



2021 CHAPTER 7

PART 1

LICENSING

Local alcohol producers

Sales and consumption of intoxicating liquor in local producer's premises

11.—(1) After Article 52D of the Licensing Order (inserted by section 10(3)) insert—

“Local producer's premises: suitability for on-sales

52E.—(1) In respect of premises which are of a kind mentioned in Article 5(1)(m) and part of which is structurally adapted, and used or intended to be used, for the purpose of providing persons frequenting the premises with intoxicating liquor produced in the premises for consumption in the premises—

- (a) a county court which grants a local producer's licence or declares a local producer's licence provisionally granted to be final, on the application of the person applying for the grant or declaration, or
- (b) a court of summary jurisdiction, at any time, on the application of the holder of the local producer's licence made in compliance with the procedure set out in Schedule 9,

may, by order, specify any part of the premises as being suitable for the sale of intoxicating liquor produced in the premises for consumption in the premises during the hours specified in Article 42(6).

(2) A court shall not make an order under paragraph (1) unless it is satisfied that the part of the premises specified in the order is suitable for the sale of intoxicating liquor produced in the premises for consumption in the premises.

(3) An order under paragraph (1) may be revoked by a court of summary jurisdiction—

- (a) on the application of the holder of the licence; or
- (b) where, on complaint made under Part 8 of the Magistrates' Courts (Northern Ireland) Order 1981, the court is not satisfied that the requirements of paragraph (2) have continued to be complied with.

Local producer's premises: authorisation for on-sales

52F.—(1) In the case of premises of a kind specified in Article 5(1)(m) in respect of which an application has been made for an order under Article 52E, the court hearing the application may, if it makes the order, also grant an authorisation under this Article on an application made in compliance with the procedure set out in Schedule 10.

(2) In the case of premises of that kind in respect of which an order under Article 52E has effect, a court of summary jurisdiction may, on an application made in compliance with the procedure set out in Schedule 10, grant an authorisation under this Article.

(3) An authorisation under this Article may authorise the holder of the local producer's licence, on the day and during the hours specified in the authorisation, to sell in the part of the premises to which the order under Article 52E applies intoxicating liquor produced in the production premises for consumption in that part of the premises.

(4) Not more than 104 authorisations shall be granted under this Article to the holder of a local producer's licence in any year.

(5) Regulations may modify paragraph (4) so as to substitute a different number of authorisations for the time being specified there.

(6) Regulations may not be made under paragraph (5) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(7) Nothing in this Article permits an authorisation under this Article to authorise the sale of intoxicating liquor on Christmas Day.

(8) Where the holder of a local producer's licence, personally or by a servant or agent, sells intoxicating liquor or makes it available for purchase in contravention of an authorisation under this Article, the holder is guilty of an offence.

(9) Where intoxicating liquor is made available for purchase in accordance with an authorisation under this Article, the holder of the local producer's

licence shall at all times display in the part of the premises to which the order under Article 52E applies a notice in the form and manner, and containing the information, prescribed in regulations; and a person acting in contravention of this paragraph is guilty of an offence.

(10) A person guilty of an offence under paragraph (8) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(11) A person guilty of an offence under paragraph (9) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Article 30 of the Licensing Order (occasional licences), after paragraph (1) insert—

“(1A) An occasional licence may not be granted for any part of premises of a kind mentioned in Article 5(1)(m) to which an order under Article 52E applies.”.

(3) In Article 42 of the Licensing Order (general permitted hours), in each of paragraphs (1) and (2), after “or (m)” (inserted by section 10(5)) insert “(subject to paragraph (6))”.

(4) In that Article after paragraph (5) (inserted by section 8(2)) insert—

“(6) In the case of premises of a kind mentioned in Article 5(1)(m) to which an order under Article 52E applies, the permitted hours for a part of the premises specified in the order on a day on which an authorisation under Article 52F has effect are the hours on that day from 4 in the afternoon to 10 in the evening.”.

(5) In Article 46 of the Licensing Order (exception for sales outside permitted hours), in paragraph (1)(a)(ii), after “or (m)” (inserted by section 10(6)(a)) insert “(but see paragraph (1A))”.

(6) In that Article, after paragraph (1) insert—

“(1A) The reference in paragraph (1)(a)(ii) to premises of a kind mentioned in Article 5(1)(m) does not include a reference to premises of that kind with respect to which an order under Article 52E is in force.”.

(7) In Article 56 of the Licensing Order (penalty for permitting consumption of intoxicating liquor in unlicensed part of premises), after paragraph (1) insert—

“(1A) The exception in paragraph (1) for premises of a kind mentioned in Article 5(1)(m) does not apply to premises of that kind to which an order under Article 52E applies during the period for which an authorisation under Article 52F has effect.”.

(8) In Article 58 of the Licensing Order (young persons prohibited from certain premises), in paragraph (5), before “if” insert “, or who is in licensed premises of a kind mentioned in Article 5(1)(m) to which an order under Article 52E applies at a time when an authorisation under Article 52F has effect,”.

(9) In Schedule 9 to the Licensing Order (procedure on certain applications)

- (a) in the title, after “48” insert “, 52E”,
- (b) in paragraph 1, after “48” insert “, 52E”, and
- (c) in paragraph 4, after paragraph (c) insert—
 - “(ca) in the case of an application under Article 52E, on the ground mentioned in Article 52E(2);”.

(10) In Schedule 10 to the Licensing Order (applications for extension licences)—

- (a) after paragraph 1 insert—
 - “1A. In this Schedule authorisation” means an authorisation under Article 52F.”,
- (b) in paragraph 2, after “the grant of a licence” insert “or authorisation”, and
- (c) in paragraph 4, after “the granting of the licence” insert “or authorisation”.

(11) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

“52F(11)	Failure by local producer to display notice on part of premises to which authorisation under Article 52F applies	3-4”
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(12) In Part 2 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 4 fine), at the appropriate place insert—

“52F(10)	Failure by local producer to comply with authorisation under Article 52F	4-5”
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