1968. No. 89 **[C]**

COUNTY COURTS

Licensing Rules

RULES, DATED 29TH MARCH 1968, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 146 OF THE COUNTY COURTS ACT (NORTHERN IRELAND) 1959 AND SECTION 15(4) OF THE FINANCE ACT (NORTHERN IRELAND) 1967.

I, the Right Honourable William Craig, Minister of Home Affairs, by virtue of the power vested in me by section 146 of the County Courts Act (Northern Ireland) 1959(**a**), section 15(4) of the Finance Act (Northern Ireland) 1967(**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 29th day of March 1968.

Wm. Craig,
Minister of Home Affairs.

The Ministry of Finance hereby concurs in the provisions of Rule 2 as to court fees.

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

(L.S.)

James V. Morrison,
Assistant Secretary.

PART I

GENERAL

Citation

1. These Rules may be cited as the County Court (Licensing) Rules (Northern Ireland) 1968.

Fees

2. A fee of ten shillings shall be paid for every licence for the sale of intoxicating liquor granted by a County Court in respect of premises not previously licensed and for every licence issued pursuant to an order for the transfer or removal of a current licence and, accordingly, in item No. 2 of Part III of Appendix ZM to the County Court Rules (Northern Ireland) 1965(**c**) in the second column thereof the words "a certificate in relation to the grant or refusal of" shall be omitted.

(a) 1959. c. 25.
(b) 1967. c. 20 (N.I.).
(c) S.R. & O. (N.I.) 1965, No. 261.

Plans

3. The applicant shall when giving notice of an application for—

(*a*) a new licence (including one to which paragraph (*e*) of section 9 of the Intoxicating Liquor Act (Northern Ireland) 1923(**d**) applies);

(*b*) the removal of a licence;

(*c*) a licence restricted to a portion only of premises previously licensed as a whole,

lodge in the office of the Clerk of the Crown and peace a plan of the premises or portion of the premises in respect of which the application is made. Such map shall clearly delineate by appropriate colourings or markings and a legend or key thereto the premises or portion thereof which are licensed or, as the case may be, sought to be licensed.

PART II

APPLICATIONS FOR THE GRANT OR TRANSFER OF AN ON-LICENCE

Interpretation of this Part

4. In this Part the expression "on-licence" means a licence for the sale by retail of intoxicating liquor to be consumed either on or off the premises (including an hotel) specified in the licence and a reference to a Form by number is to the Form so numbered in Schedule 1.

Applications for the grant or transfer of an on-licence

5.—(1) Except as provided by Rule 13(1), notice of an application for grant of a new on-licence shall be in Form 1.

(2) Notice of an application for the transfer to another person of an existing on-licence shall be in Form 2.

Form of on-licence

6.—(1) An on-licence shall be in Form 3.

(2) An on-licence issued under an order of the court authorising—

(*a*) the grant of a new on-licence in respect of premises by virtue of paragraph (*a*)(ii) of section 9 of the Intoxicating Liquor Act (Northern Ireland) 1923 as being an hotel within the meaning of the said paragraph (*a*)(ii); or

(*b*) the transfer to another person of an existing on-licence which the court is satisfied was and has remained in force specifically in respect of the premises as being such an hotel;

shall state that the licence is issued in respect of such an hotel.

Persons on whom and manner in which notice of application to be served

7. Without prejudice to Part III, a notice of application prescribed under this Part shall be served on such persons as are and within such time as is required by the Licensing Acts (Northern Ireland) and, in the absence of any provision as to the manner in which such notice is to be served, in the manner authorised by section 24(2) of the Interpretation Act (Northern Ireland) 1954(**e**).

(**d**) 13 & 14 Geo. 5. c. 12 (N.I.). (**e**) 1954. c. 33.

PART III

APPLICATIONS UNDER THE LICENSING ACT (NORTHERN IRELAND) 1963

Interpretation of this Part

8. In this Part the expression—

"the Act" means the Licensing Act (Northern Ireland) 1963(**f**);

"District Inspector" means a District Inspector of the Royal Ulster Constabulary;

and a reference to a form by number is a reference to the form so numbered in Schedule 2.

Revocation of 1963 Rules

9. The provisions of this Part shall have effect in lieu of the provisions of the County Court (Licensing) Rules (Northern Ireland) 1963(**g**) and those Rules are hereby revoked.

Notices

10.—(1) Notice of an application to the court under the Act shall be given not less than twenty-one days before the opening of the sittings for the division in which the application is to be made.

(2) Any notice required or authorised by these Rules to be given—

(*a*) to a Clerk of the Crown and peace or a District Inspector may be served by being left at the office of the Clerk of the Crown and peace or District Inspector;

(*b*) to any other person may—

(i) where the person is represented by a solicitor, be served by being left at the office of that solicitor;

(ii) where that person is not so represented, be served on him personally;

(*c*) to any person may be served by registered post or by means of the recorded delivery service.

Proceedings under section 1 of the Act

11.—(1) The notice of application required by section 1(3) of the Act shall be in Form 1 and shall be given to—

(*a*) the District Inspector for the district in which the old premises are situate and, if the new premises are situate in another district, the District Inspector for that other district;

(*b*) the Clerk of the Crown and peace for the division in which the new premises are situate.

(2) A person qualified under section 1(3) of the Act and desiring to oppose an application shall not less than seven days before the opening day of the County Court sittings give the applicant written notice in Form 2 of his intention so to do and of the grounds on which he intends to rely and shall serve a copy of that notice on the Clerk of the Crown and peace and any District Inspector referred to in the notice published in the *Belfast Gazette*.

(3) An order under section 1 of the Act shall be in Form 3.

(**f**) 1963. c. 8 (N.I.). (**g**) S.R. & O. (N.I.) 1963, No. 104.

Proceedings under section 8 of the Act

12.—(1) The notice of application required by section 8(3) of the Act shall be in Form 4 and shall be given to—

(*a*) the District Inspector for each district wholly or partly within the re-development area concerned;

(*b*) the Clerk of the Crown and peace for the division in which the application is to be made.

(2) A person qualified under section 8(3) of the Act and desiring to appear and be heard on an application shall not less than seven days before the opening day of the County Court sittings give the local authority written notice in Form 5 of his intention so to do, setting out particulars of any matter or circumstances which he intends to bring before the court and shall serve a copy of that notice on any Clerk of the Crown and peace and any District Inspector referred to in the notice published in the *Belfast Gazette*.

(3) A declaration under section 8 of the Act shall be in Form 6.

Proceedings under section 13 of the Act

13.—(1) The notice of application required by section 13(3) of the Act shall be in Form 7 and shall be given to—

(*a*) the District Inspector for the district in which the site concerned is situate;

(*b*) the Clerk of the Crown and peace for the division in which the site concerned is situate.

(2) A person qualified under section 13(3) of the Act and desiring to oppose an application shall not less than seven days before the opening day of the County Court sittings give the applicant written notice in Form 8 of his intention so to do and of the grounds on which he intends to rely and shall serve a copy of that notice on the Clerk of the Crown and peace and the District Inspector referred to in the notice published in the *Belfast Gazette*.

(3) An order under section 13(5) provisionally authorising the grant of a new licence shall be in Form 9.

SCHEDULE 1

FORM 1

LICENSING ACTS (NORTHERN IRELAND)

Notice of Application for the Grant of a New Retail On-Licence

IN THE COUNTY COURT FOR THE
DIVISION OF

TAKE NOTICE that I [full names of applicant] of [full address] intend to apply to the County Court sitting at [place] for the above Division commencing on the [date] for the grant to me of a new licence for the sale by retail of [specify kind of intoxicating liquor for which licence is sought, i.e. spirits/beer/cider] for consumption either on or off the premises at [full address].

The owner of the premises is [full names] of [full address].

A receipt issued in the name of the Ministry of Finance for the Claims Fund charge payable in respect of the period during which the licence is valid will be produced to the Court in accordance with section 16 of the Finance Act (Northern Ireland) 1967.

Dated this day of 19 .

Signature of Applicant or
his Solicitor.

To the District Inspector of the Royal Ulster Constabulary for the district of [where premises are situate] [or where the applicant resides elsewhere, the district in which he resides].

To the Clerk of the Crown and peace.

To the Clerk of Petty Sessions [for the Petty Sessions District in which the premises are situate].