STATUTORY INSTRUMENTS

1987 No. 1278 (N.I. 14)

NORTHERN IRELAND

The Registration of Clubs (Northern Ireland) Order 1987

Made - - - - 21st July 1987
Coming into operation on days to be appointed under Article 1(2)

At the Court at Buckingham Palace, the 21st day of July 1987

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act1974 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Registration of Clubs (Northern Ireland) Order 1987.

(2) This Order shall come into operation on such day or days as the Head of the Department may by order appoint.

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 45(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 7(1);

"the Department" means the Department of Health and Social Services;

"intoxicating liquor" has the same meaning as in the Licensing Act (Northern Ireland)1971;

"modify" means making additions, omissions, amendments or substitutions;

"notice" means notice in writing;

"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" means—

(a) in the case of a nightworker's club, the hours fixed by a court under Article 5;

(b) in the case of a sporting club in respect of a Sunday (not being Christmas Day), the hours fixed by a court under Article 23;

(c) in any other case, the hours specified in Article 22;

"planning permission" has the same meaning as in the Planning (Northern Ireland) Order1972;

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

"qualified accountant" means a person who is a member of a body of accountants for the time being listed in Article 397(2) of the Companies (Northern Ireland) Order1986 or who is for the time being authorised by the Department of Economic Development under Article 397(1)(b) of that Order;

"registered club" means a club registered under this Order;

"regulations" means regulations made by the Department subject to negative resolution;

"renewal date" means 1st January in any year;

"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) Order1977 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.

PART II

REGISTRATION OF CLUBS

Prohibition on supply or keeping of intoxicating liquor on the premises of an unregistered club

3. It shall be unlawful for any intoxicating liquor to be supplied or kept for supply on the premises of a club unless the club is registered in respect of those premises.

Clubs which may be registered

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

(a) the rules of the club contain the provisions specified in Schedule 1; and

(b) the rules do not contravene the provisions of this Order.

(2) In the application of paragraph (1)(a) to a sporting club, paragraph 10 of Schedule 1 shall be omitted.

(3) A club which occupies premises for which there is in force a disqualification order under Article 13 or 38 or an order under section 15(1) or 31(2) of the Registration of Clubs Act (Northern Ireland)1967 shall not be registered under this Order.

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

(a) to any arrangement restricting the club's freedom of purchase of intoxicating liquor; and

(b) 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.

(5) Any certificate of registration purporting to be held by a club in respect of premises mentioned in paragraph (3) is void.

Nightworkers clubs

5.—(1) 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 the members of the club are persons who by reason of the times during which they are normally employed would be unable to take advantage of facilities provided by clubs to which Article 22 applies, the court shall direct that the following provisions of this Article shall have effect in relation to the club.

(2) The hours for the supply of intoxicating liquor shall be fixed by the county court on the application for the grant of registration and may be varied by a court of summary jurisdiction on renewal of the registration and the hours so fixed or varied shall—

(a) not exceed the total of—

(i) on week days, other than Good Friday or Christmas Day, 11½;

(ii) on Good Friday, 6;

(iii) on Sunday (not being Christmas Day), 5;

(iv) on Christmas Day, 9½; and

(b) provide for a break of at least 2 consecutive hours between 2 in the afternoon and 5 in the afternoon on Sunday and Good Friday; and

(c) not include any period between 1 in the morning and 6 in the morning of any day.

(3) The rules of the club shall prohibit the admission of guests of members to, or their presence in, the club premises between the hours of midnight and 10 in the morning next following.

Grant of registration

Applications for the grant of registration

6.—(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,—

(a) 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; or

(b) require the club to amend its rules so as to bring them into conformity with Article 4 and Schedule 1 and—

(i) in the case of a nightworkers club, Article 5;

(ii) in the case of a sporting club, Article 23;

and paragraphs 1(1)(c), 3 and 4 of Schedule 2 shall apply for the purposes of such further information, particulars, documents or amended rules 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 shall be 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) 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 13 or 38 or an order under section 15(1) or 31(2) of the Registration of Clubs Act (Northern Ireland)1967 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 are in conformity with the provisions of this Order; and

(g) that the club has been conducted in good faith as a club for not less than 2 years; and

(h) that the provisions of the rules of the club and of this Order will be complied with.

(6) A court may refuse an application for the grant of registration of a club if it is satisfied—

(a) that the club has less than 25 members having voting rights in relation to the affairs of the club; or

(b) that, in respect of the premises, 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 Act (Northern Ireland)1971 within the preceding 5 years; or

(c) that the club is kept or habitually used for an unlawful purpose, or as a resort of persons of known bad character; or

(d) that the club is conducted in such a manner as to cause disorder or disturbance; or

(e) that intoxicating liquor has been sold, supplied or consumed on the premises of the club in contravention of this Order or the Licensing Act (Northern Ireland) 1971; or

(f) that the supply of intoxicating liquor to the club will not be under the control of the members having voting rights in relation to the affairs of the club or of the committee of management or governing body of the club;

(g) that, having regard to his character and reputation, the chairman or secretary or any officer or member of the committee of management or governing body is not a fit person to hold an office of the club; or

(h) that the club has been convicted of an offence under this Order or the Registration of Clubs Act (Northern Ireland)1967.

(7) Where the court refuses an application for the grant of registration of a club it shall specify in its order the reasons for its refusal.

Issue and duration of certificates of registration

7.—(1) Where a county court grants an application for the registration of a club the court shall issue a certificate of registration which shall be in such form as may be prescribed by regulations and shall specify—

(a) the name of the club;

(b) the address of the premises of the club;

(c) the name and address of the owner of the premises of the club;

(d) in the case of a nightworkers club—

(i) the following statement:—

"The above club is a nightworkers club to which Article 5 of the Registration of Clubs (Northern Ireland) Order 1987 applies."; and

(ii) the hours fixed by the court under Article 5(2);

(e) in the case of a sporting club, the hours fixed by the court under Article 23;

(f) such other matters as may be prescribed by regulations.

(2) Subject to the succeeding provisions of this Article, a certificate of registration, unless registration is cancelled or a disqualification order under Article 13 or 38 applies to the premises of the registered club, shall remain in force from the date on which it is issued until—

(a) where it is issued in the first 10 months of any year, 31st January in the next following year; or

(b) where it is issued in the last 2 months of any year, 31st January in the next following year but one.

(3) Where, at the hearing of an application for the grant of registration of a club, any person appears before the court and opposes the registration, but the court registers the club—

(a) until the expiry of the time for bringing an appeal against the registration and, if an appeal is brought, until the registration is confirmed or the appeal is abandoned the certificate of registration shall not come into force;

(b) if on appeal the registration is confirmed or if the appeal is abandoned, for the purpose of determining the period for which the certificate of registration is to be in force, the date when the appeal is disposed of shall be substituted for the date on which the certificate of registration was issued and the chief clerk shall (if necessary) amend the certificate accordingly.