**1968. No. 90** **[C]**

## MAGISTRATES' COURTS

### Licensing Rules

RULES, DATED 29TH MARCH 1968, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 23 OF THE MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964 AND SECTION 15(4) OF THE FINANCE ACT (NORTHERN IRELAND) 1967.

I, the Right Honourable William Craig, Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(**a**), section 15(4) of the Finance Act (Northern Ireland) 1967(**b**) and all other powers thereunto enabling, do hereby, upon the recommendation of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, make the Rules hereinafter set forth.

Dated this 29th day of March 1968.

*Wm. Craig,*
Minister of Home Affairs.

The Ministry of Finance concurs in the making of Rule 9.

Sealed with the Official Seal of the Ministry of Finance this 29th day of March 1968.

(L.S.)

*James V. Morrison,*
Assistant Secretary.

(a) 1964. c. 21 (N.I.). (b) 1967. c. 20 (N.I.).

*Citation*

**1.** These Rules may be cited as the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1968.

*Interpretation*

**2.** In these Rules—

"on-licence" means a licence granted by a county court under the Licensing Acts (Northern Ireland) authorising the sale by retail of intoxicating liquor to be consumed either on or off the premises licensed;

"off-licence" means a licence granted by a court of summary jurisdiction under the Licensing Acts (Northern Ireland) authorising the sale by retail of intoxicating liquor to be consumed only off the premises licensed;

"occasional licence" has the meaning assigned to it by section 4 of the Intoxicating Liquor and Licensing Act (Northern Ireland) 1959(**c**).

*Notification of particulars of licences*

**3.** Where in accordance with the Licensing Acts (Northern Ireland) a court of summary jurisdiction sitting for the petty sessions district in which the applicant resides—

(*a*) grants, transfers or renews an off-licence;

(*b*) renews an on-licence,

and the premises to which the licence relates are situate in another petty sessions district, the clerk of petty sessions for such first-mentioned district shall send a copy of the licence to the clerk of petty sessions for such last-mentioned district, who shall enter the particulars of the licence in the register of licences.

*Forms*

**4.**—(1) A reference to a Form by number is a reference to that Form as numbered in the Schedule.

(2) Notice of an application for the renewal of an on-licence shall be in Form 1 and a renewal licence issued on such application shall be in Form 2.

(3) Notice of application for the grant or transfer of an off-licence shall be in Form 3 or 4, as the case may be, and an off-licence shall be in Form 5.

(4) Notice of application for the renewal of an off-licence shall be in Form 6 and a renewal licence issued on such application shall be in Form 7.

(5) Notice of application for the grant of an occasional licence shall be in Form 8 and such licence shall be in Form 9.

(6) Notice of application for the temporary transfer of an on-licence by way of endorsement under section 1 of the Public House (Ireland) Act 1855(**d**) shall be in Form 10 and such endorsement shall be in Form 11.

*Service of notice of application*

**5.**—(1) Without prejudice to any provision of the Licensing Acts (Northern Ireland) as to the manner in which and the time within which notice is to be given of an application to a court of summary jurisdiction for the renewal of an on-licence or for the grant, transfer or renewal of an off-licence—

(*a*) the applicant or his solicitor shall serve the appropriate notice upon the clerk of petty sessions and a copy thereof upon both the district

(**c**) 1959. c. 1. (**d**) 18 & 19 Vict. c. 114.

inspector (or in his absence the head constable) for the district in which the applicant resides and for the district in which the premises to be licensed are situate not less than twenty-one days before the sitting of the court to which the application is to be made;

(*b*) the said notice or copy shall, without prejudice to any enactment, be served by sending it by registered post or by the recorded delivery service in an envelope addressed to the office of the said clerk or to a constabulary station in the said district, as the case may be;

(*c*) the court may, where it thinks it proper so to do, deem service of the notice to be good service notwithstanding that the notice and copies thereof have not been served within the period referred to in paragraph (*a*).

(2) Notice of an application for the temporary transfer of an on-licence by way of endorsement under section 1 of the Public House (Ireland) Act 1855 shall be served upon the clerk of petty sessions for the petty sessions district in which the licensed premises are situate within a reasonable time before the sitting of the court to which the application is to be made and a copy of such notice shall be served upon the district inspector of the Royal Ulster Constabulary for the police district in which such premises are situate.

*Lodgment of existing licences where licence to be renewed*

**6.** Where an application is to be made for the renewal of an on-licence or an off-licence, the licence shall be lodged in accordance with section 6(4) of the Intoxicating Liquor and Licensing Act (Northern Ireland) 1927(**e**) by sending it to the clerk of petty sessions together with the notice of application and the receipt issued in the name of the Ministry of Finance for payment of the Claims Fund charge required under section 16(2) of the Finance Act (Northern Ireland) 1967, and in the case of any other application the licence and such receipt shall be produced to the court at the hearing thereof.

*Duplicate of licence may be issued to licensee*

**7.** Where the person licensed so requests, the clerk of petty sessions may issue to him a duplicate of the licence.

*Certificates authorising grant or renewal of excise licence for retail sale of methylated spirits*

**8.**—(1) Notice of application for the grant of a certificate under section 4(2) of the Intoxicating Liquor Act (Northern Ireland) 1923(**f**) as to the fitness of the applicant to obtain the grant or renewal of an excise licence under section 117 of the Customs and Excise Act 1952(**g**) for the sale by retail of methylated spirits shall be in Form 12 and such certificate shall be in Form 13.

(2) Rule 5(1) shall apply to such notice as it applies to the notices specified therein.

*Fees*

**9.**—(1) Notwithstanding anything in any enactment, there shall, subject to paragraphs (2) and (3), be paid a fee of ten shillings upon every renewal of an on-licence, upon every grant, renewal, transfer or removal of an off-licence and upon the grant of an occasional licence.

(e) 17 & 18 Geo. 5. c. 21 (N.I.).
(f) 13 & 14 Geo. 5. c. 12 (N.I.).
(g) 15 & 16 Geo. 6 and 1 Eliz. 2. c. 44.

(2) No fee shall be charged for the grant of a temporary transfer of an on-licence by way of endorsement under section 1 of the Public House (Ireland) Act 1855 or for the grant of a certificate under section 4(2) of the Intoxicating Liquor Act (Northern Ireland) 1923.

(3) There shall be paid a fee of one pound upon the duplicate of a licence issued under Rule 7.

(4) The payment of any such fee shall be denoted by affixing to the licence or duplicate an adhesive petty sessions stamp or stamps to the value of such fee.

## SCHEDULE

**Arrangement of Forms**

1. Notice of application for renewal of a retail [spirits] [beer] [cider] on-licence.

2. Renewal retail [spirits] [beer] [cider] on-licence.

3. Notice of application for grant of retail [spirits] [beer] [cider] off-licence.

4. Notice of application for transfer of retail [spirits] [wine] [British wine] [beer] [cider] off-licence.

5. Retail [spirits] [wine] [British wine] [beer] [cider] off-licence.

6. Notice of application for renewal of retail [spirits] [wine] [British wine] [beer] [cider] off-licence.

7. Renewal retail [spirits] [wine] [British wine] [beer] [cider] off-licence.

8. Notice of application for grant of an occasional licence.

9. Occasional licence.

10. Notice of application under the Public House (Ireland) Act 1855 for temporary transfer of on-licence.

11. Form of endorsement on on-licence for temporary transfer under Public House (Ireland) Act 1855.

12. Notice of application for court certificate for [grant] [renewal] of excise licence to retail methylated spirits.

13. Court certificate for [grant] [renewal] of excise licence to retail methylated spirits.