

## SCHEDULES

### <sup>F1</sup>SCHEDULE 9 **N.I.**

Articles 43, 44, 48, 59, 85

#### <sup>F2</sup>APPLICATIONS UNDER ARTICLE 43, 44<sup>F3</sup>, 44A], 48 [<sup>F1</sup>, 52E][<sup>F4</sup> or 58A] ...

- F1** Word in Sch. 9 title inserted (6.4.2022 for specified purposes, 1.6.2022 in so far as not already in operation) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. **11(9)(a)**, 47(2); S.R. 2022/63, art. 2, Sch.; S.R. 2022/133, art. 2, Sch.
- F2** Words in Sch. 9 heading omitted (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), s. 47(2), Sch. 1 para. 13(a), **Sch. 2**; S.R. 2022/63, art. 2, Sch.
- F3** Word in Sch. 9 title inserted (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. **3(3)(a)**, 47(2); S.R. 2021/247, art. 2, Sch.
- F4** Words in Sch. 9 title inserted (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. **14(4)(a)**, 47(2); S.R. 2022/63, art. 2, Sch.

**1.** In this Schedule “application” means an application under Article 43, 44<sup>F5</sup>, 44A], 48 [<sup>F6</sup>, 52E [<sup>F7</sup> or 58A]]<sup>F8</sup> ....

- F5** Word in Sch. 9 para. 1 inserted (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. **3(3)(b)**, 47(2); S.R. 2021/247, art. 2, Sch.
- F6** Word in Sch. 9 para. 1 inserted (6.4.2022 for specified purposes, 1.6.2022 in so far as not already in operation) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. **11(9)(b)**, 47(2); S.R. 2022/63, art. 2, Sch.; S.R. 2022/133, art. 2, Sch.
- F7** Words in Sch. 9 para. 1 inserted (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. **14(4)(b)**, 47(2); S.R. 2022/63, art. 2, Sch.
- F8** Words in Sch. 9 para. 1 repealed (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), s. 47(2), Sch. 1 para. 13(b), **Sch. 2**; S.R. 2022/63, art. 2, Sch.

**2.** A person who intends to make an application shall, not less than 3 weeks before the time of the court sitting at which the application is to be made, serve notice of the application upon the clerk of petty sessions and at the same time serve a copy of the notice upon—

- (a) the sub-divisional commander of the police sub-division in which the premises to which the application relates are situated; and
- (b) the district council for the district in which the premises to which the application relates are situated.

<sup>F9</sup>**2A.** A person who intends to make an application under Article 44 or 44A must (in addition to complying with the duty under paragraph 2)—

- (a) not more than 6 weeks nor less than 2 weeks before the time of the court sitting 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 premises to which the application relates;
- (b) during the 3 weeks before that time, cause notice of the application to be displayed on or near the premises to which the application relates.]

**Changes to legislation:** The Licensing (Northern Ireland) Order 1996, SCHEDULE 9 is up to date with all changes known to be in force on or before 07 October 2023. 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. (See end of Document for details) View outstanding changes

**F9** Sch. 9 para. 2A inserted (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 3(2), 47(2); S.R. 2021/247, art. 2, Sch.

3. The notice mentioned in paragraph 2 shall specify the kind of premises to which the application relates and shall be in such form and shall contain such information as may be prescribed by magistrates' courts rules.

4. The sub-divisional commander mentioned in paragraph 2(a), the district council mentioned in paragraph 2(b) or any person owning or residing in premises in the vicinity of the premises to which the application relates may appear at the hearing of the application and object to the court making an order or, as the case may be, the grant of the certificate—

- (a) in the case of an application under Article 43, on any ground mentioned in Article 43(2);
- (b) in the case of an application under Article 44, on any ground mentioned in Article 44(1) and (3);
- [<sup>F10</sup>(ba) in the case of an application under Article 44A, on any ground mentioned in Article 44A(5) or (7);]
- (c) in the case of an application under Article 48, on any ground mentioned in Article 48(2);
- [<sup>F11</sup>(ca) in the case of an application under Article 52E, on the ground mentioned in Article 52E(2);]
- [<sup>F12</sup>(cb) in the case of an application under Article 58A, on any ground mentioned in Article 58A(3);]
- <sup>F13</sup>(d) .....

**F10** Sch. 9 para. 4(ba) inserted (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 3(3)(c), 47(2); S.R. 2021/247, art. 2, Sch.

**F11** Sch. 9 para. 4(ca) inserted (6.4.2022 for specified purposes, 1.6.2022 in so far as not already in operation) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 11(9)(c), 47(2); S.R. 2022/63, art. 2, Sch.; S.R. 2022/133, art. 2, Sch.

**F12** Sch. 9 para. 4(cb) inserted (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 14(4)(c), 47(2); S.R. 2022/63, art. 2, Sch.

**F13** Sch. 9 para. 4(d) repealed (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), s. 47(2), Sch. 1 para. 13(c), Sch. 2; S.R. 2022/63, art. 2, Sch.

5. A person intending to object under paragraph 4 shall, not less than 1 week before the time of the court sitting at which the application is to be made,—

- (a) serve upon the applicant notice of his intention to object, briefly stating his grounds for so doing; and
- (b) serve a copy of the notice upon the clerk of petty sessions.

6. The court may consider the application notwithstanding that the procedure set out in this Schedule has not been complied with if, having regard to the circumstances, it is reasonable to do so.

**Changes to legislation:**

The Licensing (Northern Ireland) Order 1996, SCHEDULE 9 is up to date with all changes known to be in force on or before 07 October 2023. 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.

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [art. 57B inserted by 2011 c. 18 \(N.I.\) s. 5](#)