EXPLANATORY MEMORANDUM TO

The Licensing (Sample) Regulations (Northern Ireland) 2022

SR 2022 No. 78

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 52B(3) 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 prescribes the maximum amount of intoxicating liquor which may be provided as a sample for consumption on a tour given of production premises or at an event not on licensed premises.

3. Background

3.1. Under the 1996 Order certain kinds of premises may be granted a licence to sell intoxicating liquor to the public. The Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 amends the 1996 Order to add premises in which intoxicating liquor is produced to the kinds of premises which may apply for a liquor licence.

3.2. As part of a tour of production premises licence holders are authorised to provide a sample for consumption on the production premises so long as no charge is made for the sample separate from the charge made for the tour.

3.3. A licence holder is also authorised to sell their intoxicating liquor off the production premises, at events being held to promote food, drink or craftwork produced in Northern Ireland or which relate to agriculture. A sample of the intoxicating liquor may be provided for consumption at such events as an inducement to purchase the intoxicating liquor.

4. Consultation

4.1. The Department considered the position on samples in other jurisdictions however the amounts are not set in statute and guidance varies. The Department looked to the United Kingdom Chief Medical Officer's recommended guidelines for alcohol consumption which is maximum amount of 14 units per week, spread over at least 3 days. This appeared to be a sensible approach to adopt and therefore the Department consulted with the Department of Health (DoH) and the Northern Ireland Chief Medical Officer (NI CMO). Both the DoH and the NI CMO are supportive of this approach.

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.