

*These notes refer to the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c.7) which received Royal Assent on 26 August 2021*

# Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 1

#### Licensing

##### *Section 10: Licence for off-sales*

This section amends Article 5 of the Licensing Order (premises for which licences may be granted) in relation to local producers of intoxicating liquor.

Subsections (1) and (2) add premises which are used for the production of intoxicating liquor, by a business carried on wholly or mainly in Northern Ireland, to the categories of premises which may be granted a liquor licence.

Subsection (3) introduces new Article 52B (Local producer's licence: sales on own premises), Article 52C (Local producer's licence: sale on other licensed premises) and Article 52D (Local producer's licence: sales not on licensed premises) in the Licensing Order.

Article 52B (Local producer's licence: sales on own premises) permits a local producer of intoxicating liquor to apply for a licence which would permit them to sell their own products, from their own premises, for consumption on and off the premises. Other than where it is permitted by Articles 52E and 52F, consumption on the premises is restricted to samples, as part of an organised tour on their own premises. The holder of the licence is required to display a notice containing relevant information in the premises at all times.

Article 52B(4) adds a new offence (punishable by a fine up to £2,500 or imprisonment up to 3 months, or both) for selling intoxicating liquor which was not produced in the premises or for selling for consumption on the premises.

Article 52B(5) to (7) add new offences (punishable by a fine up to £1,000) for providing samples in excess of the specified amount for consumption on the premises; not displaying the relevant notice; or for consuming the liquor in the premises or in premises adjoining or near, which belong to or are under the control of the licence holder.

Article 52C (Local producer's licence: sale on other licensed premises) permits local alcohol producers to sell their own products, for consumption off the premises, ancillary to certain events. The Department has the power to add or remove categories of premises from which local producers may sell their products from other specified licensed premises.

Article 52C(5) adds an offence (punishable by a fine up to £2,500 or imprisonment up to 3 months, or both) for selling for consumption on the premises or not ancillary to a relevant event.

Article 52C(6) adds an offence (punishable by a fine up to £1,000) for not displaying a notice, at the point of sale, containing relevant information in the premises at all times.

Article 52D (Local producer's licence: sales not on licensed premises) permits local producers of intoxicating liquor to sell their own products from unlicensed premises, ancillary to certain events, for consumption off the premises.

Article 52D(2) to (6) detail the conditions which must be satisfied before an authorisation under Article 52D can be made.

Article 52D(7) permits local producers of intoxicating liquor to provide any person at the event in question with a sample for consumption at the event.

Article 52D(8) adds an offence (punishable by a fine up to £2,500 or imprisonment up to 3 months, or both) for selling for consumption on the premises or not ancillary to a relevant event.

Articles 52D(9) to (11) add offences (punishable by a fine up to £1,000) for providing samples in excess of the specified amount for consumption on the premises; not displaying the relevant notice; and consuming and allowing consumption on the premises.

Subsection (5) amends Article 42 of the Licensing Order (General permitted hours) to include premises for the production of intoxicating liquor in the hours for off-sales.

Subsection (6) makes consequential amendments to Article 46 (exception for sales outside permitted hours), Article 56 (penalty for permitting consumption in unlicensed part of premises) and Article 58 (prohibition on young persons) to ensure references are made to local producer's licences.

Subsections (7) and (8) amend Part 1 of Schedule 1 (application for grant of licence) and Part 1 of Schedule 4 (application for the renewal of a licence) to the Licensing Order to require premises for the production of intoxicating liquor to attach a copy of any certificate of registration, licence or other authorisation which is required by a statutory provision for the production of intoxicating liquor in the premises to any such application.

Subsections (9) and (10) make consequential amendments to Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable

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with level 3 fine), and Part 2 of Schedule 10A to that Order (penalty points for offences punishable with a level 4 fine) to take account of the introduction of new Articles 52B, 52C and 52D.