
STATUTORY INSTRUMENTS

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

- (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.
- (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.

Issue and duration of certificates of registration

- 6.—(1) Where a county court grants an application for the registration of a club the court shall issue a certificate of registration which shall be in such form as may be prescribed and shall specify—
- (a) the name of the club;
 - (b) the address of the premises of the club;
 - (c) the name and address of the owner of the premises of the club;
 - (d) in the case of a nightworkers club—

- (i) that the club is a nightworkers club to which Article 5(8) of the Registration of Clubs (Northern Ireland) Order 1996 applies; and
 - (ii) the hours fixed by the court under Article 24(2);
 - (e) such other matters as may be prescribed.
- (2) Subject to the succeeding provisions of this Article, a certificate of registration, unless registration is cancelled or a disqualification order under Article 15 or 46 applies to the premises of the registered club, shall remain in force from the date on which it is issued until—
- (a) the expiration of—
 - (i) the then current registration period, or
 - (ii) such lesser period ending on 31st March as the court shall determine; or
 - (b) if it is issued within the 3 months immediately preceding the expiration of the then current registration period, the expiration of—
 - (i) the next following registration period, or
 - (ii) such lesser period ending on 31st March as the court shall determine.
- (3) Where, at the hearing of an application for the grant of registration of a club, any person appears before the court and r opposes the registration, but the court registers the club—
- (a) until the expiry of the time for bringing an appeal against the registration and, if an appeal is brought, until the registration is confirmed or the appeal is abandoned, the certificate of registration shall not come into force;
 - (b) if on appeal the registration is confirmed or if the appeal is abandoned, for the purpose of determining the period for which the certificate of registration is to be in force, the date when the appeal is disposed of shall be substituted for the date on which the certificate of registration was issued and the chief clerk shall (if necessary) amend the certificate accordingly.
- (4) Paragraph (2) shall not prejudice the operation of Articles 8(8), 10 and 14 under which a certificate of registration may continue in force after the time when it would otherwise expire.