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STATUTORY INSTRUMENTS

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**1996 No. 3158**

**The Licensing (Northern Ireland) Order 1996**

**PART II**

**THE GENERAL LICENSING SYSTEM**

*Temporary continuance of business in certain circumstances*

**Protection orders**

**26.**—(1) A person who proposes to apply for the transfer of a licence or for the concurrent transfer and renewal of a licence may apply to a court of summary jurisdiction for a protection order authorising him to carry on business under the licence until an application for the transfer, or transfer and renewal, of the licence can be brought before a court.

(2) Where the holder of a licence dies and he has no personal representative or his personal representative is unwilling or unable to act, a person who is entitled in consequence of the holder's death to a beneficial interest in the business may apply to a court of summary jurisdiction for a protection order.

(3) Where the holder of a licence has become incapable through illness or other infirmity of carrying on the business authorised by the licence, a person who proposes to carry on the business on his behalf may apply to a court of summary jurisdiction for a protection order.

(4) A court of summary jurisdiction may, on an application made in compliance with the procedure set out in Schedule 6, make the protection order if it is satisfied that the applicant is, or that there are reasonable grounds for believing that he may be, a person or one of several persons to whom it could transfer the licence or a person such as is mentioned in paragraph (2) or (3).

(5) The authority conferred by a protection order in respect of any premises shall be the same as that conferred by the licence in force (or last in force) for those premises, and, while the order is in force, the provisions of this Order (other than those relating to the renewal or transfer of licences and the foregoing provisions of this Article) shall apply as if the person to whom the order is granted were the holder of that licence.

(6) Without prejudice to the generality of paragraph (5), a protection order may be suspended as if it were a licence and shall be deemed to be suspended during any period when the licence is suspended.

(7) A licence in connection with which a protection order is in force shall be deemed to continue in force for such period as the protection order remains in force.