STATUTORY RULES OF NORTHERN IRELAND

2012 No. 415

MAGISTRATES' COURTS

The Magistrates' Courts (Amendment No.2) Rules (Northern Ireland) 2012

Made - - - -	*20th November 2012*
Coming into operation	*20th December 2012*

The Magistrates' Courts Rules Committee makes the following Rules in exercise of the powers conferred by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**1**) after consultation with the Department of Justice and with the agreement of the Lord Chief Justice.

Citation and Commencement

1. These Rules may be cited as the Magistrates' Courts (Amendment No.2) Rules (Northern Ireland) 2012 and shall come into operation on 20th December 2012.

Amendments to the Magistrates' Courts Rules (Northern Ireland) 1984(**2**)

2. The Magistrates' Courts Rules (Northern Ireland) 1984 are amended as follows:–

(1) after Rule 170, insert —

"**Application for the closure of licensed premises and premises of registered clubs**

171.—(1) An application under Article 41A of the Registration of Clubs (Northern Ireland) Order 1996 or Article 69A of the Licensing (Northern Ireland) Order 1996 shall be made in writing and shall specify —

(a) the name and address of the premises in respect of which the order is sought;

(b) the grounds for seeking the order, in particular details of the disorder or expected disorder;

(c) the period for which the order is sought,

and shall attach any relevant evidence.

(**1**) S.I. 1981/1675 (N.I. 26); Article 13 was amended by paragraph 133 of Schedule 18 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (2010 No.976); and paragraph 65 of Schedule 5 to the Constitutional Reform Act 2005 (c.4).

(**2**) **S.R. 1984 No. 225; to which the most recent amendment was made by S.R. 2012 No.189.**

(2) The application under paragraph (1) shall be served by the applicant on the clerk of petty sessions.

(3) Where a hearing is directed, the clerk of petty sessions shall fix a date for the hearing of the application and notify the applicant of the time and place of the hearing.

(4) The clerk of petty sessions shall, as soon as practicable, after the determination of a hearing under paragraph (3), notify the applicant of the decision.

Consideration and extension of a closure order

172.—(1) An application for the consideration and extension of a closure order under Article 41E of the Registration of Clubs (Northern Ireland) Order 1996, or Article 69E of the Licensing (Northern Ireland) Order 1996, shall be made in Form 127 and shall attach a copy of the closure order which is currently in force in respect of the premises.

(2) The application under paragraph (1) shall be served by the applicant on the clerk of petty sessions and on every other party to the proceedings.

(3) Any party on whom an application is served in accordance with paragraph (2) may oppose the application.

(4) Any party who wishes to oppose the application shall, as soon as reasonably practicable after the application is served on him, and in any event at least 24 hours before the date fixed for the hearing of the application, notify the applicant and the clerk of petty sessions in writing of his opposition and give reasons.

(5) The clerk of petty sessions shall, as soon as reasonably practicable after the determination of an application under paragraph (1), notify all the parties to the proceedings of the decision of the court.

Appeal against a decision in respect of a closure order

173.—(1) A notice of appeal against a decision of the court in respect of an application under Article 41E of the Registration of Clubs (Northern Ireland) Order 1996 or Article 69E of the Licensing (Northern Ireland) Order 1996 shall be —

(a) made in writing, setting out the grounds of appeal; and

(b) served by the appellant on all parties to the proceedings;" and

(2) in the Schedule, after Form 126 insert Form 127.

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Dated 20th November 2012