
STATUTORY INSTRUMENTS

1996 No. 3159 (N.I. 23)

The Registration of Clubs (Northern Ireland) Order 1996 ^{F1}

- - - - - 19th December 1996

F1 functions transf. by SR 1999/481

PART I
INTRODUCTORY

Title and commencement

- 1.—(1) This Order may be cited as the Registration of Clubs (Northern Ireland) Order 1996.
(2) This Order shall come into operation on the expiration of 2 months from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

- “appeal”, except in Article 48(1), includes an appeal by way of case stated;
“bar” means an open bar;
“certificate of registration” means a certificate of registration issued under Article 6(1);
“children's certificate” means a certificate granted under Article 33;
“the Department” means the Department of Health and Social Services;
“intoxicating liquor” has the same meaning as in the Licensing (Northern Ireland) Order 1996.
“modify” means making additions, omissions, amendments or substitutions;
“notice” means notice in writing;
“official” means—
- (a) in relation to a registered club, a person entered in the register of clubs as an officer or member of the committee of management or governing body of the club; and
 - (b) in relation to a club which has served a notice under paragraph 1(1)(a) of Schedule 2, an officer or member of the committee of management or governing body of the club;

Changes to legislation: *The Registration of Clubs (Northern Ireland) Order 1996 is up to date with all changes known to be in force on or before 27 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

“owner”, in relation to premises, means the person for the time being receiving the rack rent of the premises, whether on his own account or as personal representative, trustee, assignee, committee, liquidator, receiver or guardian, or who would so receive the same if the premises were let at a rack rent;

“permitted hours”, subject to Article 26, means the hours specified in Article 24;

“planning permission” has the same meaning as in [^{F2}the Planning Act (Northern Ireland) 2011];

“police sub-division”, in relation to a sub-divisional commander, means the sub-division for which that commander acts;

“prescribed” means prescribed by regulations;

“registered club” means a club registered under this Order;

“registration period” means a period of 5 years beginning on 1st April 1998 or any quinquennial of that date;

“regulations” means regulations made by the Department subject [^{F3}(except as otherwise provided in this Order)] to negative resolution;

“renewal date” means 1st March;

“secretary” includes any officer of a club or other person performing the duties of secretary;

“sporting club” means a club occupying a hereditament to which Article 31 of the Rates (Northern Ireland) Order 1977 applies (rates relief) being a hereditament which is used solely or mainly for the purposes of physical recreation;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954;

“sub-divisional commander” means a sub-divisional commander of the Royal Ulster Constabulary.

(3) In this Order any reference, in relation to a club, to the register of clubs is a reference to the part of the register which relates to that club.

(4) In this Order any reference to a sub-divisional commander of a police sub-division includes a reference to any other member of the Royal Ulster Constabulary nominated by him.

[^{F4}(5) In this Order (other than Part 4A) any reference to a district commander for a police district includes a reference to any other member of the Police Service of Northern Ireland nominated by the district commander.]

- | | |
|-----------|--|
| F2 | Words in art. 2(2) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by Planning Act (Northern Ireland) 2011 (c. 25) , s. 254(1)(2), Sch. 6 para. 83 (with s. 211); S.R. 2015/49, arts. 2, 3, Sch. 1 (with Sch. 2 (as amended (16.3.2016) by S.R. 2016/159, art. 2)) |
| F3 | Words in art. 2(2) inserted (1.5.2012) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011 (c. 18) , s. 18, Sch. 3 para. 5 ; S.R. 2012/48, art. 2, Sch. |
| F4 | Art. 2(5) inserted (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7) , s. 47(2), Sch. 1 para. 15(3) ; S.R. 2021/247, art. 2, Sch. |

PART II

REGISTRATION OF CLUBS

Restriction on supply, etc., of intoxicating liquor on the premises of a club

3.—(1) It shall be unlawful—

- (a) to supply, consume or keep for supply or consumption intoxicating liquor on the premises of a club;
- (b) to bring intoxicating liquor on the premises of a club for the purposes of the consumption of the liquor;

unless the club is registered in respect of those premises.

(2) If intoxicating liquor is supplied, consumed, kept for supply or consumption or brought for the purposes of the consumption on—

- (a) the premises of a club which has served a notice of application under paragraph 1(1)(a) of Schedule 2 for the grant of registration under this Order; or
- (b) any premises used by a club which has ceased to be a registered club by reason of—
 - (i) the expiration of the registration within the preceding 3 years; or
 - [^{F5}(ia) the suspension of the registration; or]
 - (ii) the cancellation of the registration; or
- (c) any premises in respect of which a disqualification order under this Article or under Article 15 or 46 or under Article 13 or 38 of the Registration of Clubs (Northern Ireland) Order 1987 is in force;

every person who supplies, obtains, consumes, keeps for supply or consumption or permits the consumption of the intoxicating liquor, or who brings the intoxicating liquor on the premises and, in the case of the premises of a club, every officer and member of the club shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.

(3) In addition to any penalty it imposes under paragraph (2) on a person convicted of an offence under that paragraph, the court shall make a disqualification order prohibiting the premises on which the offence was committed being used for the purposes of any registered club during—

- (a) in the case of premises mentioned in sub-paragraph (2)(a) or (b), the period of 5 years from the date on which the order takes effect; or
- (b) in the case of premises mentioned in sub-paragraph (2)(c), the period of 5 years from the date on which the disqualification order which is in force with respect to the premises expires.

(4) In any proceedings for an offence by reason of a contravention of paragraph (2) it shall be a defence for a person to prove that he exercised all due diligence to avoid the commission of such an offence.

(5) Where a disqualification order under paragraph (3) is made, the registration of the club obtained before the order is made or before it takes effect shall by virtue of the order be void as from the time when the order takes effect.

(6) A disqualification order under paragraph (3) shall not take effect—

- (a) until the expiry of the time for bringing an appeal against the conviction or against the making of the order, and

Changes to legislation: *The Registration of Clubs (Northern Ireland) Order 1996 is up to date with all changes known to be in force on or before 27 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) if such an appeal is brought, until the appeal has been determined or abandoned.

(7) Nothing in this Article shall apply to anything done at a function held in premises in connection with which an occasional licence has been granted under Article 30 of the Licensing (Northern Ireland) Order 1996.

F5 Art. 3(2)(b)(ia) inserted (1.5.2012) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 18\)](#), s. 18, **Sch. 3 para. 6**; S.R. 2012/48, art. 2, Sch.

Clubs which may be registered

4.—(1) Subject to paragraph (2), a club may be registered if—

- (a) on the date of the service of the notice of application under paragraph 1(1)(a) of Schedule 2 for the grant of registration under this Order the rules of the club contain the provisions specified in paragraphs 1 to 13 and 19 of Schedule 1; and
- (b) the rules do not contravene the provisions of this Order.

(2) A club which occupies premises for which there is in force a disqualification order under Article 3, 15 or 46 or under Article 13 or 38 of the Registration of Clubs (Northern Ireland) Order 1987 shall not be registered under this Order.

(3) In determining whether a club is conducted in good faith as a club a court shall have regard—

- (a) to the past conduct of the club; and
- (b) to any arrangement restricting the club's freedom of purchase of intoxicating liquor; and
- (c) to any provision in the rules, or arrangement, under which money or property of the club, or any gain arising from the carrying on of the club is or may be applied otherwise than for the benefit of the club as a whole or for charitable or benevolent purposes; and
- (d) to the financial arrangements in relation to the club; and
- (e) to whether the club has fewer than 25 members having voting rights in relation to the affairs of the club; and
- (f) to whether the supply of intoxicating liquor is ancillary to the objects of the club.

(4) Any certificate of registration purporting to be held by a club in respect of premises mentioned in paragraph (2) is void.

Grant of registration

Grant of registration

5.—(1) An application for the grant of registration of a club may be made by the secretary of the club and shall be made to a county court.

(2) The procedure for applications for the grant of registration is set out in Schedule 2.

(3) On an application for the grant of registration of a club, the court shall hear the objections, if any, made under Schedule 2.

(4) On the hearing of an application for the grant of registration of a club, the court may, before granting or refusing to grant the application, require the production of further information, particulars or documents such as are mentioned in paragraph 2(2) of Schedule 2 for the period from the date of the information, particulars or documents, as the case may require, which are attached to the notice served upon the chief clerk under paragraph 1(1)(c) of Schedule 2 until such date as the court may specify; and paragraphs 1(1)(c), 3 and 4 of Schedule 2 shall apply for the purposes of such further information, particulars or documents as if they were notice of the application, subject to the

modification that in paragraph 1(1)(c) for the reference to 4 weeks before the opening of the court sitting there were substituted a reference to 2 weeks before the time fixed by the court for the hearing of the application to be resumed.

- (5) A court shall refuse an application for the grant of registration of a club unless it is satisfied—
- (a) subject to paragraph (7), that the procedure relating to the application set out in Schedule 2 has been complied with; and
 - (b) that the premises of the club are not premises in respect of which a disqualification order under Article 3, 15 or 46 or under Article 13 or 38 of the Registration of Clubs (Northern Ireland) Order 1987 is in force; and
 - (c) that the premises of the club are in all respects (including location, accommodation, facilities and amenities) suitable and proper having regard to the objects of the club and to the estimated maximum number of members of the club; and
 - (d) that there are not sufficient registered clubs providing club accommodation of a similar character already in existence in the vicinity of the premises of the club; and
 - (e) either—
 - (i) that there is in force planning permission to use the premises as the premises of a club for the period during which the certificate of registration would be in force; or
 - (ii) that the premises may be used as such a club for that period without such permission; and
 - (f) that the rules of the club contain the provisions specified in Schedule 1 and do not contravene the provisions of this Order; and
 - (g) that the club has been conducted in good faith as a club for not less than 1 year; and
 - (h) that the provisions of the rules of the club and of this Order are, and will be, complied with; and
 - (i) that none of the officials of the club has an unspent conviction under the Rehabilitation of Offenders (Northern Ireland) Order 1978 for an offence of violence or an offence involving dishonesty.
- (6) A court may refuse an application for the grant of registration of a club if it is satisfied—
- (a) that, in respect of the premises of the club, a licence for the sale of intoxicating liquor has been suspended, or an application for the renewal of any such licence has been refused, under the Licensing (Northern Ireland) Order 1996 or the Licensing (Northern Ireland) Order 1990 within the preceding 5 years; or
 - (b) that the club is kept or habitually used for an unlawful purpose; or
 - (c) that intoxicating liquor has been sold, supplied or consumed on the premises of the club in contravention of this Order or the Licensing (Northern Ireland) Order 1996; or
 - (d) that the supply of intoxicating liquor to the club will not be under the control of an official of the club or the members having voting rights in relation to the affairs of the club; or
 - (e) that, having regard to his character and reputation, an official of the club is not a fit person to hold an office of the club; or
 - (f) that the club has been convicted of an offence under this Order or the Registration of Clubs (Northern Ireland) Order 1987.

(7) A court may grant the registration of a club notwithstanding that the procedure relating to the application set out in Schedule 2 has not been complied with if, having regard to the circumstances, it is reasonable to do so.

(8) Where a notice under Schedule 2 states that the club in respect of which an application is to be made is a nightworkers club and on the hearing of the application the county court is satisfied that—