
STATUTORY INSTRUMENTS

1996 No. 3158

The Licensing (Northern Ireland) Order 1996

PART III

PERMITTED HOURS

The permitted hours

[^{F1}Public houses or hotels: order for further additional permitted hours

44A.—(1) In the case of premises of the kind referred to in Article 5(1)(a) or an hotel, a county court or court of summary jurisdiction may, when making an order under Article 44(1), also make an order under paragraph (3) or (4) of this Article.

(2) In the case of premises of the kind referred to in Article 5(1)(a), or an hotel, to which an order under Article 44 applies, a court of summary jurisdiction may, at any time, upon the application of the holder of the licence for those premises made in compliance with the procedure set out in Schedule 9, make an order under paragraph (3) or (4).

(3) An order under this paragraph may direct that, on each day specified in the order (being a day specified in the order under Article 44), an additional hour beginning immediately after the end of the period authorised by the order under Article 44 is to be included in the permitted hours for the premises to which that order applies for the purposes referred to in paragraph (2) of that Article.

(4) An order under this paragraph may direct that, on each day specified in the order (being a day other than one specified in the order under Article 44), the hours that would be included in the permitted hours if the day were one specified in the order under Article 44 and an additional hour beginning immediately after the end of those hours are to be included in the permitted hours for the premises to which that order applies.

(5) An order under paragraph (4) is subject to a condition that, during the hours authorised by the order, the premises may be used for the sale of intoxicating liquor only if they are also being used for the provision of—

- (a) musical or other entertainment; or
- (b) substantial refreshment; or
- (c) both such entertainment and refreshment.

(6) In paragraph (5), “entertainment” has the same meaning as in Article 44 (see paragraph (8) of that Article).

(7) A court must not make an order under paragraph (3) or (4) unless the court is satisfied that—

- (a) the business will be conducted during the hours mentioned in that paragraph and any period immediately following their termination in such a manner as not to cause undue inconvenience to persons residing in the vicinity of the premises; and
- (b) the hours mentioned in that paragraph will not cause undue inconvenience to persons residing in the vicinity of the premises.

Changes to legislation: *The Licensing (Northern Ireland) Order 1996, Section 44A is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(8) The court may, accordingly, make the order subject to such terms and conditions as the court thinks fit for the purpose of avoiding such inconvenience as is mentioned in paragraph (7).

(9) Subject to paragraph (10), where notice of an application under paragraph (2) has been served on the clerk of petty sessions, the clerk may make the order sought as if the application had been made to the clerk and may do so in the absence of the applicant.

(10) Where—

- (a) a notice of objection to the application has been served upon the clerk and has not been withdrawn, or
- (b) the clerk is of the opinion, for any other reason, that the application should be made to the court,

the clerk must require the application to be made to the court and must notify the applicant and the objector, if any, of the requirement and of the time and place of the hearing.

(11) Paragraphs (6) and (7) of Article 44 apply in relation to an order under paragraph (3) or (4) of this Article as they apply in relation to an order under paragraph (1) of that Article; and for that purpose—

- (a) the reference to that Article in the opening words of paragraph (6) of that Article is to be read as including a reference to this Article, and
- (b) the references to paragraph (2) of that Article are to be read as references to paragraph (3) or (as the case may be) paragraphs (4) and (5) of this Article.

(12) Not more than 104 days in any year may be specified in an order or orders made under this Article.

(13) Regulations may modify paragraph (12) so as to substitute a different number of days for the number for the time being specified there.

(14) Regulations may not be made under paragraph (13) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.]

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| <p>F1 Arts. 44A, 44B inserted (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 3(1), 47(2); S.R. 2021/247, art. 2, Sch.</p> |
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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [art. 57B inserted by 2011 c. 18 \(N.I.\) s. 5](#)