

**EXPLANATORY MEMORANDUM TO**  
**The Magistrates' Courts (Licensing) (Amendment) Rules (Northern Ireland)**  
**2016**

**S.R. 2016 No. 405**

**1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 13 of Magistrates' Courts (Northern Ireland) Order 1981 and is subject to the negative resolution procedure.

**2. Purpose**

- 2.1. The purpose of the Statutory Rule is to amend the Magistrates' Courts Licensing Rules (Northern Ireland) 1997 (the 1997 Rules) to include the practice and procedure to be followed in magistrates' courts when dealing with applications in relation to a liquor licence for an outdoor stadium.

**3. Background**

- 3.1. Under the Licensing (Northern Ireland) Order 1996 (the Licensing Order 1996), certain kinds of premises may be granted a licence to sell intoxicating liquor by retail to the public. An application for the grant of a liquor licence must be made to a County Court. The Licensing Act (Northern Ireland) 2016 amended the Licensing Order 1996 to include an outdoor stadium in the kinds of premises which may be granted a liquor licence.
- 3.2. Following the grant of a liquor licence all applications for the renewal of that licence and other matters relating to it are made to a magistrates' court.

**4. Consultation**

- 4.1. Consultation with the Justice Committee has taken place in relation to the proposed Statutory Rule.
- 4.2. The Magistrates' Courts Rules Committee, which is made up of representatives from the Judiciary, the legal professions and non-legal members were consulted prior to the making of the Statutory Rule.
- 4.3. The Department has also consulted on the Statutory Rule with the Lord Chief Justice per its statutory duty under Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981.

**5. Equality Impact**

- 5.1. The underlying policy of including an outdoor stadium in the kinds of premises which may be granted a liquor licence was screened prior to the making of the Licensing Act (Northern Ireland) 2016. No adverse impacts for any of the nine categories in section 75 of the Northern Ireland Act

1998 were identified. A full Equality Impact Assessment was, therefore, not conducted.

- 5.2. The amendments made by the Statutory Rule are technical and consequential to amendments to the Licensing Order 1996.

## **6. Regulatory Impact**

- 6.1. A Regulatory Impact Assessment is not considered necessary. There will be no impact on business, charities or voluntary bodies.

## **7. Financial Implications**

- 7.1. None.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. The Department has considered its obligations under section 24 of the Northern Ireland Act 1998 and is satisfied that the Statutory Rule is not incompatible with Convention rights, is not incompatible with European Union law, does not discriminate against a person or class of person on the grounds of religious belief or political opinion; and does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

## **9. EU Implications**

- 9.1. None

## **10. Parity or Replicatory Measure**

- 10.1. The amendments to the 1997 Rules are not intended to replicate liquor licensing legislation elsewhere. Northern Ireland is unique in granting liquor licences to kinds of premises.

## **11. Additional Information**

- 11.1. Not applicable.