STATUTORY RULES OF NORTHERN IRELAND

1997 No. 62

MAGISTRATES' COURTS

Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997

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

The Lord Chancellor, in exercise of the powers conferred upon him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**1**), and of all other powers enabling him on that behalf, on the advice of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following rules:—

Part I

Citation and commencement

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

Revocation

2.—(1) The rules set out in paragraph (2) are hereby revoked.

(2) The rules referred to in paragraph (1) are—

(a) the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1990(**2**);

(b) the Magistrates' Courts (Licensing) (Amendment) Rules (Northern Ireland) 1992(**3**).

Interpretation

3.—(1) In these rules unless the context otherwise requires,

"the Order" means the Licensing (Northern Ireland) Order 1996(**4**);a reference to an Article or Schedule by number is a reference to that Article or Schedule so numbered in the Order, and expressions which are defined in the Order have the same meaning as in the Order.

(**1**) S.I.1981/1675 (N.I. 26)
(**2**) S.R. 1990 No. 211
(**3**) S.R. 1992 No. 542
(**4**) S.I. 1996/3158 (N.I. 22)

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

(3) The notes appended to the Forms do not form any part thereof and are so appended only for the purpose of assisting their proper completion.

(4) 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.

Part II

Renewal of Licences

Applications for the renewal of licences

4.—(1) Notice of application for the renewal of a licence, in accordance with Article 14 and paragraphs 3 and 4 of Schedule 4 shall be in Form 1.

(2) Where on such an application the applicant intends also to make an application under Article 43 (for an order directing that the hours be the alternative permitted hours), or under Article 44 (for an order for additional permitted hours), or under Article 48 (for an order specifying part of the premises as suitable for extension licences) or under Article 59 (for a children's certificate), he shall attach to the notice in Form 1 served on the clerk of petty sessions for the petty sessions district in which the premises are situated, and to the copies required to be served by paragraph 3 of Schedule 4, a notice in Form 15, 16, 17 or 20, as may be appropriate and, (except where an order is in force in relation to the part of the premises to which the application relates and no structural alteration to that part of the premises has been made since the order was granted), a plan of the premises distinguishing the part thereof to which the application relates.

(3) Notice of intention to object to the renewal of a licence, in accordance with Article 15 and paragraphs 5 and 6 of Schedule 4, shall be in Form 2.

Part III

Documents

Documents to be lodged with applications or produced to the court

5.—(1) Where application is made for the renewal of a licence for an hotel or a guest-house a current certificate, issued by the Northern Ireland Tourist Board, stating that the premises are those of an establishment allocated by a certificate under Article 13 of the Tourism (Northern Ireland) Order 1992(**5**) to the statutory category of hotel or guest-house, as the case may be, shall be lodged with a notice of application.

(2) Where application is made for the renewal of a licence for a conference centre a copy of the current certificate, issued by the Northern Ireland Tourist Board, stating that the said premises comply with Article 2(2) shall be lodged with the notice of application.

(3) Evidence for the purposes of Article 2(5) that a licence was granted before 31st July 1902 or under Article 4(1) of the Licensing (Northern Ireland) Order 1978(**6**) or under Article 12(1) of the Licensing (Northern Ireland) Order 1990 or Article 11(1) of the Order in lieu of such a licence may be in the form of a certified extract from the register of licences.

(**5**) S.I. 1992/235 (N.I. 3)
(**6**) S.I. 1978/1044 (N.I. 14)

(4) Where application is made:—

(a) for the renewal of a licence for an hotel, restaurant, conference centre, higher education institute or premises of the kind mentioned in Article 5(1)(*a*) and either an application is to be made or an order is in force for the premises under Article 44;

(b) for an order under Article 44 other than on renewal; or

(c) for the renewal of a licence for any place of entertainment,

any licence required for those premises by a council under Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985(**7**) shall be produced to the court.

Part IV

Transfer of Licences and Authorisations under Article 29

Applications for the transfer or the concurrent transfer and renewal of a licence

6.—(1) Notice of application for the transfer of a licence in accordance with Article 22 and paragraphs 1 and 2 of Schedule 5, shall be in Form 3, and notice of application for the transfer and renewal of a licence under Article 23 shall be in Form 4.

(2) Where an application is made for the transfer of a licence, or the transfer and renewal of a licence, a copy of the pages of the newspapers bearing the notices referred to in paragraph 1(*a*) of Schedule 5 or paragraph 8(*b*)(ii)(*a*) of Schedule 4, as the case may be, endorsed with the date on which they were published shall be lodged with the clerk of petty sessions a reasonable time before the hearing of the application.

(3) Notice of intention to object to the transfer of a licence shall be in Form 5.

Protection orders, temporary continuance of business in certain circumstances and authorisation of continuance of business

7.—(1) Notice of application for a protection order, in accordance with Article 26 and paragraphs 2 and 3 of Schedule 6, shall be in Form 6.

(2) Notice that a person is carrying on business by virtue of Article 28 shall be in Form 7.

(3) Notice of application for an order authorising the continuance of a business in temporary or other premises, in accordance with Article 29 and paragraphs 2 and 3 of Schedule 6, shall be in Form 8.

(4) Notice of intention to object to the making of a protection order or an order under Article 29 shall be in Form 9.

Part V

Occasional Licences

Applications for the grant of an occasional licence

8.—(1) Notice of application for the grant of an occasional licence, in accordance with Article 30 and paragraphs 2 and 4 of Schedule 7, shall be in Form 10.

(2) An occasional licence shall be in Form 11.

(**7**) S.I. 1985/1208 (N.I. 15)

(3) The applicant for an occasional licence shall attach to the notice of application and to the copies thereof to be served on the sub-divisional commander and the district council a written statement containing the particulars referred to in paragraph (4) made by the body organising the function to which the application relates.

(4) The written statement referred to in paragraph (3) shall be signed by an officer of the body and shall set out the names and purposes of the body, the nature of the function, the premises on which and the times during which the function is to be held. It shall also state the names and addresses of each of the persons to be in personal charge of running the function.

(5) A caution such as is referred to in paragraph (3) of Schedule 7 shall be in Form 12 and the cautioner shall, in addition to complying with that paragraph, serve a copy of the caution on the person to whom the licence was granted.

(6) The sub-divisional commander, the district council or a cautioner who intends to appear at the hearing and to object to the grant of an occasional licence shall not later than 5 days before the date fixed for hearing serve notice of his intention to object and his grounds for so doing upon the applicant and upon the clerk of petty sessions. The said notice shall be in Form 13.

(7) Where the sub-divisional commander does not object to the grant of a licence he may so state at the foot of the copy of the notice of the application which he receives and may cause the said copy of the notice to be delivered to the clerk of petty sessions not later than the day before the court sitting at which the application is made.

Part VI

Alterations to Licensed Premises

Alterations required by lawful authority

9.—(1) Notice of an alteration to licensed premises required by order of some lawful authority, referred to in Article 31(1)(ii) and paragraph 7 of Schedule 8, shall be in Form 14.

(2) The proposed alterations shown in the plan required to be attached to Form 14 under paragraph 8(1) of Schedule 8 should be authenticated on behalf of the authority in question by the signature of an officer thereof having power to do so.

Part VII

Alternative Permitted Hours

Applications for an order for alternative permitted hours for off-sales

10.—(1) Notice of an application for an order for alternative permitted hours, in accordance with Article 43 and paragraphs 2 and 3 of Schedule 9, shall be in Form 15.

(2) Where an application is made for an order for alternative permitted hours, the applicant shall attach to the notice in Form 15 served on the clerk of petty sessions, and to the copies required to be served by paragraph 2 of Schedule 9, a plan of the premises distinguishing the part thereof to which the application relates.

(3) Notice of intention to object to the making of an order for alternative permitted hours, in accordance with paragraphs 4 and 5 of Schedule 9, shall be in Form 21.

Part VIII

Additional Permitted Hours

Applications for additional permitted hours

11.—(1) Notice of an application for an order for additional permitted hours, in accordance with Article 44 and paragraphs 2 and 3 of Schedule 9, shall be in Form 16.

(2) Where an application is made for an order for additional permitted hours, the applicant shall attach to the notice in Form 16 served on the clerk of petty sessions, and to the copies required to be served by paragraph 2 of Schedule 9, (except where an order for additional permitted hours is in force in relation to the part of the premises to which the plan relates and no structural alteration to the premises has been made to that part since the order for additional hours was granted in respect of the premises or since the licence for the premises was last renewed), a plan of the premises distinguishing the part thereof to which the application relates.

(3) Notice of intention to object to the making of an order for additional permitted hours, in accordance with paragraphs 4 and 5 of Schedule 9, shall be in Form 21.

Part IX

Extension Licences

Applications for an order specifying part of the premises as being suitable for functions

12.—(1) Notice of an application for an order specifying part of the premises as suitable for an extension licence, in accordance with Article 48 and paragraphs 2 and 3 of Schedule 9, shall be in Form 17.

(2) Where an application is made for an order specifying part of the premises as suitable for functions, the applicant shall attach to the notice in Form 17 served on the clerk of petty sessions, and to the copies required to be served by paragraph 2 of Schedule 9, a plan of the premises distinguishing the part thereof to which the application relates.

(3) Notice of intention to object to the making of an order specifying part of the premises as suitable for functions, in accordance with paragraphs 4 and 5 of Schedule 9, shall be in Form 21.

Applications for extension licence

13.—(1) A notice of application for an extension licence, in accordance with Article 47 and paragraphs 2 and 3 of Schedule 10, shall be in Form 18.

(2) Paragraphs (3), (4) and (7) of Rule 8 shall apply to applications for the grant of extension licences as they apply to occasional licences, and paragraph 7 of Rule 8 shall, in so applying, have effect as if for the words “the court sitting at which the application is to be made” there were substituted the words “the day on which the application is to be considered”.

(3) Notice of intention to object to the grant of an extension licence shall be in Form 19.