

EXPLANATORY MEMORANDUM TO
The Licensing (Form of Licence)(Amendment) Regulations (Northern Ireland)
2012

SR No. 22

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under The Licensing (Northern Ireland) Order 1996 (the Order) and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Statutory Rule amends the Licensing (Form of Licence) Regulations (Northern Ireland) 1997 which prescribes the form of licence issued by courts authorising the retail sale of intoxicating liquor. It removes Part VIII of the Schedule to the Regulations as courts, on conviction of certain offences, can no longer make orders disqualifying late opening hours or extension licences for certain premises instead of suspending a licence.

3. Background

- 3.1. The Order regulates the retail sale of intoxicating liquor to the public. Normal opening hours for premises licensed under the Order are 11.30am - 11.00pm on weekdays; 12.30 in the afternoon to 10.00pm on Sundays. The courts may grant late opening hours in addition to normal opening hours to certain premises which provide food or entertainment or an extension licence to certain premises which provide accommodation for functions (11.00pm-1.00am the following day on weekdays; 10.00pm - 12.00 midnight on Sundays).
- 3.2. Section 2 of the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011 (the Amendment Act) amends the Order by making provision for a system of penalty points to be levied by the courts on licensed premises which are convicted of certain offences under the Order. When the tariff of 10 penalty points is reached the licence will be suspended for a period not less than 1 week and not exceeding 3 months.
- 3.3. Schedule 4 to the Amendment Act revokes Section 73(3) of the Order which provided the courts with the option to disqualify late opening hours or extension licences on conviction of an offence in relation to late opening hours or extension licences rather than to impose a suspension.

4. Consultation

- 4.1. Correspondence with the Northern Ireland Court Service confirmed they have no issue with the minor change required to the form of intoxicating liquor licences.

5. Equality Impact

- 5.1. In accordance with its duty under Section 75 of the Northern Ireland Act 1998 the Department has conducted a screening exercise on the legislative proposals for these Regulations. The Department has concluded that the proposals would not have significant implications for equality of opportunity and therefore considered an equality Impact Assessment was not necessary.

6. Regulatory Impact

- 6.1. These Regulations do not require a regulatory impact assessment as they do not impose costs on businesses, charities or voluntary groups.

7. Financial Implications

- 7.1. No financial implications.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied that the Statutory Rule is not incompatible with the convention rights, is not incompatible with community law, does not discriminate against a person or class of person on the grounds of religious belief or political opinion and does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. These Regulations do not replicate an amendment to the corresponding Form of Licence Regulations in Great Britain where licensed premises may nominate the hours they propose to sell alcohol.

11. Additional Information

- 11.1. Not applicable.