

## SCHEDULES

### SCHEDULE 1

Articles 7, 9, 77, 85, Schedule 3.

#### APPLICATIONS FOR THE GRANT OF LICENCES

### PART I

#### GRANT OF LICENCES

1. A person who intends to make an application for the grant of a licence 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 premises for which the licence is to be sought;
- (b) during the 3 weeks before that time, cause notice of the application to be displayed on or near the premises for which the licence is to be sought;
- (c) 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 the police sub-division in which the premises are situated;
  - (ii) where the applicant resides in some other police sub-division, upon the sub-divisional commander of that sub-division;
  - (iii) the district council for the district in which the premises are situated.

2. The notices mentioned in paragraph 1 shall specify the kind of premises for which the licence is sought and the name of the owner of the premises and shall be in such form and, without prejudice to paragraph 3, shall contain such other information as may be prescribed by county court rules.

3.—(1) The applicant shall attach to—

- (a) the notice mentioned in paragraph 1(c), and
- (b) the copy of that notice which is served upon the sub-divisional commander of the police sub-division in which the premises are situated and upon the district council,

a plan of the premises for which the licence is sought.

(2) The plan mentioned in sub-paragraph (1) shall clearly delineate by appropriate colourings or markings and a legend or key thereto—

- (a) except in the case of an hotel, the part or parts of the premises in which intoxicating liquor is to be sold;
- (b) in the case of an hotel, any public or common part or parts of the premises in which intoxicating liquor is to be sold, any part of the hotel which is set apart for the service of main table meals or for the service of intoxicating liquor and other beverages to diners before or after such meals being clearly distinguished; and

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- (c) where the subsisting licence, if any, proposed to be surrendered under Article 7(4)(e)(ii) is for premises which are or are to be extended, used or demolished as mentioned in paragraph 2(a)(iv) to (vi) of Schedule 2, the extent of those premises.
- 4. A sub-divisional commander upon whom notice is required by paragraph 1 to be served, the district council mentioned in that paragraph or any person owning, or residing or carrying on business in, premises in the vicinity of the premises for which the licence is sought may appear at the hearing of the application and object to the grant of the licence on any ground mentioned in Article 7(4) (a) to (e)(i).
- 5. Any person having an estate in the premises specified in any subsisting licence which is proposed to be surrendered under Article 7(4)(e)(ii) may appear at the hearing of the application and object to the surrender of that licence.
- 6. A person intending to object under paragraph 4 or 5 shall, not less than 1 week before the time of the opening of the court sittings 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;
  - (b) serve a copy of the notice upon the chief clerk.
- 7. A person who intends to make an application for an order under Article 43, 44 or 48 or for a children's certificate at the same time as the application for the grant of a licence shall include in the notices mentioned in paragraph 1 notice of the application for that order or, as the case may be, the children's certificate.

## PART II

### PROVISIONAL GRANT OF LICENCES

- 8. Part I shall apply in relation to an application for the provisional grant of a licence as if—
  - (a) references to the grant of a licence were references to the provisional grant of a licence;
  - (b) where the application relates to premises about to be constructed, or in the police sub-division or the district in which the premises are situated were references to the vicinity, the site of the premises, the police sub-division or the district in which the premises are to be situated;
  - (c) references to a plan of the premises were references to a plan of the premises as they will be when their construction, alteration or extension has been completed;
  - (d) where the application is for the provisional grant of a licence of a kind mentioned in Article 5(1)(a) for premises in which it is intended to provide accommodation for guests or for an hotel or a guest house, in paragraph 1 (c) at the end there were added “(iv) the Northern Ireland Tourist Board.”;
  - (e) in paragraphs 3(2)(c) and 5, the reference to Article 7(4)(e)(ii) included references to Article 9(4)(c).
- 9. Article 7(4)(a) to (e)(i) shall apply in relation to an application for the provisional grant of a licence as if—
  - (a) in sub-paragraph (c) after the word “are” there were inserted the words “or will be”;
  - (b) in sub-paragraph (d) after the word “premises” in the first place where it occurs there were inserted the words “or proposed premises”;
  - (c) in sub-paragraph (e)(i) after the word “premises” in the second place where it occurs there were inserted the words “or proposed premises”.

**10.** Where an application for the provisional grant of a licence is made by a housing authority, Part I and Article 7(4) shall apply as if—

- (a) in Part I, in paragraph 1, sub-paragraph (c)(ii) were omitted;
- (b) in Article 7(4), sub-paragraph (b) were omitted.

### PART III

#### APPLICATION TO HAVE PROVISIONAL GRANT OF LICENCES DECLARED FINAL

**11.** A person who intends to make an application to have the provisional grant of a licence declared final shall, not less than 3 weeks before the time of the opening of the court sitting at which the application is to be made, serve notice of the application upon the chief clerk 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 are situated;
- (b) where the applicant resides in some other police sub-division, upon the sub-divisional commander of that sub-division;
- (c) the district council for the district in which the premises are situated.

**12.** The notice mentioned in paragraph 11 shall be in such form and shall contain such information as may be prescribed by county court rules

**13.** A sub-divisional commander upon whom notice is required by paragraph 11 to be served or the district council mentioned in that paragraph may appear at the hearing of the application and object to the grant of the licence being declared final on the ground—

- (a) that the applicant is not a fit person to hold a licence; or
- (b) that the premises have not been completed in accordance with the plans deposited under Part I as modified by Part II or in accordance with those plans with modifications consented to under Article 9(6)

**14.** A person intending to object under paragraph 13 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 applicant notice of his intention to object;
- (b) serve a copy of the notice upon the chief clerk

**15.** Before or at the hearing of the application to have the provisional grant of a licence declared final, the applicant shall deposit the licence with the chief clerk.

#### SCHEDULE 2

Articles 7, 18, 29, 40, Schedule 1.

#### MEANING OF “SUBSISTING LICENCE”

**1.** Except in the circumstances mentioned in paragraph 2 or 3, a licence shall be treated as a subsisting licence only if the business authorised by the licence has been regularly carried on throughout, or for a substantial part of, the year immediately preceding the date of its surrender or, where the licence has not been in force for a year, the period from the date when it was granted to the date of its surrender.

**2.** Notwithstanding anything in paragraph 1, a licence shall be treated as a subsisting licence if—

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- (a) the premises specified in it—
    - (i) have, by reason of fire, tempest, or other unforeseen and unavoidable calamity, become incapable of being used for the business carried on in them under the licence; or
    - (ii) have ceased, or are likely to cease, by reason of the termination of a tenancy or an alteration in the terms of a tenancy (whether under a lease or otherwise), to be available for the business carried on in them under the licence; or
    - (iii) have been, or are likely to be, acquired or demolished, either wholly or to a substantial extent, under any statutory provision; or
    - (iv) have been, or are to be, extended to include other premises which are, or are to be constructed so as to be, contiguous to them; or
    - (v) are, or are to be, used for the purpose of the same business in conjunction with other additional premises which are or are to be constructed adjacent to them; or
    - (vi) have been, or are to be, wholly or substantially demolished and new premises have been or are to be constructed wholly or partly within their curtilage; and
  - (b) where sub-paragraph (a)(iv), (v) or (vi) applies, the business carried on under the licence has been interrupted for the purpose of enabling the extension, demolition or construction to be carried out; and
  - (c) the application for the new licence has been made within a reasonable period.
3. Notwithstanding anything in paragraph 1, a licence shall be treated as a subsisting licence if the business carried on under it has been interrupted by reason only of the suspension of the licence.

### SCHEDULE 3

Articles 2, 10, 85.

#### 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”).

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(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.

## **PART II**

### **DISPOSAL OF APPROVED SITES OR PREMISES IN RE-DEVELOPMENT AREAS**

#### *Application of this Part*

**7.** This Part applies where sites in a re-development area or proposed re-development area have been approved under paragraph 4(1).

#### *Power to dispose of sites or premises*

- 8.** The housing authority may dispose of—
- (a) the approved sites; or
  - (b) premises erected on the approved sites,

in accordance with the provisions of this Part.

*Acquisition of sites or premises by persons dispossessed of licences*

**9.**—(1) The housing authority shall serve on every person who has been, or in the opinion of the housing authority will be, dispossessed of a licence in consequence, whether directly or indirectly, of the acquisition by the housing authority of the premises to which the licence relates or of the carrying out of the re-development scheme, or, where any such person has died, on his personal representative or on any other person who is entitled in consequence of his death to a beneficial interest in the business carried on in the licensed premises, a notice—

- (a) describing the approved sites and referring to the declaration by which they were approved;
- (b) stating whether or not the authority propose to erect premises on the sites;
- (c) inviting offers in writing from those persons for the purchase or, if the housing authority think fit, the lease of any of those sites or premises;
- (d) specifying the period (not being less than 2 months from the date on which the notice is served) within which offers may be made.

(2) A person entitled to receive a notice under sub-paragraph (1) is in this Schedule referred to as a “preferred applicant”.

(3) After the expiration of the period during which offers may be made as mentioned in sub-paragraph (1)(d), the housing authority may, with the approval of the Department, dispose of a site or premises on that site to any preferred applicant who has made an offer for that site or those premises within that period.

(4) Without prejudice to its right to refuse its approval to the disposal under this paragraph of any approved site or premises, the Department shall—

- (a) refuse to approve the disposal of the site or premises to any preferred applicant for a consideration which is less than the fair value thereof;
- (b) refuse to approve the disposal to a preferred applicant of a greater number of sites or premises than the number of licensed premises in respect of which he has been or will be dispossessed of licences in consequence, whether directly or indirectly, of the acquisition of the licensed premises or the carrying out of the re-development scheme.

*Disposal of remaining sites or premises, if any*

**10.**—(1) Where, after steps have been taken by a housing authority in accordance with the provisions of paragraph 9, any sites or premises have not been disposed of to preferred applicants, the housing authority shall cause to be published in 2 successive weeks in at least 1 newspaper circulating in the vicinity of those sites or premises a notice—

- (a) describing those sites or premises and referring to the declaration under paragraph 4(1);
- (b) inviting offers in writing for the purchase or, if the housing authority think fit, the lease of any one of those sites or premises;
- (c) specifying the period (not being less than 2 months from the date of the last publication of the notice) within which offers may be made.

(2) After the expiration of the period during which offers may be made as mentioned in sub-paragraph (1)(c), the housing authority may, with the approval of the Department, dispose of the sites or premises to persons making offers therefor within that period.

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*Contracts as to sites*

11. A contract for the acquisition from a housing authority of an estate in an approved site or premises erected thereon may be subject to such conditions as the housing authority, with the approval of the Department, may determine including, but without prejudice to the generality of the foregoing words, a condition that the contract shall be voidable at the option of the person acquiring the estate if he does not for any reason, or within any period specified in the contract, obtain the grant of a licence for premises on the site or, as the case may be, for those premises.

*Procedure where contract cancelled, etc*

12. Where a contract for the acquisition of an estate in an approved site or in premises on such a site is terminated, the housing authority shall—

- (a) where the other party to the contract was a preferred applicant, dispose of the site or premises in accordance with paragraph 9, or, if the site is, or premises are, not disposed of in accordance with that paragraph, dispose of it or them in accordance with paragraph 10;
- (b) where the other party to the contract was not a preferred applicant, dispose of the site or premises in accordance with paragraph 10.

*Transfer of land between housing authorities*

13. Where a housing authority disposes of land within a re-development area to any other housing authority, that other authority shall, in relation to the land, have the like powers and be subject to the like duties as are imposed on the first-mentioned authority by the foregoing provisions of this Schedule.

**PART III  
EXPENSES**

*Financial provisions*

14. Any increase attributable to any provision of this Order in sums which under any other statutory provision are payable out of money charged on and issued out of the Consolidated Fund may be defrayed in the same manner as those sums are by that statutory provision authorised or required to be defrayed and any statutory provision as to the borrowing of money for the purpose of providing such sums shall apply accordingly.

**SCHEDULE 4**

Articles 14, 15, 16, 23, 85.

**APPLICATIONS FOR THE RENEWAL OF LICENCES**

**PART I  
GENERAL PROCEDURE**

1. The Department shall, during the month of July in each year, cause notice that licences which expire on 30th September in that year are due for renewal during the month of September to be published at least once in 2 newspapers circulating throughout Northern Ireland.



2. The clerk of petty sessions for each petty sessions district shall, not less than 6 weeks before the renewal date, cause notice of that date and of the provisions of paragraph 6 to be published in 2 newspapers circulating in that district.

3. A person who intends to make an application for the renewal of a licence for any premises shall, not less than 3 weeks before the renewal date, serve notice of the application upon the clerk of petty sessions for the petty sessions district in which the premises are situated 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 are situated;
- (b) where the applicant resides in some other police sub-division, upon the sub-divisional commander of that sub-division;
- (c) the district council for the district in which the premises are situated.

4. The notices mentioned in paragraph 3 shall specify the kind of premises for which the renewal of the licence is sought and shall be in such form and contain such other information as may be prescribed by magistrates' courts rules.

5. A sub-divisional commander upon whom notice is required by paragraph 3 to be served, the district council mentioned in that paragraph or any person owning, or residing or carrying on business in, premises in the vicinity of the premises for which the renewal of the licence is sought may appear at the hearing of the application and object to the renewal of the licence on any ground mentioned in Article 132).

6. A person intending to object under paragraph 5 shall not less than 1 week before the renewal date,—

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

7. Before the renewal date, the applicant shall deposit the licence with the clerk of petty sessions.

## PART II

### PROCEDURE FOR RENEWALS OUT OF TIME

8. Part I shall apply in relation to an application under Article 16 or 23(1) for the renewal of a licence as if—

- (a) where the application is made under Article 16
  - (i) paragraphs 1 and 2 were omitted;
  - (ii) in paragraphs 3, 6 and 7 references to the renewal date were references to the time of the court sitting at which the application is to be made;
- (b) where the application is made under Article 23(1)—
  - (i) paragraphs 1 and 2 were omitted;
  - (ii) in paragraph 3 for “not less than 3 weeks before the renewal date” there were substituted—
    - (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 for which the transfer is sought;

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- (b) not less than 3 weeks before that time;
- (iii) in paragraphs 6 and 7 references to the renewal date were references to the time of the court sitting at which the application is to be made; and the requirements of this Schedule shall be taken to be satisfied if the notices mentioned in paragraphs 3 and 6(a) were served by and upon either the holder of the licence or the person who intends to make application for the transfer.

## SCHEDULE 5

Articles 22(4), (5), 85(1).

### APPLICATIONS FOR THE TRANSFER OF LICENCES

#### PART I

#### TRANSFER OF LICENCES

1. A person who intends to make an application for the transfer of a licence shall—
  - (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 for which the transfer is sought;
  - (b) not less than 3 weeks before that time, serve notice of the application upon the clerk of petty sessions and at the same time serve a copy of the notice upon—
    - (i) the sub-divisional commander of the police sub-division in which the premises are situated;
    - (ii) where the applicant resides in some other police sub-division, upon the sub-divisional commander of that sub-division;
    - (iii) the district council for the district in which the premises are situated.
2. The notices mentioned in paragraph 1 shall specify the kind of premises for which the transfer of the licence is sought and shall be in such form and contain such other information as may be prescribed by magistrates' courts rules.
3. A sub-divisional commander upon whom notice is required by paragraph 1 to be served, the district council mentioned in that paragraph or any person owning, or residing or carrying on business in, premises in the vicinity of the premises for which the transfer of the licence is sought may appear at the hearing of the application and object to the transfer of the licence on any ground mentioned in Article 22(6).
4. A person intending to object under paragraph 3 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;
  - (b) serve a copy of the notice upon the clerk of petty sessions
- 5.—(1) Before or at the hearing of the application for the transfer of a licence, the applicant shall deposit the licence with the clerk of petty sessions.  
(2) Where the applicant has not possession of the licence and the court has reason to believe that the licence is in the possession of some other person the court may order that person to deposit it with the clerk within a period specified in the order and if he contravenes the order without reasonable

excuse 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 or to imprisonment for a term not exceeding 3 months or to both.

## PART II

### TRANSFER OF LICENCES PROVISIONALLY GRANTED

6. Part I shall apply in relation to an application for the transfer of a licence provisionally granted as if, where the application relates to a licence for premises about to be constructed or in the course of construction, references to the vicinity, the police sub-division or the district in which the premises are situated were references to the vicinity, the police sub-division or the district in which the premises are to be situated.

7. Article 22(6) shall apply in relation to an application for the transfer of a licence provisionally granted as if sub-paragraph (c) were omitted.

### SCHEDULE 6

Articles 26, 29, 34, 85.

#### APPLICATIONS FOR PROTECTION ORDERS AND AUTHORISATIONS OF TEMPORARY CONTINUANCE OF BUSINESSES

1. In this Schedule “application” means an application for—

- (a) a protection order; or
- (b) an order authorising the temporary continuance of a business in premises other than those specified in a licence.

2. A person who intends to make an application shall, not less than 4 days 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 the sub-divisional commander of the police sub-division in which the premises to which the application relates are situated.

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, without prejudice to paragraph 4, shall contain such other information as may be prescribed by magistrates' courts rules

4.—(1) Where the application is for an order authorising the temporary continuance of a business in any premises, the applicant shall attach to—

- (a) the notice mentioned in paragraph 2, and
- (b) the copy of that notice which is served upon the sub-divisional commander,

a plan of the premises for which the authorisation is sought.

(2) The plan mentioned in sub-paragraph (1) shall clearly delineate by appropriate colourings or markings and a legend or key thereto the part or parts of the premises, or, in the case of an hotel, any public or common part or parts of the premises, in which intoxicating liquor is to be sold.

5. The sub-divisional commander upon whom notice is required by paragraph 2 to be served may appear at the hearing of the application and object to the making of the protection order or, as the case may be, the authorisation of the temporary continuance of the business in the premises in question.

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.

## SCHEDULE 7

Articles 30, 85.

### APPLICATIONS FOR OCCASIONAL LICENCES

1. In this Schedule “licence” means an occasional licence.
2. A person who intends to make an application for the grant of a licence shall, not less than 2 weeks before the time when he wishes the application to be considered, 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 place or premises to which the application relates is or are situated; and
  - (b) the district council for the district in which the place or premises is or are situated.
3. Where a person owning, or residing or carrying on business in, premises in the vicinity of the place specified in an occasional licence has served upon the sub-divisional commander of the police sub-division in which that place is situated a caution stating that the cautioner wishes to be heard by the court on the next following, if any, application for an occasional licence in connection with a function to be held at that place the sub-divisional commander shall notify the cautioner of the application and of the time and place of the hearing.
4. The notice mentioned in paragraph 2 shall be in such form and shall contain such information as may be prescribed by magistrates' courts rules.
5. The sub-divisional commander mentioned in paragraph 2(a), the district council mentioned in paragraph 2(b) and any cautioner who has been given notice of the application under the provisions of paragraph 3, may appear at the hearing of the application and object to the granting of the licence on either of the following grounds—
  - (a) that functions held at the place or premises to which the application relates have been conducted so as to cause undue inconvenience to persons residing in the vicinity of that place or, as the case may be, those premises; or
  - (b) that terms and conditions imposed under Article 30(12)(c) in respect of a previous occasional licence in respect of that place or those premises were not complied with.
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.

## SCHEDULE 8

Articles 31, 34, 85.

### APPLICATIONS AND NOTICES UNDER ARTICLE 31

#### PART I

##### APPLICATIONS FOR CONSENT TO ALTERATIONS

1. In this Part “application” means an application under Article 31(1)(i).
2. A person who intends to make an application shall, not less than 3 weeks before the time of the opening of the court sittings at which the application is to be made, serve notice of the application upon the chief clerk 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 are situated; and
  - (b) the person whose name is recorded in the register of licences as the owner of the premises.

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, without prejudice to paragraph 4, shall contain such other information as may be prescribed by county court rules.

4. The applicant shall attach to—

- (a) the notice mentioned in paragraph 2, and
- (b) the copy of that notice which is served upon the sub-divisional commander,

a plan of the premises showing the proposed alteration.

5. The sub-divisional commander upon whom notice is required by paragraph 2 to be served or the person mentioned in paragraph 2(b), may appear at the hearing of the application and object to the court making an order consenting to the alteration to which the application relates.

6. A person intending to object under paragraph 5 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 applicant notice of his intention to object, briefly stating his grounds for so doing;
- (b) serve a copy of the notice upon the chief clerk.

## PART II

### NOTICES OF ALTERATIONS REQUIRED BY AUTHORITIES

7. The notice shall specify the kind of premises to which it relates and shall be in such form and, without prejudice to paragraph 8, shall contain such other information as may be prescribed by magistrates' courts rules

8.—(1) The holder of the licence shall attach to the notice a plan of the premises showing the proposed alterations.

(2) The alterations shown in the plan mentioned in sub-paragraph (1) shall be authenticated by or on behalf of the authority in question in the manner prescribed by magistrates' courts rules.

### SCHEDULE 9

Articles 43, 44, 48, 59, 85

#### APPLICATIONS UNDER ARTICLE 43, 44, 48 OR 59

1. In this Schedule “application” means an application under Article 43,44, 48 or 59.

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.

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.

*Status: This is the original version (as it was originally made).*

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);
  - (c) in the case of an application under Article 48, on any ground mentioned in Article 48(2);
  - (d) in the case of an application under Article 59, on any ground mentioned in Article 59(2).
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.

#### SCHEDULE 10

Articles 47, 85.

#### APPLICATIONS FOR EXTENSION LICENCES

1. In this Schedule “licence” means an extension licence.
2. A person who intends to make an application for the grant of a licence shall, not less than 2 weeks before the time when he wishes the application to be considered, 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 are situated.
3. The notice mentioned in paragraph 2 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) and the district council mentioned in paragraph 2(b) may appear at the hearing of the application and object to the granting of the licence.
5. A person intending to object under paragraph 4 shall, not later than such time as may be specified in the notice as the time when the applicant wishes the application to be considered, serve upon the applicant and the clerk of petty sessions notice of his intention to object, briefly stating his grounds for so doing.
6. The court or, as the case may be, the clerk of petty sessions, 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.

SCHEDULE 11

Article 85(2).

AMENDMENTS

*The Probation Act (Northern Ireland) 1950 (c. 7)*

1. In Schedule 1 (offences in respect of which probation orders or orders for conditional discharge cannot be made), for paragraph 5 substitute—

“5. An offence under Article 5(6), 41(1)(a), 50(1), 51(3), 55,60(1) or 74 of the Licensing (Northern Ireland) Order 1996.”.

*The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (1985 NI 11)*

2. In Article 12(4)(h) (grant of bookmaking office licences) for “Licensing Act (Northern Ireland) 1971” substitute “Licensing (Northern Ireland) Order 1996”.

3. In Article 32(14) (conduct of licensed bookmaking offices) for “Licensing Act (Northern Ireland) 1971” substitute “Licensing (Northern Ireland) Order 1996”.

4. In Article 107 (gaming machines restricted from certain premises)—

(a) in paragraph (1) for “Licensing Act (Northern Ireland) 1971” substitute “Licensing (Northern Ireland) Order 1996”;

(b) in paragraphs (4), (5)(b) and (8)(b) for “that Act of 1971” substitute “that Order of 1996”;

(c) in paragraphs (5)(b) and (8)(b) for “that Act” substitute “that Order”;

(d) in paragraph (8)(b) for “section 34 of that Act” substitute “Article 34 of that Order”.

5. In Article 108 (use of gaming machines on other premises)—

(a) in paragraph (1)(b) for “Licensing Act (Northern Ireland) 1971” substitute “Licensing (Northern Ireland) Order 1996”;

(b) in paragraph (4)—

(i) for the words from “section 5(5A)” to “1971” substitute “Article 7(13) or, as the case may be, Article 15(6) of the Licensing (Northern Ireland) Order 1996”;

(ii) for “that Act” substitute “that Order”.

6. In Article 182(2)(b) (forfeiture of gaming machine as statutory consequence of conviction)—

(a) for “Licensing Act (Northern Ireland) 1971” substitute “Licensing (Northern Ireland) Order 1996”;

(b) for “Act of 1971” substitute “Order of 1996”.

*The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (NI 15)*

7. In Article 5(2)(a) (closing orders with respect to premises supplying meals or refreshments) for “Licensing (Northern Ireland) Order 1990” substitute “Licensing (Northern Ireland) Order 1996”.

8. In paragraph 10(4)(a) of Schedule 1 for “Licensing (Northern Ireland) Order 1990” substitute “Licensing (Northern Ireland) Order 1996”.

*The Tourism (Northern Ireland) Order 1992 (1992 NI 3)*

9. In Article 12(3) (categories of tourist establishment) for “1990” substitute “1996”.

*The Business Tenancies (Northern Ireland) Order 1996 (1996 NI 5)*

10. In Article 18(2)(d) (rent due under new tenancy to disregard any value attributable to the licence) for “1990” substitute “1996”.

SCHEDULE 12

Article 85(3).

TRANSITIONAL PROVISIONS AND SAVINGS

1.—(1) Where, immediately before 15th June 1990, the authority conferred by a licence was limited to the sale of intoxicating liquor of a particular kind or kinds, and that licence was, by virtue of paragraph 1(1) of Schedule 12 to the Licensing (Northern Ireland) Order 1990 on and after that date, authority for the sale of intoxicating liquor of any kind, then, notwithstanding the repeal of that paragraph 1(1) by Article 85(4) and Schedule 13, that licence shall continue to be authority for the sale of intoxicating liquor of any kind.

(2) Where, immediately before 15th June 1990, more than one licence limited as mentioned in sub-paragraph (1) was in force for any premises, and those licences were, by virtue of paragraph 1(2) of Schedule 12 to the Order of 1990 on and after that date, deemed to be a single licence, then, notwithstanding the repeal of that paragraph 1(2) by Article 85(4) and Schedule 13, those licences shall continue to be deemed to be a single licence.

2.—(1) Where, notwithstanding sections 23 and 24 of the Licensing Act (Northern Ireland) 1971 or Articles 28 and 29 of the Licensing (Northern Ireland) Order 1990, during the period from 3rd May 1971 until 15th July 1992, in connection with any licence, more than one protection order has been made in favour of a person, other than a person to whom section 24(2) of that Act or, as the case may be, Article 29(2) of that Order applies (protection order made to carry on business under licence where holder of licence has become incapable through illness or other infirmity),—

- (a) any such second, and if the case so requires, subsequent protection order made in favour of that person shall be deemed to have been validly made; and
- (b) any renewal or transfer of the licence during that period, and any licence granted or issued on the surrender of the licence during that period, shall be valid and effective.

(2) Where, during the period from 3rd May 1971 until 15th July 1992, in connection with any licence,—

- (a) notwithstanding sections 23 and 24 of the Licensing Act (Northern Ireland) 1971 or Articles 28 and 29 of the Licensing (Northern Ireland) Order 1990, one or more than one protection order has been made in favour of a person on whom authority to carry on business under the licence has been conferred by section 25(1) of that Act or Article 30(1) of that Order (temporary continuance on death, bankruptcy, etc.); or
- (b) that person has carried on business under the licence by virtue of that section 25(1) or Article 30(1) for an indefinite period,

then—

- (i) any such protection order and, if the case so requires, subsequent Y protection order shall be deemed to have been validly made; and
- (ii) any renewal or transfer of the licence during that first-mentioned period, and any licence granted or issued on the surrender of the licence during that first-mentioned period, shall be valid and effective.

3. The provisions in this Schedule shall have effect without prejudice to section 29 of the Interpretation Act (Northern Ireland) 1954.



## SCHEDULE 13

Article 85(4).

## REPEALS

Chapter or Number	Short title	Extent of repeal
<a href="#">1990 NI 6.</a>	The Licensing (Northern Ireland) Order 1990.	The whole Order.
<a href="#">1991 c. 31.</a>	The Finance Act 1991.	In Schedule 2, paragraph 24.
<a href="#">1991 NI 11.</a>	The Planning (Northern Ireland) Order 1991.	In Schedule 5, the entry relating to the Licensing (Northern Ireland) Order 1990.
<a href="#">1992 NI 16.</a>	The Licensing (Validation) (Northern Ireland) Order 1992.	The whole Order..
<a href="#">1992 NI 3.</a>	The Tourism (Northern Ireland) Order 1992.	Article 27. Schedule 2. In Schedule 3, paragraph (11).