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## STATUTORY INSTRUMENTS

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# 1996 No. 3159

## The Registration of Clubs (Northern Ireland) Order 1996

### PART II

#### REGISTRATION OF CLUBS

##### *Grant of registration*

##### **Grant of registration**

5.—(1) An application for the grant of registration of a club may be made by the secretary of the club and shall be made to a county court.

(2) The procedure for applications for the grant of registration is set out in Schedule 2.

(3) On an application for the grant of registration of a club, the court shall hear the objections, if any, made under Schedule 2.

(4) On the hearing of an application for the grant of registration of a club, the court may, before granting or refusing to grant the application, require the production of further information, particulars or documents such as are mentioned in paragraph 2(2) of Schedule 2 for the period from the date of the information, particulars or documents, as the case may require, which are attached to the notice served upon the chief clerk under paragraph 1(1)(c) of Schedule 2 until such date as the court may specify; and paragraphs 1(1)(c), 3 and 4 of Schedule 2 shall apply for the purposes of such further information, particulars or documents as if they were notice of the application, subject to the modification that in paragraph 1(1)(c) for the reference to 4 weeks before the opening of the court sitting there were substituted a reference to 2 weeks before the time fixed by the court for the hearing of the application to be resumed.

(5) A court shall refuse an application for the grant of registration of a club unless it is satisfied—

- (a) subject to paragraph (7), that the procedure relating to the application set out in Schedule 2 has been complied with; and
- (b) that the premises of the club are not premises in respect of which a disqualification order under Article 3, 15 or 46 or under Article 13 or 38 of the Registration of Clubs (Northern Ireland) Order 1987 is in force; and
- (c) that the premises of the club are in all respects (including location, accommodation, facilities and amenities) suitable and proper having regard to the objects of the club and to the estimated maximum number of members of the club; and
- (d) that there are not sufficient registered clubs providing club accommodation of a similar character already in existence in the vicinity of the premises of the club; and
- (e) either—
  - (i) that there is in force planning permission to use the premises as the premises of a club for the period during which the certificate of registration would be in force; or

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*Changes to legislation: The Registration of Clubs (Northern Ireland) Order 1996, Section 5 is up to date with all changes known to be in force on or before 04 January 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*

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- (ii) that the premises may be used as such a club for that period without such permission; and
  - (f) that the rules of the club contain the provisions specified in Schedule 1 and do not contravene the provisions of this Order; and
  - (g) that the club has been conducted in good faith as a club for not less than 1 year; and
  - (h) that the provisions of the rules of the club and of this Order are, and will be, complied with; and
  - (i) that none of the officials of the club has an unspent conviction under the Rehabilitation of Offenders (Northern Ireland) Order 1978 for an offence of violence or an offence involving dishonesty<sup>F1</sup>; and
  - (j) that each of the officials of the club is aware of the responsibilities under any code of practice which the Department has approved under Article 41K (and from which it has not withdrawn its approval).]
- (6) A court may refuse an application for the grant of registration of a club if it is satisfied—
- (a) that, in respect of the premises of the club, a licence for the sale of intoxicating liquor has been suspended, or an application for the renewal of any such licence has been refused, under the Licensing (Northern Ireland) Order 1996 or the Licensing (Northern Ireland) Order 1990 within the preceding 5 years; or
  - (b) that the club is kept or habitually used for an unlawful purpose; or
  - (c) that intoxicating liquor has been sold, supplied or consumed on the premises of the club in contravention of this Order or the Licensing (Northern Ireland) Order 1996; or
  - (d) that the supply of intoxicating liquor to the club will not be under the control of an official of the club or the members having voting rights in relation to the affairs of the club; or
  - (e) that, having regard to his character and reputation, an official of the club is not a fit person to hold an office of the club; or
  - (f) that the club has been convicted of an offence under this Order or the Registration of Clubs (Northern Ireland) Order 1987.
- (7) A court may grant the registration of a club notwithstanding that the procedure relating to the application set out in Schedule 2 has not been complied with if, having regard to the circumstances, it is reasonable to do so.
- (8) Where a notice under Schedule 2 states that the club in respect of which an application is to be made is a nightworkers club and on the hearing of the application the county court is satisfied that—
- (a) the members of the club are persons who by reason of the times during which they are normally employed would be unable to take advantage of facilities provided by clubs to which Article 24(1) applies, and
  - (b) the rules of the club prohibit the admission of guests of members to, or their presence in, the club premises between the hours of midnight and 10 in the morning next following,
- the court shall direct that Article 24(2) shall have effect in relation to the club.
- (9) Where the court refuses an application for the grant of registration of a club it shall specify in its order the reasons for its refusal.

<p><b>F1</b> <a href="#">Art. 5(5)(j)</a> and word inserted (1.10.2022) by <a href="#">Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7)</a>, <b>ss. 41(2)</b>, 47(2); S.R. 2022/180, arts. 1(2), 2, Sch.</p>
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**Changes to legislation:**

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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. 31B inserted by 2011 c. 18 \(N.I.\) s. 11](#)