
STATUTORY INSTRUMENTS

1980 No. 190 (N.I. 1)

NORTHERN IRELAND

The Theatres
(Northern Ireland) Order 1980

Laid before Parliament in draft

Made 13th February 1980

Coming into Operation 14th March 1980

At the Court at Buckingham Palace, the 13th day of February 1980

Present,

The Queen's Most Excellent Majesty in Council

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

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1. This Order may be cited as the Theatres (Northern Ireland) Order 1980 and shall come into operation on the expiration of the period of one month from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“premises” includes any building, hall or room;

“theatre” includes music hall.

(3) For the purposes of section 42 (2) of the Northern Ireland Constitution Act 1973 (c) (validity of Acts of the Parliament of Northern Ireland), provisions of this Order which re-enact provisions of an Act of the Parliament of Northern Ireland shall be deemed to be provisions of such an Act.

Requirement that theatres be licensed

3.—(1) Premises shall not be primarily and ordinarily used as a theatre unless a licence is in force in respect of them.

(2) Any premises so used without a licence shall be deemed to be a disorderly house and the occupier of the premises shall be liable on summary conviction to a fine not exceeding £200.

(a) 1974 c. 28.

(b) 1954 c. 33 (N.I.).

(c) 1973 c. 36.

(3) For the purposes of paragraph (2) the person rated as occupier of any premises may be treated as the occupier.

Applications for the grant, renewal or transfer of a licence

4.—(1) An application for the grant of a new licence shall be made to a county court.

(2) An application for the grant of a licence by way of renewal, or for the transfer of a licence, shall be made to a court of summary jurisdiction.

(3) A person intending to apply for the grant of a new licence or the transfer of a licence shall give 14 days' notice in writing of his intention to make the application—

- (a) to the chief clerk or the clerk of petty sessions, as the case requires;
- (b) to the district council; and
- (c) to an officer of the Royal Ulster Constabulary of the rank of superintendent or chief superintendent (or, in the absence of an officer of that rank, an officer of the rank of inspector or chief inspector) acting for the division in which the premises are situated.

(4) On the hearing of an application for the grant of a new licence, the grant of a licence by way of renewal or the transfer of a licence, the district council or an officer of the Royal Ulster Constabulary such as is mentioned in paragraph (3) (c) may object before the court to the grant or transfer in question.

The licence

5.—(1) On an application under Article 4, the court may grant or, as the case requires, transfer a licence to such person as the court thinks fit.

(2) Every licence shall contain the following conditions, that is to say,—

- (a) a condition that an inscription in large capital letters to the effect that the premises are licensed as a theatre in pursuance of this Order shall be affixed and kept up in some conspicuous place on the door or entrance of the premises; and
- (b) a condition that the premises shall not be opened for use as a theatre except on the days and between the hours specified in the licence;

and shall also be subject to such additional terms, conditions and restrictions as the court may specify in the licence.

(3) Unless previously revoked under paragraph (4) (b), a licence shall be in force for one year or for such shorter period as the court, on granting the licence, determines.

(4) Where there is any breach or any disregard of any of the terms or conditions subject to which the licence was granted—

- (a) the holder of the licence shall be liable on summary conviction to a fine not exceeding £200; and
- (b) the licence shall be liable to be revoked by the order of a court of summary jurisdiction.

Consequential amendments and repeals

6.—(1) The enactments specified in Schedule 1 shall have effect subject to the amendments there specified, being amendments consequential on the provisions of this Order.

(2) The enactments specified in Schedule 2 are hereby repealed to the extent specified in the third column of that Schedule.

N. E. Leigh,
Clerk of the Privy Council.

SCHEDULES

Article 6 (1).

SCHEDULE 1

CONSEQUENTIAL AMENDMENTS

The Local Government Act (Northern Ireland) 1934 (c. 22)

1. In section 31 (12) (b), for "section 12 of the Intoxicating Liquor and Licensing Act (Northern Ireland), 1927" substitute "the Theatres (Northern Ireland) Order 1979".

The Licensing Act (Northern Ireland) 1971 (c. 13)

2. In section 84 (1), in the definition of "theatre", for "section 12 of the Intoxicating Liquor and Licensing Act (Northern Ireland) 1927" substitute "the Theatres (Northern Ireland) Order 1979".

Article 6 (2).

SCHEDULE 2

REPEALS

Year and Chapter	Short Title	Extent of Repeal
1927 c. 21.	The Intoxicating Liquor and Licensing Act (Northern Ireland) 1927.	The whole Act.
1967 c. 29.	The Increase of Fines Act (Northern Ireland) 1967.	In Part I of the Schedule, the entries relating to section 12 (2) of, and paragraph 7 of Schedule 2 to, the Intoxicating Liquor and Licensing Act (Northern Ireland) 1927.
1971 c. 13.	The Licensing Act (Northern Ireland) 1971.	In Schedule 10, paragraph 12.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order consolidates the provisions of the Intoxicating Liquor and Licensing Act (Northern Ireland) 1927 relating to the licensing of premises for use primarily and ordinarily as a theatre or music hall.

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