
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 277

LICENSING

**Licensing (Conditions for Mixed Trading)
Regulations (Northern Ireland) 1997**

Made - - - - - *12th June 1997*

*To be laid before Parliament under paragraph 3(3) of
Schedule 1 to the Northern Ireland Act 1974*

Coming into operation *25th July 1997*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 5(2) of the Licensing (Northern Ireland) Order 1996⁽¹⁾ and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Licensing (Conditions for Mixed Trading) Regulations (Northern Ireland) 1997 and shall come into operation on 25th July 1997.

(2) In these Regulations “the 1996 Order” means the Licensing (Northern Ireland) Order 1996.

(3) In these Regulations, any reference to a specified area or to specified areas shall be construed in accordance with regulation 2(2).

Application

2.—(1) These Regulations apply to premises of a kind mentioned in Article 5(1)(b) of the 1996 Order other than such kind of premises where the whole of the premises are delineated in the plan thereof kept under Article 34(2) of that Order by the Clerk of Petty Sessions as the part or parts of the premises in which intoxicating liquor is permitted to be sold.

(2) The part or parts of premises to which these Regulations apply which are delineated in the plan thereof kept under that Article 34(2) by the Clerk of Petty Sessions as the part or parts of the premises in which intoxicating liquor is permitted to be sold are, in these Regulations, referred to as a specified area or as specified areas, as the case may be.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Conditions for businesses authorised by licence

3. The conditions under which any business authorised by a licence may be carried on in any premises to which these Regulations apply are set out in the Schedule.

Sealed with the Official Seal of the Department of Health and Social Services on

L.S.

12th June 1997.

Jeremy Harbison
Under Secretary

SCHEDULE

1. The holder of the licence shall ensure that—
 - (a) intoxicating liquor is not available for purchase in the premises outside a specified area; and
 - (b) any person purchasing intoxicating liquor may only do so at a point of sale within a specified area.
2. Subject to paragraph 3, each specified area shall—
 - (a) be separated from all other parts of the premises by a physical barrier made of solid material and any means of passage between that area and the other parts of the premises shall be controlled by a gate, turnstile or other similar device;
 - (b) be so sited that a person may conveniently enter or leave the premises and may have easy access to all other parts thereof (including points of sale outside any specified area) without passing through it; and
 - (c) be supervised at all times by the holder of the licence relating to it or a servant or agent of that holder who is 18 years of age or over.
3. The conditions set out in paragraph 2 shall not apply in relation to any specified area in which are situated points of sale at which persons may purchase intoxicating liquor but in which such liquor is not available for purchase.
4. Any specified area referred to in paragraph 3 shall be—
 - (a) clearly identified as such an area and separated from any specified area in which intoxicating liquor is available for purchase; and
 - (b) so sited that a person may conveniently use the points of sale situated therein without entering any specified area in which intoxicating liquor is available for purchase.
5. Any articles (other than intoxicating liquor) available for purchase in any specified area shall also be available for purchase in parts of the premises outside the specified areas.
6. Any person under the age of 18 years employed in a specified area shall at all times be under the supervision of the holder of the licence relating to that area or a servant or agent of that holder who is 18 years of age or over.
7. There shall clearly be displayed in a prominent position—
 - (a) at each point of sale in a specified area referred to in paragraph 3, a notice stating that persons under the age of 18 years may not use that point of sale unless accompanied by an adult;
 - (b) at each entrance to any other specified area, a notice stating that the area is one in which intoxicating liquor is available for purchase and that no person under the age of 18 years shall be permitted to enter unless accompanied by an adult.

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EXPLANATORY NOTE

(This note is not part of the Regulations.)

Article 33 of the Licensing (Northern Ireland) Order 1990 prohibited the carrying on of any business (other than certain ancillary businesses within the meaning of paragraph (2) of that Article) from being carried on, inter alia, in premises in which the only or principal business carried on was the business of selling intoxicating liquor by retail for consumption off the premises. The Licensing (Northern Ireland) Order 1996 repealed this prohibition. In its place Article 5(2) of that Order enabled the Department of Health and Social Services to prescribe the conditions under which any business authorised by a licence for the sale of intoxicating liquor may be carried out on certain premises.

These Regulations, in pursuance of that power, prescribe the conditions under which any business which is authorised by a liquor licence to sell intoxicating liquor by retail for consumption off the premises may be carried on in premises only part or parts of which may be used for the sale of intoxicating liquor.

In particular, the Regulations—

- (a) require that intoxicating liquor shall only be offered for sale on the premises in a specified area or in specified areas;
- (b) require that any person purchasing intoxicating liquor on the premises may only do so at a point of sale within such a specified area;
- (c) impose requirements with respect to the siting of each specified area within the premises and their separation from other parts of the premises;
- (d) impose requirements for the supervision of the specified areas and any persons under the age of 18 years employed in such areas; and
- (e) require that any articles (other than intoxicating liquor) offered for sale in any specified area shall also be offered for sale in other parts of the premises.