# SCHEDULES

## SCHEDULE 3

## APPROVAL OF SITES, DISPOSAL OF SITES OR PREMISES AND GRANT OF LICENCES FOR PREMISES ON APPROVED SITES

# PART I

## APPROVAL OF SITES

*Interpretation*

**1.** In this Schedule—

"approved sites" has the meaning assigned to it by paragraph 4(1);

"the area" means the area in which the sites are situated;

"declaration" means a declaration under paragraph 4;

"the Department" means the Department of the Environment;

"preferred applicant" has the meaning assigned to it by paragraph 9(2);

"proposed re-development area" means an area in respect of which a resolution has been passed under section 8 of the Housing Act (Northern Ireland) 1956 or an area declared to be a proposed re-development area under Article 47 of the Housing (Northern Ireland) Order 1981;

"re-development area" means an area in respect of which a re-development scheme has been approved by the Department under Article 49 of the Housing (Northern Ireland) Order 1981.

*Proposals as to sites*

**2.**—(1) A housing authority who proposes to make an application for a declaration with respect to any sites shall submit to the Department proposals as to the number and situation of those sites and as to the kind of premises that may be erected on those sites.

(2) Where the proposals relate to sites in a re-development area or proposed re-development area, the number of sites shall not exceed the number of licensed premises in the area at the time of the submission of the re-development scheme.

(3) The Department may approve, with or without modification, proposals made to it under sub-paragraph (1) and shall notify the housing authority accordingly.

(4) The housing authority may request the Department to approve modifications of proposals which have been approved under this paragraph and the Department may approve the modifications.

*Applications*

**3.**—(1) A housing authority who intends to make an application for a declaration shall—

(a) not more than 6 weeks nor less than 2 weeks before the time of the opening of the court sittings at which the application is to be made cause notice of the application to be published at least once in 2 newspapers circulating in the vicinity of the area;

(b) not less than 3 weeks before that time serve notice of the application upon the chief clerk and at the same time serve a copy of the notice upon—

(i) the sub-divisional commander of each police sub-division in which the area, or any part of it, is situated;

(ii) the district council for each district in which the area, or any part of it, is situated.

(2) The notices mentioned in sub-paragraph (1) shall be in such form and contain such information as may be prescribed by county court rules.

(3) A sub-divisional commander upon whom notice is required by sub-paragraph (1)(b) to be served, the district council mentioned in that sub-paragraph or any person owning, or residing or carrying on business in, premises in the vicinity of the area, may appear and object to the issue of a declaration with respect to any site.

(4) A person intending to object under sub-paragraph (3) shall not less than 1 week before the time of the opening of the court sitting at which the application is to be made—

(a) serve upon the housing authority notice of his intention to object, briefly stating his grounds for so doing;

(b) serve a copy of the notice upon the chief clerk.

(5) At the hearing of the application, the housing authority shall furnish such further information as to the proposed development or re-development of the area, in such detail, as the court may require.

*Declarations*

**4.**—(1) Where proposals made under paragraph 2 by a housing authority have been approved by the Department, the county court on application made to it by that housing authority under Article 10(1) may, after hearing the objections, if any, made under paragraph 3, issue a declaration that the court approves the sites or any of them as sites for licensed premises of a kind or kinds specified in the declaration (in this Schedule referred to as the "approved sites").

(2) Where proposals approved under sub-paragraph (3) of paragraph 2 are modified under sub-paragraph (4) thereof, the county court on the application of the housing authority may make a fresh declaration.

(3) An application for a declaration may be made to the county court for any division in which the area is wholly or partly situated.

*Duration of declaration*

**5.**—(1) A declaration shall, subject to sub-paragraph (2) remain in force for such period as is specified in the declaration or, where no period is so specified, for a period of 10 years from the date of the issue of the declaration.

(2) At any time, whether before or after the expiration of the period for which a declaration is in force, the county court, on application made to it by the housing authority or by any person who has acquired a site specified in the declaration, may, after hearing the objections, if any, made by virtue of sub-paragraph 3(3), order—

(a) where the application is made by the housing authority, that the declaration shall continue to be in force in relation to all the sites specified in the declaration or to such of those sites as the court thinks fit; or

(b) where the application is made by a person who has acquired an estate in a site specified in the declaration, that the declaration shall continue to be in force in relation to that site,

for such period as the court thinks fit.

(3) Paragraph 3 shall apply in relation to applications for orders under sub-paragraph (2) as if references to a declaration were references to such an order and as if references to a housing authority included references to a person who has acquired an estate in a site with respect to which an application under sub-paragraph (2) is proposed to be made.

*Effect of declaration*

**6.** Where a declaration is in force approving any site as a site for licensed premises of a kind mentioned in Article 5(1)(a) or (b) and an application is made for the grant or provisional grant of a licence for premises of that kind which have been, or are proposed to be, erected on that site, Article 7(4)(e)(i) shall not apply.

**Status:**
Point in time view as at 01/01/2006.

**Changes to legislation:**
The Licensing (Northern Ireland) Order 1996, PART I is up to date with all changes known to be in force on or before 28 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.