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STATUTORY INSTRUMENTS

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**1996 No. 3159**

**The Registration of Clubs (Northern Ireland) Order 1996**

**PART II**

**REGISTRATION OF CLUBS**

*Renewal of registration*

**Renewal of registration**

7.—(1) An application for the renewal of registration of a club may be made by the secretary of the club and shall be made to a court of summary jurisdiction except where the registration is renewed by the clerk of petty sessions under this Article.

(2) The procedure for applications for the renewal of registration of a club is set out in Part I of Schedule 3.

(3) Subject to paragraph (4), where notice of application for the renewal of the registration of a club otherwise than under Article 9 has been served upon the clerk of petty sessions, he may renew the registration as if the application had been made to him and may do so in the absence of the applicant.

(4) Where—

- (a) a notice of application is in respect of the 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- (b) a notice of objection has been served on the clerk and has not been withdrawn, or
- (c) the clerk is of the opinion, for any other reason, that an application for the renewal of the registration of a club should be made to a court;

the clerk shall require the application to be made to the court and shall notify the applicant and the objectors, if any, of the requirement and of the time and place of the hearing.

(5) Where the registration of a club is renewed, the clerk of petty sessions shall note the renewal on the certificate of registration.

**Renewal of registration by a court**

8.—(1) On an application for the renewal of registration of a club, the court shall hear the objections, if any, made under Part I of Schedule 3.

(2) On the hearing of an application for the renewal of registration of a club, the court may, before granting or refusing to grant the application, require the production of further information, particulars or documents such as are mentioned in paragraph 4(2) of Schedule 3 for the period from the date of the information, particulars or documents, as the case may require, which are attached to the notice served upon the clerk of petty sessions under paragraph 3(b) of Schedule 3 until such date as the court may specify; and paragraphs 3(b), 5 and 6 of Schedule 3 shall apply for the purposes of

such further information, particulars or documents as if they were notice of the application, subject to the modification that in paragraph 3(b) for the reference to 4 weeks before the renewal date there were substituted a reference to 2 weeks before the time fixed by the court for the hearing of the application to be resumed.

(3) A court shall refuse an application for the renewal of registration of a club unless it is satisfied

- (a) subject to paragraph (5), that the procedure relating to the application set out in Part I of Schedule 3 has been complied with; and
- (b) that the rules of the club contain the provisions specified in Schedule 1 and do not contravene the provisions of this Order; and
- (c) that, having regard to the manner in which the club has been conducted during the preceding 6 years (or where the club has not been registered during all of that period, during the period from the date of the service of the notice of application under paragraph 1(1)(a) of Schedule 2 for the grant of registration),—
  - (i) the club is conducted in good faith as a club; and
  - (ii) the provisions of the rules of the club and of this Order are, and will be, complied with; and
- (d) that none of the officials of the club has an unspent conviction under the Rehabilitation of Offenders (Northern Ireland) Order 1978 for an offence of violence or an offence involving dishonesty.

(4) A court may refuse an application for the renewal of registration of a club if it is satisfied—

- (a) that, having regard to any change in the accommodation, facilities and amenities of the premises of the club since the last previous renewal of the registration of the club (or, where the renewal applied for is the first renewal of registration, since registration was granted), the premises of the club are not in all respects suitable and proper having regard to the objects of the club and to the estimated maximum number of members of the club; or
- (b) that, since the last previous renewal of the registration of the club (or, where the renewal applied for is the first renewal of registration, since registration was granted), the club has been kept or habitually used for an unlawful purpose; or
- (c) that intoxicating liquor has been sold, supplied or consumed on the premises of the club in contravention of this Order or the Licensing (Northern Ireland) Order 1996; or
- (d) that the supply of intoxicating liquor to the club is not under the control of an official of the club or the members having voting rights in relation to the affairs of the club; or
- (e) that, having regard to his character and reputation, an official of the club is not a fit person to hold an office of the club; or
- (f) that the club has been convicted of an offence under this Order or the Registration of Clubs (Northern Ireland) Order 1987.

(5) A court may renew the registration of a club notwithstanding that the procedure relating to the application set out in Part I of Schedule 3 has not been complied with if, having regard to all the circumstances, it is reasonable to do so.

(6) Where, in the case of a nightworkers club, a court of summary jurisdiction under Article 24(2) varies the hours for the supply of intoxicating liquor the clerk shall note the variation on the certificate of registration.

(7) Where the court refuses an application for the renewal of registration of a club it shall specify in its order the reasons for its refusal.

(8) A certificate of registration issued to a registered club which is required, on application for renewal of registration, to produce to the court further information, particulars or documents under

paragraph (2) shall, unless registration is cancelled or a disqualification order under Article 15 or 46 applies to the premises of the registered club, continue in force when it would otherwise expire until the application for renewal is determined.

#### **Power to renew registration out of time**

9. Where the secretary of a club the registration of which falls to expire on the 31st March fails to serve due notice of an application for its renewal before the renewal date, a court of summary jurisdiction, upon application made in compliance with the procedure set out in Part I of Schedule 3 as modified by Part II of that Schedule not later than the end of the period of 12 months from the date on which the registration expires, may renew the registration of the club—

- (a) if it is satisfied that there was good reason for the failure; or
- (b) upon the payment of such additional fee as may be fixed by order under section 116 of the Judicature (Northern Ireland) Act 1978 for each month or part of a month between the renewal date and the time when the application is made under this Article for the renewal of the registration.

#### **Continuance of registration pending determination of appeal**

10. Where a court refuses an application for the renewal of the registration of a club and the secretary of the club appeals, the registration of the club shall, unless it is cancelled or a disqualification order under Article 15 or 46 applies to the premises of the registered club, continue in force until the appeal is determined or abandoned.

#### **Duration of renewed certificates of registration**

11.—(1) Subject to paragraph (2), on the renewal of registration of a club, the certificate of registration, unless registration is cancelled or a disqualification order under Article 15 or 46 applies to the premises of the registered club, shall remain in force until—

- (a) if it is renewed by the clerk of petty sessions during the month of March immediately preceding the expiration of the then current registration period, the expiration of the next following registration period; or
- (b) if it is renewed by a court within the 3 months immediately preceding the expiration of the then current registration period, the expiration of—
  - (i) the next following registration period, or
  - (ii) such lesser period ending on 31st March as the court shall determine; or
- (c) if it is renewed by a court in any other case, the expiration of—
  - (i) the then current registration period; or
  - (ii) such lesser period ending on 31st March as the court shall determine.

(2) Paragraph (1) shall not prejudice the operation of Articles 8(8), 10 and 14 under which a certificate of registration may continue in force after the time when it would otherwise expire.