

Proposals to amend the legislation on Liquor Licensing in Northern Ireland

December 2010



The Minister for Social Development is bringing forward preventative measures in relation to licensed premises through an amendment Bill, which is currently proceeding through the Northern Ireland Assembly. This Bill includes powers for the PSNI to close drinking establishments immediately when there is disorder; a new penalty points system for licensees and clubs when found to be operating outside the law; and new proof of age rules for pubs and clubs.

The Minister has also recently launched a consultation paper in relation to alcohol promotions which may encourage harmful drinking. The aim of this consultation is to seek views on the proposals to address harmful drinking by making changes to the licensing legislation which prohibits or restricts irresponsible alcohol promotions. Should this consultation endorse the Minister's proposal to prohibit or restrict irresponsible drinks promotions, the Minister intends to table an amendment to the Bill.

An amendment to the Bill would allow the Department to introduce a new power in the Licensing (NI) Order 1996 and the Registration of Clubs (NI) Order 1996 ("the 1996 Orders"). It is intended that the legislation will define what is meant by "drinks promotion" and also specify what is considered "irresponsible" and the Department will be given the power to prohibit or restrict such irresponsible drinks promotions. It is envisaged that Regulations will be made detailing the type and scope of the restrictions to be established to restrict or prohibit irresponsible drinks promotions in relation to both on-sale and off-sale premises regulated under the 1996 Orders. There would also be flexibility for the Department to amend the list of irresponsible promotions. The legislation would make it an offence for any premises to hold irresponsible alcohol promotions or specified pricing promotion. The Department envisages that the new power will become law by Summer 2011.

The consultation document outlines the following types of alcohol promotions which it is envisaged will be deemed to be "irresponsible":-

- Providing an alcoholic drink free or cut-price on purchase of one or more drinks (whether alcoholic or not);
- Providing an alcohol drink(s) free or cut-price on purchase of that particular drink, i.e. two for one;
- Providing an unlimited supply of alcohol for a fixed charge (including any entrance fee), e.g. "all you can drink for £10", "pay your entry fee then drink for free until 10pm";
- Encouraging a person to buy or drink a larger measure of alcohol than they would otherwise have intended;
- Encouraging specific groups to drink for free or at a discount, e.g. "women drink for free", "half price drinks for under 25s", discount nights for students or cheap drinks for fans of a specific sporting team;
- Promoting an alcoholic drink which is likely to appeal largely to under 18s;
- Basing a promotion on the strength of any alcohol;
- Rewarding or encouraging drinking alcohol quickly, i.e. drinking games;
- Offering alcohol as a reward or prize (unless the alcohol is in a sealed container and consumed off the premises);

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- A ban on alcohol dispensed directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of disability);
- The supply of alcohol on licensed premises at a reduced price during a limited period on any day (“happy hours”); and
- Providing two or more alcoholic products in a package at a reduced price.

The Department has suggested that it might consider the introduction of further measures such as minimum pricing or bans on below cost selling of alcohol in the future, however, this would require further detailed consideration as there may be implications in respect of compliance with competition law and EU Directives in this respect.

The formal consultation on irresponsible alcohol promotions closed on Monday 6 December 2010.

Should you require any further information or if you would like to discuss the above further, please do not hesitate to contact Karen Blair or Claire McNally.

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