
STATUTORY INSTRUMENTS

1990 No. 594

The Licensing (Northern Ireland) Order 1990

PART II

THE GENERAL LICENSING SYSTEM

Form, register and proof of licences, etc.

Form of licence

38. A licence shall be in such form as may be prescribed by regulations and shall specify—

- (a) the name and address of the holder of the licence;
- (b) the address of the premises for which it is granted;
- (c) the kind of premises for which it is granted;
- (d) the name and address of the owner of the premises;
- (e) such other matters as may be prescribed by regulations.

Register of licences

39.—(1) Each clerk of petty sessions shall keep a register, in such form as may be prescribed by regulations, of licences granted for premises in the petty sessions district for which he acts as clerk and shall record therein in respect of each licence—

- (a) the matters which under Article 38 are required to be specified in the licence;
- (b) particulars of any renewal or transfer, or the surrender, of the licence;
- (c) particulars of any condition imposed under Article 8(8) or any direction given under Article 8(7) or 16(4)(a) and any cancellation of any such direction;
- (d) particulars of any direction given under Article 8(9) or 16(5) and particulars of any variation or cancellation of any such direction;
- (e) particulars of any protection order and of any notice served under Article 30(3);
- (f) particulars of any order made under Article 9(1) or (3), Article 34, Article 36(1), (3) or (4), Article 49 or Article 50 in respect of premises specified in the licence and of any requirement in respect of those premises notice of which is served on him under Article 36(1)(ii);
- (g) particulars of any conviction of the licence holder of any offence such as is mentioned in Article 80(1) and of any order made in consequence of the conviction;
- (h) particulars of any matters such as are mentioned in paragraph (3)(c);
- (i) such other matters as may be prescribed by regulations.

(2) Each clerk of petty sessions shall also keep the plans received by him under paragraph (3), Article 9(1)(b), paragraph 4 of Schedule 6 and paragraph 8 of Schedule 8, and those plans shall

be deemed to be matters which are required to be, and have been, recorded in the register under paragraph (1).

(3) Where a court—

- (a) on the application of any person grants or provisionally grants a licence, or declares the provisional grant of a licence to be final, or consents to a modification of plans under Article 10(6), or makes an order under Article 34, Article 36(1)(i), Article 49 or Article 50, or
- (b) makes an order under Article 9, or
- (c) confirms, reverses or varies any decision or determination of any other court relating to a licence or the premises for which a licence is granted, or
- (d) convicts the holder of a licence of any offence such as is mentioned in Article 80(1),

the court, where it is not a court of summary jurisdiction for the petty sessions district in which the premises specified in the licence are situated, shall cause a copy of its order, and any plan which was attached to, or received in connection with, the application or order, and, where the order relates to the grant or provisional grant of a licence, particulars of any matters entered on the licence under Article 38, to be sent to the clerk of petty sessions for that district; and where a licence is surrendered the court shall cause notice of the surrender to be sent to the clerk of petty sessions who keeps the register in which particulars of that licence are recorded.

(4) A clerk of petty sessions may make such alterations in the register as are necessary to ensure that the matters recorded therein in respect of any licence are accurate.

Inspection of register

40. A register of licences may be inspected and copies of all or any part of any entry in the register may be taken at all reasonable hours.

Returns to Department

41. The clerk of petty sessions for any petty sessions district, in respect of each such period as may be specified by the Department, shall send to the Department a statement showing—

- (a) the number of licences granted for premises in that district of each of the kinds mentioned in Article 6(1)(a) to (g);
- (b) the number of licences so granted which have been renewed or transferred;
- (c) the number of protection orders so granted;
- (d) the number of occasional licences granted by a court of summary jurisdiction sitting in that district;
- (e) the number of licences for premises in that district which have been suspended;

and containing such other information as the Department may require.

Register of licences to be evidence

42.—(1) A register of licences shall be received in evidence of the matters required by or under this Order to be recorded in it, and any document purporting to be certified by a clerk of petty sessions to be a true copy of an entry in the register of licences kept by him shall be received in evidence of any such matters contained in the entry.

(2) On an application for the grant, provisional grant, renewal, or transfer of a licence or for a protection order the court shall have regard to the entries, if any, in the register of licences relating to the person by whom, or the premises in respect of which, the application is made.

Proof, etc., of licence

43.—(1) A document purporting to be a licence and to be signed by the clerk of the court by which the licence was granted shall be received in evidence.

(2) A document which has been issued by the clerk of petty sessions for the petty sessions district in which the premises for which a licence was granted are situated and certified by him to contain a true copy of the particulars recorded in the register of licences in respect of that licence shall be treated for the purposes of this Order as the licence.

(3) The clerk of petty sessions may issue a document under paragraph (2) where he is satisfied that the licence has been lost or destroyed.