
STATUTORY INSTRUMENTS

1987 No. 1278

The Registration of Clubs (Northern Ireland) Order 1987

PART IV

CONDUCT OF REGISTERED CLUBS

Penalty for supplying or keeping intoxicating liquor in unregistered clubs

27.—(1) Where intoxicating liquor is supplied to any member or other person on the premises of a club which is not registered under this Order every person who supplies, obtains or consumes or permits another person to supply, obtain or consume such liquor shall be guilty of an offence.

(2) Where intoxicating liquor is kept for supply on the premises of a club which is not registered under this Order—

- (a) the club; and
- (b) every officer and member of the club; shall be guilty of an offence.

(3) A person guilty of an offence under this Article shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.

(4) In any proceedings for an offence by reason of a contravention of paragraph (2) it shall be a defence for a person to prove that the contravention occurred without his consent or connivance and that he exercised due diligence to prevent it.

Unlawful supply and consumption, etc., in registered clubs

28.—(1) Intoxicating liquor shall not, in a registered club,—

- (a) be supplied to, or obtained or consumed by, any person other than a member or a guest of a member or an employee of the club; or
- (b) without prejudice to Article 33, be supplied to, or obtained or consumed by, any person in contravention of any provision of this Order or of the rules of the club.

(2) If paragraph (1) is contravened—

- (a) the club; and
- (b) the person supplying, obtaining or consuming the intoxicating liquor; and
- (c) any other person permitting that person to supply, obtain or consume the intoxicating liquor; shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.

(3) Every registered club acting in contravention of a rule of the club required to be made in pursuance of paragraph 19 of Schedule 1 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Presence of unauthorised persons in certain parts of club premises

29.—(1) Every person, other than—

- (a) a member of the club;
- (b) a guest of a member of the club;
- (c) a person on the premises of the club for purposes connected with his trade, profession or employment (including employment by the club);

who is found in any part of the premises of a registered club in which intoxicating liquor is usually supplied, kept for supply or consumed shall, unless he proves that he is there for a lawful purpose, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) Every registered club authorising or permitting any person to be on any part of premises as mentioned in paragraph (1) and which does not prove that he is there for a lawful purpose shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Functions in registered clubs

30.—(1) A registered club shall not hold, in the premises of the club, any function unless—

- (a) the function is for the benefit of the club as a whole;
- (b) the function is related to the objects of the club;
- (c) the function is organised by the club; and
- (d) only members of the club and their guests are present at the function.

(2) Paragraph (1) shall not apply to any function—

- (a) where the whole proceeds of the function, after deducting the expenses of the function, are devoted to charitable or benevolent purposes;
- (b) which is organised by a registered club for a member and at which only the member and his guests are present.

(3) If paragraph (1) is contravened—

- (a) the registered club; and
- (b) every person entered in the register of clubs as an official or member of the committee of management or governing body of the club at the time of the contravention;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(4) In any proceedings for an offence by reason of a contravention of paragraph (1) it shall be a defence for a person to prove that the contravention occurred without his consent or connivance and that he exercised due diligence to prevent it.

(5) In this Article, club includes any separate branch or section of a club.

Misconduct of registered clubs

31.—(1) Where, because of the manner in which a registered club is being managed or carried on, registration of the club is cancelled on a ground mentioned in Article 8(5)(c)(i) or (6)(c) to (g) every person entered in the register of clubs as an official or a member of the committee of management or governing body of the club shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) In any proceedings for an offence under paragraph (1) it shall be a defence for a person to prove that the club was managed or carried on in such a manner without his consent or connivance and that he exercised due diligence to prevent it.

Special provisions with respect to young persons

Young persons prohibited from bars

32.—(1) During the permitted hours a person under the age of 18 shall not be in any part of the premises of a registered club which—

- (a) contains a bar; or
- (b) is used exclusively or mainly for the supply, consumption or storage of intoxicating liquor.

(2) A registered club shall not allow a person under the age of 18 to be in any part of the club premises as mentioned in paragraph (1) during the permitted hours.

(3) A person shall not cause or procure any person under the age of 18 to go into, or to be in, any part of the club premises as mentioned in paragraph (1) during the permitted hours.

(4) Any person acting in contravention of paragraph (1) or (3) shall be guilty of an offence and shall be liable on summary conviction—

- (a) for a contravention of paragraph (1), to a fine not exceeding level 3 on the standard scale;
- (b) for a contravention of paragraph (3), to a fine not exceeding level 4 on the standard scale.

(5) If paragraph (2) is contravened—

- (a) the registered club; and
- (b) every person entered in the register of clubs as an official or member of the committee of management or governing body of the club at the time of the contravention; and
- (c) the person allowing the person under the age of 18 to be on the part of the club premises mentioned in paragraph (1);

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(6) In any proceedings for an offence by reason of a contravention of paragraph (2) it shall be a defence for a person to prove—

- (a) that the contravention occurred without his consent or connivance and that he exercised due diligence to prevent it; or
- (b) that he had good reason to believe that the person under the age of 18 had attained that age.

(7) Where a person under the age of 18 represents himself to be the age of 18 for the purpose of being in any part of club premises as mentioned in paragraph (1) during the permitted hours, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) Nothing in this Article shall apply with respect to a person under the age of 18 who is—

- (a) in a part of sporting club premises as mentioned in paragraph (1) during the part of the permitted hours before 7 in the evening (except where that person is in that part for the purpose of employment); or
- (b) in a part of club premises as mentioned in paragraph (1) solely for the purposes of passing to or from some other part of the premises which is not a part as aforesaid and to or from which there is no other convenient means of access.

Supply, etc., of intoxicating liquor to young persons

33.—(1) A registered club shall not—

- (a) supply intoxicating liquor to a person under the age of 18; or
- (b) supply intoxicating liquor to any person for consumption by a person under the age of 18 in the premises of the club; or
- (c) permit any person under the age of 18 to consume intoxicating liquor in any part of the premises of the club.

(2) If paragraph (1) is contravened—

- (a) the registered club; and
- (b) every person entered in the register of clubs as an official or member of the committee of management or governing body of the club at the time of the contravention; and
- (c) the person supplying the intoxicating liquor or, as the case may be, permitting the consumption of the intoxicating liquor;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.

(3) In any proceedings for an offence by reason of a contravention of paragraph (1) it shall be a defence for a person to prove—

- (a) the contravention occurred without his consent or connivance and that he exercised due diligence to prevent it; or
- (b) that he had good reason to believe that the person under the age of 18 had attained that age.

Preservation of order

Drunkenness in registered club

34.—(1) A registered club shall not—

- (a) permit drunkenness or any disorderly conduct to take place on the premises of the club; or
- (b) supply intoxicating liquor to a drunken person knowing him to be such.

(2) If paragraph (1) is contravened—

- (a) the registered club; and
- (b) every person entered in the register of clubs as an official or member of the committee of management or governing body of the club at the time of the contravention; and
- (c) the person permitting the drunkenness or disorderly conduct or, as the case may be, supplying the intoxicating liquor, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) Where any person is found drunk on the premises of a registered club he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(4) In any proceedings for an offence by reason of a contravention of paragraph (1) it shall be a defence for a person to prove that the contravention occurred without his consent or connivance and that he exercised due diligence to prevent it.

(5) Where a person is charged under paragraph (2), with permitting drunkenness in contravention of paragraph (1)(a) and it is proved that any person was drunk on the premises of the registered club, the burden of proving that the defendant took all reasonable steps to prevent drunkenness in the club premises shall lie upon him.

Procuring drink for drunken person

35.—(1) If any person on the premises of a registered club procures intoxicating liquor for consumption by a drunken person he shall be guilty of an offence.

(2) If any person aids a drunken person in obtaining or consuming intoxicating liquor in premises as mentioned in paragraph (1) he shall be guilty of an offence.

(3) If any person without reasonable excuse brings a drunken person into premises of a registered club he shall be guilty of an offence.

(4) A person guilty of an offence under this Article shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) A person shall not be convicted of an offence under this Article unless the court is satisfied that he knew or ought to have known the condition of the person in connection with whom the charge is brought.

Power to exclude drunken persons, etc., from registered club

36.—(1) Without prejudice to any other right to refuse a person admission to premises or to expel a person from premises, a registered club may refuse to admit to, or may expel from, the premises of the club any person who is drunken, or is acting in a disorderly manner, or whose presence in the premises of the club would subject the club to a penalty under this Order or under any other statutory provision.

(2) If any person liable to be expelled from the club premises as mentioned in paragraph (1) fails to leave the premises on the request of the club or a constable, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) A constable shall, on the demand of a registered club, help to expel from the premises of the club any person liable to be expelled from those premises under this Article, and may use such force as may be required for the purpose.

Miscellaneous

Provision for inspection and rights of entry

37.—(1) A constable may, at any reasonable time,—

(a) for the purpose of inspecting the accommodation, facilities and amenities of—

(i) the premises of a club which has served a notice of application under paragraph 1(1)(c) of Schedule 2 for the grant of registration under this Order;

(ii) the premises of a registered club which has served a notice of application under paragraph 1(b) of Schedule 3 for the renewal of registration under this Order and which has since the last previous renewal of the registration of the club (or, where the renewal to be applied for is the first renewal of registration, since registration was granted), changed the accommodation, facilities and amenities of the premises; enter and inspect the premises of the club or, as the case may be, registered club;

(b) for the purpose of ascertaining whether a contravention of this Order is being or has been committed or whether any conditions which are applicable under this Order are being or have been complied with, enter the premises of a registered club and—

(i) inspect the premises;

(ii) inspect any book or document which relates to the club found on the premises;

(iii) upon production of a receipt, remove any such book or document for the purpose of having copies of it made or extracts taken from it;

- (iv) ask of any person found on the premises such reasonable questions in relation to the registered club as he thinks proper.
- (2) If any person—
- (a) fails or delays without reasonable excuse to admit a constable who demands admission to the premises of the club under paragraph (1); or
 - (b) on being required by a constable to do so, fails without reasonable excuse to permit the constable to inspect the premises; or
 - (c) on being required by a constable to produce any book or document in his possession or under his control which relates to the club and which the constable reasonably requires to inspect, fails without reasonable excuse to produce it to the constable and to permit the constable to remove the book or document for the purpose of taking copies of it or of any entry in it; or
 - (d) fails or refuses to answer to the best of his knowledge and ability any questions asked of him by a constable in exercise of the power conferred by paragraph (1)(b)(iv) or gives an answer to any such question which is to his knowledge false or misleading; every person entered in the register of clubs as an official or member of the committee of management or governing body of the club at the time of the contravention and, in the case of a contravention such as is mentioned in sub-paragraph (c) or (d), the registered club shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (3) If, on complaint on oath, a justice of the peace is satisfied that there are reasonable grounds for suspecting that an offence under this Order is being, has been or is about to be committed on any premises, he may issue a warrant in writing authorising any constable to enter the premises, if necessary by force, at any time within 14 days from the time of the issue of the warrant and to search the premises.
- (4) Any constable who enters any premises under the authority of a warrant issued under paragraph (3) may—
- (a) seize and remove any document, money or valuable thing, instrument or other thing whatsoever found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of an offence under this Order, and
 - (b) arrest and search any person found on the premises whom he has reasonable cause to believe to be committing or to have committed any such offence.
- (5) Without prejudice to paragraph (1) or (3), the sub-divisional commander of the police sub-division in which the premises of a club are situated may at any time serve on the secretary of the club a notice requiring him, in such manner and within such reasonable time as may be specified in the notice, to produce for inspection by that commander books or documents relating to that club of any description specified in the notice which that commander reasonably requires to inspect for the purpose specified in paragraph (1)(b).
- (6) If without reasonable excuse the requirement imposed by a notice under paragraph (5) is not complied with—
- (a) every person entered in the register of clubs as an official or member of the committee of management or governing body of the club at the time of the contravention; and
 - (b) the registered club; shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (7) A constable may arrest without warrant any person who does in his presence any act the doing of which is declared by this Article to be an offence and who refuses to give his name and address.

Disqualification of premises on conviction of offence

38.—(1) Where a registered club is convicted of an offence under this Order, the court convicting the club may make a disqualification order prohibiting the premises occupied by the club being used for the purposes of any registered club during such period not exceeding 5 years from the date on which the order takes effect, as may be specified in the order.

(2) Where a disqualification order under paragraph (1) is made, the registration of the club obtained before the order is made or before it takes effect shall by virtue of the order be void as from the time when the order takes effect.

(3) A disqualification order under paragraph (1) shall not take effect—

- (a) until the expiry of the time for bringing an appeal against the conviction or against the making of the order, and
- (b) if such an appeal is brought, until the appeal has been determined or abandoned.