
STATUTORY INSTRUMENTS

1996 No. 3159

The Registration of Clubs (Northern Ireland) Order 1996

PART II

REGISTRATION OF CLUBS

Restriction on supply, etc., of intoxicating liquor of a club

3.—(1) It shall be unlawful—

- (a) to supply, consume or keep for supply on the premises or consumption intoxicating liquor on the premises of a club;
- (b) to bring intoxicating liquor on the premises of a club for the purposes of the consumption of the liquor;

unless the club is registered in respect of those premises.

(2) If intoxicating liquor is supplied, consumed, kept for supply or consumption or brought for the purposes of the consumption on—

- (a) the premises of a club which has served a notice of application under paragraph 1(1)(a) of Schedule 2 for the grant of registration under this Order; or
- (b) any premises used by a club which has ceased to be a registered club by reason of—
 - (i) the expiration of the registration within the preceding 3 years; or
 - (ii) the cancellation of the registration; or
- (c) any premises in respect of which a disqualification order under this Article or under Article 15 or 46 or under Article 13 or 38 of the Registration of Clubs (Northern Ireland) Order 1987 is in force;

every person who supplies, obtains, consumes, keeps for supply or consumption or permits the consumption of the intoxicating liquor, or who brings the intoxicating liquor on the premises and, in the case of the premises of a club, every officer and member of the club shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.

(3) In addition to any penalty it imposes under paragraph (2) on a person convicted of an offence under that paragraph, the court shall make a disqualification order prohibiting the premises on which the offence was committed being used for the purposes of any registered club during—

- (a) in the case of premises mentioned in sub-paragraph (2)(a) or (b), the period of 5 years from the date on which the order takes effect; or
- (b) in the case of premises mentioned in sub-paragraph (2)(c), the period of 5 years from the date on which the disqualification order which is in force with respect to the premises expires.

(4) In any proceedings for an offence by reason of a contravention of paragraph (2) it shall be a defence for a person to prove that he exercised all due diligence to avoid the commission of such an offence.

(5) Where a disqualification order under paragraph (3) is made, the registration of the club obtained before the order is made or before it takes effect shall by virtue of the order be void as from the time when the order takes effect.

(6) A disqualification order under paragraph (3) shall not take effect—

(a) until the expiry of the time for bringing an appeal against the conviction or against the making of the order, and

(b) if such an appeal is brought, until the appeal has been determined or abandoned.

(7) Nothing in this Article shall apply to anything done at a function held in premises in connection with which an occasional licence has been granted under Article 30 of the Licensing (Northern Ireland) Order 1996.

Clubs which may be registered

4.—(1) Subject to paragraph (2), a club may be registered if—

(a) on the date of the service of the notice of application under paragraph 1(1)(a) of Schedule 2 for the grant of registration under this Order the rules of the club contain the provisions specified in paragraphs 1 to 13 and 19 of Schedule 1; and

(b) the rules do not contravene the provisions of this Order.

(2) A club which occupies premises for which there is in force a disqualification order under Article 3, 15 or 46 or under Article 13 or 38 of the Registration of Clubs (Northern Ireland) Order 1987 shall not be registered under this Order.

(3) In determining whether a club is conducted in good faith as a club a court shall have regard—

(a) to the past conduct of the club; and

(b) to any arrangement restricting the club's freedom of purchase of intoxicating liquor; and

(c) to any provision in the rules, or arrangement, under which money or property of the club, or any gain arising from the carrying on of the club is or may be applied otherwise than for the benefit of the club as a whole or for charitable or benevolent purposes; and

(d) to the financial arrangements in relation to the club; and

(e) to whether the club has fewer than 25 members having voting rights in relation to the affairs of the club; and

(f) to whether the supply of intoxicating liquor is ancillary to the objects of the club.

(4) Any certificate of registration purporting to be held by a club in respect of premises mentioned in paragraph (2) is void.

Grant of registration

Grant of registration

5.—(1) An application for the grant of registration of a club may be made by the secretary of the club and shall be made to a county court.

(2) The procedure for applications for the grant of registration is set out in Schedule 2.

(3) On an application for the grant of registration of a club, the court shall hear the objections, if any, made under Schedule 2.

(4) On the hearing of an application for the grant 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 2(2) of Schedule 2 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 chief clerk under paragraph 1(1)(c) of Schedule 2 until such date as the court may specify; and paragraphs 1(1)(c), 3 and 4 of Schedule 2 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 1(1)(c) for the reference to 4 weeks before the opening of the court sitting there were substituted a reference to 2 weeks before the time fixed by the court for the hearing of the application to be resumed.

- (5) A court shall refuse an application for the grant of registration of a club unless it is satisfied—
- (a) subject to paragraph (7), that the procedure relating to the application set out in Schedule 2 has been complied with; and
 - (b) that the premises of the club are not premises in respect of which a disqualification order under Article 3, 15 or 46 or under Article 13 or 38 of the Registration of Clubs (Northern Ireland) Order 1987 is in force; and
 - (c) that the premises of the club are in all respects (including location, accommodation, facilities and amenities) suitable and proper having regard to the objects of the club and to the estimated maximum number of members of the club; and
 - (d) that there are not sufficient registered clubs providing club accommodation of a similar character already in existence in the vicinity of the premises of the club; and
 - (e) either—
 - (i) that there is in force planning permission to use the premises as the premises of a club for the period during which the certificate of registration would be in force; or
 - (ii) that the premises may be used as such a club for that period without such permission; and
 - (f) that the rules of the club contain the provisions specified in Schedule 1 and do not contravene the provisions of this Order; and
 - (g) that the club has been conducted in good faith as a club for not less than 1 year; and
 - (h) that the provisions of the rules of the club and of this Order are, and will be, complied with; and
 - (i) 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.
- (6) A court may refuse an application for the grant of registration of a club if it is satisfied—
- (a) that, in respect of the premises of the club, a licence for the sale of intoxicating liquor has been suspended, or an application for the renewal of any such licence has been refused, under the Licensing (Northern Ireland) Order 1996 or the Licensing (Northern Ireland) Order 1990 within the preceding 5 years; or
 - (b) that the club is 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 will not be 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.

(7) A court may grant the registration of a club notwithstanding that the procedure relating to the application set out in Schedule 2 has not been complied with if, having regard to the circumstances, it is reasonable to do so.

(8) Where a notice under Schedule 2 states that the club in respect of which an application is to be made is a nightworkers club and on the hearing of the application the county court is satisfied that—

- (a) the members of the club are persons who by reason of the times during which they are normally employed would be unable to take advantage of facilities provided by clubs to which Article 24(1) applies, and
- (b) the rules of the club prohibit the admission of guests of members to, or their presence in, the club premises between the hours of midnight and 10 in the morning next following,

the court shall direct that Article 24(2) shall have effect in relation to the club.

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

Issue and duration of certificates of registration

6.—(1) Where a county court grants an application for the registration of a club the court shall issue a certificate of registration which shall be in such form as may be prescribed and shall specify—

- (a) the name of the club;
- (b) the address of the premises of the club;
- (c) the name and address of the owner of the premises of the club;
- (d) in the case of a nightworkers club—
 - (i) that the club is a nightworkers club to which Article 5(8) of the Registration of Clubs (Northern Ireland) Order 1996 applies; and
 - (ii) the hours fixed by the court under Article 24(2);
- (e) such other matters as may be prescribed.

(2) Subject to the succeeding provisions of this Article, a 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 from the date on which it is issued until—

- (a) the expiration of—
 - (i) the then current registration period, or
 - (ii) such lesser period ending on 31st March as the court shall determine; or
- (b) if it is issued 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.

(3) Where, at the hearing of an application for the grant of registration of a club, any person appears before the court and opposes the registration, but the court registers the club—

- (a) until the expiry of the time for bringing an appeal against the registration and, if an appeal is brought, until the registration is confirmed or the appeal is abandoned, the certificate of registration shall not come into force;
- (b) if on appeal the registration is confirmed or if the appeal is abandoned, for the purpose of determining the period for which the certificate of registration is to be in force, the date when the appeal is disposed of shall be substituted for the date on which the certificate of registration was issued and the chief clerk shall (if necessary) amend the certificate accordingly.

(4) Paragraph (2) 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.

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.

Continuance of club in temporary premises

Continuance of club in temporary premises

12.—(1) Where the premises of a registered club—

- (a) have, by reason of fire, tempest, or other unforeseen and unavoidable calamity, become incapable of being used as the premises of the club; or
- (b) have been, or are likely to be, acquired or demolished, either wholly or to a substantial extent, under any statutory provision; or
- (c) have been, or are likely to be, extended to include premises which are, or are to be constructed so as to be, contiguous to them; or
- (d) are, or are to be, used for the purpose of the registered club in conjunction with additional premises which are or are to be constructed adjacent to it; or
- (e) have been, or are to be, wholly or substantially demolished and new premises have been or are to be constructed wholly or partly within its curtilage;

and the registered club is unable to use the premises (in this Article referred to as “the original premises”), a court of summary jurisdiction may, on an application made by the secretary of the club

in compliance with the procedure set out in Schedule 4, make an order authorising the registered club to use—

- (i) temporary premises erected, or to be erected, wholly or partly within the curtilage of the site of the original premises; or
- (ii) other premises in the vicinity of the original premises or their site,

for such period, not exceeding 6 months, as the court thinks fit.

(2) A court shall not make an order under paragraph (1) unless it is satisfied—

- (a) that the premises which the club proposes to use are adequate for the conduct of the club and will continue to be adequate during the period of the order; and
- (b) that the premises are not premises in respect of which a disqualification order under Article 3, 15 or 46 or under Article 13 or 38 of the Registration of Clubs (Northern Ireland) Order 1987 is in force; and
- (c) that the registered club either—
 - (i) proposes to resume occupation of the original premises within a reasonable period; or
 - (ii) has made an application for registration for those or other premises, or proposes to do so within a reasonable period.

(3) An application under this Article shall be made to a court of summary jurisdiction for the petty sessions district in which the premises which the club proposes to use are situated.

(4) Where an order has been made under paragraph (1), a court of summary jurisdiction may, on the application of the secretary of the registered club, make such further order or orders under that paragraph as the court thinks fit.

(5) The continuance of the registered club in temporary premises under this Article shall cease—

- (a) at the end of the period specified in an order or a further order made under paragraph (1), or
- (b) when the registered club resumes occupation of the original premises or of premises in respect of which the club is registered,

whichever first occurs.

(6) Where under this Article a court authorises the continuance of a club in any temporary premises, those premises shall be deemed to be the premises in respect of which the club is registered.

Cancellation of registration

Cancellation of registration

13.—(1) An application for the cancellation of registration of a registered club may be made by the sub-divisional commander of the police sub-division in which the premises of the club are situated, the district council for the district in which the premises of the club are situated or any person owning, or residing or carrying on business in, premises in the vicinity of the premises of the club to a court of summary jurisdiction on any of the grounds on which objection may be made to an application for renewal of the registration of the club.

(2) On an application for the cancellation of registration of a registered club a court shall hear representations, if any, from the applicant and the secretary of the club.

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

(4) A certificate of registration purporting to be in respect of the registration of a club shall, where that registration has been cancelled, be void.

Continuance of registration pending determination of appeal against cancellation

14. Where a court cancels the registration of a club and the secretary of the club appeals, the registration shall continue in force until the appeal is determined or abandoned.

Disqualification of premises on refusal of renewal or cancellation of registration

15.—(1) Where a court of summary jurisdiction—

- (a) refuses an application by a registered club for the renewal of its registration; or
- (b) cancels the registration of a club under Article 13(1) or 45(1);

the court shall make a disqualification order prohibiting the premises occupied by the club being used for the purposes of any registered club during a period of 2 years from the date on which the order takes effect or, if the court thinks fit, such greater period not exceeding 5 years as may be specified in the order.

(2) Where a disqualification order under paragraph (1) is made, the registration of the club obtained before the order is made or before it takes effect shall by virtue of the order be void as from the time when the order takes effect.

(3) A disqualification order under paragraph (1) shall not take effect—

- (a) until the expiry of the time for bringing an appeal against the refusal to renew the registration, the cancellation of the registration or against the making of the order as the case may require, and
- (b) if such an appeal is brought, until the appeal has been determined or abandoned.

Register and proof of certificate of registration

Register of clubs

16.—(1) Each clerk of petty sessions shall continue to keep a register of clubs having premises within the petty sessions district in respect of which a certificate of registration is issued under Article 6(1).

(2) Each clerk of petty sessions shall record in respect of each club entered in the register—

- (a) the matters which under Article 6(1) are required to be specified in the certificate of registration;
- (b) the names and addresses of the officials of the club;
- (c) particulars of any renewal of registration of the club;
- (d) particulars of any cancellation of registration of the club and of any disqualification order made in consequence of the cancellation;
- (e) particulars of any conviction of the club of any offence under this Order and of any penalty points endorsed on the certificate of registration or any disqualification order made in consequence of the conviction;
- (f) such other matters as may be prescribed.

(3) Each clerk of petty sessions shall also keep the documents received by him under paragraph (4), and those documents shall be deemed to be matters which are required to be, and have been, recorded in the register under paragraph (2).

(4) Where a court—

- (a) on the application of any club grants registration; or
- (b) fixes any hours in respect of a club under Article 24(2); or

- (c) confirms, reverses or varies any decision or determination of any other court relating to the registration of a club,

the court, where it is not a court of summary jurisdiction for the petty sessions district in which the premises of the club are situated, shall cause a copy of its order, and any document which was attached to, or received in connection with, the application, to be sent to the clerk of petty sessions for that district.

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

Inspection of register

17. A register of clubs 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

18. 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 clubs having a current certificate of registration in that district;
- (b) the number of voting and non-voting members of each club;

and containing such other information as the Department may require.

Register of clubs to be evidence

19.—(1) A register of clubs 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 clubs kept by him shall be received in evidence of any such matters contained in the entry.

(2) On an application for the grant, renewal or cancellation of the registration of a club under this Order the court shall have regard to the entries, if any, in the register of clubs relating to the person by whom, or the club premises in respect of which, the application is made.

Proof, etc., of certificates of registration

20.—(1) A document purporting to be a certificate of registration and to be signed by the clerk of the court by which the club was registered 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 club is registered and certified by him to contain a true copy of the particulars recorded in the register of clubs in respect of that club shall be treated for the purposes of this Order as the certificate of registration.

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

Effect of registration

21. The registration of a club under this Order shall not constitute the club premises licensed premises within the meaning of the Licensing (Northern Ireland) Order 1996 or authorise any sale of intoxicating liquor in the club which would otherwise be illegal but the supply, in accordance with the rules of the club and this Order, of P intoxicating liquor by a registered club to a member of the club or to a guest of a member of the club shall not, for the purposes of any statutory provision prohibiting the sale of intoxicating liquor, be deemed to be an unlawful sale to that member or guest.