

1992 No. 542

MAGISTRATES' COURTS

Magistrates' Courts (Licensing) (Amendment)
Rules (Northern Ireland) 1992

Made 10th December 1992

Coming into operation 1st January 1993

The Lord Chancellor, in exercise of the powers conferred upon him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(a) and of all other powers enabling him in that behalf, on the advice of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following rules:—

Citation, commencement and interpretation

1.—(1) These rules may be cited as the Magistrates' Courts (Licensing) (Amendment) Rules (Northern Ireland) 1992 and shall come into operation on 1st January 1993.

(2) In these rules a reference to a rule or form by number is a reference to that rule or form as numbered in the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1990(b).

2.—(1) For Rule 6 there shall be substituted the new Rule 6 set out in the Schedule to these rules.

(2) Forms 1, 5 and 6 shall each be amended by deleting—

(a) in the explanation of Article 6(1)(c) premises, the words from "registered" to "1948" and substituting the words "allocated by a certificate under Article 13 of the Tourism (Northern Ireland) Order 1992 to the statutory category of hotel"; and

(b) in the explanation of Article 6(1)(d) premises the words from "(including" to "1948)".

(3) Form 2 shall be amended by deleting the final paragraph in the body of the form and Note [4].

(4) Form 17 shall be amended by deleting—

(a) in the first paragraph in the body of the form, the words "[but subject to the condition referred to below] [1]";

(b) the penultimate paragraph in the body of the form; and

(c) Note [1].

(a) S.I. 1981/1675 (N.I. 26)

(b) S.R. 1990 No. 211

No. 542

Magistrates' Courts

3075

Dated 10th December 1992.

Mackay of Clashfern, C.

“Documents to be produced at hearing of applications

6.—(1) The applicant for an order under Article 34 in relation to premises of a kind mentioned in Article 6(1)(a) shall produce to the court the certificate referred to in Article 50(7)(c) issued by the Northern Ireland Tourist Board.

(2) Where application is made for the renewal of a licence for an hotel a certificate, issued by the Northern Ireland Tourist Board, stating that the premises are those of an establishment allocated by a certificate under Article 13 of the Tourism (Northern Ireland) Order 1992(a) to the statutory category of hotel, shall be lodged with the notice of application.

(3) Where application is made for the renewal of a licence for a restaurant a certificate, issued by the Northern Ireland Tourist Board, stating that the premises comply with the requirements of Article 2(2), shall be lodged with the notice of application.

(4) Evidence for the purposes of Article 2(5) that a licence was granted before 31st July 1902 or under Article 4(1) of the Licensing (Northern Ireland) Order 1978(b) or under Article 12(1) of the Order in lieu of such a licence or that the premises are those of any establishment allocated by a certificate under Article 13 of the Tourism (Northern Ireland) Order 1992 to the statutory category of guest house or bed and breakfast establishment, as the case may be, produced to the clerk of petty sessions may be in the form of a certified extract from the register of licences or a certificate issued by the Northern Ireland Tourist Board, as may be appropriate.

(5) Where application is made—

(a) for the renewal of a licence for an hotel, restaurant or premises of a kind mentioned in Article 6(1)(a) and either an application is to be made or an order is in force for the premises under Article 50;

(b) for an order under Article 50 other than on renewal; or

(c) for the renewal of a licence for any place of entertainment,

any licence required for those premises by a council under Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985(c) shall be produced to the court.”

(a) S.I. 1992/235 (N.I. 3)
(b) S.I. 1978/1044 (N.I. 14)
(c) S.I. 1985/1208 (N.I. 15)

(This note is not part of the Rules.)

These rules amend the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1990 [S.R. 1990 No. 211] to take account of the changes in tourism and licensing legislation effected by the Tourism (Northern Ireland) Order 1992 [S.I. 1992/235 (N.I. 3)]. References in the 1990 Rules to tourism legislation are either updated to refer to the 1992 Order or deleted where no longer applicable.

The rules also correct an error in Form 17.