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## STATUTORY INSTRUMENTS

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# 1996 No. 3158

## The Licensing (Northern Ireland) Order 1996

### PART IV

#### CONDUCT OF LICENSED PREMISES, ETC.

##### *Special provision with respect to young persons*

##### **Young persons prohibited from certain premises**

**58.**—(1) During the permitted hours a person under the age of 18 shall not be in—

- (a) any part of premises of a kind mentioned in Article 5(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 5(1)(b) [<sup>F1</sup>or (m)] [<sup>F2</sup>in which intoxicating liquor is made available for purchase];
- (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 person under the age of 18 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 person under the age of 18 to go to, or to be in, any part of licensed premises as mentioned in paragraph (1) during the permitted hours.

(4) Paragraphs (1) and (2) shall not apply with respect to a person under the age of 18 who is in a part of premises mentioned in paragraph (1)(a) or (b) and is in the company of a person who is 18 or over.

[<sup>F3</sup>(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.]

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(5) Paragraphs (1), (2) and (3) shall not apply with respect to a person under the age of 18 who is in a part of licensed premises [F4 mentioned in paragraph (1)(c)] [F5], or who is in licensed premises of a kind mentioned in Article 5(1)(m) to which an order under Article 52E applies at a time when an authorisation under Article 52F has effect,] if—

(a) the person under 18 is in the company of a person who is 18 or over; F6 ...

F6(b) .....

(c) where the premises contain a bar, the person under the age of 18 is seated at a table away from the bar;

[F7 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) [F8 the person under the age of 18 is not in the premises in the evening at any time after 9] or paragraph (6) applies.

(6) This paragraph applies where—

(a) the person under the age of 18, or a person in whose company he is, is consuming a meal purchased [F9 before 9 in the evening] , and

[F10 (b) the person under the age of 18 is not in the premises in the evening at any time after half past 9.]

F11(7) .....

F12(8) .....

F13(9) .....

(10) Any person acting in contravention of paragraph (1), (2) [F14 or (3)] shall be guilty of an offence and shall be liable on summary conviction—

(a) for a contravention of paragraph (1) F15 ..., to a fine not exceeding level 3 on the standard scale;

(b) for a contravention of paragraph (2) [F16 or (3)] , to a fine not exceeding level 4 on the standard scale.

(11) In any proceedings for an offence by reason of a contravention of paragraph (2) F17 ... 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 person under the age of 18 had not attained that age.

[F18(11A) Without prejudice to any other means of proving the exercise of all due diligence, for the purposes of paragraph (11) the holder of the licence or his servant or agent is to be treated as having exercised all due diligence to avoid the commission of an offence if—

(a) the holder of the licence or his servant or agent was shown any of the documents specified in paragraph (11B); and

(b) that document would have convinced a reasonable person.

- (11B) The documents referred to in paragraph (11A)(a) are any document purporting to be—
- (a) a passport;
  - (b) a photocard driving licence;
  - (c) an electoral identity card;
  - (d) a photographic identity card of a type approved by the British Retail Consortium for the purposes of its Proof of Age Scheme; or
  - (e) such other document, or a document of such other description, as may be prescribed by regulations.]

(12) Where a person under the age of 18 represents himself to be the age of 18 or over 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.

- (13) Nothing in this Article shall apply with respect to a person under the age of 18 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—
    - (i) employed by the holder of the licence under a contract in writing; or
    - (ii) receiving training under a scheme approved by the Department of Economic Development; or
    - (iii) engaged in a placement scheme as part of a further or higher education course; 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.<sup>[F19]</sup> or
  - <sup>[F19]</sup>(f) in any part of an indoor arena (which is not a room or other place set apart as a bar) containing a kiosk or other salespoint from which food and beverages, including intoxicating liquor, are made available for purchase<sup>]]<sup>[F20]</sup>; or</sup>
  - (g) in any part of an outdoor stadium containing a kiosk or other salespoint from which food and beverages, including intoxicating liquor, are made available for purchase.<sup>]]<sup>[F21]</sup>; or</sup>
  - (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.]

(14) Where a person under the age of 18 who is found in any part of 4 licensed premises as mentioned in paragraph (1) is employed by, or in training or placement with, the holder of the licence, that person or the holder shall, at the request of a constable, produce the written contract or other proof of training or placement 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 that person 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.

**F1** Words in art. 58(1)(b) inserted (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 10(6)(c), 47(2); S.R. 2022/63, art. 2, Sch.

**F2** Words in art. 58(1)(b) inserted (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), s. 47(2), Sch. 1 para. 8; S.R. 2021/247, art. 2, Sch.

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- F3** Art. 58(4A) inserted (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), **ss. 15(1)**, 47(2); S.R. 2022/63, art. 2, Sch.
- F4** Words in art. 58(5) inserted (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), **ss. 13(2)(a)**, 47(2); S.R. 2022/63, art. 2, Sch.
- F5** Words in art. 58(5) inserted (1.6.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), **ss. 11(8)**, 47(2); S.R. 2022/133, art. 2, Sch.
- F6** Art. 58(5)(b) and word repealed (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), **ss. 13(2)(b)**, 47(2), **Sch. 2**; S.R. 2022/63, art. 2, Sch.
- F7** Art. 58(5)(ca) and word inserted (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), **ss. 13(2)(c)**, 47(2); S.R. 2022/63, art. 2, Sch.
- F8** Words in art. 58(5)(d) substituted (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), **ss. 13(2)(d)**, 47(2); S.R. 2022/63, art. 2, Sch.
- F9** Words in art. 58(6)(a) substituted (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), **ss. 13(3)(a)**, 47(2); S.R. 2022/63, art. 2, Sch.
- F10** Art. 58(6)(b) substituted (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), **ss. 13(3)(b)**, 47(2); S.R. 2022/63, art. 2, Sch.
- F11** Art. 58(7) repealed (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), **ss. 13(4)**, 47(2), **Sch. 2**; S.R. 2022/63, art. 2, Sch.
- F12** Art. 58(8) repealed (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), **ss. 13(4)**, 47(2), **Sch. 2**; S.R. 2022/63, art. 2, Sch.
- F13** Art. 58(9) repealed (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), **ss. 13(4)**, 47(2), **Sch. 2**; S.R. 2022/63, art. 2, Sch.
- F14** Words in art. 58(10) substituted (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), **ss. 13(5)(a)**, 47(2); S.R. 2022/63, art. 2, Sch.
- F15** Words in art. 58(10)(a) repealed (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), **ss. 13(5)(b)**, 47(2), **Sch. 2**; S.R. 2022/63, art. 2, Sch.
- F16** Words in art. 58(10)(b) substituted (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), **ss. 13(5)(c)**, 47(2); S.R. 2022/63, art. 2, Sch.
- F17** Words in art. 58(11) repealed (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), **ss. 13(6)**, 47(2), **Sch. 2**; S.R. 2022/63, art. 2, Sch.
- F18** Art. 58(11A)(11B) inserted (1.5.2012) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011 (c. 18), **ss. 3(1)**, 18; S.R. 2012/28, art. 2, Sch.
- F19** 2004 NI 17
- F20** Art. 58(13)(g) and word inserted (1.9.2016) by Licensing Act (Northern Ireland) 2016 (c. 24), **ss. 7(2)**, 8(1)
- F21** Art. 58(13)(h) and word inserted (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), **ss. 14(2)**, 47(2); S.R. 2022/63, art. 2, Sch.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [art. 57B inserted by 2011 c. 18 \(N.I.\) s. 5](#)