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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 62**

**MAGISTRATES' COURTS**

**Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997**

*Made* - - - - - *17th February 1997*

*Coming into operation* *20th February 1997*

The Lord Chancellor, in exercise of the powers conferred upon him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981<sup>(1)</sup>, and of all other powers enabling him on that behalf, on the advice of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following rules:—

**Part I**

**Citation and commencement**

1. These Rules may be cited as the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997 and shall come into operation on 20th February 1997.

**Revocation**

- 2.—(1) The rules set out in paragraph (2) are hereby revoked.
- (2) The rules referred to in paragraph (1) are—
- (a) the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1990<sup>(2)</sup>;
  - (b) the Magistrates' Courts (Licensing) (Amendment) Rules (Northern Ireland) 1992<sup>(3)</sup>.

**Interpretation**

- 3.—(1) In these rules unless the context otherwise requires,
- “the Order” means the Licensing (Northern Ireland) Order 1996<sup>(4)</sup>; a reference to an Article or Schedule by number is a reference to that Article or Schedule so numbered in the Order, and expressions which are defined in the Order have the same meaning as in the Order.

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(1) S.I.1981/1675 (N.I. 26)  
(2) S.R. 1990 No. 211  
(3) S.R. 1992 No. 542  
(4) S.I. 1996/3158 (N.I. 22)

(2) Any reference in these rules to a Form by number is a reference to that Form so numbered in the Schedule.

(3) The notes appended to the Forms do not form any part thereof and are so appended only for the purpose of assisting their proper completion.

(4) Any reference in these rules to the clerk of petty sessions is a reference to the clerk of petty sessions for the petty sessions district in which the application is made.

## Part II

### Renewal of Licences

#### **Applications for the renewal of licences**

4.—(1) Notice of application for the renewal of a licence, in accordance with Article 14 and paragraphs 3 and 4 of Schedule 4 shall be in Form 1.

(2) Where on such an application the applicant intends also to make an application under Article 43 (for an order directing that the hours be the alternative permitted hours), or under Article 44 (for an order for additional permitted hours), or under Article 48 (for an order specifying part of the premises as suitable for extension licences) or under Article 59 (for a children's certificate), he shall attach to the notice in Form 1 served on the clerk of petty sessions for the petty sessions district in which the premises are situated, and to the copies required to be served by paragraph 3 of Schedule 4, a notice in Form 15, 16, 17 or 20, as may be appropriate and, (except where an order is in force in relation to the part of the premises to which the application relates and no structural alteration to that part of the premises has been made since the order was granted), a plan of the premises distinguishing the part thereof to which the application relates.

(3) Notice of intention to object to the renewal of a licence, in accordance with Article 15 and paragraphs 5 and 6 of Schedule 4, shall be in Form 2.

## Part III

### Documents

#### **Documents to be lodged with applications or produced to the court**

5.—(1) Where application is made for the renewal of a licence for an hotel or a guest-house a current certificate, issued by the Northern Ireland Tourist Board, stating that the premises are those of an establishment allocated by a certificate under Article 13 of the Tourism (Northern Ireland) Order 1992<sup>(5)</sup> to the statutory category of hotel or guest-house, as the case may be, shall be lodged with a notice of application.

(2) Where application is made for the renewal of a licence for a conference centre a copy of the current certificate, issued by the Northern Ireland Tourist Board, stating that the said premises comply with Article 2(2) shall be lodged with the notice of application.

(3) Evidence for the purposes of Article 2(5) that a licence was granted before 31st July 1902 or under Article 4(1) of the Licensing (Northern Ireland) Order 1978<sup>(6)</sup> or under Article 12(1) of the Licensing (Northern Ireland) Order 1990 or Article 11(1) of the Order in lieu of such a licence may be in the form of a certified extract from the register of licences.

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(5) S.I. 1992/235 (N.I. 3)

(6) S.I. 1978/1044 (N.I. 14)

(4) Where application is made:—

- (a) for the renewal of a licence for an hotel, restaurant, conference centre, higher education institute or premises of the kind mentioned in Article 5(1)(a) and either an application is to be made or an order is in force for the premises under Article 44;
- (b) for an order under Article 44 other than on renewal; or
- (c) for the renewal of a licence for any place of entertainment,

any licence required for those premises by a council under Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985(7) shall be produced to the court.

## Part IV

### Transfer of Licences and Authorisations under Article 29

#### **Applications for the transfer or the concurrent transfer and renewal of a licence**

6.—(1) Notice of application for the transfer of a licence in accordance with Article 22 and paragraphs 1 and 2 of Schedule 5, shall be in Form 3, and notice of application for the transfer and renewal of a licence under Article 23 shall be in Form 4.

(2) Where an application is made for the transfer of a licence, or the transfer and renewal of a licence, a copy of the pages of the newspapers bearing the notices referred to in paragraph 1(a) of Schedule 5 or paragraph 8(b)(ii)(a) of Schedule 4, as the case may be, endorsed with the date on which they were published shall be lodged with the clerk of petty sessions a reasonable time before the hearing of the application.

(3) Notice of intention to object to the transfer of a licence shall be in Form 5.

#### **Protection orders, temporary continuance of business in certain circumstances and authorisation of continuance of business**

7.—(1) Notice of application for a protection order, in accordance with Article 26 and paragraphs 2 and 3 of Schedule 6, shall be in Form 6.

(2) Notice that a person is carrying on business by virtue of Article 28 shall be in Form 7.

(3) Notice of application for an order authorising the continuance of a business in temporary or other premises, in accordance with Article 29 and paragraphs 2 and 3 of Schedule 6, shall be in Form 8.

(4) Notice of intention to object to the making of a protection order or an order under Article 29 shall be in Form 9.

## Part V

### Occasional Licences

#### **Applications for the grant of an occasional licence**

8.—(1) Notice of application for the grant of an occasional licence, in accordance with Article 30 and paragraphs 2 and 4 of Schedule 7, shall be in Form 10.

(2) An occasional licence shall be in Form 11.

(3) The applicant for an occasional licence shall attach to the notice of application and to the copies thereof to be served on the sub-divisional commander and the district council a written statement containing the particulars referred to in paragraph (4) made by the body organising the function to which the application relates.

(4) The written statement referred to in paragraph (3) shall be signed by an officer of the body and shall set out the names and purposes of the body, the nature of the function, the premises on which and the times during which the function is to be held. It shall also state the names and addresses of each of the persons to be in personal charge of running the function.

(5) A caution such as is referred to in paragraph (3) of Schedule 7 shall be in Form 12 and the cautioner shall, in addition to complying with that paragraph, serve a copy of the caution on the person to whom the licence was granted.

(6) The sub-divisional commander, the district council or a cautioner who intends to appear at the hearing and to object to the grant of an occasional licence shall not later than 5 days before the date fixed for hearing serve notice of his intention to object and his grounds for so doing upon the applicant and upon the clerk of petty sessions. The said notice shall be in Form 13.

(7) Where the sub-divisional commander does not object to the grant of a licence he may so state at the foot of the copy of the notice of the application which he receives and may cause the said copy of the notice to be delivered to the clerk of petty sessions not later than the day before the court sitting at which the application is made.

## Part VI

### Alterations to Licensed Premises

#### **Alterations required by lawful authority**

**9.**—(1) Notice of an alteration to licensed premises required by order of some lawful authority, referred to in Article 31(1)(ii) and paragraph 7 of Schedule 8, shall be in Form 14.

(2) The proposed alterations shown in the plan required to be attached to Form 14 under paragraph 8(1) of Schedule 8 should be authenticated on behalf of the authority in question by the signature of an officer thereof having power to do so.

## Part VII

### Alternative Permitted Hours

#### **Applications for an order for alternative permitted hours for off-sales**

**10.**—(1) Notice of an application for an order for alternative permitted hours, in accordance with Article 43 and paragraphs 2 and 3 of Schedule 9, shall be in Form 15.

(2) Where an application is made for an order for alternative permitted hours, the applicant shall attach to the notice in Form 15 served on the clerk of petty sessions, and to the copies required to be served by paragraph 2 of Schedule 9, a plan of the premises distinguishing the part thereof to which the application relates.

(3) Notice of intention to object to the making of an order for alternative permitted hours, in accordance with paragraphs 4 and 5 of Schedule 9, shall be in Form 21.

## Part VIII

### Additional Permitted Hours

#### **Applications for additional permitted hours**

**11.**—(1) Notice of an application for an order for additional permitted hours, in accordance with Article 44 and paragraphs 2 and 3 of Schedule 9, shall be in Form 16.

(2) Where an application is made for an order for additional permitted hours, the applicant shall attach to the notice in Form 16 served on the clerk of petty sessions, and to the copies required to be served by paragraph 2 of Schedule 9, (except where an order for additional permitted hours is in force in relation to the part of the premises to which the plan relates and no structural alteration to the premises has been made to that part since the order for additional hours was granted in respect of the premises or since the licence for the premises was last renewed), a plan of the premises distinguishing the part thereof to which the application relates.

(3) Notice of intention to object to the making of an order for additional permitted hours, in accordance with paragraphs 4 and 5 of Schedule 9, shall be in Form 21.

## Part IX

### Extension Licences

#### **Applications for an order specifying part of the premises as being suitable for functions**

**12.**—(1) Notice of an application for an order specifying part of the premises as suitable for an extension licence, in accordance with Article 48 and paragraphs 2 and 3 of Schedule 9, shall be in Form 17.

(2) Where an application is made for an order specifying part of the premises as suitable for functions, the applicant shall attach to the notice in Form 17 served on the clerk of petty sessions, and to the copies required to be served by paragraph 2 of Schedule 9, a plan of the premises distinguishing the part thereof to which the application relates.

(3) Notice of intention to object to the making of an order specifying part of the premises as suitable for functions, in accordance with paragraphs 4 and 5 of Schedule 9, shall be in Form 21.

#### **Applications for extension licence**

**13.**—(1) A notice of application for an extension licence, in accordance with Article 47 and paragraphs 2 and 3 of Schedule 10, shall be in Form 18.

(2) Paragraphs (3), (4) and (7) of Rule 8 shall apply to applications for the grant of extension licences as they apply to occasional licences, and paragraph 7 of Rule 8 shall, in so applying, have effect as if for the words “the court sitting at which the application is to be made” there were substituted the words “the day on which the application is to be considered”.

(3) Notice of intention to object to the grant of an extension licence shall be in Form 19.

## Part X

### Children's Certificates

#### Applications for children's certificates

14.—(1) An application for the grant of a children's certificate, in accordance with Article 59 and paragraphs 2 and 3 of Schedule 9, shall be in Form 20.

(2) Where an application is made for the grant of a children's certificate, the applicant shall attach to the notice in Form 20 served on the clerk of petty sessions, and to the copies required to be served by paragraph 2 of Schedule 9, a plan of the premises distinguishing the part thereof to which the application relates.

(3) Notice of intention to object to the grant of a children's certificate, in accordance with paragraphs 4 and 5 of Schedule 9, shall be in Form 21.

## Part XI

### Miscellaneous

#### Plans

15. Any plan which is required to be served must:—

- (a) be to scale on substantial paper or other material;
- (b) show each floor of the premises on a separate page measuring approximately 18 inches (46 centimetres) by 18 inches (46 centimetres);
- (c) be certified as true and correct by an architect, surveyor or other person considered by the court to be competent to do so;
- (d) show the parts of the premises on 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.

#### Costs

16. Article 163 of the Magistrates' Courts (Northern Ireland) 1981<sup>(8)</sup> (costs) shall apply to an application under Schedules 4, 5, 6, 7, 8, 9 or 10 as if any objector were a respondent.

#### Register of licences

17.—(1) Where premises were licensed for which plans were deposited in the office of the chief clerk and have been sent to the clerk of petty sessions or plans were in the possession of the clerk of petty sessions before 3rd May 1971<sup>(9)</sup>, those plans should be indexed as relating to the register and kept as plans duly sent to such clerk under Article 34(3).

(2) Where by reason of any change in the boundaries of the petty sessions district or otherwise, premises should be registered in the register of another district, a certified copy of the relevant entry in the register and any plans relating thereto shall be sent by the clerk for the first-mentioned district to that of the other for inclusion in the register and he shall so inform the person holding the licence for the premises.

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<sup>(8)</sup> S.I. 1981/1675 (N.I. 26)

<sup>(9)</sup> The commencement date of section 34(3) of the Licensing Act (Northern Ireland) 1971 (c. 13 (N.I.))

(3) In this rule the expression “chief clerk” has the meaning assigned to it by Article 2(2) of the County Courts (Northern Ireland) Order 1980(10).

#### **Copies of notices for sub-divisional commander**

**18.**—(1) Any notice, document or copy thereof required by the Order or these Rules to be served on the sub-divisional commander of a police sub-division shall be served, unless the sub-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 sub-division in which the premises to which the document relates are situated or, as the case may be, in which the applicant resides.

(2) Notwithstanding anything in Article 2(9), where the applicant is a body corporate paragraph (1) shall have effect as if for the reference to the police sub-division in which the applicant resides there was substituted a reference to that in which the body has its principal or registered office.

#### **Mode of service of documents**

**19.**—(1) Any notice, document or copy thereof such as is referred to in rule 18 or which is required by the Order or these Rules to be served on the clerk of petty sessions or any other person or body may be served by the applicant, his solicitor or a member of the staff in the solicitor’s office over the age of 16 years by sending it by registered post or by the recorded delivery service in an envelope addressed to the intended recipient:—

- (a) rule 18 applies, at the police station specified in that rule;
- (b) where service is to be on the clerk of petty sessions or a local or official body, at the address of his or its office;
- (c) in any other case, his residence.

(2) A notice of application or any other document required by the Order or these Rules to be served on the clerk of petty sessions and also required to be served on any other person or body shall be endorsed with a note of the mode and date of service of such document on such other person or body.

(3) Production of the Post Office advice of delivery shall be evidence of such posting.

Dated 17th February 1997.

*Mackay of Clashfern, C.*

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## SCHEDULE

Rule 3(2)

## Form 1 LICENSING (NORTHERN IRELAND) ORDER 1996

(Article 14, Schedule 4, paras. 3 and 4)

**Notice of application for the renewal of a licence**

Petty Sessions District of

County Court Division of

[<sup>1</sup>] TAKE NOTICE that I/we (full  
*name(s) of applicant(s)/title of body corporate*) of (full  
*address(es) of applicant(s)/*  
*registered office of body corporate*) intend to apply to the magistrates' court sitting  
at (place) on  
(date) at (time) for the renewal of the licence (attached to this  
notice) authorising the sale of intoxicating liquor for the premises situated at  
(full address of premises) being premises of the following  
kind according to the Licensing (Northern Ireland) Order 1996, namely premises  
specified in Article:—

- [5(1) (a) premises in which the business carried on under the licence is the business of selling intoxicating liquor by retail for consumption either in or off the premises;]
- [5(1) (b) premises in which the only business carried on under the licence is the business of selling intoxicating liquor by retail for consumption off the premises;]
- [5(1) (c) an hotel, i.e., the premises of any establishment allocated by a certificate under Article 13 of the Tourism (Northern Ireland) Order 1992 to the statutory category of hotel [treated as an hotel by virtue of Article 2(5)(a) or (b) (as the case may be) of the Licensing (Northern Ireland) Order 1996;]
- [5(1) (d) a guest house, i.e., the premises of any establishment allocated by a certificate under Article 13 of the Tourism (Northern Ireland) Order 1992 to the statutory category of guest house;]
- [5(1) (e) a restaurant, i.e., premises (*other* than those referred to in Article 5(1)(a) of the Order) structurally adapted and used, or intended to be used, for the purpose of providing persons frequenting the premises with a main table meal at midday or in the evening, or both;]
- [5(1) (f) a conference centre, i.e., premises for which there is in force a certificate from the Northern Ireland Tourist Board stating that the premises conform to the requirements prescribed by regulations made with the concurrence of the Department of Economic Development;]
- [5(1) (g) a higher education institution, i.e., such premises as are mentioned in Article 30(3) of the Education and Libraries (Northern Ireland) Order 1993;]
- [5(1) (h) a place of public entertainment, i.e., premises used as a theatre, a ballroom, premises on a licensed track within the meaning of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order





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*Notes:*

[1] This notice must be served not later than 9th August on the clerk of petty sessions for the district in which the premises are situated and the sub-divisional commander for the police sub-division in which the premises are situated and also where the applicant resides in some other police sub-division upon the sub-divisional commander of the sub-division in which the applicant resides and also on the district council for the district in which the premises are situated.

The copy of the notice to be served on the sub-divisional commander may be lodged at any police station in the appropriate sub-division.

As to the meaning of “reside” where the applicant is a body corporate any reference to a police sub-division in which a person resides becomes a reference to that in which the body has its principal or registered office.

Where service requirements are met, the clerk of petty sessions may renew the licence in the absence of the applicant *except* where the application to renew the licence is made after the renewal date or the application is also to transfer the licence or where—

- (a) the application is in respect of a licence which has been in force for a period determined by the court under Article 13(1)(a)(ii) or Article 21(1)(b)(ii) or (c)(ii);
- (b) a notice of objection is served on the clerk of petty sessions;
- (c) the licensed premises have been altered since the last previous renewal of the licence (or, where the renewal applied for is the first renewal of the licence, since the licence was granted);
- (d) the application for renewal is in respect of premises of a kind mentioned in Article 5(1)(a) for which the applicant has also applied to the court for—
  - (i) a direction specifying that on Sundays there shall be no permitted hours; or
  - (ii) the cancellation of such a direction;
- (e) the licence to be renewed is one in force in relation to certain premises on which business has been interrupted (see Article 18 of the Licensing Order);
- (f) the licence to be renewed is for a seaman’s canteen or non-seagoing vessel;
- (g) the application for renewal is in respect of licensed premises for which the applicant has also applied to the court for the variation of a direction specifying the number of gaming machines which may be made available on the licensed premises or, where such a direction has not been given in respect of the licensed premises, for which the sub-division in which the licensed premises are situated has applied for such a direction;
- (h) the clerk of petty sessions requires the application to be made to the court.

As to penalties for failure to duly serve notice of application see Article 16 of the Licensing Orders.

[2] The inapplicable paragraphs *must* be deleted.

[3] This includes any personal representative, trustee, assignee, controller, liquidator, receiver or guardian carrying on the business in exercise of a power conferred by or under any statutory provision, will or deed.

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[4] Delete if inapplicable.

[5] This 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, controller, liquidator, receiver or guardian, or who would receive the same if the premises were let at a rack rent.

[6] It is an offence under Article 31 of the Licensing Order to alter premises in certain respects so as to alter drinking facilities etc.

[7] In accordance with Rule 19(2) of the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997, any notice or document served on the clerk of petty sessions shall be endorsed with a note of the mode and date of service of such notice or document on any other person.

Form 2LICENSING (NORTHERN IRELAND) ORDER 1996



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- (i) the kind of premises specified in the notice is not that for which the licence was granted or the premises are not of the kind so specified; or
  - (ii) the premises are not suitable to be licensed for the sale of intoxicating liquor by retail; or
- (d) having regard to the manner in which the business carried on in the premises under the licence has been conducted since the last previous renewal of the licence (or where the renewal applied for is the first renewal of the licence since the licence was granted), it is likely that if the licence is renewed, the business will not be conducted in a peaceable and orderly manner; or
- (e) that—
- (i) the business carried on in the premises under the licence; or
  - (ii) in the case of premises of a kind mentioned in Article 5(1)(c) to (j) other than an hotel in respect of which the note and record mentioned in Article 5(5)(a) have been made, the business to which the sale of intoxicating liquor under the licence is ancillary, has been discontinued;
- (f) where the licence is in respect of a guest house or a place of public entertainment, that the conditions attached to the licence by the court under Article 7(11) (adequate sitting accommodation in a room not used or to be used for sleeping accommodation, for the service of substantial refreshment or the supply or consumption of intoxicating liquor) or, as the case may be, Article 7(12), have not been observed.

[<sup>4</sup>] In accordance with Rule 19(2) of the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997, any notice or document served on the clerk of petty sessions shall be endorsed with a note of the mode and date of service of such notice or document on any other person.

Form 3LICENSING (NORTHERN IRELAND) ORDER 1996

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(Article 22, Schedule 5, paras. 1 and 2)

**Notice of application for the transfer of a licence**

Petty Sessions District of

County Court Division of

TAKE NOTICE that I (full name)  
of (full address) intend at  
the magistrates' court sitting at (place) on  
(date) at (time) to apply for the transfer to me of a  
licence [granted provisionally by the County Court for the Division of  
on the day of 19 at ] [1]  
at present held by (full names)  
(of present licensee) of  
(full address of present licensee) for the premises at

(full address of licensed premises)  
being premises of the following kind according to the Licensing (Northern Ireland)  
Order 1996, namely premises specified in Article:—

- [5(1) (a) premises in which the business carried on under the licence is the business of selling intoxicating liquor by retail for consumption either in or off the premises;]
- [5(1) (b) premises in which the only business carried on under the licence is the business of selling intoxicating liquor by retail for consumption off the premises;]
- [5(1) (c) an hotel, i.e., the premises of any establishment allocated by a certificate under Article 13 of the Tourism (Northern Ireland) Order 1992 to the statutory category of hotel [treated as an hotel by virtue of Article 2(5)(a) or (b) (as the case may be) of the Licensing (Northern Ireland) Order 1996;]
- [5(1) (d) a guest house, i.e., the premises of any establishment allocated by a certificate under Article 13 of the Tourism (Northern Ireland) Order 1992 to the statutory category of guest house;]
- [5(1) (e) a restaurant, i.e., premises (other than those referred to in Article 5(1)(a) of the Order) structurally adapted and used, or intended to be used, for the purpose of providing persons frequenting the premises with a main table meal at midday or in the evening, or both;]
- [5(1) (f) a conference centre, i.e., premises for which there is in force a certificate from the Northern Ireland Tourist Board stating that the premises conform to the requirements prescribed by regulations made with the concurrence of the Department of Economic Development;]
- [5(1) (g) a higher education institution, i.e., such premises as are mentioned in Article 30(3) of the Education and Libraries (Northern Ireland) Order 1993;]
- [5(1) (h) a place of public entertainment, i.e., premises used as a theatre, a ballroom, premises on a licensed track within the meaning of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order

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1985 or such other premises used for the purposes of such entertainments, in accordance with such conditions, as may be prescribed by regulations made by the Department of Health and Social Services;]

[5(1) (i) a refreshment room in a railway station, an airport, harbour terminal or bus station;]

[5(1) (j) a seaman's canteen;]

[80 a non-seagoing vessel]. [2]

[A protection Order authorising (name of person authorised) of (address) to carry on the business under the licence was granted on the day of 19 by the magistrates' court sitting at (place) on (date) for the period of months from the date of the order] [and further protection orders were granted by the following courts on the following dates for the following periods (specify details of any further protection orders).] [3]

[The licence was suspended for a period of months by the magistrates' court sitting at (place) on (date) for the following offence—

[and the suspension is the subject of an appeal to the county court for the division of ] [I intend to ask the court hearing this application to terminate the suspension.] [4]

I am [or shall be] the owner[5] of the business [to be] carried on under the licence, [or the following body corporate owns [or will own] the business [to be] carried on under the licence—

(full title of company stating whether limited liability company or other body) of which the following persons are directors

(full names and address) and the following are the executive controllers—

(name persons other than directors who have executive control within the meaning of Article 4(4) of the Licensing Order)] [6]

The owner of the premises is (full name). [7]

The licence will be deposited with the clerk of petty sessions before or at the hearing of the application.

Dated this day of 19 .

Signature of Applicant  
or his/their Solicitor.

To the clerk of petty sessions for the above-named petty sessions district.

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Copy to:

- (i) the sub-divisional commander at *(sub-divisional headquarters for the police sub-division in which the premises are situated);*
- (ii) (if different from (i)) the sub-divisional commander at *(sub-divisional headquarters for the police sub-division in which the applicant resides) [8]*
- (iii) the district council at *(district council for the district in which the premises are situated).*

Notes:

[1] These words are appropriate only where the application is for the transfer of a licence provisionally granted by the county court and the grant has not yet been declared final on completion of the premises.

[2] The inapplicable paragraphs *must* be deleted.

[3] Delete except where the application is made during the currency of a protection order or after it has ceased to have effect and the application is made not later than the end of the licensing year next following the expiration of the licence.

[4] Delete except where licence is subject to a suspension order.

[5] This includes any personal representative, trustee, assignee, controller, liquidator, receiver or guardian carrying on the business in exercise of a power conferred by or under any statutory provision, will or deed.

[6] Delete if inapplicable.

[7] This means the person for the time being receiving the rack rent of the premises, whether on his own account or as a personal representative, trustee, assignee, controller, liquidator, receiver or guardian or who would receive the same if the premises were let at a rack rent.

[8] Where the applicant is a body corporate any reference to a police sub-division in which a person resides becomes a reference to that in which the body has its principal or registered office.

[9] In accordance with Rule 19(2) of the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997, any notice or document served on the clerk of petty sessions shall be endorsed with a note of the mode and date of service of such notice or document on any other person.



(Article 23)

### Notice of application for the transfer and renewal of a licence

Petty Sessions District of

County Court Division of

TAKE NOTICE that I (full name)  
of (full address) intend at (place) on  
the magistrates' court sitting at (date) at (time) to apply for the transfer to me of a  
licence [granted provisionally by the county court for the Division of  
on the day of 19 at ] [1]  
at present held by (full names  
of present licensee) of  
(full address of present licensee) for the premises at  
(full address of licensed premises)  
being premises of the following kind according to the Licensing (Northern Ireland)  
Order 1996, namely premises specified in Article:—

- [5(1) (a) premises in which the business carried on under the licence is the business of selling intoxicating liquor by retail for consumption either in or off the premises;]
- [5(1) (b) premises in which the only business carried on under the licence is the business of selling intoxicating liquor by retail for consumption off the premises;]
- [5(1) (c) an hotel, i.e., the premises of any establishment allocated by a certificate under Article 13 of the Tourism (Northern Ireland) Order 1992 to the statutory category of hotel [treated as an hotel by virtue of Article 2(5)(a) or (b) (as the case may be) of the Licensing (Northern Ireland) Order 1996;]
- [5(1) (d) a guest house, i.e., the premises of any establishment allocated by a certificate under Article 13 of the Tourism (Northern Ireland) Order 1992 to the statutory category of guest house;]
- [5(1) (e) a restaurant, i.e., premises (other than those referred to in Article 5(1)(a) of the Order) structurally adapted and used, or intended to be used, for the purpose of providing persons frequenting the premises with a main table meal at midday or in the evening, or both;]
- [5(1) (f) a conference centre, i.e., premises for which there is in force a certificate from the Northern Ireland Tourist Board stating that the premises conform to the requirements prescribed by regulations made with the concurrence of the Department of Economic Development;]
- [5(1) (g) a higher education institution, i.e., such premises as are mentioned in Article 30(3) of the Education and Libraries (Northern Ireland) Order 1993;]
- [5(1) (h) a place of public entertainment, i.e., premises used as a theatre, a ballroom, premises on a licensed track within the meaning of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order

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1985 or such other premises used for the purposes of such entertainments, in accordance with such conditions, as may be prescribed by regulations made by the Department of Health and Social Services;]

[5(1) (i) a refreshment room in a railway station, an airport, harbour terminal or bus station;]

[5(1) (j) a seaman's canteen;]

[80 a non-seagoing vessel]. [2]

[A protection Order authorising (name  
of person authorised) of (address)  
to carry on the business under the licence was granted on the day of  
19 (place) by the magistrates' court sitting at (place) on  
(date) for the period of months from the date of the order] [and further protection  
orders were granted by the following courts on the following dates for the following  
periods (specify details of any further protection orders). [3]

[The licence was suspended for a period of months by the magistrates' court  
sitting at (place) on (date) for the  
following offence—

[and the suspension is the subject of an appeal to the county court for the division of  
] [I intend to ask the court hearing this application  
to terminate the suspension.] [4]

I am [or shall be] the owner<sup>[5]</sup> of the business [to be] carried on under the licence  
[or the following body corporate owns [or will own] the business [to be] carried on  
under the licence—

(full title of company  
stating whether limited liability company or other body) of which the following  
persons are directors (full names and address) and the  
following are the executive controllers—

(name persons other than directors who have executive control within the meaning  
of Article 4(4) of the Licensing Order)] [6]

The owner of the premises is  
(full name). [7]

No alteration such as is specified in Article 31 of the Licensing (Northern Ireland)  
Order 1996 has been made to the premises since the licence was last renewed (or, in  
the case of a first renewal, since it was granted). [8]

As the existing licence [is due to expire] [expired on] [9] (date)

TAKE NOTICE that at the same time I intend to apply to the court to renew the  
licence until the expiration of the [current] [next] licensing period, i.e. 30th  
September 19 before transferring it to me. [10]

The licence will be deposited with the clerk of petty sessions before or at the hearing  
of the application.



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- (a) within the three months immediately preceding the date on which the licence is due to expire; or
- (b) not later than the end of the period of 12 months from the date on which the licence expired, or
- (c) during the currency of a protection order.

[<sup>11</sup>] Where the applicant is a body corporate any reference to a police sub-division in which a person resides becomes a reference to that in which the body has its principal or registered office.

[<sup>12</sup>] In accordance with Rule 19(2) of the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997, any notice or document served on the clerk of petty sessions shall be endorsed with a note of the mode and date of service of such notice or document on any other person.

Form 5LICENSING (NORTHERN IRELAND) ORDER 1996

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(Schedule 5, paras. 3 and 4)

**Notice of intention to object to the transfer of a licence**

Petty Sessions District of

County Court Division of

TAKE NOTICE that I  
of  
intend on the hearing of the application of  
(full name of applicant) of  
(full address of applicant) at the magistrates' court sitting at  
(place) on (date) at  
(time) for the transfer of the licence [granted provisionally  
by the county court for the division of  
on at  
] [2] at present held by  
(full name of present licensee) of  
(full address of present licensee) to appear and object to the transfer on the following  
grounds—

(State briefly and precisely the grounds of objection) [3]

Dated this day of 19 .

Signature of Objector  
or his Solicitor.

To the Applicant.

Copy to the clerk of petty sessions for the above-named petty sessions district.

Notes:

[1] The objector must be one of the following:

- (a) the sub-divisional commander upon whom notice of application for renewal is served; or
- (b) the district council for the district in which the premises are situated; or
- (c) any person owning or residing or carrying on business in premises in the vicinity of the premises for which the renewal of the licence is sought.

[2] Delete if inapplicable.

[3] Under Article 22(6), the following may be grounds for objecting to the transfer of a licence:

- (a) that the procedure relating to the application, set out in Schedule 5, has not been complied with; or
- (b) that the applicant is not a fit person to hold a licence; or
- (c) that the business carried on in the premises under the licence has been discontinued; or
- (d) that, in the case of premises of a kind mentioned in Article 5(1)(c) to (j) other than an hotel in respect of which the note and record mentioned in Article 5(5)(a) have been made, the business to which the sale of intoxicating liquor under the licence is ancillary, has been discontinued.

[4] In accordance with Rule 19(2) of the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997, any notice or document served on the clerk of petty sessions shall be endorsed with a note of the mode and date of service of such notice or document on any other person.



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(Article 28(3))

**Notice by person carrying on business under a licence by virtue of Article 28(1) or 28(2)**

Petty Sessions District of

County Court Division of

TAKE NOTICE that whereas (full name of licensee) of (full address of licensee) being the holder of the licence for premises at (state full address of premises) in which the principal business was that of (state whether business was principally sale of intoxicating liquor for consumption in and off the premises, or off the premises, or an hotel, or a restaurant etc.) [died] [was adjudged bankrupt] [or state other events] on the day of 19 , and I am his [personal representative] [or there being no personal representative willing [or able] to act] [or his trustee in bankruptcy etc.] (state fully and precisely the appropriate circumstances in terms of Article 28(1) or (2) of the Licensing (Northern Ireland) Order 1996). [1]

I commenced carrying on the business under the said licence by virtue of Article 28[(1)][(2)] [2] of the said Order on the day of 19 .

Dated this day of 19 .

To the clerk of petty sessions for the above-named petty sessions district.

To the sub-divisional commander at (sub-divisional headquarters for the police sub-division in which the premises are situated).

Notes:

[1] The inapplicable words *must* be deleted.

[2] Delete if inapplicable.

[3] In accordance with Rule 19(2) of the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997, any notice or document served on the clerk of petty sessions shall be endorsed with a note of the mode and date of service of such notice or document on any other person.

Form 8LICENSING (NORTHERN IRELAND) ORDER 1996

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(Article 29, Schedule 6, paras. 2 and 3)

**Notice of application for an order authorising the continuance of the business under the licence in temporary or other premises.**

Petty Sessions District of  
County Court Division of

TAKE NOTICE that I (full name)  
of (full address) intend to apply  
to the magistrates' court sitting at (date) at (time)  
(place) on (time)  
for an order authorising me, as the holder of a licence for premises at  
(full address of original premises)  
being a licence for the sale of intoxicating liquor in premises of a kind specified in  
Article [5(1)(a)] [5(1)(b)] [5(1)(c)] [5(1)(d)] [5(1)(e)] [5(1)(f)] [5(1)(g)] [5(1)(h)]  
[5(1)(i)] [5(1)(j)] [80] [1] to carry on business for the period of [2] months at  
the following premises (full address for which  
authorisation is sought).

I am unable to use the original premises because they—

[have, by reason of [fire] [tempest] [or state other unforeseen and unavoidable calamity] become incapable of being used for the business carried on in them under the licence];

[or have been [or are likely to be] acquired or demolished, either wholly or to a substantial extent, under a statutory provision (namely )];

[or have been [or are to be] extended to include premises which are [or are to be constructed so as to be] contiguous to them];

[or are [or are to be] used for the purpose of the same business in conjunction with additional premises which are [or are to be constructed] adjacent to them];

[or have been [or are to be] wholly or substantially demolished and new premises have been [or are to be] constructed wholly or partly within their curtilage]. [3]

The premises for which authorisation is sought are temporary premises erected [or to be erected] wholly [or partly] within the curtilage, or on the site of the original premises or their site]. [3]

A plan of the premises for which authorisation is sought is attached to this notice. [4]

Dated this day of 19 .

Signature of Applicant  
or his Solicitor.  
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To the clerk of petty sessions of the above-named petty sessions district.

Copy to the sub-divisional commander at \_\_\_\_\_ (*sub-divisional headquarters for the police sub-division in which the premises are situated*).

*Notes:*

[1] Delete inapplicable provision.

[2] Insert requested time period. The court can make an order for such period, not exceeding 6 months, as it thinks fit.

[3] The inapplicable words *must* be deleted.

[4] The plan attached to the notice and copy must clearly delineate by appropriate colourings or markings and a legend or key thereto the part or part of the premises, or, in the case of an hotel, any public or common part or parts of the premises in which intoxicating liquor is to be sold.

[5] In accordance with Rule 19(2) of the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997, any notice or document served on the clerk of petty sessions shall be endorsed with a note of the mode and date of service of such notice or document on any other person.

Form 9LICENSING (NORTHERN IRELAND) ORDER 1996



**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(Article 30 and Schedule 7)

**Notice of application for an occasional licence.**

Petty Sessions District of

County Court Division of

TAKE NOTICE that I (full name)  
of (full address) being the holder  
of a licence for the premises situated at (state full address of premises)  
being premises of a kind specified in Article [5(1)(a)] [5(1)(c)] [5(1)(e)] [1] [2] of the  
Licensing (Northern Ireland) Order 1996, intend to apply to the magistrates' court at  
(place) [3] on (date) at  
(time) for an occasional licence(s) authorising the sale of intoxicating liquor at the  
following place(s) (being [a place] [1] [places] [1] other than the premises aforesaid)  
[4]—

during the following period [5] and between the hours of and [6]

The function(s) to which the occasional licence(s) is/are ancillary is/are of an  
occasional nature to which Article 30 of the said Order applies, namely—

(specify nature of functions)

The organising [body] [1] [bodies] [1] known as  
(name) [is a body] [1] [are bodies] [1] established for  
(specify purpose of body) [7] being social, charitable or benevolent purposes or for  
furthering the common interests of persons associated with a trade, profession,  
educational or cultural activity, game or sport.

Dated this day of 19 .

Signature of Applicant  
or his Solicitor.

[on behalf of] [8] (full title of body  
corporate, partnership, etc. stating capacity in which application is made).

I am satisfied that this is a bona fide application and that the function is one which  
is/are, and the premises are, suitable for the grant of occasional licences.

Signed (RUC Rank) [9]

To the clerk of petty sessions for the petty sessions district in which the premises are  
situated.

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Copy to:

- (i) the sub-divisional commander at \_\_\_\_\_ (*sub-divisional headquarters for the police sub-division in which the place or premises to which the application relates is/are situated*);
- (ii) the district council at \_\_\_\_\_ (*district council for the district in which the place or premises to which the application relates is/are situated*).

Notes:

[1] Delete if inapplicable.

[2] An occasional licence can be granted only to the holder of a licence for premises of a kind mentioned in Article 5(1)(a), 5(1)(c) and 5(1)(e) of the Licensing (Northern Ireland) Order 1996, namely those premises licensed to sell intoxicating liquor for consumption on or off the premises, hotels and restaurants. This notice must be served not less than 14 days before the time at which the application is to be considered, however see paragraph 6 of Schedule 7 as to cases when the court may consider an application notwithstanding any failure to follow the correct procedure.

- [3] The application may be made to a court of summary jurisdiction *either*
- (a) in the county court division in which the place(s) for which the occasional licence is sought is situated; *or*
  - (b) in an adjoining county court division for a petty sessions district which includes the place(s) for which the occasional licence is sought.

The clerk of petty sessions may grant the occasional licence in the absence of the applicant, unless

- (a) a notice of objection has been served and not withdrawn; or
- (b) he is of the opinion that the application should be made to the court.

[4] "Place" includes premises. The exact place(s) at which the intoxicating liquor is to be sold and the nature of the premises must be stated in detail.

[5] The period in question must not exceed 6 days at any one time and such days may be in the same week or consecutive weeks. However, an occasional licence cannot be granted to authorise the sale of intoxicating liquor on Christmas Day, Easter Day or Good Friday.

[6] Article 30(1)(c) mentions the hours which may be specified in an occasional licence, namely—

- (i) on weekdays between half past 11 in the morning and 1 in the morning of the day next following, or
- (ii) on Sunday, not being 31st December, between half past 12 in the afternoon and 12 in the evening, or
- (iii) on Sunday, being 31st December, between half past 12 in the afternoon and 1 in the morning of the day next following.

[7] The organising body or bodies must be established for one or more of the purposes referred to in Article 30(6) of the Order, namely, social, charitable or benevolent purposes or for furthering the common interests of persons associated with any trade, profession, educational or cultural activity, game or sport.

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[8] Where the licensee is a body corporate e.g. a limited company, its correct name and that under which it trades must be given. Where the licence is held in partnership, the partnership name must also be stated.

[9] This paragraph should be included in the copy of the notice served on the sub-divisional commander of the police sub-division in which the premises are situated from completion where he does not serve notice of intention to object to the grant of the licence.

[10] In accordance with Rule 19(2) of the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997, any notice or document served on the clerk of petty sessions shall be endorsed with a note of the mode and date of service of such notice or document on any other person.

Form 11 LICENSING (NORTHERN IRELAND) ORDER 1996

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(Article 30 and Schedule 7)

**OCCASIONAL LICENCE**

Petty Sessions District of  
County Court Division of

Licence authorising holder of licence for premises of a kind specified in Article [5(1)(a)] [5(1)(c)] [5(1)(e)] to sell intoxicating liquor at a place other than that for which the licence is held.

[The magistrates' court sitting at] [The clerk of petty sessions of ]  
(place) grants to (name of licensee) of  
(address of licensee) the holder of the licence for premises at  
(address of premises), being premises of a kind mentioned  
in Article [5(1)(a)] [5(1)(c)] [5(1)(e)] of the Licensing (Northern Ireland) Order 1996,  
an occasional licence authorising the sale of intoxicating liquor by retail for  
consumption at or in the following place or premises—

(specify place or premises) during the following period, namely  
(specify period), during the hours of (state hours).

The function to which the sale of such liquor is ancillary is of the following nature  
(state nature of function) and is organised by  
the following body, namely (state name of body) which  
is a body established for the following purpose(s)—

being a social, charitable, or benevolent purpose or for furthering the common  
interests of persons associated with any trade, profession, educational or cultural  
activity, game or sport.

Resident Magistrate or  
Clerk of Petty Sessions.

This day of 19 .

**Warning to Licence-Holder**

1. This licence does not authorise the sale of intoxicating liquor except during the hours specified in the licence.
2. This licence does not authorise the sale of intoxicating liquor for consumption off the place specified in the licence.
3. Where an occasional licence has been granted in connection with a function at any place, a constable may at any time during the period of the function enter that place for the purpose of ascertaining whether there has been a contravention of the Licensing (Northern Ireland) Order 1996. (For example, it is an offence under the said Order to sell intoxicating liquor to persons under the age of eighteen years or to sell liquor to a drunken person.)



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(Article 30 and Schedule 7, para. 5)

**Notice of intention to object to grant of an occasional licence.**

Petty Sessions District of  
County Court Division of

TAKE NOTICE that I (full name)  
of (full address), being  
[the sub-divisional commander of the police sub-division in] [1] [on behalf of the  
district council for the district in] [1] [ a person owning, residing or carrying on  
business in the vicinity of] [1] which the place or premises to which the application  
for an occasional licence relates, intend at the hearing of the application of  
(full name of applicant) of  
(full address of applicant) for an occasional licence for the following  
function at (state place or full  
address of premises for which licence is sought) on the day(s) of  
during the hours between a.m. and p.m. to appear and object to the  
grant of the licence.

The grounds of objection are as follows [2]—  
(state grounds briefly).

Dated this day of 19 .

Signature of Objector  
or his Solicitor.

To the Applicant.

Copy to the clerk of petty sessions for the above-named petty sessions district.

*Notes:*

[1] The inapplicable words *must* be deleted.

[2] An objector is entitled to object on either of the following grounds—

- (a) that functions held at the place or premises to which the application relates have been conducted so as to cause undue inconvenience to persons residing in the vicinity of that place or, as the case may be, those premises; *or*
- (b) that terms and conditions imposed under Article 30(12)(c) of the Licensing (Northern Ireland) Order 1996 in respect of a previous occasional licence in respect of that place or those premises were not complied with.

[3] In accordance with Rule 19(2) of the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997, any notice or document served on the clerk of petty sessions shall be endorsed with a note of the mode and date of service of such notice or document on any other person.



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(Article 31 and Schedule 8)

**Notice of alteration to licensed premises required by lawful authority.**

TAKE NOTICE that I \_\_\_\_\_ (full name)  
of \_\_\_\_\_ (full address) holding  
a licence for premises at \_\_\_\_\_ (state full address of premises)  
being premises of a kind specified in Article [5(1)(a)] [5(1)(b)] [5(1)(c)] [5(1)(d)]  
[5(1)(e)] [5(1)(f)] [5(1)(g)] [5(1)(h)] [5(1)(i)] [5(1)(j)] [80] [1] of the Licensing  
(Northern Ireland) Order 1996, have been required by the following lawful authority,  
that is to say—

(specify authority, giving full title, e.g. the planning, housing or other authority  
making the requirement) by notice given on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ to  
make the following alterations to the said premises—

and the alteration is one to which paragraph(s) [(a)] [(b)] [(c)] [(d)] [1] of Article  
31(1) of the Licensing (Northern Ireland) Order 1996 applies.

A plan of the premises showing the proposed alteration is attached to this notice  
and is authenticated on behalf of the said authority by the signature of  
(full name) being an officer of that authority having power to do so.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

Signature of licensee.

To the clerk of petty sessions for the petty sessions district in which the premises are  
situated.

**Notes:**

[1] Delete if inapplicable

[2] In accordance with Rule 19(2) of the Magistrates' Courts (Licensing) Rules  
(Northern Ireland) 1997, any notice or document served on the clerk of petty sessions  
shall be endorsed with a note of the mode and date of service of such notice or  
document on any other person.

Form 15LICENSING (NORTHERN IRELAND) ORDER 1996

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(Article 43(1))

**Notice of application for an order directing that permitted hours for off-sales in part of premises licensed under Article 5(1)(a) of the Licensing Order be alternative permitted hours**

Petty Sessions District of

County Court Division of

TAKE NOTICE that I/we  
*(full name(s))* of  
*(full address(es))*, being the holder(s) of a licence authorising the sale of intoxicating liquor at the premises situated at

*(full address of premises),*

such premises being of the kind mentioned in Article 5(1)(a) of the Licensing (Northern Ireland) Order 1996 (namely those in which the business carried on under the licence is the business of selling intoxicating liquor by retail for consumption either in or off the premises), intend to apply to the magistrates' court sitting at

*(place)* on *(date)* at *(time)*

for an order directing that the permitted hours for the part of the premises particularly delineated on the plan [1] attached hereto as being—

- (a) structurally adapted for the sale of intoxicating liquor for consumption off the premises, and
- (b) not connected by any internal means of passage open to customers with a part of the premises used for the sale of such liquor for consumption in the premises,

be the alternative permitted hours [2] on the condition that such part shall not be used for the sale of intoxicating liquor for consumption in the premises.

Dated this      day of                                  19 .

Signature of Applicant  
or his/their Solicitor.

To the clerk of petty sessions for the above-named petty sessions district.

Copy to:

- (i) the sub-divisional commander at *(sub-divisional headquarters for the police sub-division in which the premises are situated);*
- (ii) the district council at *(district council for the district in which the premises are situated).*

Notes:

[1] A plan of the entire premises drawn to the appropriate architectural scale on substantial paper or other material with each floor shown on a separate page measuring approximately 18" (46 cms) × 18" (46 cms) certified as true and correct by an architect, surveyor or other person considered by the court to be competent to

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do so must be attached to the notice and each copy thereof required to be served by paragraph 2 of Schedule 9 to the Licensing (Northern Ireland) Order 1996.

The plan must delineate clearly the part of the premises to which the application under Article 43 relates and show how it is adapted to the purpose referred to in paragraph (a) of the notice as well as the fact that there are no internal means of passage as stated in paragraph (b).

[<sup>2</sup>] The “alternative permitted hours” referred to are those hours mentioned in Article 42(2) of the Licensing (Northern Ireland) Order 1996. See Article 50(1) of the Order as to restrictions as to sale etc., of intoxicating liquor for consumption off the premises.

[<sup>3</sup>] In accordance with Rule 19(2) of the Magistrates’ Courts (Licensing) Rules (Northern Ireland) 1997, any notice or document served on the clerk of petty sessions shall be endorsed with a note of the mode and date of service of such notice or document on any other person.

Form 16LICENSING (NORTHERN IRELAND) ORDER 1996

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(Article 44, Schedule 9, paras. 2 and 3)

**Notice of application for an order for additional permitted hours**

Petty Sessions District of

County Court Division of

TAKE NOTICE that I *(full name*  
*of applicant)* of *(full address*  
*of applicant)* being the holder of a licence authorising the sale of intoxicating liquor  
 at the premises situated at

*(full address of premises), such*

premises being of a kind mentioned in Article 44(10) of the Licensing (Northern  
 Ireland) Order 1996, namely [an hotel] [1] [a restaurant] [1] [a conference centre] [1]  
 [a higher education institution] [1] [premises of a kind mentioned in Article 5(1)(a)  
 [1]]2], intend to apply at the magistrates' court sitting at

*(place)* on  
*(date)* at *(time)* for an order directing that, on  
*(insert the applicable days)* the hours from \_\_\_\_\_ to \_\_\_\_\_ [3],  
 shall, in addition to those mentioned in Article 42(1) of the said Order, be included  
 in the permitted hours for the part(s) of the premises particularly delineated on the  
 plan attached hereto (or previously deposited with the clerk of petty sessions in  
 relation to any like application) [4], on the grounds that the said part(s) of the said  
 premises is/are—

- (a)* structurally adapted and used, or intended to be used, for the purpose of  
 habitually providing for the accommodation of persons frequenting the  
 premises, ie:
  - (i)* musical or other entertainment; *or*
  - (ii)* substantial refreshment; *or*
  - (iii)* both musical or other entertainment and refreshment and [5]
- (b)* the sale of intoxicating liquor is ancillary to that entertainment or refreshment.

The licence required for the premises for which the application is made by a council  
 under Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern  
 Ireland) Order 1985 will be produced at the hearing of the application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Signature of Applicant  
or his Solicitor.

To the clerk of petty sessions for the above-named petty sessions district.

Copy to:

- (a)* the sub-divisional commander at \_\_\_\_\_ *(sub-divisional*  
*headquarters for the police sub-division in which the premises to which the*  
*application relates are situated);*

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(b) the district council at \_\_\_\_\_ (district council for the district in which the premises to which the application relates are situated).

*Notes:*

[1] The inapplicable words *must* be deleted.

[2] Premises of a kind mentioned in Article 5(1)(a) of the Licensing (Northern Ireland) Order 1996 for which an order under Article 44 may be granted are those which are structurally adapted and used, or intended to be used, for the purpose of providing persons frequenting the premises with a main table meal at midday, or in the evening, or both.

[3] A court may grant an order for the additional permitted hours specified in Article 44(2) of the Order. However, no order so granted may permit the sale of intoxicating liquor on Christmas Day, Easter Day or Good Friday.

[4] The said plan must clearly delineate by appropriate colourings and markings, and a legend or key thereto, the part of the premises to which the application relates and how that part is adapted to provide the entertainment and refreshment to which reference is made.

[5] Entertainment does not include any form of entertainment given otherwise than by persons actually present and performing.

[6] In accordance with Rule 19(2) of the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997, any notice or document served on the clerk of petty sessions shall be endorsed with a note of the mode and date of service of such notice or document on any other person.

No part of the premises shall be treated for the purposes of Article 44 as used or intended to be used for the purpose of habitually providing entertainment or substantial refreshment or both entertainment and substantial refreshment unless it is used or intended to be used for the purpose of providing such entertainment or refreshment during the hours mentioned in Article 44(2) and for a substantial period preceding the end of the general permitted hours mentioned in Article 42(1) of the Order on every day or on particular days in every week, any break for a period or periods not exceeding 2 weeks in any three successive months, or any special occasion, or by reason of any emergency being disregarded.

Form 17LICENSING (NORTHERN IRELAND) ORDER 1996

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(Article 48, Schedule 9, paras. 2 and 3)

**Notice of application for an order that part of the licensed premises be specified as suitable for functions such as are mentioned in Article 47(5) (functions for which extension licences may be granted)**

Petty Sessions District of  
County Court Division of

TAKE NOTICE that I \_\_\_\_\_ (full name)  
of \_\_\_\_\_ (full address) intend to apply  
to the magistrates' court sitting at \_\_\_\_\_ (place)  
on \_\_\_\_\_ (date) at \_\_\_\_\_ (time) for an  
order specifying the part of the premises particularly delineated on the plan attached  
hereto [1], such premises being [an hotel] [a restaurant] [a conference centre] [a higher  
education institution] [premises of a kind mentioned in Article 5(1)(a)] [2] [3] and  
being situated at \_\_\_\_\_ (full address of  
premises), as being suitable for functions such as are mentioned in Article 47(5) of  
the Licensing (Northern Ireland) Order 1996, on the grounds that—

- (i) the part so delineated is structurally adapted and used or intended to be used for the purpose of providing for the accommodation of persons frequenting it substantial refreshment to which the sale of intoxicating liquor is ancillary, and
- (ii) suitable means of access to that part of the premises, otherwise than through any other part of the premises which is used for the sale of intoxicating liquor, are available to customers.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Signature of Applicant  
or his Solicitor.

To the clerk of petty sessions for the above-named petty sessions district.

Copy to:

- (i) the sub-divisional commander at \_\_\_\_\_ (sub-divisional  
headquarters for the police sub-division in which the premises are situated);
- (ii) the district council at \_\_\_\_\_ (district council for the district in  
which the premises are situated).

Notes:

[1] The plan referred to must clearly delineate the part of the premises to which the application under Article 48 relates and show how it is adapted for the purposes referred to in paragraph (i) of the notice, as well as the suitable means of access referred to in paragraph (ii).

[2] The inapplicable words *must* be deleted.

[3] An order under Article 48 of the Order is available for any part of premises of a kind mentioned in Article 5(1)(a) which are structurally adapted and used, or intended to be used, for the purpose of providing persons frequenting the premises with a main table meal at midday or in the evening, or both.

[4] In accordance with Rule 19(2) of the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997, any notice or document served on the clerk of petty sessions shall be endorsed with a note of the mode and date of service of such notice or document on any other person.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(Article 47, Schedule 10, paras. 2 and 3)

### Notice of application for an extension licence

Petty Sessions District of

County Court Division of

TAKE NOTICE that I (full name)  
of (full address) as the holder of  
a licence for the premises at  
(full address of premises) such premises being [an hotel] [a restaurant] [a conference  
centre] [a higher education institution] [premises of a kind mentioned in Article  
5(1)(a)] [1] [2] for which as respects a certain part [or parts] of the premises an order  
is in force under Article 48 of the Licensing (Northern Ireland) Order 1996 specifying  
it [or them] [1] as suitable for functions such as are subject to this application [3],  
intend to apply to the magistrates' court sitting (or, where Article 47(2) applies the  
clerk of petty sessions) [4] at  
(place) on (date) at (time) for an extension  
licence under Article 47 of the Licensing (Northern Ireland) Order 1996 authorising  
the sale of intoxicating liquor by retail in that part [or parts] [1] of the premises known  
as on the day of 19 ,  
between the hours of and . [5]

The function to which the extension licence is ancillary is one of the following  
nature—

(description) and is organised by the following, namely  
(name) which is a body established for the  
following purposes—

being social, charitable or benevolent purposes or for furthering the common interests  
of persons associated with any trade, profession, educational or cultural activity, or  
a game or sport. [6]

[This year I have been granted (state number)  
of extension licences for functions organised by me as a licence holder.] [7]

Dated this day of 19 .

Signature of Applicant  
or his Solicitor.

[on behalf of (full title of body  
corporate, partnership etc, stating capacity in which application is made)]. [8]

I am satisfied that this is a bona fide application and that the function is one which  
is suitable, and the premises are eligible, for the grant of an extension licence.

Signed

(RUC rank) [9]

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

To the clerk of petty sessions for the above-named petty sessions district.

Copy to:

- (i) the sub-divisional commander at \_\_\_\_\_ (*sub-divisional headquarters for the police sub-division in which the premises are situated*);
- (ii) the district council at \_\_\_\_\_ (*district council for the district in which the premises are situated*).

Notes:

[1] The inapplicable words *must* be deleted.

[2] The premises of a kind mentioned in Article 5(1)(a) of the Licensing (Northern Ireland) Order 1996 for which an extension licence may be granted are those for which an order under Article 48 is in force and which are structurally adapted and used, or intended to be used, for the purpose of providing persons frequenting the premises with a main table meal at midday or in the evening, or both.

[3] The premises for which an extension licence is sought must be the subject of an order under Article 48 of the Order (order specifying the premises as suitable for extension licences).

[4] An extension licence may be granted by the clerk of petty sessions unless—

- (a) a notice of objection has been served upon the clerk and has not been withdrawn.
- (b) the clerk is of the opinion, for any other reason that the application should be made to the court.

[5] An extension licence cannot be granted to authorise the sale of intoxicating liquor on Christmas Day, Easter Day or Good Friday or to a person admitted to the premises after half past twelve in the morning or, where the function is due to end before 1 in the morning, less than thirty minutes before the function is due to end.

[6] Except as is mentioned in note [7] the organising body must be established for one or more of the purposes set out in the form. The exact purpose must be clearly stated.

[7] Delete if inapplicable. The licence-holder is allowed six extension licences per year for functions organised by him (i.e. other than on behalf of such bodies as are referred to at note [6] above.

[8] Delete if inapplicable. Where the applicant is a body corporate, its correct name must be stated e.g. the name under which it trades and the application must be made by a director or secretary or employee of the company.

[9] This paragraph should be included in the copy of the notice served on the sub-divisional commander of the police sub-division in which the premises are situated for completion where he does not serve any notice of intention to object to the grant of the licence.

[10] In accordance with Rule 19(2) of the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997, any notice or document served on the clerk of petty sessions shall be endorsed with a note of the mode and date of service of such notice or document on any other person.

Form 19LICENSING (NORTHERN IRELAND) ORDER 1996



**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(Article 47, Schedule 10, paras. 4 and 5)

**Notice of intention to object to the grant of an extension licence**

Petty Sessions District of

County Court Division of

TAKE NOTICE that I (full name)  
of (\*full address) [being the sub-  
divisional commander of the police sub-division] [on behalf of  
(name of district council)] [1] in which the premises to which the application relates  
are situated, intend at the hearing of the application of  
(full name of applicant) of  
(full address of applicant) for an extension licence for the following  
function—  
at on the day(s) of 19 during the hours  
between a.m. and p.m. to appear and to object to the grant  
of the extension licence.

The grounds of objection are as follows—

*(state grounds briefly)*

Dated this day of 19 .

Signature of Objector  
or his Solicitor.

To the Applicant.

Copy to the clerk of petty sessions for the above-named petty sessions district.

*Notes:*

\*If sub-divisional commander, state sub-divisional headquarters.

[1] The inapplicable words *must* be deleted.

[2] In accordance with Rule 19(2) of the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997, any notice or document served on the clerk of petty sessions shall be endorsed with a note of the mode and date of service of such notice or document on any other person.

Form 20LICENSING (NORTHERN IRELAND) ORDER 1996

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(Article 59, Schedule 9, paras. 2 and 3)

**Notice of application for a children’s certificate**

Petty Sessions District of

County Court Division of

TAKE NOTICE that I (full name)  
of (full address) being the  
holder of a licence for the premises situated at  
(full address of premises), being premises of a kind  
mentioned in Article [5(1)(a)] [5(1)(c)] [5(1)(d)] [5(1)(e)] [5(1)(f)] [5(1)(g)] [5(1)(h)]  
[5(1)(i)] [5(1)(j)] [80] of the Licensing (Northern Ireland) Order 1996 [1], intend to  
apply to the magistrates’ court sitting at (place)  
on (date) at (time) for a children’s  
certificate.

[FURTHER TAKE NOTICE that I intend to apply under Article 59(4) of the said  
Order for a direction that the said certificate shall operate between the hours of  
and on . [2]

A plan of that part of the premises for which the said certificate is sought is attached  
to this notice.

Dated this      day of      19 .

Signature of Applicant  
or his Solicitor.

To the clerk of petty sessions for the above-named petty sessions district.

Copy to:

- (i) the sub-divisional commander at (sub-divisional headquarters for the police sub-division in which the premises are situated);
- (ii) the district council at (district council for the district in which the premises are situated).

Notes:

[1] The inapplicable words *must* be deleted.

[2] Children’s certificates can be operational for any time up until 9 in the evening. However, an applicant can request that the certificate cease to be operational at an earlier time on a specified day or days. Insert the requested time and days.

[3] The plan attached to the notice and copies thereof must clearly delineate by appropriate colourings and markings, and a legend or key thereto, the part of the premises to which the application relates.

[4] In accordance with Rule 19(2) of the Magistrates’ Courts (Licensing) Rules (Northern Ireland) 1997, any notice or document served on the clerk of petty sessions shall be endorsed with a note of the mode and date of service of such notice or document on any other person.



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- (a) in the case of an application under Article 43, any of the grounds mentioned in Article 43(2);
- (b) in the case of an application under Article 44, any of the grounds mentioned in Article 44(1) and (3);
- (c) in the case of an application under Article 48, any of the grounds mentioned in Article 48(2);
- (d) in the case of an application under Article 59, any of the grounds mentioned in Article 59(2).

[<sup>4</sup>] In accordance with Rule 19(2) of the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997, any notice or document served on the clerk of petty sessions shall be endorsed with a note of the mode and date of service of such notice or document on any other person.

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#### **EXPLANATORY NOTE**

*(This note is not part of the Rules.)*

These Rules provide for the procedure to be followed in connection with applications to a magistrates' court under the Licensing (Northern Ireland) Order 1996. The Magistrates' Courts (Licensing) Rules (Northern Ireland) 1990 are revoked.