STATUTORY RULES OF NORTHERN IRELAND

2004 No. 451

MAGISTRATES' COURTS

Magistrates' Courts (Licensing) (Amendment) Rules (Northern Ireland) 2004

Made - - - - 20th October 2004

Coming into operation in accordance with Rule 1

The Lord Chancellor in exercise of the powers conferred upon him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**1**) and paragraph 4 of Schedule 4, paragraph 2 of Schedule 5, paragraph 3 of Schedule 6, paragraph 3 of Schedule 9 and paragraph 3 of Schedule 10 to the Licensing (Northern Ireland) Order 1996(**2**) and all other powers enabling him in that behalf, on the advice of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following Rules:

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Magistrates' Courts (Licensing) (Amendment) Rules (Northern Ireland) 2004 and shall come into operation on the same day as Article 4 of the Licensing (Indoor Arenas) (Northern Ireland) Order 2004(**3**) comes into force.

(2) In these Rules, "the principal Rules" means the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997(**4**), a reference to a Rule by number means the Rule so numbered in the principal Rules and any reference to a Form by number is a reference to that Form so numbered in the Schedule to the principal Rules.

Amendments to the principal Rules

2. Rule 5(4) shall be amended as follows:

(a) in sub-paragraph (b), omit the word "or";

(b) in sub-paragraph (c), replace the comma with a semi-colon and insert "or, (d) for the renewal of a licence for any indoor arena,".

3. After Part X, there shall be inserted the following new Part XA:

(**1**) S.I.1981/1675 (N.I. 26)
(**2**) S.I. 1996/3158 (N.I. 22) as amended by S.I. 2004/1994 (N.I. 17)
(**3**) S.I. 2004/1994 (N.I. 17)
(**4**) S.R. 1997 No. 62

"PART XA

LICENCE FOR INDOOR ARENA

Applications for attachment, variation, removal of conditions

14A.—(1) An application under Article 77A of the Order shall be made to a court of summary jurisdiction for the petty sessions district in which the indoor arena, in respect of which the application is made, is situated.

(2) Notice of application to attach conditions to a licence for an indoor arena in accordance with Article 77A shall be in Form 22.

(3) A district commander who intends to make an application to attach conditions to a licence for an indoor arena, shall not less than three weeks before the day on which the application is to be considered serve notice of the application upon the clerk of petty sessions for the petty sessions district in which the indoor arena in respect of which the application is made is situated and a copy of the notice of application on –

(a) the person to whom the licence to which the application relates was granted; and

(b) the district council for the district in which the premises are situated.

(4) Notice of application to vary or remove conditions, as the case may be, attached to a licence for an indoor arena in accordance with Article 77A shall be in Form 23.

(5) A person who intends to apply to vary or remove conditions attached to a licence for an indoor arena shall, not less than three weeks before the day on which the application is to be considered, serve notice of the application upon the clerk of petty sessions for the petty sessions district in which the indoor arena in respect of which the application is made is situated and serve a copy of the notice of application on (where they are not the applicant) –

(a) the person to whom the licence to which the application relates was granted;

(b) the district commander of the police district in which the premises are situated; and

(c) the district council for the district in which the premises are situated."

Forms

4. The Schedule to the principal Rules shall be amended as follows:

(a) in Form 1, after "(j) a seaman's canteen;]" insert the following –

"**5.** (1) an indoor arena, i.e., premises which are structurally adapted and used, or intended to be used, for the purpose of providing a venue for a variety of indoor events and activities and consist of an area where the events and activities take place and permanent seating accommodation for a prescribed number of persons or more wholly or substantially surrounding that area]";

(b) in Form 2, in note 3(e)(ii), for "j" substitute "k";

(c) in Form 3, after "(j) a seaman's canteen;]" insert the following –

"**5.** (1) an indoor arena, i.e., premises which are structurally adapted and used, or intended to be used, for the purpose of providing a venue for a variety of indoor events and activities and consist of an area where the events and activities take place and permanent seating accommodation for a prescribed number of persons or more wholly or substantially surrounding that area]";

(d) in Form 4, after "(j) a seaman's canteen]" insert the following –

"**5.** (1) an indoor arena, i.e., premises which are structurally adapted and used, or intended to be used, for the purpose of providing a venue for a variety of indoor events and activities and consist of an area where the events and activities take place and permanent seating accommodation for a prescribed number of persons or more wholly or substantially surrounding that area]";

(e) in Form 5, in note 3(e)(ii), for "j" substitute "k";

(f) in Form 6, for "j" substitute "k";

(g) in Form 8, after "[5(1)(j)]" insert "[5(1)(k)]";

(h) in Form 14, after "[5(1)(j)]" insert "[5(1)(k)]";

(i) in Form 16, after "[a higher education institution] [1]" insert "[an indoor arena][1]";

(j) in Form 17, after "[a higher education institution]" insert "[an indoor arena]";

(k) in Form 18, after "[a higher education institution]" insert "[an indoor arena]"; and

(l) in Form 20, after "[5(1)(j)]" insert "[5(1)(k)]".

5. After Form 21, there shall be added the Forms set out in the Schedule to these Rules.

Signed by the authority of the Lord Chancellor

Baroness Ashton of Upholland
Parliamentary Under-Secretary of State,
Department for Constitutional Affairs

Dated 20th October 2004