



# **Responsible** Retailing Code NI

## **Fourth Edition**

**The Joint Industry Code  
for the Responsible Promotion &  
Retail Sale & Supply of Alcohol to  
Consumers in Northern Ireland**



**JOINT INDUSTRY CODE FOR THE**  
**RESPONSIBLE PROMOTION & RETAIL SALE & SUPPLY OF ALCOHOL TO**  
**CONSUMERS IN NORTHERN IRELAND**

**4<sup>th</sup> Edition**

## **INTRODUCTION**

1. Responsibly served and well-managed promotions and retail sales practices are a legitimate way of maintaining and developing business. On the other hand, irresponsible promotions and sales/supply practices may encourage or incite individuals to drink to excess, and fuel drunkenness or anti-social behaviour. Whilst the consumption of alcohol in the home is beyond our control, the industry understands the impact that the promotion and sale/supply of alcohol has on the drinking patterns of consumers. Therefore, whether alcohol is for consumption in the home or in on-trade premises, the industry has a responsibility to ensure that the sale/supply and promotion of alcohol is done in a way that promotes responsible consumption.
2. The purpose of the Code is to outline the basic standards expected of all those licensed or registered by the courts to sell or supply alcohol to consumers in Northern Ireland. It looks to promote best practice, to prevent alcohol being irresponsibly promoted, sold or supplied, and offers clear and measurable standards. It applies across the industry including to the on and off trades and registered clubs. With complaints about producers referred to the Portman Group in the first instance, this Code will cover any other complaints that do not fall within the Portman Group's remit.
3. In developing this Code, the following have been considered –
  - (a) Views of government and the results of a public consultation on drinks promotions.
  - (b) [The Licensing \(Northern Ireland\) Order 1996](#), [The Registration of Clubs \(Northern Ireland\) Order 1996](#), the [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2011](#), [The Licensing \(Irresponsible Drinks Promotions\) Regulations \(Northern Ireland\) 2012](#), [The Registration of Clubs \(Irresponsible Drinks Promotions\) Regulations \(Northern Ireland\) 2012](#) and [The Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021](#).
  - (c) Licensing (Scotland) Act 2005 (in relation to alcohol promotions)
  - (d) Alcohol etc (Scotland) Act 2010 and guidance
  - (e) Public Health Responsibility Deal – Alcohol Network Pledges (GB)
  - (f) Responsible Serve Training (NI)
  - (g) Responsible Retail of Alcohol in Ireland Code of Practice (ROI)
  - (h) Portman Group Code of Practice (UK)
  - (i) Competition Act 1998
  - (j) Advertising Standards Authority Broadcast and Non Broadcast Codes
  - (k) Retail of Alcohol Standards Group guidelines (2014)

- (l) Licensing Act 2003 and section 182 guidance (England and Wales)
- (m) Participating companies' internal marketing codes

4. Pricing is very strictly regulated in the UK to ensure that companies do not engage in anti-competitive or cartel style practices. Therefore, because of the limitations imposed by the Competition Act 1998 (*see Appendix 1 for more details*), the Code **cannot** –

- (a) set a minimum price for alcohol, nor
- (b) include any provisions relating specifically to pricing.

5. Licensees and registered clubs must ensure that all members of staff involved in the promotion, sale/supply and service of alcohol are properly trained, both in their legal responsibilities and their responsibilities under this Code (see particularly paragraphs 15-18).

6. The Code does not seek to ban or prevent all promotional activity around alcohol, simply that which is judged to be irresponsible and is not included in law.

## WHY HOLD PROMOTIONS?

7. Responsible promotions in the licensed trade and registered clubs are held for a variety of reasons –

- (a) to offer customers value for money;
- (b) to showcase or introduce a new brand or product;
- (c) to increase customer awareness of a product;
- (d) to introduce new customers to a particular product;
- (e) to provide a special offer to customers for a limited period on a popular or established product;
- (f) to provide competitive advantage; or
- (g) to support a specific event.

*References to “customers” in the rest of this Code should be taken to include club members and their guests.*

8. Responsibly run promotions can be a valuable marketing tool for enhancing product awareness amongst customers, and they can also offer customers good value.

## CODE PRINCIPLES

9. The Code's detailed principles identify types of promotions and sales/supply practices which should be avoided, as they carry with them a high risk that they may lead to alcohol misuse or abuse, or anti-social behaviour.

10. In addition to damaging the reputation of the industry, irresponsible promotions and sales/supply practices may –

- (a) jeopardise the prospects for individual businesses/registered clubs;
- (b) drive down quality and standards;
- (c) expose businesses to action by enforcement agencies and courts through the nuisance and disturbance they can cause;

and such activities should have **no** place in well-managed licensed premises or registered clubs.

11. It is up to a licensee/registered club to ensure that any promotion run on, or in association with his/her premises/club, is responsible and complies with this Code, whether -

- (a) designed in-house, or
- (b) run by an outside company, or
- (c) run by an independent promoter, or
- (d) run by someone who hires his/her premises,

A licensee/registered club is responsible for every promotion run on or in connection with his/her premises, from which he/she derives a benefit (*for example, room hire or bar receipts – see also paragraph 21 below*).

12. Therefore, **NO** alcohol promotion in Northern Ireland will –

#### **GENERAL**

- (a) Condone or encourage illegal, excessive or irresponsible drinking such as binge-drinking, drunkenness or drink-driving, nor refer in any favourable manner to the effects of intoxication.
- (b) Focus on the strength of any alcohol product as the principle theme, except in the case of low alcohol products, which is permitted provided it does not encourage irresponsible consumption; factual information on the alcoholic strength of a drink may be given, and promotions are allowed to focus on the broad product or promotional characteristics of the brand.
- (c) Suggest that alcohol consumption leads to sporting or business success, or is a requirement for social acceptance.
- (d) Be linked to or cross-promoted with products that are used as hangover remedies.

#### **TASTE & DECENCY**

- (e) Suggest that alcohol consumption enhances sexual attractiveness or include promotional material that is linked to sexual imagery implying sexual success or prowess.
- (f) Have associations with bravado, violence, anti-social or criminal behaviour or make direct or indirect references to drug culture or illegal drugs in promotional material.
- (g) Refer to consuming alcohol to recover from previous over-indulgence, or glamorise excessive or irresponsible drinking, and the effects of intoxication should not be referred to in any favourable manner.

- (h) Be disrespectful of contemporary, prevailing standards of taste and decency or degrade or gratuitously offensive through images, symbols, figures and innuendo.
- (i) Include promotional material which is demeaning to any gender, race, religion, age or minority group.
- (j) Have associations with violent, aggressive, dangerous or anti-social behaviour in connected promotional material.

### **CHILDREN (UNDER 18s)**

- (k) Use any promotional images, symbols, motifs or characters (real or fictitious, including sporting heroes) that have a particular appeal to children and characters should only be used if it is established that their primary appeal is to adults; the use of any cartoon character popular with children is entirely unacceptable.
- (l) Be linked to or have promotional material that is positioned near to products that particularly appeal to children; this also applies to promotional material such as pop-up stands. (*New legal provisions relating to advertising both inside and outside licensed premises were introduced by the 2021 Act.*)
- (m) Combine alcohol with a gift that has a particular appeal to children (*for example, a box of chocolates would be acceptable; childish sweets or toys would not*).
- (n) Incorporate images of people who are, or look as though they are, under 25 years of age in promotional material.
- (o) Be advertised on outdoor poster sites (*for example, dedicated static advertising sites and hoardings such as billboards*) which are within 100m of schools, and all posters must adhere to the *Drinkaware* brand guidelines to ensure clear and consistent usage.

13. In addition, the terms and conditions of every promotion should state specifically that no-one under the age of 18 years may take part in the promotion. Where any participant appears to look under 25, proof that they are 18 must be requested prior to participation.

### **FURTHER COMMITMENTS**

14. In addition, we commit to the following –

- (a) We will continue to support and adhere to the mandatory UK Advertising Codes administered by the Advertising Standards Authority; in particular ensuring that alcohol marketing is not targeted at children under 18 and does not imply, condone or encourage immoderate, irresponsible or anti-social drinking.
- (b) Existing signatories to the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks (PGC) will continue to support and adhere to the PGC; in particular:
  - i. ensuring that own label products comply with the PGC; and
  - ii. supporting the principles of the PGC by not restocking any products which fall foul of the code and are the subject of a Retailer Alert Bulletin.

- (c) We will include a “*share with your mates*” type message on **any** multi-serve or multi-buy promotion or competition designed for immediate consumption.
- (d) We will not offer prizes for competitions where it is not possible to ensure that the recipient is over 18.
- (e) We will support, where possible, schemes in local communities developed to reduce alcohol related harm (for example Purple Flag).
- (f) We will ensure that point of sale/supply materials and promotions are not targeted at under 18s.
- (g) We will comply with the law and we will include signage in any premises where alcohol is sold/supplied to state that persons must be 18 to purchase alcohol.
- (h) We will comply with the provisions in The Licensing (Northern Ireland) Order 1996 with regard to the placing of alcohol products in stores for consumption off the premises (NB registered clubs are not permitted by law to supply products for consumption off the premises).
- (i) We will ensure that all licensed premises/registered clubs adopt the Challenge 25 Scheme, provide sufficient training and support to staff to implement it, and follow government guidelines on acceptable forms of ID.
- (j) We will ensure that all in-store sales of alcohol are verified by a member of staff. This includes ensuring that off-trade self-service checkouts have alcohol alert prompts, which prevent purchase until physically confirmed by a member of staff.
- (k) We will refuse alcohol sales/supply to people suspected of purchasing for people underage.
- (l) We will ensure that appropriate health labelling is displayed on all own brand alcohol products.
- (m) We will, wherever possible, have labels with clear unit content, Chief Medical Officers’ guidelines and a warning about drinking when pregnant, in accordance with industry guidelines.
- (n) We will ensure that all retailers have in place a policy to prevent online sales of alcohol to under 18s, and require a purchaser to confirm that they are over 18.
- (o) We will comply with the law to ensure that all home deliveries of alcohol are received by a person who is at least 18 years of age or in accordance with the customer’s delivery instructions.
- (p) The on-trade and registered clubs will ensure that small servings, ie half-pint, 35ml spirits and 187.5ml wine, will be available.
- (q) If we, or someone hiring our premises (*as in paragraph 11 above*), provide transport to or from our premises (*for example, a bus which collects customers from various pick-up points*), we will take all reasonable steps to ensure that alcohol is not supplied, promoted and/or consumed on that transport.

## RESPONSIBLE SERVING PRACTICES & TRAINING

15. All licensed premises and registered clubs should ensure that all members of staff are properly trained in the responsible sale, supply and service of alcohol.

- **BE ALERT** – be aware of customers who may be underage or drunk, monitor your customers when drinking on the premises, and be cautious about customers in the off-trade making repeat purchases within a short space of time.
- **BE FIRM** - refuse to serve someone who is drunk, and do not serve excessive amounts of alcohol to customers for immediate consumption.
- **BE LEGAL** – refuse service if you think the person is underage, drunk or buying for others who are underage (proxy purchasing), and keep an incident log and a written proof of age policy for your protection.
- **BE CAREFUL** – how you communicate with the customer.

16. When considering complaints about promotions which may breach the Code, the Independent Complaints Panel (*see paragraph 24*) may consider **how** a promotion is managed, and alcohol is sold/supplied or served. In such cases, the Panel may request evidence of staff training. The Panel may also consider complaints relating to how a **compliant** promotion is managed or served (*for example, a “bottomless brunch” promotion may be compliant only if its terms and conditions regarding consumption/table service etc are properly managed*). Again, the Panel may request evidence of staff training relating to their legal responsibilities and, in particular, the operation of the promotion under consideration.

17. Therefore, all staff must be trained, as a minimum, in –

- (a) their legal responsibilities when selling/supplying and serving alcohol;
- (b) their responsibilities under this Code;
- (c) the operation of the Challenge 25 Scheme;
- (d) proxy purchasing;
- (e) acceptable forms of ID; and
- (f) how to monitor and be aware of customers’ consumption on the premises.

18. Whether a particular promotion is irresponsible will often depend on its context and how it is managed. For example, a promotion which offers 3 drinks for the price of 2 may be responsible if it is served to a group of 3 friends, but could be irresponsible if served to 1 individual. In all cases, it will be up to the promoter to demonstrate that the promotion is responsible, for example, by including a message such as “*share with your mates*” and monitoring by staff.

## SOCIAL MEDIA

19. The use of social media brings both opportunity and responsibility. Social media allows businesses to grow lasting relationships with their customers. However –

- (a) Licensees/registered clubs are responsible for all alcoholic promotions –
  - (i) advertised on their own social media platforms, and
  - (ii) on social media platforms operated by 3<sup>rd</sup> parties where there is a financial gain to the licensee/registered club (as outlined in paragraphs 11

and 21); regardless of who is running the promotion, the licensee/registered club will be held responsible.

- (b) Licensees/registered clubs should be aware that social media content can be shared and read by children under 18. Therefore, no content or graphics should be included that have a particular appeal to children (*see also paragraph 12(k-o)*).
- (c) All promotions advertised on social media must state either age restrictions and responsible consumption messages, or provide a clear link to the terms and conditions where these messages are clearly visible.
- (d) Licensees/registered clubs who actively encourage customers to post images and messages on the licensed premises'/registered club's own social media platform should ensure that these posts are monitored on a regular basis to ensure the provisions of this Code are not breached.

## EXAMPLES OF IRRESPONSIBLE PROMOTIONS

20. In general, promotions should **NOT** –

- (a) involve drinking games or speed incentives that require excessive quantities of alcohol to be consumed within a short time, or to be “downed” in one;
- (b) encourage a person to consume a larger measure of alcohol than the person had otherwise intended to consume;
- (c) offer alcohol as a reward or prize, unless it is either in a sealed container for consumption off the premises (if larger than a single standard drink) or a single standard drink (*for example, a pint as a spot prize in a pub quiz*);
- (d) involve the serving of free or reduced price alcohol for immediate consumption on the purchase/supply of one or more drinks or measures (*for example, Buy One Get One Free, or Two for One etc*)
- (e) involve a serving of more than 2 full measures of alcoholic products in a single glass for immediate consumption (this will therefore preclude triple servings), except in the case of cocktails served in a cocktail glass or glass of equivalent capacity, and glassware used should be appropriate;
- (f) involve a reduced price of alcohol for a short period of time (this will generally be taken to be less than 4 hours – *but see paragraph 22(a) below*) in a way that is designed to encourage excessive or immoderate consumption;
- (g) that are an incentive to rapid drinking (*for example, 50p off drinks for 5 minutes after every Northern Ireland goal*);
- (h) encourage or reward the consumption of large quantities of alcohol in a single session;
- (i) encourage either an excessive drinking session or pub crawl;
- (j) dispense alcohol in a manner such that the customer cannot regulate the amount of alcohol consumed (*for example, where alcohol is dispensed directly into a person's mouth – so-called “dentist's chair”, or by a water-pistol*).

21. In addition, as referred to in paragraph 11 above, a licensee/registered club is responsible for any promotion run on or in association with his/her premises from which he/she receives a benefit. *For example, a promoter organises entertainment on a premises and in return keeps the door receipts. The licensee/registered club keeps the bar takings. If that promoter runs a competition on the premises which is deemed to fall foul of this Code (eg a person downing a pint in the fastest time gets a free drink – contrary to paragraph 20(a) or 20(h)), it is the licensee/registered club who is held responsible.*

## EXAMPLES OF RESPONSIBLE PROMOTIONS

22. The following are examples of promotions which are generally regarded as reasonable –

- (a) Whilst it will generally be irresponsible to reduce the price of alcohol for a period of time shorter than 4 hours (*paragraph 20(f)*), reduced prices for a shorter period of time may be responsible in certain cases. However, no price reduction is reasonable if it encourages irresponsible consumption. It is up to the licensee/registered club to demonstrate how any price reduction is responsible through responsible serving and monitoring practices. In addition, prices may be increased within the time period if any concerns about the responsibility arise and the licensee/registered club acts in good faith. Neither does “promotion” in this sense include the discounting of damaged stock, which can be legitimately reduced as compensation for an inferior product.
- (b) To offer a free mixer is acceptable, provided the offer is not limited to a part of a day.
- (c) Kit bag promotions involve the promotion of a particular brand in an on-sales premises/registered club over a specific period of time, usually around 2 hours. Branded prizes are normally distributed among customers to increase consumer awareness of the brand and to encourage trial of the promoted brand. Such promotions are acceptable, provided that participation in the promotion is not dependent on the purchase of the brand.
- (d) A promotion which offers a gift upon the purchase of a standard drink or package is acceptable, provided it is clear that they are strictly limited to 1 per person. If the gift is dependent on the purchase of a number of drinks or packages, this **MUST** be by way of loyalty card or equivalent over a sufficiently long period of time.
- (e) Sampling activity is acceptable within the following guidelines –
  - i. All sampling to be conducted within the principles of responsible service (ie ID checked etc).
  - ii. Strictly 1 sample per person per sitting/occasion.
  - iii. Do not give samples to any person who appears to be intoxicated.
  - iv. Holders of local producers licences under s11 of the 2021 Act have different individual sampling allowances.

*(The accompanying guidance to this Code details the volumes of samples that may be given. Samples provided by local producers of alcohol are subject to different volumes in accordance with The Licensing (Sample) Regulations (Northern Ireland) 2022.)*

- (f) “Meal Deals” are acceptable, for example, a drink and a main course for £15. However, licensees/registered clubs should ensure that the deal also includes the offer of a non-alcoholic or low alcohol drink.
- (g) Serving a pitcher of alcohol to a person is acceptable provided it is clearly established that it is to be shared by an appropriate number of people (ie assuming no one person will be drinking more than 2 standard servings at a time, and including a “share with your mates” type message).

23. Additionally, if a licensee/registered club or promoter has had an advertisement or accompanying promotion pre-approved by the Committee for Advertising Practice or sought guidance from the Portman Group, then it will be deemed to be responsible without further investigation.

## **MONITORING & COMPLIANCE**

24. The Independent Complaints Panel is charged with investigating all complaints that fall within the remit of the Code. For the avoidance of doubt, the Panel is entitled to examine any drinks promotion about which it becomes aware which, on the face of it, the Panel deems may be irresponsible, even when a formal complaint has not been made. However, if a Panel member themselves makes a complaint to the Panel, he/she will not then take part in the consideration process. The Panel is independent of the alcohol industry. Further details on members of the Panel can be found on the Code’s website.

### **HOW DO I MAKE A COMPLAINT?**

25. If you think that an alcoholic drink promotional activity or sales/supply practice might breach this Code, then you can complain to the Independent Complaints Panel.

26. All you have to do is to send the Panel a letter or email enclosing a flyer, photograph, screenshot or link showing the promotion and/or describe the promotion or practice in as much detail as possible. Complaints should be sent to –

Responsible Retailing Code  
Independent Complaints Panel  
c/o 91 University Street  
Belfast BT7 1HP  
[responsibleretailingcodeNI@gmail.com](mailto:responsibleretailingcodeNI@gmail.com)

27. When you make a complaint, your name and address will be treated as confidential and will not be given to the licensee/registered club about whom you are complaining, or made public, unless you have a competitive interest in the matter (ie you are a licensee or a

registered club) or you are making a complaint in an official capacity on behalf of a public body (for example, on behalf of a Council, a Government Department or the PSNI). In such a case, only the name and address of the public body and/or department will be made public – the name of the individual making the complaint on behalf of the public body will still be treated as confidential. Therefore, please ensure that you enclose your name and contact details, so that we may contact you if necessary. **The Panel is unable to consider anonymous complaints.**

#### ***WHAT HAPPENS WHEN A COMPLAINT IS RECEIVED?***

28. When the Panel receives your complaint –

- (a) You will be notified within 7 working days if your complaint is one which can be dealt with under the Code. If it is, it will be investigated by the Panel which generally meets monthly. If it is not, you will be given an explanation. A complaint regarding an illegal promotion will not be considered by the Panel. In such cases the complainant will be advised that the promotion is not within the remit of the Code and that the complainant should report it to the appropriate authority (see Appendix 2).
- (b) The Panel will inform the licensee/registered club that a complaint has been made and ask for their response and/or additional information.
- (c) The complaint and the licensee's/registered club's response are then considered by the Panel. You will be informed when the Panel is meeting to consider your complaint.
- (d) If the Panel **does not** uphold the complaint, you will be given an explanation. That decision is final.
- (e) If the Panel **does** uphold the complaint, or is minded to do so, at that stage the decision is provisional as the licensee/registered club is given the opportunity to make further representations or provide additional evidence. This is because finding against a licensee/registered club/club official may have serious business and reputational repercussions. The Panel will usually invite the licensee/registered club to a Panel meeting so that they can further explain the promotion and any measures they have in place to ensure the responsible promotion of alcohol. The licensee/registered club may be accompanied by a friend or legal representative if they so wish. As the Code is a Joint Industry Code, the "friend" cannot be a representative of an associated trade body.
- (f) The Panel will consider these further representations before a final decision is made. If the licensee does not challenge the provisional decision, then that decision becomes final.
- (g) You and the licensee/registered club will then be informed of the Panel's final decision. The decision will be notified to the press, and the licensee's /registered club's local magistrate's court, PSNI and council, as well as being published on the website and in the Panel's next Report, by way of a statement outlining the breach and the context within which the breach took place. This will indicate if a licensee/registered club sought advice in advance of the promotion and if this advice

was followed. A court now needs to be satisfied that licence holders/registered clubs/club officials are aware of, and have been complying with the Code before a licence or registration is renewed.

- (h) Alternatively, the Panel may, in cases it feels appropriate, give the licensee/registered club an “official warning”. Under the terms of this warning, the licensee must accept the conditions of the warning, to include –
- (i) The licensee/registered club accepts the decision of the Panel that the promotion broke the Code.
  - (ii) The licensee/registered club accepts responsibility for the breach.
  - (iii) The licensee/registered club understands and accepts the reason for the breach of the Code and that the defence or mitigation used in this instance will not be accepted in the case of any future complaints. *NB – proactive monitoring of licensees and premises is outside the remit of the Code and the Panel.*

*The Code operator will comply fully with all the personal data processing obligations contained within the current data protection legislation.*

Further information on how to make a complaint and the timescales involved can be found on our website – [www.responsibleetailingcodeNI.org](http://www.responsibleetailingcodeNI.org)

## INDUSTRY GUIDANCE

29. The Code and the associated guidance are available to download from the website.

30. When a supplier or licensee/registered club is planning a promotion not covered in the guidance, further pre-promotion guidance and help can be obtained from their trade body. It must be noted that if suppliers and/or licensees/registered clubs take advice in advance of running a promotion, this may help them to avoid breaching the Code. However, the Panel will not accept this as a complete defence if any promotion is found to breach the Code.

## CONTACT DETAILS

Responsible Retailing Code  
Independent Complaints Panel  
3<sup>rd</sup> Floor  
Lincoln Building  
27-45 Great Victoria Street  
Belfast BT2 7SL

[responsibleetailingcodeNI@gmail.com](mailto:responsibleetailingcodeNI@gmail.com)

[www.responsibleetailingcodeNI.org](http://www.responsibleetailingcodeNI.org)



## **APPENDIX 1 – COMPETITION ACT 1998 & LIMITATIONS IN DRAFTING**

There are a number of policies not discussed in this development of this Code due to the potential breach of The Competition Act 1998. These would therefore need to be subject to separate legislation. The Competition Act 1998 states that it is illegal to form agreements which prevent, restrict or distort competition within the UK. The Act states:

- (1) Subject to section 3, agreements between undertakings, decisions by associations of undertakings or concerted practices which—
  - (a) may affect trade within the United Kingdom, and
  - (b) have as their object or effect the prevention, restriction or distortion of competition within the United Kingdom, are prohibited unless they are exempt in accordance with the provisions of this Part.
- (2) Subsection (1) applies, in particular, to agreements, decisions or practices which –
  - (a) directly or indirectly fix purchase or selling prices or any other trading conditions;
  - (b) limit or control production, markets, technical development or investment;
  - (c) share markets or sources of supply;
  - (d) apply dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
  - (e) make the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.
- (3) Subsection (1) applies only if the agreement, decision or practice is, or is intended to be, implemented in the United Kingdom.
- (4) Any agreement or decision which is prohibited by subsection (1) is void.
- (5) A provision of this Part which is expressed to apply to, or in relation to, an agreement is to be read as applying equally to, or in relation to, a decision by an association of undertakings or a concerted practice (but with any necessary modifications).
- (6) Subsection (5) does not apply where the context otherwise requires.
- (7) In this section “the United Kingdom” means, in relation to an agreement which operates or is intended to operate only in a part of the United Kingdom, that part.
- (8) The prohibition imposed by subsection (1) is referred to in this Act as “the Chapter I prohibition”.

Therefore the following policies were outside the scope of this Code:

- (a) Restriction on the sale of alcohol for below the cost price (duty plus VAT).
- (b) Restriction on the sale of alcohol for below a minimum unit price.
- (c) Restriction on the sale of alcohol products for a reduced price.

- (d) Restriction on the sale of products for a reduced price on the purchase of one or more product for consumption off the premises.
- (e) Restriction on the sale of alcoholic products in a package that is cheaper than the sum of the products individually for consumption off the premises.

Penalties for breaching competition law are severe and so the industry is unable to discuss pricing or minimum prices collectively, without further legislation.

## **APPENDIX 2 – ILLEGAL PROMOTIONS**

Regulation 2 of The Licensing (Irresponsible Drinks Promotions) Regulations (NI) 2012 states –

*“A holder of a licence or a licence holder’s servant or agent shall not carry on an irresponsible drinks promotion (which involves the supply of unlimited amounts of intoxicating liquor for a fixed charge (including any charge for entry to the premises)) on or in connection with the licensed premises.”*

Regulation 2 of the Registration of Clubs (Irresponsible Drinks Promotions) Regulations (NI) 2012 states –

*“A registered club shall not carry on an irresponsible drinks promotion (which involves the supply of unlimited amounts of intoxicating liquor for a fixed charge (including any charge for entry to the premises)) on or in connection with the premises of the club.*

Complaints about such activities should be made directly to the PSNI.

