STATUTORY RULES OF NORTHERN IRELAND

1997 No. 63

MAGISTRATES' COURTS

Magistrates' Courts (Registration of Clubs) Rules (Northern Ireland) 1997

Made - - - -	*17th February 1997*
Coming into operation	*20th February 1997*

The Lord Chancellor, in exercise of the powers conferred on him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**1**), and of 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 revocation

1.—(1) These rules may be cited as the Magistrates' Courts (Registration of Clubs) Rules (Northern Ireland) 1997 and shall come into operation on 20th February 1997.

(2) The Magistrates' Courts (Registration of Clubs) Rules (Northern Ireland) 1988(**2**) are hereby revoked.

Interpretation

2.—(1) In these rules "the Order" means the Registration of Clubs (Northern Ireland) Order 1996(**3**) and a reference to an Article or Schedule by number is a reference to that Article or Schedule as numbered in the Order.

(2) Any reference in these Rules to a Form by number is a reference to that Form so numbered in the Schedule.

(3) Any reference in these Rules to the clerk of petty sessions is a reference to the clerk of petty sessions for the petty sessions district in which the application is made.

(**1**) S.I. 1981/1675 (N.I. 26)
(**2**) S.R. 1988 No. 348
(**3**) S.I. 1996/3159 (N.I. 23)

Application for the renewal of registration of a club

3.—(1) Notice of application in accordance with Article 7 and paragraph 3 of Schedule 3 for the renewal of registration of a club shall be in Form 1.

(2) A notice published in the newspapers as required by paragraph 3(*a*) of Schedule 3 shall—

(a) include a reference to the requirement that any person owning or residing or carrying on business in premises in the vicinity of the premises of the club for which renewal of registration is sought who intends to object to the renewal must, in accordance with paragraph 6 of Schedule 3 to the Order, serve notice of his intention to object on the club and the clerk of petty sessions, not less than one week before the renewal date as specified in Article 2(2);

(b) state that the permissible grounds of objection are any of the grounds specified in Article 8(3) and (4).

Objection to renewal of registration of a club

4. Notice of intention to object to the renewal of registration of a club in accordance with Article 8(1) and paragraphs 5 and 6 of Schedule 3 shall be in Form 2.

Application for cancellation of registration of a club

5. Where an application is made for the cancellation of registration of a registered club in accordance with Article 13(1), notice of intention to apply for cancellation shall be in Form 3 and this notice shall be served on the secretary of the club and the clerk of petty sessions not less than 4 weeks before the date of the court sitting at which the application for cancellation is to be made.

Applications for authorisation of continuance of club in temporary premises

6. Notice of application in accordance with Article 12 and paragraphs 2 and 3 of Schedule 4 for an order authorising the continuance of a club in temporary premises shall be in Form 4.

Applications for children's certificates

7. Notice of application in accordance with Article 33 and paragraphs 2 and 3 of Schedule 5 for the grant of a children's certificate shall be in Form 5.

Objection to the granting of a children's certificate

8. Notice of intention to object to the granting of a children's certificate in accordance with paragraphs 4 and 5 of Schedule 5 shall be in Form 6.

Plans to be attached to notices of application

9.—(1) Where an applicant intends to make an application for an order authorising the continuance of the club in temporary premises he shall attach to the notice in Form 4 served on the clerk of petty sessions, and to the copies required to be served by paragraph 2 of Schedule 4, a plan of the premises for which authorisation is sought.

(2) Where an applicant intends to apply for the grant of a children's certificate he shall attach to the notice in Form 5 served on the clerk of petty sessions, and to the copies required to be served by paragraph 2 of Schedule 5, a plan of the premises distinguishing the part thereof to which the application relates.

(3) The plan referred to in paragraphs (1) and (2) must:—

(a) be to scale on substantial paper or other material;

(b) show each floor of the premises on a separate page measuring approximately eighteen inches (46 cms) by eighteen inches (46 cms);

(c) be certified as true and correct by an architect, surveyor or other person considered by the court to be competent to do so;

(d) show the parts of the premises on which intoxicating liquor is sold, or is intended to be sold, by clearly distinguishing in bold, hatched or shaded colour between that and other parts of the premises.

Endorsement of service

10. Where any document is required by the Order or these Rules to be served on the clerk of petty sessions and is also required to be served on any other person or body, the document served on the clerk of petty sessions shall be endorsed as to the mode and time of service thereof upon such other person or body.

Costs

11. Article 163 of the Magistrates' Courts (Northern Ireland) Order 1981 (costs) shall apply to an application under Schedules 3, 4 or 5 as if any objector to the application were a respondent.

Dated 17th February 1997. *Mackay of Clashfern,* C.

SCHEDULE Rule 2(2)

(Article 7 and Schedule 3 paras. 3 and 4)
FORM 1

REGISTRATION OF CLUBS (NORTHERN IRELAND) ORDER 1996
Notice of application for the renewal of registration of a club

Petty Sessions District of

County Court Division of

TAKE NOTICE that I, *(full name)* of *(full address)*, as Secretary of *(full name of club)* having its premises at *(full address of premises of club)* intend to apply to the magistrates' court sitting at *(place)* on *(date)* at *(time)* for the renewal of registration of the said club.[1]

All of the information, particulars and documents required under any regulations made pursuant to paragraph 4(2) of Schedule 3 to the Registration of Clubs (Northern Ireland) Order 1996 are attached.[2]

Dated this day of 19 .

Signature of Secretary
or Solicitor.

To the clerk of petty sessions for the above-named petty sessions district.

Copy to:

(i) the sub-divisional commander at *(police sub-division in which the premises of the club are situated)*;

(ii) the district council at *(district council for the district in which the premises are situated)*.

Notes:

[1] Under Article 7 of the Order the clerk of petty sessions may renew the registration of the club where the service requirements are met in the absence of the applicant except where the application to renew the registration is made out of time or where—

(*a*) the application is in respect of renewal of the registration of a club which has been in force for a period determined by the court under Article 6(2)(*a*)(ii) or (*b*)(ii) or Article 11(1)(*b*)(ii) or (*c*)(ii); or

(*b*) a notice of objection has been served on the clerk of petty sessions; or

(*c*) the clerk of petty sessions requires the application to be made to the court.

[2] Paragraph 4(2) of Schedule 3 to the Order requires an applicant for registration to attach such information, particulars and documents with respect to the club, its officials and members, its objects and activities, its accounts and financial standing as may be required by regulations made by the Department of Health and Social Services to the notice served on the clerk of petty sessions and the copy notices served on the sub-divisional commander and the district council.

[3] In accordance with rule 10 of the Magistrates' Courts (Registration of Clubs) Rules (Northern Ireland) 1997 any document required to be served on the clerk of petty sessions shall be endorsed with a note of the mode and time of service thereof on any other person.

(Article 8 and Schedule 3 paras. 5 and 6)

FORM 2