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STATUTORY INSTRUMENTS

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**1996 No. 3159**

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

**PART V**

**MISCELLANEOUS**

*Legal proceedings*

**Penalty points to be attributed to an offence**

**43.**—(1) Where a registered club or any official of a registered club is convicted of an offence under a provision of this Order specified in column 1 of Schedule 6 (the general nature of which offence is indicated in column 2) then, subject to the following provisions of this Article, the number of penalty points to be attributed to the offence is—

- (a) the number shown in relation to the offence in column 3 of Schedule 6, or
- (b) where a range of numbers is shown, a number within that range.

(2) Where a registered club or any official of a registered club is convicted (whether on the same occasion or not) of 2 or more offences committed on the same occasion, the total number of penalty points to be attributed to them is the number or highest number that would be attributed on a conviction of one of them (so that if the convictions are on different occasions the number of penalty points to be attributed to the offences on the later occasion or occasions shall be restricted accordingly).

(3) In a case where (apart from this paragraph) paragraph (2) would apply to 2 or more offences, the court may if it thinks fit determine that that paragraph shall not apply to the offences (or, where 3 or more offences are concerned, to any one or more of them).

(4) Where a court makes such a determination it shall state the reasons for the determination in the order of the court.

(5) The Department may, by order made subject to affirmative resolution, alter a number or range of numbers shown in relation to an offence in column 3 of Schedule 6 (by substituting one number or range for another, a number for a range, or a range for a number).

**Endorsement of certificates of registration**

**44.**—(1) Where a registered club or any official of a registered club is convicted of an offence under a provision of this Order specified in column 1 of Schedule 6, the court shall order there to be endorsed on the certificate of registration issued on the registered club particulars of the conviction and also—

- (a) particulars of the offence, including the date when it was committed, and
- (b) subject to paragraph (2), the penalty points to be attributed to the offence.

(2) A court shall not order penalty points attributed to an offence to be endorsed on the certificate of registration of a registered club if, in any proceedings for the offence,—

- (a) in the case of the registered club, every official of the club at the time of the offence, or
- (b) in any other case, the person convicted of the offence,

proves that he exercised due diligence to avoid the commission of such an offence.

(3) A court which orders the endorsement of a certificate of registration of a registered club under paragraph (1) shall order the secretary of the club to deliver the certificate of registration to the clerk of the court within a period specified in the order of the court and if the secretary of the registered club 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.

### **Cancellation of registration for repeated offences**

**45.**—(1) Where a registered club or any official of a registered club is convicted of an offence under a provision of this Order specified in column 1 of Schedule 6, the penalty points to be taken into account on that occasion are (subject to paragraph (2))—

- (a) any that are to be attributed to the offence or offences in respect of which the club or, as the case may be, the official is convicted, and
- (b) any that were on a previous occasion ordered to be endorsed on the certificate of registration issued to the registered club;

and where the penalty points so taken into account number 10 or more, the court shall, unless satisfied that by reason of extenuating circumstances in connection with the offence or offences the registration of the club ought not to be cancelled, cancel the registration of the club.

(2) If any of the offences was committed more than 3 years before another, the penalty in respect of that offence shall not be added to those in respect of the other.

(3) Where the court refuses to cancel the registration of a club it shall specify in its order the reasons for its refusal.

### **Disqualification of premises on conviction of offence**

**46.**—(1) Where a registered club is convicted of an offence under this Order, the court convicting the club may 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 conviction or against the making of the order, and
- (b) if such an appeal is brought, until the appeal has been determined or abandoned.

### **Proof of consumption of intoxicating liquor**

**47.**—(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**

**48.**—(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**

**49.**—(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 15 or 46 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 secretary of the club 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.

### **Proceedings against clubs**

**50.**—(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.