

# Licensing Act (Northern Ireland) 2016

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 3: Licences for outdoor stadia***

Subsection (1) introduces amendments, contained in subsections (2) and (3), to Article 5 of the principal Order. That Article specifies the premises for which licences may be granted.

Subsection (2) adds an outdoor stadium to the list of premises, contained in Article 5(1), for which licences may be granted.

Subsection (3) adds an outdoor stadium to the premises referred to in Article 5(3) and (6). The effect of the amendment is that a licence will not authorise the sale of alcohol in an outdoor stadium unless there is being carried on in the premises a business of the type normally carried on and the sale of alcohol is ancillary to that business. Such business may include outdoor sporting and other events on and off the pitch as well as events in function areas. In addition, the licence does not authorise the sale of alcohol for consumption off the premises. Contravention of these restrictions is an offence.

Subsection (4) makes three amendments to the principal Order to reflect the changes made by the Act.

- Paragraph (a) amends Article 2(4) to include outdoor stadia in the list of premises captured by the term “premises of any kind”.
- Paragraph (b) adds an outdoor stadium to the premises listed in Article 15(2)(e) (ii). This means that, provided that an outdoor stadium has not closed because of damage to the premises, a court will not renew the licence unless the business being carried on under the licence, and to which the sale of alcohol is ancillary, has not been discontinued.
- Paragraph (c) amends Article 22 of the principal Order, which deals with the transfer of licences. By extending paragraph (6)(c)(ii) of that Article, a court will be required to refuse an application for the transfer of an outdoor stadium licence unless it is satisfied that the business to which the sale of alcohol is ancillary has not been discontinued.