

STATUTORY INSTRUMENTS

1996 No. 3158

The Licensing (Northern Ireland) Order 1996

[^{F1}PART 5A

PAVEMENT CAFE AREAS

[^{F1}Sale for consumption on pavement café area not prohibited by Article 5(3)(b) or 51 in certain cases

F1 Pt. 5A inserted (1.10.2016) by [Licensing of Pavement Cafes Act \(Northern Ireland\) 2014 \(c. 9\)](#), s. 32(1), [Sch. para. 2](#); S.R. 2016/126, art. 2

76B.—(1) This Article applies where—

- (a) a pavement café area is associated with premises for which a licence is in force;
- (b) those premises are—
 - (i) a hotel;
 - (ii) a guest house in which the business of a restaurant is carried on;
 - (iii) a restaurant; or
 - (iv) a refreshment room in public transport premises; and
- (c) the pavement café licence relating to the pavement café area does not include a condition requiring the licence holder not to permit persons to consume intoxicating liquor when using furniture on that area.

(2) For the purposes of the reference in Article 5(3)(b) to consumption off the premises, the pavement café area is to be treated as part of the premises.

(3) If the premises are a hotel, the pavement café area is also to be treated as part of the premises for the purposes of the references in Article 5(5)(b) to consumption off the premises and to a diner in the premises.

(4) If—

- (a) the premises are a restaurant, or a guest house in which the business of a restaurant is carried on, and
- (b) the business of the restaurant is carried on partly on the pavement café area,

the pavement café area is also to be treated for the purposes of Article 51(4)(a)(ii) (and, in the case of a guest house, Article 51(2)) as being a part of the restaurant.]

Changes to legislation:

The Licensing (Northern Ireland) Order 1996, Cross Heading: Sale for consumption on pavement café area not prohibited by Article 5(3)(b) or 51 in certain cases is up to date with all changes known to be in force on or before 27 June 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.

[View outstanding changes](#)

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](#)