
STATUTORY INSTRUMENTS

1996 No. 3158

The Licensing (Northern Ireland) Order 1996

PART II

THE GENERAL LICENSING SYSTEM

Grant of licences

Provisional grant of licences

9.—(1) Where premises are about to be constructed, altered or extended or are in the course of construction, alteration or extension, an application may be made to a county court for the provisional grant of a licence for those premises.

(2) An application for the provisional grant of a licence may be made by—

- (a) the person who proposes to be the owner of the business to be carried on under the licence after it has been declared final under paragraph (7); or
- (b) a housing authority.

(3) The procedure for applications for the provisional grant of licences is set out in Part I of Schedule 1 as modified by Part II of that Schedule.

(4) Article 7 shall apply in relation to the provisional grant of licences as if—

- (a) references to the grant of a licence were references to the provisional grant of a licence;
- (b) references to the premises for which a licence is sought were references to proposed premises;
- (c) the reference to the surrender of a subsisting licence before the licence is issued were a reference to its surrender then or before the licence is declared final;
- (d) where the application is made by a housing authority, paragraph (4)(b) were omitted.

(5) A licence which is provisionally granted shall not authorise the sale of intoxicating liquor until the grant of the licence is declared final.

(6) At any time before a licence which has been provisionally granted is declared final, a county court may consent to any modification of the plans deposited under Schedule 1 if, in its opinion, the premises, when completed in accordance with the modified plans, will be suitable to be licensed for the sale of intoxicating liquor by retail and, if it does so, shall require a copy of the modified plans to be deposited with the clerk of the court.

(7) Where a licence has been granted provisionally for any premises, a county court—

- (a) where the licence was granted to a person such as is mentioned in paragraph (2)(a), on the application of the holder of the licence, or
- (b) where the licence was granted to a housing authority, on the application of a person nominated by the authority who proposes to be the owner of the business to be carried on under the licence in the premises,

shall, subject to paragraph (9), declare the grant of the licence final, if it is satisfied—

- (i) that the premises have been completed in accordance with the plans deposited under Schedule 1 or in accordance with those plans with modifications consented to under paragraph (6), and
- (ii) that the applicant is a fit person to hold a licence.

(8) The procedure for applications by persons such as are mentioned in paragraph (7) to have the provisional grant of licences declared final is set out in Part III of Schedule 1.

(9) A county court shall not entertain an application made under paragraph (7) after the expiration of 2 years from the date on which the licence was granted provisionally, unless the applicant satisfies the court that there were reasonable grounds for the failure to complete the construction, alteration or extension of the premises within that period.

(10) Where the provisional grant of a licence is declared final the chief clerk shall note the declaration on the licence.