
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 63

MAGISTRATES' COURTS

Magistrates' Courts (Registration of Clubs) Rules (Northern Ireland) 1997

Made - - - - *17th February 1997*

Coming into operation *20th February 1997*

The Lord Chancellor, in exercise of the powers conferred on him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981⁽¹⁾, 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 revocation

1.—(1) These rules may be cited as the Magistrates' Courts (Registration of Clubs) Rules (Northern Ireland) 1997 and shall come into operation on 20th February 1997.

(2) The Magistrates' Courts (Registration of Clubs) Rules (Northern Ireland) 1988⁽²⁾ are hereby revoked.

Interpretation

2.—(1) In these rules “the Order” means the Registration of Clubs (Northern Ireland) Order 1996⁽³⁾ and a reference to an Article or Schedule by number is a reference to that Article or Schedule as numbered in the Order.

(2) Any reference in these Rules to a Form by number is a reference to that Form so numbered in the Schedule.

(3) Any reference in these Rules to the clerk of petty sessions is a reference to the clerk of petty sessions for the petty sessions district in which the application is made.

Application for the renewal of registration of a club

3.—(1) Notice of application in accordance with Article 7 and paragraph 3 of Schedule 3 for the renewal of registration of a club shall be in Form 1.

(1) S.I.1981/1675 (N.I. 26)
(2) S.R. 1988 No. 348
(3) S.I. 1996/3159 (N.I. 23)

- (2) A notice published in the newspapers as required by paragraph 3(a) of Schedule 3 shall—
- (a) include a reference to the requirement that any person owning or residing or carrying on business in premises in the vicinity of the premises of the club for which renewal of registration is sought who intends to object to the renewal must, in accordance with paragraph 6 of Schedule 3 to the Order, serve notice of his intention to object on the club and the clerk of petty sessions, not less than one week before the renewal date as specified in Article 2(2);
 - (b) state that the permissible grounds of objection are any of the grounds specified in Article 8(3) and (4).

Objection to renewal of registration of a club

4. Notice of intention to object to the renewal of registration of a club in accordance with Article 8(1) and paragraphs 5 and 6 of Schedule 3 shall be in Form 2.

Application for cancellation of registration of a club

5. Where an application is made for the cancellation of registration of a registered club in accordance with Article 13(1), notice of intention to apply for cancellation shall be in Form 3 and this notice shall be served on the secretary of the club and the clerk of petty sessions not less than 4 weeks before the date of the court sitting at which the application for cancellation is to be made.

Applications for authorisation of continuance of club in temporary premises

6. Notice of application in accordance with Article 12 and paragraphs 2 and 3 of Schedule 4 for an order authorising the continuance of a club in temporary premises shall be in Form 4.

Applications for children's certificates

7. Notice of application in accordance with Article 33 and paragraphs 2 and 3 of Schedule 5 for the grant of a children's certificate shall be in Form 5.

Objection to the granting of a children's certificate

8. Notice of intention to object to the granting of a children's certificate in accordance with paragraphs 4 and 5 of Schedule 5 shall be in Form 6.

Plans to be attached to notices of application

9.—(1) Where an applicant intends to make an application for an order authorising the continuance of the club in temporary premises he shall attach to the notice in Form 4 served on the clerk of petty sessions, and to the copies required to be served by paragraph 2 of Schedule 4, a plan of the premises for which authorisation is sought.

(2) Where an applicant intends to apply for the grant of a children's certificate he shall attach to the notice in Form 5 served on the clerk of petty sessions, and to the copies required to be served by paragraph 2 of Schedule 5, a plan of the premises distinguishing the part thereof to which the application relates.

- (3) The plan referred to in paragraphs (1) and (2) must:—
- (a) be to scale on substantial paper or other material;
 - (b) show each floor of the premises on a separate page measuring approximately eighteen inches (46 cms) by eighteen inches (46 cms);

- (c) be certified as true and correct by an architect, surveyor or other person considered by the court to be competent to do so;
- (d) show the parts of the premises on which intoxicating liquor is sold, or is intended to be sold, by clearly distinguishing in bold, hatched or shaded colour between that and other parts of the premises.

Endorsement of service

10. Where any document is required by the Order or these Rules to be served on the clerk of petty sessions and is also required to be served on any other person or body, the document served on the clerk of petty sessions shall be endorsed as to the mode and time of service thereof upon such other person or body.

Costs

11. Article 163 of the Magistrates' Courts (Northern Ireland) Order 1981 (costs) shall apply to an application under Schedules 3, 4 or 5 as if any objector to the application were a respondent.

Dated 17th February 1997.

Mackay of Clashfern, C.

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SCHEDULE

Rule 2(2)

(Article 7 and Schedule 3 paras. 3 and 4)
FORM 1

REGISTRATION OF CLUBS (NORTHERN IRELAND) ORDER 1996
Notice of application for the renewal of registration of a club

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Petty Sessions District of

County Court Division of

TAKE NOTICE that I, *(full name)*
of *(full address),*
as Secretary of *(full name of club) having*
its premises at *(full address)*
of premises of club) intend to apply to the magistrates' court sitting at
(place) on *(date)*
at *(time)* for the renewal of registration of the
said club.^[1]

All of the information, particulars and documents required under any regulations made pursuant to paragraph 4(2) of Schedule 3 to the Registration of Clubs (Northern Ireland) Order 1996 are attached.^[2]

Dated this day of 19 .

Signature of Secretary
or Solicitor.

To the clerk of petty sessions for the above-named petty sessions district.

Copy to:

- (i) the sub-divisional commander at *(police*
sub-division in which the premises of the club are situated);
- (ii) the district council at *(district*
council for the district in which the premises are situated).

Notes:

[¹] Under Article 7 of the Order the clerk of petty sessions may renew the registration of the club where the service requirements are met in the absence of the applicant except where the application to renew the registration is made out of time or where—

- (a) the application is in respect of renewal of the registration of a club which has been in force for a period determined by the court under Article 6(2)(a)(ii) or (b)(ii) or Article 11(1)(b)(ii) or (c)(ii); or
- (b) a notice of objection has been served on the clerk of petty sessions; or
- (c) the clerk of petty sessions requires the application to be made to the court.

[²] Paragraph 4(2) of Schedule 3 to the Order requires an applicant for registration to attach such information, particulars and documents with respect to the club, its officials and members, its objects and activities, its accounts and financial standing as may be required by regulations made by the Department of Health and Social Services to the notice served on the clerk of petty sessions and the copy notices served on the sub-divisional commander and the district council.

[³] In accordance with rule 10 of the Magistrates' Courts (Registration of Clubs) Rules (Northern Ireland) 1997 any document required to be served on the clerk of petty sessions shall be endorsed with a note of the mode and time of service thereof on any other person.

(Article 8 and Schedule 3 paras. 5 and 6)

FORM 2

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REGISTRATION OF CLUBS (NORTHERN IRELAND) ORDER 1996

Notice of intention to object to the renewal of registration of a club

Petty Sessions District of

County Court Division of

TAKE NOTICE that I, *(full name)*
of *(full address)*, being
[the sub-divisional commander of the police sub-division in which the premises of
the club are situated] [an officer of the district council for the district in which the
premises of the club are situated] [a person owning, residing or carrying on business
in premises in the vicinity of the premises of the club]^[1] intend at the magistrates'
court sitting at *(place)* on *(date)*
at *(time)* to appear and object to the renewal of registration of
(full name of club)
at *(full address of club)*
on the following grounds, being grounds specified in Article 8(3) or (4) of the above
Order—

(state grounds of objection briefly and precisely)

Dated this day of 19 .

Signature of Objector
or his Solicitor.

To: *(full name of club)*

Copy to the clerk of petty sessions for the above-named petty sessions district.

Notes:

[¹] The inapplicable words must be deleted.

[²] In accordance with rule 10 of the Magistrates' Courts (Registration of Clubs) Rules (Northern Ireland) 1997 any document required to be served on the clerk of petty sessions shall be endorsed with a note of the mode and time of service thereof on any other person.

(Article 13(1))

FORM 3

REGISTRATION OF CLUBS (NORTHERN IRELAND) ORDER 1996

Notice of intention to apply for the cancellation of registration of a club

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Petty Sessions District of

County Court Division of

TAKE NOTICE that I, *(full name)*
of *(full address), being*
[the sub-divisional commander of the police sub-division in which the premises of
the club are situated] [an officer of the district council for the district in which the
premises of the club are situated] [a person owning, residing or carrying on business
in premises in the vicinity of the premises of the club][¹] intend to apply to the
magistrates' court sitting at *(place)* on
(date) at *(time)* for the cancellation of registration of
(full name of club)
at *(full address of club)*
on the following grounds, being grounds specified in Article 8(3) or (4) of the above
Order—

(state grounds briefly and precisely)

Dated this day of 19 .

Signature of Applicant
or his Solicitor.

To the clerk of petty sessions for the above-named petty sessions district.

Copy to: *(full name of club).*

Notes:

[¹] The inapplicable words must be deleted.

[2] In accordance with rule 10 of the Magistrates' Courts (Registration of Clubs) Rules (Northern Ireland) 1997 any document required to be served on the clerk of petty sessions shall be endorsed with a note of the mode and time of service thereof on any other person.

FORM 4

REGISTRATION OF CLUBS (NORTHERN IRELAND) ORDER 1996

Notice of application for an order authorising the continuance of the club in temporary or other premises

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Petty Sessions District of

County Court Division of

TAKE NOTICE that I, (full names)
of (full address),
as Secretary of (full name of club)
having its premises at (full
address of premises of club) intend to apply to the magistrates' court sitting at
(place) on
(date) at (time) for an order authorising the continuance of the
club for the period of [six][¹] months at
(full address for which authorisation is sought).

The club is unable to use the original premises because they—

- [have, by reason of [fire] [tempest] [or other unforeseen and unavoidable calamity namely;]
- become incapable of being used as the premises of the club];
- [have been [or are likely to be] acquired or demolished, either wholly or to a substantial extent, under a statutory provision (namely)];
- [have been [or are likely to be] extended to include premises which are [or are to be constructed so as to be] contiguous to them];
- [are [or are to be] used for the purpose of the registered club in conjunction with additional premises which are [or are to be constructed] adjacent to it];
- [have been [or are to be] wholly or substantially demolished and new premises have been [or are to be] constructed wholly or partly within its curtilage].^{2]}

The premises for which authorisation is sought are temporary premises erected (or to be erected) wholly [or partly] within the curtilage of the site of the original premises [or other premises in the vicinity of the original premises or their site].^{2]}

A plan of the premises for which authorisation is sought is attached to this notice.^{3]}

Dated this day of 19 .

Signature of Applicant
or his Solicitor.

To the clerk of petty sessions for the above-named petty sessions district.^{4]}

Copy to the sub-divisional commander at (sub-
divisional headquarters for the police sub-division in which the premises to which
the application relates are situated).

Notes:

- [¹] Insert requested time period. The court can make an order for such period, not exceeding 6 months, as it thinks fit.
- [²] The inapplicable words *must* be deleted.
- [³] The plan attached to the notice and copy notice must be to scale on substantial paper or other material and certified as true and correct by an architect, surveyor or other person considered by the court to be competent to do so.
- [⁴] This notice must be served not less than 4 days before the time of the court sitting at which the application is to be made.
- [⁵] In accordance with rule 10 of the Magistrates' Courts (Registration of Clubs) Rules (Northern Ireland) 1997 any document required to be served on the clerk of petty sessions shall be endorsed with a note of the mode and time of service thereof on any other person.

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(Article 33, Schedule 5, paras. 2 and 3)
FORM 5

REGISTRATION OF CLUBS (NORTHERN IRELAND) ORDER 1996
Notice of application for the grant of a children's certificate

Petty Sessions District of

County Court Division of

TAKE NOTICE that I (full name)
of (full address),
intend to apply to the magistrates' court sitting at
(place) on (date) at (time) for
the grant of a children's certificate for the premises situated at
(full address of premises).

[FURTHER TAKE NOTICE that I intend to apply under Article 33(4) for a
direction that the said certificate shall operate between the hours of
and on .^[1]

A plan of that part of the premises for which the certificate is sought is attached
to this notice.^[2]

Dated this day of 19 .

Signature of Applicant
or his Solicitor.

To the clerk of petty sessions for the above-named petty sessions district.

Copy to:

- (i) the sub-divisional commander at (sub-divisional headquarters for the police sub-division in which the premises to which the application relates are situated);
- (ii) the district council at (district council for the district in which the premises to which the application relates are situated).

Notes:

The requirements of rule 10.

^[1] Children's certificates can be operational for any time up until 9 in the evening. However, an applicant can request that the certificate cease to be operational at an earlier time on a specified day or days. Insert the requested time and days.

^[2] The plan attached to the notice and copy must clearly distinguish by appropriate colourings or markings and a legend or key thereto the part of the premises to which the application relates.

^[3] In accordance with rule 10 of the Magistrates' Courts (Registration of Clubs) Rules (Northern Ireland) 1997 any document required to be served on the clerk of petty sessions shall be endorsed with a note of the mode and time of service thereof on any other person.

(Schedule 5 paras. 4 and 5)
FORM 6

REGISTRATION OF CLUBS (NORTHERN IRELAND) ORDER 1996
Notice of intention to object to the application for a children's certificate

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Petty Sessions District of
County Court Division of

TAKE NOTICE that I (full name)
of *(full address), being
[the sub-divisional commander of the police sub-division in which the premises of
the club are situated] [or an officer of the district council in which the premises of
the club are situated] [or a person owning or residing in premises in the vicinity of
the premises of the club]^[1], intend at the magistrates' court sitting at
(place) on (date)
at (time) to appear and object to the granting of a children's
certificate to (full name of club),
having its premises at (full address of premises of club),
on the following grounds

(state briefly and precisely the grounds of objection), being grounds specified in Article 33(2) of the above Order.

Dated this day of 19 .

Signature of Objector
or his Solicitor.

To the Applicant.

Copy to the clerk of petty sessions for the above-named petty sessions district.

Notes:

* If sub-divisional commander, state sub-divisional headquarters.

[¹] The inapplicable words must be deleted.

[²] In accordance with rule 10 of the Magistrates' Courts (Registration of Clubs) Rules (Northern Ireland) 1997 any document required to be served on the clerk of petty sessions shall be endorsed with a note of the mode and time of service thereof on any other person.

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules make provision for the procedure to be followed in courts of summary jurisdiction in relation to applications under the Registration of Clubs (Northern Ireland) Order 1996.

The Rules revoke the Magistrates' Courts (Registration of Clubs) Rules (Northern Ireland) 1988.