EXPLANATORY MEMORANDUM TO

The Licensing (Form of Licence) (Amendment) Regulations (Northern Ireland) 2023

SR 2023 No. 72

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Communities to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Article 33 of the Licensing (Northern Ireland) Order 1996 ("the 1996 Order") and is subject to the negative resolution procedure.

2. Purpose

2.1. The Statutory Rule will amend the existing Licensing (Form of Licence) Regulations (Northern Ireland) 1997 ('the 1997 regulations') and relates to the physical form a liquor licence should take when produced by the Northern Ireland Courts and Tribunal Service.

3. Background

3.1. The 1997 regulations prescribe the form of licence (other than an occasional licence) which is issued by a court and authorises the retail sale of intoxicating liquor under the 1996 Order. These regulations will amend the 1997 regulations to take account of changes required to the current form of licence as a result of provisions within the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 ('the 2021 Act').

3.2. These regulations remove references relating to provisions in the 2021 Act which removed additional restrictions on Good Friday and Easter Day, and made Easter weekend permitted hours the same as any other weekend throughout the year. The reference to late night permitted hours on a Sunday, is also removed, making closing time on a Sunday night the same as any other night

3.3. These regulations also allow for a reference to an authorisation permitting further later opening for public houses and hotels, until 2am on 104 days in any year, except Christmas Day, which was also provided for by the 2021 Act.

3.4. These regulations add a reference to the premises of a local producer of intoxicating liquor which is now included in the categories of premises which may be granted a liquor licence and will be authorised for the retail sale of alcoholic drinks for comsumption off the premises.

3.5. These regulations further add a reference to an order which has been granted to a certain part of a local producer's premises stating it as being suitable for the sale of intoxicating liquor for consumption on the premises. This reference includes details of the permitted hours for

consumption on the premises, limited to between 4pm and 10pm, on 104 occasions in any year.

3.6. Finally, these regulations add a reference to an underage function, which is authorised to take place in specified licensed premises when a certain part of the premises which has been deemed suitable to hold an underage function and certain conditions are met. The reference includes details in relation to the time under 18s are permitted to attend a function, up to 1.00am, and to remain on the premises, up to 1.30am following the function.

4. Consultation

4.1. The Department did not consider it necessary to consult on the Statutory Rule.

5. Equality Impact

5.1. The Statutory Rule has been screened for any possible impact on equality of opportunity affecting the groups listed in section 75 of the Northern Ireland Act 1998 and no adverse or differential aspects were identified.

6. Regulatory Impact

6.1. No Regulatory Impact Assessment is required as the proposals will result in no or negligible costs or savings for any business, charity or voluntary group.

7. Financial Implications

7.1. None for the Department.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department considers that the Statutory Rule is compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. The Statutory Rule does not replicate any corresponding legislation in Great Britain where local authorities are responsible for liquor licensing.

11. Additional Information

11.1. Not applicable.