
STATUTORY INSTRUMENTS

1987 No. 1278

The Registration of Clubs (Northern Ireland) Order 1987

PART V

MISCELLANEOUS

Restrictions on advertisements relating to functions in registered clubs

39.—(1) Except as provided by this Article, no person shall issue, or cause to be issued, any advertisement drawing attention to any function to be held on the premises of a registered club and, subject to paragraph (3), if paragraph (1) is contravened then—

- (a) the registered club; and
- (b) every person entered in the register of clubs as an official or member of the committee of management or governing body of the club at the time the advertisement is issued; and
- (c) any person who issued the advertisement or caused it to be issued; shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) Paragraph (1) does not apply to—

- (a) the publication or display of a notice inside the premises of the registered club in which the function is to be held; or
- (b) any advertisement in so far as it relates to a function involving any sport, game or physical recreation.

(3) In any proceedings for an offence under paragraph (1) it shall be a defence for—

- (a) a person mentioned in paragraph (1)(b) to prove that the advertisement was issued without his consent or connivance and that he exercised all due diligence to prevent the issue of any such advertisement; and
- (b) a person to prove that he is a person whose business it is to publish or arrange for the publication of advertisements and that he received the advertisement in question for publication in the ordinary course of business and did not know and had no reason to suspect that its publication would amount to an offence under paragraph (1).

(4) For the purposes of this Article an advertisement issued by displaying or exhibiting it shall be treated as issued on every day on which it is displayed or exhibited.

(5) In this Article “advertisement” includes every form of advertising, whether in a publication or by the display of notices or by means of circulars or other documents or by an exhibition of photographs or a cinematograph film, or by way of sound broadcasting or television or by inclusion in a cable programme service, and references to the issue of an advertisement shall be construed accordingly.

Admission of visiting teams, etc.

40.—(1) Notwithstanding paragraphs 14 and 15 of Schedule 1 or any rule required to be made by those paragraphs by a registered club, where a team or other body of persons who are, as members of another club (whether registered or not), society or organisation, visiting a registered club for the purpose of taking part in or in the organisation of or arrangements for, any pastime, sport, game or recreation at the registered club, the secretary or other officer of the club being visited may enter in the book required to be kept by that paragraph 14 the name of the club, society or organisation visiting that club and the number of such persons without specifying their names and addresses and intoxicating liquor may be supplied to such persons at the request and in the presence of any officer of the registered club being visited on the occasion of that visit.

(2) The admission of persons to whom paragraph (1) applies shall be disregarded for the purposes of paragraph 13 of Schedule 1.

Accounts of registered clubs

41.—(1) Every registered club shall—

- (a) cause to be kept proper books of account with respect to its transactions and its assets and liabilities, and
- (b) establish and maintain a satisfactory system of control of its accounts, its cash holdings and all its receipts and remittances, and
- (c) cause those accounts to be audited annually by a qualified accountant, and
- (d) submit those accounts to the accountant within 3 months of the date of the end of the financial year of the club to which they relate, and
- (e) send a copy of those accounts to the sub-divisional commander of the police sub-division in which the premises of the club are situated within 3 months of the date of the end of the financial year of the club to which they relate, and
- (f) provide the sub-divisional commander mentioned in sub-paragraph (e) with such information, particulars or documents relating to those accounts as he may require within 2 weeks of the date on which he requests that information or those particulars or documents.

(2) Every registered club acting in contravention of paragraph (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Notification of alteration of rules of registered clubs

42.—(1) Where any alteration is made in the rules, the committee of management or the governing body of a registered club or the secretary of the club shall, within 14 days of the alteration, serve a notice giving particulars of the alteration upon the sub-divisional commander of the police sub-division in which the premises of the registered club are situated.

(2) If paragraph (1) is contravened the secretary of the registered club shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(3) Notwithstanding anything in Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981 (time limit for summary proceedings), a court of summary jurisdiction shall have jurisdiction to hear and determine a complaint charging the commission of an offence under this Article provided that the complaint is made within 12 months from the date on which the alteration is made.

Legal proceedings

Proceedings against clubs

43.—(1) Proceedings under this Order may be brought against a registered club in the name in which it is registered.

(2) Any summons or other document required to be served on the club in the course of such proceedings may be served on the secretary of the club; and any such summons shall, in addition to being so served, be served also on any other person whom the justice of the peace granting the summons may direct.

Proof of consumption of intoxicating liquor

44.—(1) Evidence that consumption of intoxicating liquor was about to take place shall, in any proceedings relating to an offence under this Order, be evidence of the consumption of intoxicating liquor without proof of actual consumption.

(2) Evidence that any person obtained, consumed or intended to consume intoxicating liquor in the premises of a registered club shall, in any such proceedings, be evidence that the liquor was supplied by or on behalf of the club.

(3) Where it is proved that intoxicating liquor has been received, delivered or distributed within the premises of a registered club and taken outside the premises, it shall, failing proof to the contrary, be deemed to have been so taken for consumption outside the premises.

(4) Where intoxicating liquor in open vessels is found in the premises of a registered club during any period when the consumption of intoxicating liquor in those premises is prohibited by this Order, consumption of intoxicating liquor shall, in any proceedings for a contravention of any provisions of this Order, be deemed to have taken place during that period and in those premises unless and until the contrary is proved.

Appeals

45.—(1) Without prejudice to Articles 61 and 65 of the County Courts (Northern Ireland) Order 1980, any party to the proceedings who is dissatisfied with a decision of a county court on an application made to it under this Order may appeal from that decision as if the decision had been made in exercise of the jurisdiction conferred by part III of that Order and the appeal were brought under Article 60 of that Order.

(2) For the purposes of—

- (a) paragraph (1);
- (b) Articles 61 and 62 of the County Courts (Northern Ireland) Order 1980;
- (c) Articles 143 and 146 of the Magistrates' Courts (Northern Ireland) Order 1981,

a person who appears as an objector in any proceedings under this Order shall be deemed to be a party to the proceedings.

Procedure in connection with cancellation and disqualification

46.—(1) A court which cancels the registration of a club or makes a disqualification order in respect of the premises of a registered club under Article 13 or 38 shall order the secretary of the club to deliver the certificate of registration of the club to the clerk of the court within a period specified in the order of the court, and if the person so ordered contravenes that court order he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months or both.

(2) The clerk of a court to whom a certificate of registration is delivered under paragraph (1) shall—

- (a) if he is not the clerk of petty sessions who keeps the register in which the club is registered, send the certificate of registration to that clerk of petty sessions; or
- (b) if he keeps that register, retain the certificate of registration.

(3) The clerk of a court which cancels the registration of a club or makes a disqualification order as mentioned in paragraph (1) shall send notice of the cancellation or order to the sub-divisional commander of the police sub-division in which the premises of the club are situated.

Supplemental

Modifications of Schedules, amendments, transitional and saving provisions and repeals

47.—(1) The provisions of Schedule 2 may be modified by county court rules and the provisions of Schedule 3 may be modified by magistrates' courts rules, and any rules made under this paragraph may make consequential modifications of this Order.

(2) The statutory provisions set out in Schedule 4 shall have effect subject to the amendments specified in that Schedule.

(3) The transitional and saving provisions in Schedule 5 shall have effect for the purposes of this Order.

(4) The statutory provisions set out in Schedule 6 are hereby repealed to the extent specified in column 3 of that Schedule.