1971. No. 174 **[C]**

COUNTY COURT RULES

Licensing

RULES, DATED 17TH JUNE 1971, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 146 OF THE COUNTY COURTS ACT (NORTHERN IRELAND) 1959.

I, the Right Honourable Brian Faulkner, D.L., Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by section 146 of the County Courts Act (Northern Ireland) 1959(a), section 86(1) of, paragraph 2 of Schedule 1, paragraph 3(2) of Schedule 3 and paragraph 3 of Schedule 8 to the Licensing Act (Northern Ireland) 1971(b) and all other powers thereunto enabling, on the recommendation of the County Court Rules Committee and after consultation with the Lord Chief Justice, do hereby make the Rules hereinafter set forth.

Dated this 17th day of June 1971.

Brian Faulkner,
Minister of Home Affairs
for Northern Ireland.

The Ministry of Finance hereby concurs in the provisions of Rule 11 as to court fees.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 17th day of June 1971.

(L.S.)

C. F. Darling,
Assistant Secretary.

PART I

GENERAL

Citation

1. These Rules may be cited as the County Court (Licensing) Rules (Northern Ireland) 1971.

Revocation

2. The County Court (Licensing) Rules (Northern Ireland) 1968(c) are hereby revoked.

Interpretation

3.—(1) In these Rules—

"the Act" means the Licensing Act (Northern Ireland) 1971; and a reference to a section is a reference to that section as is numbered in the Act.

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

(a) 1959. c. 25.
(b) 1971. c. 13 (N.I.).
(c) S.R. & O. (N.I.) 1968, No. 89.

PART II

APPLICATIONS FOR THE GRANT OF LICENCES

Notices of application

4.—(1) Notice of application in accordance with section 4 or 7 of and Schedule 1 to the Act for the grant or, as the case may be, for the provisional grant of a licence shall be in one of the Forms numbered 1 to 8 as may be appropriate.

(2) Where application is to be made at the time of the grant or provisional grant of the licence for an order under—

(*a*) section 29 specifying any part of the premises as suitable for functions such as are mentioned in section 49(6) (functions for which extension licences may be granted); or

(*b*) section 44 directing that the permitted hours for premises such as are specified in section 3(1)(*b*) or for part of such premises as are specified in section 3(1)(*a*) shall be the alternative permitted hours (for the sale of intoxicating liquor for consumption off the premises or such part thereof); or

(*c*) section 45 directing that on certain weekdays in a specified part or parts of a hotel or restaurant (used for providing entertainment and refreshment) certain additional hours shall be included in the permitted hours,

such intention shall be stated in the notice of application; and, where the application is for an order under section 29, 44(1)(*a*), 44(2) or section 45, the plan attached to the notice in accordance with paragraph 3 of Schedule 1 to the Act shall particularly delineate or distinguish the part of the premises for which the order is sought.

(3) Where notice is given of an application for the grant or provisional grant of a licence for premises on a site approved by declaration under section 8 the notice shall refer to the fact that the premises are of the kind approved for that site by the declaration.

(4) Notice of application for a declaration that the grant of a licence is final in accordance with section 7(7) shall be in Form 9 and the applicant shall attach the licence to the notice for the purposes of section 7(10).

(5) A notice of intention to object in accordance with paragraphs 4 and 6 or 11 of Schedule 1 to the Act to the grant or final grant of a licence shall be in Form 10.

(6) A notice of intention to object under paragraph 5 of Schedule 1 to the Act to the surrender of a subsisting licence shall be in Form 11.

Documents to be produced at hearing of application

5.—(1) Where the application is for the grant or final grant of a licence for an hotel, evidence that the premises comply with section 84(1) of the Act as being registered in the register of hotels maintained by the Northern Ireland Tourist Board under section 10 of the Development of Tourist Traffic Act (Northern Ireland) 1948(**d**) shall be given at the hearing of the application by production of a certificate to that effect purporting to be authenticated in the manner provided by section 2 of that Act.

(**d**) 1948. c. 4.

(2) Where the application is for the grant or declaration of the final grant of a licence for a restaurant, the certificate from the said Board referred to in the said section 84(1) (as to compliance by the premises with certain requirements) and purporting to be so authenticated shall be produced at the hearing of the application.

(3) Where application is made for an order under section 45 or for a licence under the Act for any place of entertainment any licence required by the sanitary authority under section 31 of the Local Government Act (Northern Ireland) 1934(e) must be produced at the hearing of the application.

(4) Where application is made to the court under section 12 of and Schedule 2 to the Intoxicating Liquor and Licensing Act (Northern Ireland) 1927(f) for the grant of a licence for premises primarily and ordinarily used as a theatre or music hall and also for a licence of the kind referred to in section 3(1)(*e*) of the Licensing Act (Northern Ireland) 1971 for the same premises the applications shall be heard together.

PART III

APPLICATIONS FOR DECLARATIONS OF APPROVED SITES UNDER SECTION 8 OF THE ACT

6.—(1) Notice of application in accordance with paragraph 3 of Schedule 3 to the Act for a declaration under section 8 of the Act shall be in Form 12.

(2) Notice of intention to object in accordance with the said paragraph 3 shall be in Form 13.

(3) Such a declaration shall be in Form 14.

PART IV

APPLICATIONS UNDER SECTION 31(1)(i) OF THE ACT FOR CONSENT TO ALTERATIONS TO LICENSED PREMISES

7.—(1) Notice of application for an order under section 31(1)(i) of the Act for the consent of the court to such alterations as are referred to in section 31(1)(*a*) to (*d*) thereof shall be in Form 15.

(2) Notice of intention to object under paragraph 5 of Schedule 8 to the Act shall be in Form 16.

(3) An order consenting to such alteration shall be in Form 17.

PART V

MISCELLANEOUS

Claims Fund

8. Where an application is made for the grant of a licence for premises of a kind mentioned in section 3(1)(*a*) or (*b*) of the Act and the licence granted is issued before 1st April 1972 or any other date prescribed by order made by the Ministry of Finance such as is referred to in paragraph 15(2) of Schedule 11 to the Act, any receipt issued in the name of the said Ministry for the Claims Fund charge payable in respect of the period during which the licence is valid shall be produced to the court in accordance with section 16 of the Finance Act (Northern Ireland) 1967(g).

(e) 24 & 25 Geo. 5 c. 22 (N.I.). (f) 17 & 18 Geo. 5 c. 21 (N.I.).
(g) 1967, c. 20 (N.I.).

Requirements for plans to be attached to notice of application

9.—(1) The plan required by paragraph 3(2) of Schedule 1 to the Act to be attached to a notice of application for the grant of a licence shall be to scale on linen or substantial paper and shall show each floor of the premises on a separate page measuring, where practicable, approximately eighteen inches by eighteen inches and certified by a competent architect or surveyor.

(2) The plan shall show the parts of the premises in which intoxicating liquor is sold, or in which it is intended that intoxicating liquor should be sold, by clearly distinguishing in bold hatched or shaded colour between that and other parts of the premises.

(3) Where the application relates to an hotel each of the following parts of the premises shall be clearly distinguished (by shading in separately each part in a different colour from the others) namely, the part:—

(*a*) in which customers who are not residents or the guests of residents may be served with intoxicating liquor;

(*b*) in which only residents may be so served;

(*c*) set apart for the service of main table meals only to residents and their guests;

(*d*) set apart for the service of main table meals whether to the public or to residents or their guests;

(*e*) set apart for the service of intoxicating liquor and other beverages to diners before or after such meals.

Copies of notices for Divisional Commander to be lodged at police station within police division

10.—(1) Any notice, document or copy thereof required by the Act or these Rules to be served upon the Divisional Commander of a police division shall be served, unless the Divisional Commander otherwise directs, by being lodged with the member of the Royal Ulster Constabulary for the time being in charge of a police station within the division in which the premises to which the document relates are situated.

(2) Notwithstanding anything in section 84(8), where the applicant is a body corporate, paragraph (1) shall have effect as if for the reference to the police division in which the applicant resides there were substituted a reference to that in which the body has its principal or registered office.

Court fees

11. For Part III of Appendix ZM to the County Court Rules (Northern Ireland) 1965 there shall be substituted the following Part:—

No.	Item	Fee
		£
1	On a notice of application in relation to a licence, for a declaration under section 8 of the Licensing Act (Northern Ireland) 1971 or for an order under section 31 of that Act.	1.50
2	Declaration under section 8 of the Licensing Act (Northern Ireland) 1971.	2.00

ARRANGEMENT OF FORMS IN SCHEDULE 1

PART I

APPLICATIONS FOR THE GRANT OF LICENCES

Form No.

1. Notice of application for [provisional] grant of licence for premises in which only or principal business is selling intoxicating liquor by retail for consumption either in or off the premises.
2. Notice of application for [provisional] grant of licence for premises in which only or principal business is selling intoxicating liquor by retail for consumption off the premises.
3. Notice of application for [provisional] grant of licence authorising the sale of intoxicating liquor by retail in a hotel.
4. Notice of application for [provisional] grant of licence authorising the sale of intoxicating liquor by retail in a restaurant.
5. Notice of application for [provisional] grant of licence authorising the sale of intoxicating liquor by retail in a place of public entertainment.
6. Notice of application for [provisional] grant of licence authorising the sale of intoxicating liquor by retail in a refreshment room in public transport premises.
7. Notice of application for [provisional] grant of licence authorising the sale of intoxicating liquor by retail in a seamen's canteen.
8. Notice of application for grant of licence for non-seagoing vessel.
9. Notice of application for declaration of final grant of licence where grant has been provisional.
10. Notice of intention to object to [final] grant of licence.
11. Notice of intention to object to surrender of licence under section 5(2)(*c*)(ii).

PART II

APPLICATIONS FOR DECLARATIONS OF APPROVED SITES

12. Notice of application for declaration of approved sites.
13. Notice of intention to object to issue of declaration with respect to approved site.
14. Declaration of approved sites.

PART III

APPLICATION FOR CONSENT TO ALTERATIONS TO LICENSED PREMISES

15. Notice of application for consent to alteration to licensed premises.
16. Notice of intention to object to consent to alteration to licensed premises.
17. Order consenting to alteration to licensed premises.