and consumption of intoxicating liquor.

(2) The holder of a licence himself or by his servant or agent, or such a servant or agent, shall not allow a minor to be in any part of the licensed premises as mentioned in paragraph (1) during the permitted hours.

(3) A person shall not cause or procure any minor to go to, or to be in, any part of licensed premises as mentioned in paragraph (1) during the permitted hours.

(4) Any person acting in contravention of paragraph (1), (2) or (3) shall be guilty of an offence and shall be liable on summary conviction—

- (a) for a contravention of paragraph (1), to a fine not exceeding level 3 on the standard scale;
- (b) for a contravention of paragraph (2) or (3), to a fine not exceeding level 4 on the standard scale.

(5) In any proceedings for an offence by reason of a contravention of paragraph (2) it shall be a defence—

- (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.

(6) Where a minor represents himself to be of full age for the purpose of being in any part of licensed premises as mentioned in paragraph (1) during the permitted hours, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) Paragraphs (1) and (2) shall not apply with respect to a minor who is in a part of premises mentioned in paragraph (1)(a) or (b) and is accompanied by a parent and nothing in this Article shall apply with respect to a minor who is—

- (a) a child of the licence holder; or
- (b) a person who has attained the age which is the upper limit of compulsory school age and is apprenticed to the holder of the licence under a contract in writing; or
- (c) resident in the licensed premises, but not employed there; or
- (d) in a part of licensed premises as mentioned in paragraph (1) solely for the purposes of passing to or from some other part of the premises which is not such a part as aforesaid and to or from which there is no other convenient means of access; or
- (e) in a refreshment room in public transport premises or in a room constructed, fitted and intended to be used for any purpose to which the holding of a licence is ancillary.

(8) Where a minor who is found in any part of licensed premises as mentioned in paragraph (1) is apprenticed to the holder of the licence, the minor or the holder shall at the request of a constable produce the contract of apprenticeship within 7 days of the request to, or in accordance with reasonable directions of, the constable for examination, and if it is not so produced the minor or, as the case may be, the holder shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Sale, etc., of intoxicating liquor to minors

69.—(1) Subject to paragraph (5), the holder of a licence himself or by his servant or agent, or such a servant or agent, shall not—

- (a) sell or deliver intoxicating liquor to a minor; or
- (b) sell or deliver intoxicating liquor to any person for consumption by a minor in the licensed premises; or
- (c) sell or deliver intoxicating liquor to any person for consumption by a minor off the licensed premises; or
- (d) permit a minor to consume intoxicating liquor—
 - (i) in the licensed premises; or
 - (ii) in premises which adjoin or are near the licensed premises and which belong to the holder of the licence or are under his control or used by his permission.

(2) A minor shall not—

- (a) purchase intoxicating liquor; or
- (b) consume intoxicating liquor in any place or premises except premises used only as a private residence.

(3) A person shall not purchase intoxicating liquor for delivery to, or consumption by, a minor in any place or premises except premises used only as a private residence or deliver it to, or permit it to be consumed by, him in any such place or premises.

(4) Subject to paragraph (5), a person shall not send a minor for the purpose of obtaining intoxicating liquor sold or to be sold in licensed premises for consumption off the premises whether the liquor is to be obtained from the licensed premises or other premises from which it is delivered in pursuance of the sale.

- (5) Paragraphs (1) and (4) shall not prohibit or restrict—
- (a) the delivery of intoxicating liquor to a minor, where the delivery is made at the residence or working place of the purchaser;
 - (b) the employment, by the holder of a licence, of a minor who is a child of the licence holder or his servant, as a messenger to deliver intoxicating liquor.
- (6) Any person acting in contravention of paragraph (1), (2), (3) or (4) shall be guilty of an offence and shall be liable on summary conviction—
- (a) for a contravention of paragraph (1), (3) or (4), to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both;
 - (b) for a contravention of paragraph (2), to a fine not exceeding level 3 on the standard scale.
- (7) In any proceedings for an offence by reason of the contravention of paragraph (1) it shall be a defence—
- (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.
- (8) Where a minor represents himself to be of full age for the purpose of obtaining, or being permitted to consume, intoxicating liquor, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.