

1990 No. 447

LICENSING

**The Licensing (Form of Licence) Regulations
(Northern Ireland) 1990**

Made 19th December 1990

Coming into operation 11th March 1991

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 38 of the Licensing (Northern Ireland) Order 1990(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Licensing (Form of Licence) Regulations (Northern Ireland) 1990 and shall come into operation on 11th March 1991.

Form of licence for the sale of intoxicating liquor

2.—(1) A licence, other than an occasional licence (being in such form as may be prescribed by magistrates' courts rules), shall be in the form set out in the Schedule.

(2) There shall be entered on each licence such of the entries as are therein set out as relate to the order made by a county court upon the grant of the licence or by a court of summary jurisdiction on the renewal or transfer of that licence.

(3) Every entry on the licence shall be verified in the case of—

(a) the grant of the licence, by the signature of the chief clerk of the court which made the order and shall state the county court division for which the court acted when making the order; and

(b) the renewal or transfer of the licence, by the signature of the clerk of petty sessions for the court of summary jurisdiction which made the order and shall state the petty sessions district for which the court acted when making the order.

Revocation

3. The Licensing (Form of Licence) Regulations (Northern Ireland) 1989(b) are hereby revoked.

(a) S.I. 1990/594 (N.I. 6)

(b) S.R. 1989 No. 148

2302

Licensing

No. 447

Sealed with the Official Seal of the Department of Health and Social
Services on 19th December 1990.

(L.S.)

R. McMurray

Assistant Secretary

FORM 1

THE LICENSING (NORTHERN IRELAND) ORDER 1990

Licence for the Sale of Intoxicating Liquor by Retail

County Court Division of

Petty Sessions District of

PART I

KIND OF PREMISES FOR WHICH LICENCE GRANTED
(for completion in every case)

This licence [when declared final] authorises

of

to sell intoxicating liquor by retail at

being premises of the following kind as mentioned in Articles 6(1) and 85(1) of the Licensing (Northern Ireland) Order 1990 (hereinafter in this licence referred to as 'the 1990 Order'), namely—

[premises in which the only or principal business carried on is the business of selling intoxicating liquor by retail for consumption either in or off the premises.]

[premises in which the only or principal business carried on is the business of selling intoxicating liquor by retail for consumption off the premises.]

[an hotel.]

[a restaurant.]

[a place of public entertainment.]

[a refreshment room in public transport premises.]

[a seamen's canteen.]

[a non-scagoing vessel.]

The owner of the premises is

of

Dated this day of 19 .

Chief Clerk
for the said Division.

PART II

PARTICULARS OF APPROVED PLANS AND OTHER DETAILS AS TO GRANT OR
PROVISIONAL GRANT OF LICENCEA. *(For completion according to whether grant provisional or otherwise.)*

This licence was [provisionally] granted to the holder as specified in Part I hereof by the County Court for the Division of _____ on the _____ day of _____ 19 _____.

The plan attached to the notice of application in accordance with Schedule 1 to the 1990 Order was approved by the court [and filed pending final grant].

[Before declaring the provisional grant of the licence final, the court consented to the modification of the said plan on the _____ day of _____ 19 _____ and a copy of the modified plan was deposited with the chief clerk on the _____ day of _____ 19 _____.]

[The grant of this licence to [a person nominated by the Northern Ireland Housing Executive] was declared final on the _____ day of _____ 19 _____, the court being satisfied that the premises had been completed in accordance with the said plan [as so modified].]

[The court, in granting this licence, ordered under Article 9(1) of the 1990 Order that the holder of the licence make the following alterations in the premises before the _____ day of _____ 19 _____ :—

as shown on the plan to be deposited with the chief clerk.

Notice of the last-mentioned order was served on

of

as owner of the premises in the following manner:—

on the _____ day of _____ 19 _____.]

(For completion only where the licence is granted for premises mentioned in Article 6(1)(a) or (b) of the 1990 Order.)

Before this licence was granted, the licence (particulars of which are set out below) being treated as a subsisting licence under Schedule 2 to the 1990 Order was surrendered to the court in accordance with Article 8(2)(c)(ii) of the said Order.

Address of premises on surrendered licence

Name of licence holder on surrendered licence

Kind of premises

The petty sessions district in which the premises on the surrendered licence are situated is _____ and notice of the surrender of that licence was sent to the clerk of petty sessions for that district on the _____ day of _____ 19 ____.

[No subsisting licence was surrendered to the court under Article 8(2)(c)(ii) of the 1990 Order because [the premises for which this licence was granted are situated in an area designated by an order under the New Towns Act (Northern Ireland) 1965 in the circumstances specified in Article 8(4)(a) of the 1990 Order] [within the period of 5 years immediately preceding the date of the application upon which this licence was granted, a previous licence was in force for those premises in the circumstances specified in Article 8(4)(b) of the 1990 Order].]

Dated this _____ day of _____ 19 ____.

Chief Clerk
for the said Division

- B. The court, on the application of the holder of the licence, ordered under Article 9(3) of the 1990 Order that the period fixed by order of the County Court under Article 9(1) of the said Order be extended to the _____ day of _____ 19 ____.

Dated this _____ day of _____ 19 ____.

Clerk of Petty Sessions
for the said District

- C. *(For completion on the order of the court where a new licence is granted in lieu of an existing licence under Article 12 of the 1990 Order.)*

For the purposes of Article 12 of the 1990 Order it is hereby noted that the licence is [provisionally] granted in lieu of an existing licence for premises which are or will be of the same description as those in respect of which the existing licence is granted, namely—

[(where the existing licence was granted—

(i) before 31st July 1902; or

(ii) between 30th July 1902 and 3rd May 1971 otherwise than under section 2(2) of the Licensing (Ireland) Act 1902 or section 9(a)(ii) of the Intoxicating Liquor Act (Northern Ireland) 1923)

premises registered in the register of hotels maintained by the Northern Ireland Tourist Board under section 10 of the Development of Tourist Traffic Act (Northern Ireland) 1948.]

[(where the existing licence is for premises to which Article 2(5)(a) of the 1990 Order applied) an hotel as defined by section 1(3) of the Intoxicating Liquor Act (Northern Ireland) 1923 providing accommodation approved by the Northern Ireland Tourist Board.]

[(where the existing licence is for premises to which Article 2(5)(b) of the 1990 Order applied) premises registered in the register of guest houses maintained by the Northern Ireland Tourist Board under section 10 of the Development of Tourist Traffic Act (Northern Ireland) 1948 and without a public bar for the sale of intoxicating liquor.]

Dated this day of 19 .

Chief Clerk
for the said Division

- D. The court, in granting this licence for premises of a kind mentioned in Article 6(1)(e) of the 1990 Order on the day of 19 , attached the following conditions under Article 8(8) of the said Order, namely—

Dated this day of 19 .

Chief Clerk
for the said Division

- E. The court, in granting this licence for premises of a kind mentioned in Article 6(1)(a) of the 1990 Order on the day of 19 , gave a direction under Article 8(7) of the said Order that on Sundays there shall be no permitted hours on the said premises.

Dated this day of 19 .

Chief Clerk
for the said Division

- F. The court, in granting this licence for premises of a kind mentioned in Article 85(1) of the 1990 Order on the day of 19 , attached the following conditions under Article 85(2) of the said Order, namely—

Dated this day of 19 .

Chief Clerk
for the said Division

PART III

ORDERS MADE IN RELATION TO THE PREMISES AS TO SUITABILITY FOR EXTENSION LICENCES, ALTERNATIVE OR ADDITIONAL PERMITTED HOURS, ETC.

- A. The court, in [granting] [declaring final the grant of] [renewing] this licence on the day of 19 , by order under Article 34 of the 1990 Order specified the following part[s] of the premises as suitable for functions such as are mentioned in Article 54(6) of the said Order, namely—

and which [is] [are] particularly delineated on the plan lodged in court.

Dated this day of 19 .

Chief Clerk
for the said Division

Clerk of Petty Sessions
for the said District

- B. The court, in [granting] [declaring final the grant of] [renewing] this licence for premises of a kind mentioned in Article 6(1)(a) of the 1990 Order on the day of 19 , imposed the condition under Article 49 of the said Order

that the following specified part of the premises shall not be used for the sale of intoxicating liquor for consumption in the premises, namely—

and which is particularly delineated on the plan lodged in court.

[The court further by its order directed that the permitted hours for the specified part of the premises shall be the hours on weekdays, other than Christmas Day, from half past 9 in the morning to 9 in the evening.]

Dated this day of 19 .

Chief Clerk
for the said Division

Clerk of Petty Sessions
for the said District

- C. The court, on the day of 19 , by order made under Article 50 of the 1990 Order directed that on the following specified days, namely—

other than on Christmas Day, Easter Day or Good Friday in the licensing year commencing on the 1st day of October 19 in the part[s] of the premises specified below, the hours from 11 in the evening to 1 in the morning of the day next following shall, in addition to the hours mentioned in Articles 47(1) and 48 of the said Order to be included in the permitted hours for the premises.

The part[s] specified in the order [is] [are] as follows:—

and which [is] [are] particularly delineated on the plan lodged in court.

Dated this day of 19 .

Clerk of Petty Sessions
for the said District

PART IV

ORDERS RELATING TO GAMING MACHINES ON LICENSED PREMISES

- A. The court, on an application by the sub-divisional commander of the police sub-division in which the licensed premises are situated, gave a direction under Article 8(9) of the 1990 Order that gaming machines may be made available for gaming on the said premises in accordance with the provisions of Article 108 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.

Dated this day of 19 .

Chief Clerk
for the said Division

- B. The court, in renewing this licence on the day of 19 , on an application by the sub-divisional commander of the police sub-division in which the licensed premises are situated, gave a direction under Article 16(5) of the 1990 Order that gaming machines may be made available for gaming on the said premises in accordance with the provisions of Article 108 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.

Dated this day of 19 .

Clerk of Petty Sessions
for the said District

- C. The court, in renewing this licence on the day of 19 , on an application under Article 16(5) of the 1990 Order by [the sub-divisional commander of the police sub-division in which the licensed premises are situated] [the holder of the licence] varied the number of gaming machines which may be made available for gaming on the licensed premises to provide that gaming machines may be made available for gaming on the said premises in accordance with the provisions of Article 108 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.

Dated this day of 19 .

Clerk of Petty Sessions
for the said District

- D. The court, in renewing this licence on the day of 19 , on an application by the holder of the licence under Article 16(5) of the 1990 Order, cancelled the direction that gaming machines may be made available for gaming on the licensed premises in accordance with the provisions of Article 108 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.

Dated this day of 19 .

Clerk of Petty Sessions
for the said District

- E. The court, on an application by the sub-divisional commander of the police sub-division in which the licensed premises are situated, declared under Article 107(1) of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 that no gaming machine shall be used for gaming on the said premises.

This declaration takes effect on the day of 19 . (See Article 107(3) as to appeals.)

Dated this day of 19 .

Clerk of Petty Sessions
for the said District

- F. The court, on the application of the holder of the licence, under Article 107(5) of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, cancelled the declaration made on the day of 19 that no gaming machine shall be used for gaming on those licensed premises.

Dated this day of 19 .

Clerk of Petty Sessions
for the said District

PART V

PROTECTION ORDERS, TRANSFERS AND ORDERS FOR TEMPORARY CONTINUANCE IN OTHER PREMISES

A. Protection orders

On the day of 19 the court made a protection order under Article [28] [29(2)] of the 1990 Order authorising

of

to carry on business under this licence until the day of 19 until an application for the transfer, or transfer and renewal, of the licence can be brought before the court.

Dated this day of 19 .

Clerk of Petty Sessions
for the said District

B. Transfers

On the day of 19 the court made an order under Article [24] [25] of the 1990 Order transferring this licence to

of

[and an order for renewal thereof as entered in Part VI of this licence].

Dated this day of 19 .

Clerk of Petty Sessions
for the said District

C. Temporary continuance in other premises if licence holder unable to carry on business in premises specified in Part I of licence.

On the day of 19 the court made an order under Article 31 of the 1990 Order authorising the continuance of the business under this licence in the premises at

until the day of 19 .

The plan attached to the notice of application for this order has been annexed to that of the original premises referred to in Part II of this licence.

Dated this day of 19 .

Clerk of Petty Sessions
for the said District

PART VI

RENEWALS

A. On the day of 19 the [clerk of petty sessions renewed] [court made an order renewing] this licence under Article [15] [16] [17] [18] [25] of the 1990 Order and subject to Article 22 of the said Order it shall remain in force until the 30th day of September 19 .

Dated this day of 19 .

Clerk of Petty Sessions
for the said District

B. On the day of 19 the court made an order renewing this licence under Article 19 of the 1990 Order in the name of

of

and subject to Article 22 of the said Order it shall remain in force until the 30th day of September 19 .

Dated this day of 19 .

Clerk of Petty Sessions
for the said District

C. The court, in renewing this licence for premises of a kind mentioned in Article 6(1)(a) of the 1990 Order on the day of 19 , [gave a direction under Article 16(4)(a) of the said Order] [cancelled a direction given under Article [8(7)] [16(4)(a)] of the said Order] that on Sundays there shall be no permitted hours on the premises.

Dated this day of 19 .

Clerk of Petty Sessions
for the said District

PART VII

SUSPENSIONS

(Article 78)

On the day of 19 the court sitting at made an order suspending this licence [and the protection order granted to

on the day of 19] for a period of commencing in accordance with the provisions of Article 81 of the 1990 Order.

The suspension commenced on the day of 19 and will expire on the day of 19 .

Dated this day of 19 .

Clerk of Petty Sessions
for the said District

The court sitting at _____ in transferring this licence made an order under Article 26(2) of the 1990 Order [terminating] [substituting for] the period of suspension imposed on the _____ day of _____ 19 [a period expiring on the _____ day of _____ 19].

Dated this _____ day of _____ 19 .

Clerk of Petty Sessions
for the said District

PART VIII

DISQUALIFICATION OF PREMISES

On the _____ day of _____ 19 the court sitting at _____ made an order under Article 78(3) of the 1990 Order that

[(in the case of an offence under Article 46(1)(a) of the 1990 Order) the premises shall not be premises to which [Article 48 of the said Order] [Article 50 of the said Order] [Article 51 of the said Order in relation to the hours mentioned in Article 48 of that Order] applies]

[(in the case of an offence under Article 54(10) of the 1990 Order) the premises shall not be premises to which Article 54 of the said Order applies]

[(in the case of an offence under Article 63(4) of the 1990 Order) the premises shall not be premises to which Article 48 of the said Order applies]

for a period of _____ commencing in accordance with the provisions of Article 81 of the said Order.

This order commenced on the _____ day of _____ 19 and will expire on the day of _____ 19 .

Dated this _____ day of _____ 19 .

Clerk of Petty Sessions
for the said District

3. This licence must at any time during the period of the function when intoxicating liquor is sold, made available for purchase or being consumed in the premises, forthwith be produced by the person who is in charge of the sale of intoxicating liquor there for examination by a member of the Royal Ulster Constabulary at his request.
4. If it is not so produced without reasonable excuse the holder of the licence and that person are each guilty of an offence and are liable on summary conviction to a fine.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations prescribe the form of licence (other than an occasional licence), which is issued by a court and authorises the retail sale of intoxicating liquor under the Licensing (Northern Ireland) Order 1990 ('the 1990 Order').

The 1990 Order, which came into operation on 15th June 1990, consolidates the Licensing Act (Northern Ireland) 1971 and other related enactments.

These regulations revoke the Licensing (Form of Licence) Regulations (Northern Ireland) 1989.