
STATUTORY INSTRUMENTS

1996 No. 3158

The Licensing (Northern Ireland) Order 1996

PART II

THE GENERAL LICENSING SYSTEM

Renewal of licences

Renewal of licences by a court

15.—(1) On an application for the renewal of a licence to a court of summary jurisdiction, the court shall hear the objections, if any, made under Part I of Schedule 4.

- (2) A court shall refuse an application for the renewal of a licence unless it is satisfied—
- (a) subject to paragraph (3)(a), that the procedure relating to the application set out in Part I of Schedule 4 has been complied with; and
 - (b) that the applicant is a fit person to hold a licence; and
 - (c) subject to Article 18(3),—
 - (i) that the kind of premises specified in the application is that for which the licence was granted and the premises are of the kind so specified; and
 - (ii) subject to paragraph (3)(b), that the premises are suitable to be licensed for the sale of intoxicating liquor by retail; and
 - (d) that, having regard to the manner in which the business carried on in the premises under the licence has been conducted since the last previous renewal of the licence (or, where the renewal applied for is the first renewal of the licence, since the licence was granted), it is likely that, if the licence is renewed, the business will be conducted in a peaceable and orderly manner; and
 - (e) subject to Article 18(3), that—
 - (i) the business carried on in the premises under the licence, and
 - (ii) in the case of premises of a kind mentioned in Article 5(1)(c) to (j) other than an hotel in respect of which the note and record mentioned in Article 5(5)(a) have been made, the business to which the sale of intoxicating liquor under the licence is ancillary, has not been discontinued; and
 - (f) where the licence is in respect of a guest house or a place of public entertainment, that the conditions attached to the licence by the court under Article 7(11) or, as the case may be, (12) have been observed.
- (3) A court may renew a licence notwithstanding—
- (a) that the procedure relating to the application set out in Part I of Schedule 4 has not been complied with if, having regard to the circumstances, it is reasonable to do so; or

- (b) that the premises are not suitable for the sale of intoxicating liquor by retail, if they will be made suitable in consequence of an order under paragraph (7).
- (4) For the purposes of paragraph (2)(e)(i) a business shall be deemed not to have been discontinued if its conduct has been interrupted by reason only of the suspension of the licence.
- (5) A court which renews a licence in respect of premises of a kind mentioned in Article 5(1)(a), on the application of the holder of the licence—
 - (a) where a direction has not been given under Article 7(10), shall give such a direction; or
 - (b) shall cancel a direction given under sub-paragraph (a) or Article 7(10).
- (6) A court which renews a licence for any premises which are licensed premises to which regulations under Article 108(1)(b) of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 apply may—
 - (a) where a direction has not been given under Article 7(13) in respect of the licensed premises, on an application by the sub-divisional commander of the police sub-division in which the licensed premises are situated, give such a direction; or
 - (b) on an application by the sub-divisional commander mentioned in sub-paragraph (a), vary a direction given under sub-paragraph (a) or Article 7(13); or
 - (c) on an application by the holder of the licence, vary or cancel a direction given under sub-paragraph (a) or Article 7(13).
- (7) Article 8 shall apply in relation to the renewal of a licence as if—
 - (a) references to the court granting a licence were references to a court renewing a licence; and
 - (b) in paragraph (2) the reference to the person whose name has been notified to the court as the owner of the premises were a reference to the person whose name is recorded in the register of licences as the owner of the premises.
- (8) Where the court refuses an application for the renewal of a licence or for the variation or cancellation of a direction under paragraph (6) it shall specify in its order the reasons for its refusal.
- (9) Where the court gives or cancels a direction under paragraph (5) or (6) or varies a direction under paragraph (6) the clerk of petty sessions shall note the direction, cancellation or variation, as the case may require, on the licence.