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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

##### **Restriction on supply, etc., of intoxicating liquor on the premises of a club**

3.—(1) It shall be unlawful—

- (a) to supply, consume or keep for supply or consumption intoxicating liquor on the premises of a club;
- (b) to bring intoxicating liquor on the premises of a club for the purposes of the consumption of the liquor;

unless the club is registered in respect of those premises [<sup>F1</sup>or unless the supply or consumption is authorised in accordance with Article 15A] .

(2) If intoxicating liquor is supplied, consumed, kept for supply or consumption or brought for the purposes of the consumption on—

- (a) the premises of a club which has served a notice of application under paragraph 1(1)(a) of Schedule 2 for the grant of registration under this Order; or
- (b) any premises used by a club which has ceased to be a registered club by reason of—
  - (i) the expiration of the registration within the preceding 3 years; or
  - [<sup>F2</sup>(ia) the suspension of the registration; or]
  - (ii) the cancellation of the registration; or
- (c) any premises in respect of which a disqualification order under this Article or under Article 15 or 46 or under Article 13 or 38 of the Registration of Clubs (Northern Ireland) Order 1987 is in force;

every person who supplies, obtains, consumes, keeps for supply or consumption or permits the consumption of the intoxicating liquor, or who brings the intoxicating liquor on the premises and, in the case of the premises of a club, every officer and member of the club shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.

(3) In addition to any penalty it imposes under paragraph (2) on a person convicted of an offence under that paragraph, the court shall make a disqualification order prohibiting the premises on which the offence was committed being used for the purposes of any registered club during—

- (a) in the case of premises mentioned in sub-paragraph (2)(a) or (b), the period of 5 years from the date on which the order takes effect; or

**Changes to legislation:** The Registration of Clubs (Northern Ireland) Order 1996, Cross Heading: is up to date with all changes known to be in force on or before 20 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

- (b) in the case of premises mentioned in sub-paragraph (2)(c), the period of 5 years from the date on which the disqualification order which is in force with respect to the premises expires.
- (4) In any proceedings for an offence by reason of a contravention of paragraph (2) it shall be a defence for a person to prove that he exercised all due diligence to avoid the commission of such an offence.
- (5) Where a disqualification order under paragraph (3) is made, the registration of the club obtained before the order is made or before it takes effect shall by virtue of the order be void as from the time when the order takes effect.
- (6) A disqualification order under paragraph (3) shall not take effect—
  - (a) until the expiry of the time for bringing an appeal against the conviction or against the making of the order, and
  - (b) if such an appeal is brought, until the appeal has been determined or abandoned.
- (7) Nothing in this Article shall apply to anything done at a function held in premises in connection with which an occasional licence has been granted under Article 30 of the Licensing (Northern Ireland) Order 1996.

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| <p><b>F1</b> Words in <a href="#">art. 3(1)</a> inserted (6.4.2022) by <a href="#">Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7)</a>, <b>ss. 28(3)</b>, 47(2); S.R. 2022/63, art. 2, Sch.</p> <p><b>F2</b> Art. 3(2)(b)(ia) inserted (1.5.2012) by <a href="#">Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011 (c. 18)</a>, s. 18, <b>Sch. 3 para. 6</b>; S.R. 2012/48, art. 2, Sch.</p> |
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### Clubs which may be registered

- 4.—(1) Subject to paragraph (2), a club may be registered if—
  - (a) on the date of the service of the notice of application under paragraph 1(1)(a) of Schedule 2 for the grant of registration under this Order the rules of the club contain the provisions specified in paragraphs 1 to 13 and 19 of Schedule 1; and
  - (b) the rules do not contravene the provisions of this Order.
- (2) A club which occupies premises for which there is in force a disqualification order under Article 3, 15 or 46 or under Article 13 or 38 of the Registration of Clubs (Northern Ireland) Order 1987 shall not be registered under this Order.
- (3) In determining whether a club is conducted in good faith as a club a court shall have regard—
  - (a) to the past conduct of the club; and
  - (b) to any arrangement restricting the club's freedom of purchase of intoxicating liquor; and
  - (c) to any provision in the rules, or arrangement, under which money or property of the club, or any gain arising from the carrying on of the club is or may be applied otherwise than for the benefit of the club as a whole or for charitable or benevolent purposes; and
  - (d) to the financial arrangements in relation to the club; and
  - (e) to whether the club has fewer than 25 members having voting rights in relation to the affairs of the club; and
  - (f) to whether the supply of intoxicating liquor is ancillary to the objects of the club.
- (4) Any certificate of registration purporting to be held by a club in respect of premises mentioned in paragraph (2) is void.

**Changes to legislation:**

The Registration of Clubs (Northern Ireland) Order 1996, Cross Heading: is up to date with all changes known to be in force on or before 20 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.

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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](#)