
STATUTORY INSTRUMENTS

1996 No. 3158

The Licensing (Northern Ireland) Order 1996

PART IV

CONDUCT OF LICENSED PREMISES, ETC.

Special provision with respect to young persons

Sale, etc., of intoxicating liquor to young persons

60.—(1) [^{F1}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 person under the age of 18; or
- (b) sell or deliver intoxicating liquor to any person for consumption by a person under the age of 18 in the licensed premises; or
- (c) sell or deliver intoxicating liquor to any person for consumption by a person under the age of 18 off the licensed premises; or
- (d) permit a person under the age of 18 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 person under the age of 18 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 person under the age of 18 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 person under the age of 18 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) [^{F2}Paragraph (4)] shall not prohibit or restrict—

- ^{F3}(a)
- (b) the employment, by the holder of a licence, of a person under the age of 18 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—

Changes to legislation: *The Licensing (Northern Ireland) Order 1996, Section 60 is up to date with all changes known to be in force on or before 22 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (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 person under the age of 18 had not attained that age.

[^{F4}(7A) Without prejudice to any other means of proving the exercise of all due diligence, for the purposes of paragraph (7) 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 [^{F5}—
 - (i)] was shown any of the documents specified in paragraph (7B); [^{F6}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;] and
 - (b) that document would have convinced a reasonable person.
- (7B) The documents referred to in paragraph (7A)(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.]

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

[^{F7}(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.]

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| F1 | Word in art. 60(1) substituted (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 16(1) , 47(2); S.R. 2022/63, art. 2, Sch. |
| F2 | Words in art. 60(5) substituted (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 16(2)(a) , 47(2); S.R. 2022/63, art. 2, Sch. |
| F3 | Art. 60(5)(a) repealed (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 16(2)(b) , 47(2), Sch. 2 ; S.R. 2022/63, art. 2, Sch. |
| F4 | Art. 60(7A)(7B) inserted (1.5.2012) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011 (c. 18), ss. 3(2) , 18; S.R. 2012/28, art. 2, Sch. |
| F5 | Word in art. 60(7A)(a) inserted (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 16(3)(a) , 47(2); S.R. 2022/63, art. 2, Sch. |

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- F6** Art. 60(7A)(a)(ii) and word inserted (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), **ss. 16(3)(b)**, 47(2); S.R. 2022/63, art. 2, Sch.
- F7** Art. 60(9) inserted (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), **ss. 16(4)**, 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](#)