
STATUTORY INSTRUMENTS

1996 No. 3158

The Licensing (Northern Ireland) Order 1996

PART V

ENFORCEMENT

Production of licence

70. The holder of a licence or protection order shall at the request of a constable produce it within 7 days of the request to, or in accordance with the directions of, the constable for examination, and if it is not so produced he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Provision for inspection and rights of entry

71.—(1) A constable may, at any reasonable time,—

(a) for the purpose of inspecting the suitability of—

- (i) premises in respect of which a notice of application has been served under paragraph 1(c) of Schedule 1 for the grant of a licence under this Order, or
- (ii) licensed premises in respect of which a notice of application has been served under paragraph 3 of Schedule 4 for the renewal of a licence under this Order and in which since the last previous renewal of the licence (or, where the renewal to be applied for is the first renewal of the licence, since the licence was granted), alterations have been made,

enter and inspect the premises or, as the case may be, the licensed premises;

(b) for the purpose of ascertaining whether a contravention of this Order is being or has been committed or whether any conditions which are applicable under this Order are being or have been complied with, enter and inspect—

- (i) licensed premises; or
- (ii) premises which adjoin or are near licensed premises and which belong to the holder of the licence or are under his control or used by his permission; or
- (iii) premises on which a constable has reason to believe an offence under Article 67 or 68 is being or has been committed.

(2) If any person—

- (a) fails or delays without reasonable excuse to admit a constable who demands admission to the premises under paragraph (1), or
- (b) on being required by a constable to do so, fails without reasonable excuse to permit the constable to inspect the premises,

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he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) If, on complaint on oath, a justice of the peace is satisfied that there are reasonable grounds for suspecting that an offence under this Order is being, has been or is about to be committed at any place, he may issue a warrant in writing authorising any constable to enter that place, if necessary by force, and to search that place.

(4) Any constable who enters any place under the authority of a warrant issued under paragraph (3) may—

- (a) seize and remove any intoxicating liquor and its containers, document, money or valuable thing, instrument or other thing found in that place which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of an offence under this Order; and
- (b) search any person found at that place whom he has reasonable cause to believe to be committing or to have committed any such offence.

(5) In paragraphs (3) and (4) “place” includes “premises”.

Modifications etc. (not altering text)

- C1** Art. 71(1)(b) extended by [Police \(Northern Ireland\) Act 2003 \(c. 6\), Sch. 2A para. 11](#) (as inserted (prosp.) by [Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(2)(d), 7(8), **Sch. 5**)

^{F1}Penalty points

- F1** Arts. 71A-71C and cross-heading inserted (1.5.2012) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 18\)](#), **ss. 2(1)**, 18; S.R. 2012/28, art. 2, Sch.

Penalty points to be attributed to an offence

71A.—(1) Where the holder of a licence is convicted of an offence under a provision of this Order specified in column 1 of Schedule 10A (the general nature of which offence is indicated in column 2) then, subject to the following provisions of this Article, the number of penalty points to be attributed to the offence is a number within the range of numbers shown in relation to the offence in column 3 of Schedule 10A (or if an order is made under paragraph (5) substituting a number for a range, the number shown in relation to that offence).

(2) Where the holder of a licence is convicted (whether on the same occasion or not) of 2 or more offences committed on the same occasion, the total number of penalty points to be attributed to them is the number or highest number that would be attributed on a conviction of one of them (so that if the convictions are on different occasions the number of penalty points to be attributed to the offences on the later occasion or occasions shall be restricted accordingly).

(3) In a case where (apart from this paragraph) paragraph (2) would apply to 2 or more offences, the court may if it thinks fit determine that that paragraph shall not apply to the offences (or, where 3 or more offences are concerned, to any one or more of them).

(4) Where a court makes such a determination it must state the reasons for the determination in the order of the court.

(5) The Department may, by order subject to affirmative resolution, amend column 3 of Schedule 10A (by substituting one range of numbers for another, a number for a range, or a range for a number).

Endorsement of licences

71B.—(1) Where the holder of a licence is convicted of an offence under a provision of this Order specified in column 1 of Schedule 10A, the court must order there to be endorsed on the licence particulars of the conviction and also particulars of the offence, including the date when it was committed.

(2) Where the holder of a licence is convicted of an offence under a provision of this Order specified in column 1 of Schedule 10A—

- (a) subject to paragraph (3), where the provision is one specified in Part 1 of Schedule 10A, the court may order there to be endorsed on the licence the penalty points to be attributed to the offence;
- (b) subject to paragraph (4), where the provision is one specified in Part 2 of Schedule 10A, the court must order there to be endorsed on the licence the penalty points to be attributed to the offence unless for special reasons the court thinks fit not to do so;
- (c) where the provision is one specified in Part 3 of Schedule 10A, the court must order there to be endorsed on the licence the penalty points to be attributed to the offence.

(3) Where the holder of a licence who has been convicted of an offence under a provision of this Order specified in Part 1 of Schedule 10A (“the first offence”) is convicted of an offence under the same provision of this Order committed less than 3 years after the first offence was committed, the court must order the penalty points to be attributed to the offence to be endorsed on the licence.

(4) Where the holder of a licence who has been convicted of an offence under a provision of this Order specified in Part 2 of Schedule 10A (“the first offence”) is convicted of an offence under a provision of this Order specified in that Part of that Schedule committed less than 3 years after the first offence was committed, the court must order the penalty points to be attributed to the offence to be endorsed on the licence.

(5) A court which orders the endorsement of a licence under this Article must order the holder of the licence to deliver it to the clerk of the court within a period specified in the order and if the holder of the licence contravenes the order that person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months, or to both.

Suspension of licence for repeated offences

71C.—(1) Where the holder of a licence is convicted of an offence under a provision of this Order specified in column 1 of Schedule 10A, the penalty points to be taken into account on that occasion are (subject to paragraphs (2) and (7))—

- (a) any that are to be attributed to the offence or offences in respect of which the holder of the licence is convicted; and
- (b) any that were on a previous occasion ordered to be endorsed on the licence;

and where the penalty points so taken into account number 10 or more, the court must, by order, suspend the licence.

(2) If any of the offences was committed more than 3 years before another, the penalty in respect of that offence shall not be added to those in respect of the other.

(3) The period for which a licence is suspended under paragraph (1) shall not be less than 1 week or more than 3 months.

(4) The suspension of a licence under paragraph (1) shall be in addition to any other penalty which may be imposed by the court.

(5) Article 72(5) applies where a court suspends a licence under paragraph (1) as it applies where a court suspends a licence under that Article.

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(6) A licence may be suspended under paragraph (1) for any period notwithstanding that it is due to expire before the commencement of, or during, that period.

(7) After the suspension of a licence under paragraph (1), none of the penalty points taken into account on making the order under paragraph (1) may be taken into account on any other occasion.]

Suspension of licences

Suspension of licences

72.—(1) An application for the suspension of a licence until—

- (a) the end of the then current licensing period, or
- (b) in the case of a licence which a court has determined shall remain in force for a lesser period, the end of that lesser period,

may be made by the sub-divisional commander of the police sub-division in which the premises to which the application relates are situated to a court of summary jurisdiction on any of the grounds on which objection may be made to an application for renewal of the licence.

(2) On an application for the suspension of a licence a court shall hear representations, if any, from the holder of the licence.

(3) A court shall refuse an application for the suspension of a licence unless it is satisfied that the application is not made on grounds which have been, or ought to have been, raised previously by way of objection either when the licence was granted or on an occasion when it has been renewed.

(4) Where the court refuses an application for the suspension of the licence it shall specify in its order the reasons for its refusal.

(5) A suspended licence shall not be in force during the period of suspension except for the purposes of the provisions of this Order relating to the surrender, renewal or transfer of licences and to protection orders.

Suspension of licences on conviction of certain offences

73.—(1) Where the holder of a licence is convicted of—

- ^{F2}(a)
- (b) an offence under section 13 of the Criminal Law Amendment Act 1885 (permitting premises to be a brothel), where the offence was committed in the licensed premises or in premises which adjoin or are near them,

the court shall, unless satisfied that by reason of extenuating circumstances in connection with the offence (which shall be specified by the order) the licence ought not to be suspended, by order, suspend the licence.

(2) Where—

- (a) the holder of a licence is convicted of an offence under—
 - (i) any provision of this Order, ^{F3}... or
 - (ii) the Food Safety (Northern Ireland) Order 1991, where the offence was committed in or in relation to the licensed premises, or
- (b) the holder of a licence or his servant or agent is convicted of an offence under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, where—
 - (i) the offence was committed in the licensed premises, and

(ii) in the case of an offence committed by a servant or agent of the holder of the licence, the offence was committed with the knowledge of the holder of the licence, the court may suspend the licence.

^{F4}(3)

(4) The period for which a licence is suspended under paragraph (1) or (2) shall be not less than 1 week or more than 3 months, except that, where in consequence of a conviction such as is mentioned in paragraph (2)(a)(ii) a prohibition order or emergency prohibition order is made under Article 10 or 11 of the said Order of 1991 prohibiting the holder of a licence from using the licensed premises for the purposes of a food business which is or includes the business authorised by the licence, the licence may be suspended for the period during which the order is in force.

(5) The suspension of a licence under paragraph (1) or (2) shall be in addition to any other penalty which may be imposed by the court.

(6) Article 72(5) shall apply where a court suspends a licence under paragraph (1) or (2) as it applies where a court suspends a licence under that Article.

(7) A licence may be suspended under paragraph (1) or (2) for any period notwithstanding that it is due to expire before the commencement of, or during, that period.

F2	Art. 73(1)(a) repealed (1.5.2012) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011 (c. 18), ss. 2(3)(a), 18, Sch. 4 ; S.R. 2012/28, art. 2, Sch.; S.R. 2012/48, art. 2, Sch.
F3	Words in art. 73(2)(a)(i) repealed (1.5.2012) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011 (c. 18), ss. 2(3)(b), 18, Sch. 4 ; S.R. 2012/28, art. 2, Sch.; S.R. 2012/48, art. 2, Sch.
F4	Art. 73(3) repealed (1.5.2012) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011 (c. 18), ss. 2(3)(c), 18, Sch. 4 ; S.R. 2012/28, art. 2, Sch.; S.R. 2012/48, art. 2, Sch.

Penalty for opening licensed premises during period of suspension

74. Where the holder of a licence himself or by his servant or agent sells intoxicating liquor or makes it available for purchase in the premises or permits it to be consumed in the premises—

(a) on any day on which the licence for the premises is suspended, ^{F5}...

^{F5}(b)

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both and the court shall order the licence to be suspended for a period or, as the case may be, an additional period of not less than 1 month or more than 1 year.

F5	Art. 74(b) and word repealed (1.5.2012) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011 (c. 18), s. 18, Sch. 4 ; S.R. 2012/48, art. 2, Sch.
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Procedure in connection with suspension

75.—(1) Where the holder of a licence is charged with an offence under—

- (a) any provision of this Order, or
- (b) the Food Safety (Northern Ireland) Order 1991, where the offence was committed in or in relation to the licensed premises, or
- (c) the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 where the offence was committed in the licensed premises, or

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(d) section 13 of the Criminal Law Amendment Act 1885,
the court may require the register of licences in which particulars of the licence are recorded, or a copy of the entries therein relating to the licence, to be produced for inspection by the court before passing sentence.

(2) A court which suspends a licence ^{F6}... shall order the holder of the licence to deliver it to the clerk of the court within a period specified in the order, unless it has already been so delivered and has not been returned under paragraph (3); and if he contravenes the order he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

(3) The clerk of a court to whom a licence is delivered under paragraph (2) shall [^{F7}retain the licence] and the licence shall not be returned to the holder of the licence until the end of the period of suspension.

^{F8}(4)

F6	Words in art. 75(2) repealed (1.5.2012) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011 (c. 18), s. 18, Sch. 4 ; S.R. 2012/48, art. 2, Sch.
F7	Words in art. 75(3) substituted (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 110(18) (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)
F8	Art. 75(4) repealed (1.5.2012) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011 (c. 18), s. 18, Sch. 4 ; S.R. 2012/48, art. 2, Sch.

Appeals against suspension of licence, etc.

76.—(1) Where a licence is suspended under Article 72 and the holder of the licence appeals, the licence shall continue in force until the appeal is determined or abandoned.

[^{F9}(2) When on conviction of an offence a licence is suspended the suspension shall not take effect—

- (a) until the expiry of the time for bringing an appeal against the conviction or against the suspension; and
- (b) if such an appeal is brought, until the appeal has been determined or abandoned.]

F9	Art. 76(2) substituted (1.5.2012) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011 (c. 18), s. 18, Sch. 3 para. 4 ; S.R. 2012/48, art. 2, Sch.
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