

1968. No. 89

[C]

COUNTY COURTS

Licensing Rules

RULES, DATED 29TH MARCH 1968, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 146 OF THE COUNTY COURTS ACT (NORTHERN IRELAND) 1959 AND SECTION 15(4) OF THE FINANCE ACT (NORTHERN IRELAND) 1967.

I, the Right Honourable William Craig, Minister of Home Affairs, by virtue of the power vested in me by section 146 of the County Courts Act (Northern Ireland) 1959(a), section 15(4) of the Finance Act (Northern Ireland) 1967(b) and all other powers thereunto enabling, on the recommendation of the County Court Rules Committee and after consultation with the Lord Chief Justice do hereby make the Rules hereinafter set forth.

Dated this 29th day of March 1968.

Wm. Craig,
Minister of Home Affairs.

The Ministry of Finance hereby concurs in the provisions of Rule 2 as to court fees.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 29th day of March 1968.

(L.S.)

James V. Morrison,
Assistant Secretary.

PART I

GENERAL

Citation

1. These Rules may be cited as the County Court (Licensing) Rules (Northern Ireland) 1968.

Fees

2. A fee of ten shillings shall be paid for every licence for the sale of intoxicating liquor granted by a County Court in respect of premises not previously licensed and for every licence issued pursuant to an order for the transfer or removal of a current licence and, accordingly, in item No. 2 of Part III of Appendix ZM to the County Court Rules (Northern Ireland) 1965(c) in the second column thereof the words "a certificate in relation to the grant or refusal of" shall be omitted.

(a) 1959. c. 25.
(b) 1967. c. 20 (N.I.).

(c) S.R. & O. (N.I.) 1965, No. 261.

Plans

3. The applicant shall when giving notice of an application for—
- (a) a new licence (including one to which paragraph (e) of section 9 of the Intoxicating Liquor Act (Northern Ireland) 1923(d) applies);
 - (b) the removal of a licence;
 - (c) a licence restricted to a portion only of premises previously licensed as a whole,

lodge in the office of the Clerk of the Crown and peace a plan of the premises or portion of the premises in respect of which the application is made. Such map shall clearly delineate by appropriate colourings or markings and a legend or key thereto the premises or portion thereof which are licensed or, as the case may be, sought to be licensed.

PART II

APPLICATIONS FOR THE GRANT OR TRANSFER
OF AN ON-LICENCE*Interpretation of this Part*

4. In this Part the expression "on-licence" means a licence for the sale by retail of intoxicating liquor to be consumed either on or off the premises (including an hotel) specified in the licence and a reference to a Form by number is to the Form so numbered in Schedule 1.

Applications for the grant or transfer of an on-licence

5.—(1) Except as provided by Rule 13(1), notice of an application for grant of a new on-licence shall be in Form 1.

(2) Notice of an application for the transfer to another person of an existing on-licence shall be in Form 2.

Form of on-licence

6.—(1) An on-licence shall be in Form 3.

(2) An on-licence issued under an order of the court authorising—

(a) the grant of a new on-licence in respect of premises by virtue of paragraph (a)(ii) of section 9 of the Intoxicating Liquor Act (Northern Ireland) 1923 as being an hotel within the meaning of the said paragraph (a)(ii); or

(b) the transfer to another person of an existing on-licence which the court is satisfied was and has remained in force specifically in respect of the premises as being such an hotel;

shall state that the licence is issued in respect of such an hotel.

Persons on whom and manner in which notice of application to be served

7. Without prejudice to Part III, a notice of application prescribed under this Part shall be served on such persons as are and within such time as is required by the Licensing Acts (Northern Ireland) and, in the absence of any provision as to the manner in which such notice is to be served, in the manner authorised by section 24(2) of the Interpretation Act (Northern Ireland) 1954(e).

(d) 13 & 14 Geo. 5. c. 12 (N.I.).

(e) 1954. c. 33.

PART III

APPLICATIONS UNDER THE LICENSING ACT
(NORTHERN IRELAND) 1963*Interpretation of this Part*

8. In this Part the expression—

“the Act” means the Licensing Act (Northern Ireland) 1963(f);

“District Inspector” means a District Inspector of the Royal Ulster Constabulary;

and a reference to a form by number is a reference to the form so numbered in Schedule 2.

Revocation of 1963 Rules

9. The provisions of this Part shall have effect in lieu of the provisions of the County Court (Licensing) Rules (Northern Ireland) 1963(g) and those Rules are hereby revoked.

Notices

10.—(1) Notice of an application to the court under the Act shall be given not less than twenty-one days before the opening of the sittings for the division in which the application is to be made.

(2) Any notice required or authorised by these Rules to be given—

(a) to a Clerk of the Crown and peace or a District Inspector may be served by being left at the office of the Clerk of the Crown and peace or District Inspector;

(b) to any other person may—

(i) where the person is represented by a solicitor, be served by being left at the office of that solicitor;

(ii) where that person is not so represented, be served on him personally;

(c) to any person may be served by registered post or by means of the recorded delivery service.

Proceedings under section 1 of the Act

11.—(1) The notice of application required by section 1(3) of the Act shall be in Form 1 and shall be given to—

(a) the District Inspector for the district in which the old premises are situate and, if the new premises are situate in another district, the District Inspector for that other district;

(b) the Clerk of the Crown and peace for the division in which the new premises are situate.

(2) A person qualified under section 1(3) of the Act and desiring to oppose an application shall not less than seven days before the opening day of the County Court sittings give the applicant written notice in Form 2 of his intention so to do and of the grounds on which he intends to rely and shall serve a copy of that notice on the Clerk of the Crown and peace and any District Inspector referred to in the notice published in the *Belfast Gazette*.

(3) An order under section 1 of the Act shall be in Form 3.

Proceedings under section 8 of the Act

12.—(1) The notice of application required by section 8(3) of the Act shall be in Form 4 and shall be given to—

- (a) the District Inspector for each district wholly or partly within the re-development area concerned;
- (b) the Clerk of the Crown and peace for the division in which the application is to be made.

(2) A person qualified under section 8(3) of the Act and desiring to appear and be heard on an application shall not less than seven days before the opening day of the County Court sittings give the local authority written notice in Form 5 of his intention so to do, setting out particulars of any matter or circumstances which he intends to bring before the court and shall serve a copy of that notice on any Clerk of the Crown and peace and any District Inspector referred to in the notice published in the *Belfast Gazette*.

- (3) A declaration under section 8 of the Act shall be in Form 6.

Proceedings under section 13 of the Act

13.—(1) The notice of application required by section 13(3) of the Act shall be in Form 7 and shall be given to—

- (a) the District Inspector for the district in which the site concerned is situate;
- (b) the Clerk of the Crown and peace for the division in which the site concerned is situate.

(2) A person qualified under section 13(3) of the Act and desiring to oppose an application shall not less than seven days before the opening day of the County Court sittings give the applicant written notice in Form 8 of his intention so to do and of the grounds on which he intends to rely and shall serve a copy of that notice on the Clerk of the Crown and peace and the District Inspector referred to in the notice published in the *Belfast Gazette*.

- (3) An order under section 13(5) provisionally authorising the grant of a new licence shall be in Form 9.

SCHEDULE 1

FORM 1

LICENSING ACTS (NORTHERN IRELAND)

**Notice of Application for the Grant of a
New Retail On-Licence**IN THE COUNTY COURT FOR THE
DIVISION OF

TAKE NOTICE that I [full names of applicant] of [full address] intend to apply to the County Court sitting at [place] for the above Division commencing on the [date] for the grant to me of a new licence for the sale by retail of [specify kind of intoxicating liquor for which licence is sought, i.e. spirits/beer/cider] for consumption either on or off the premises at [full address].

The owner of the premises is [full names] of [full address].

A receipt issued in the name of the Ministry of Finance for the Claims Fund charge payable in respect of the period during which the licence is valid will be produced to the Court in accordance with section 16 of the Finance Act (Northern Ireland) 1967.

Dated this day of 19 .

Signature of Applicant or
his Solicitor.

To the District Inspector of the Royal Ulster Constabulary for the district of [where premises are situate] [or where the applicant resides elsewhere, the district in which he resides].

To the Clerk of the Crown and peace.

To the Clerk of Petty Sessions [for the Petty Sessions District in which the premises are situate].

FORM 3

LICENSING ACTS (NORTHERN IRELAND)

Retail On-Licence

IN THE COUNTY COURT FOR THE
DIVISION OF

The Court hereby licences the applicant [full names] of [full address] to sell by retail [specify kind of intoxicating liquor for which licence is granted, i.e. spirits/beer/cider] in the quantities hereinafter specified for consumption either on or off the premises at [full address of premises to be licensed] [and, if applicable, add, by virtue of its being an hotel within the meaning of section 9(a)(ii) of the Intoxicating Liquor Act (Northern Ireland) 1923] subject to and in accordance with *[a plan filed in and approved by the Court and] the Licensing Acts (Northern Ireland) as from and including the day of 19 , and until and including the 30th day of September 19 .

The owner of the said premises is [full names] of [full address].

Clerk of the Crown and peace.

This day of 19 .

*Delete if licence is granted upon transfer to another person.

Sales and Quantities authorised by this Licence

<i>Kind of Intoxicating Liquor authorised to be sold under this licence</i>	<i>Sales authorised</i>	<i>Quantity which may be sold to one person at one time</i>
Spirit retailer on	Spirits	Not exceeding two gallons or one case
	Wine British Wine	} Not exceeding two gallons or one case
	Beer	
	Non-dutiable Cider Perry	} Not exceeding four - and - a - half gallons or two cases
Beer retailer on	Beer or non-dutiable Cider and Perry	
Cider retailer on	Non-dutiable Cider and Perry only	} Not exceeding four - and - a - half gallons or two cases

Note 1 Meaning of "wine", "British wine" and "case"

"Wine" means imported wine. "British wine" includes made wines, metheglin and strengthened cider and perry dutiable under the Finance Act 1956.

"Case" means one dozen units each consisting of a container holding not less than twenty-three nor more than twenty-eight fluid ounces, or the equivalent of that number of such units made up wholly or partly of containers of a larger or smaller size.

Note 2 Restriction on sale or supply of spirits

The holder of a retailer's on-licence, unless he is also the holder of a spirit dealer's licence, must not sell, send out or deliver spirits to a rectifier, dealer in or retailer of spirits or buy or receive spirits from another such retailer who is not also licensed as a spirits dealer.

Note 3 Signboard

The holder of this licence is required to exhibit a signboard showing the name and the business for which his licence is granted.

FORM 4

LICENSING ACT (NORTHERN IRELAND) 1963, s. 8(3)

Notice of Application for Declaration

IN THE COUNTY COURT FOR THE DIVISION OF

WHEREAS the [full title and address of principal office of local authority] having under section 9 of the Housing (Miscellaneous Provisions) and Rent Restriction Law (Amendment) Act (Northern Ireland) 1956 submitted to the Ministry of Development a re-development scheme in respect of the area described in the Schedule hereto, has under section 7 of the Licensing Act (Northern Ireland) 1963 submitted to that Ministry proposals respecting the number and situation of sites in that area suitable for premises to be licensed for the sale of intoxicating liquor:

AND WHEREAS the said Ministry has approved those proposals with/without modification and has approved [number] sites in the said area:

TAKE NOTICE that the said local authority intends to apply under section 8 of the Licensing Act (Northern Ireland) 1963 to the County Court sitting at [place] for the above Division commencing on the [date] for a declaration in the terms of section 8(1).

Signed and sealed on behalf of the Applicant:

(L.S.)

Dated this . . . day of . . . 19 . . . Chairman.
. . . Clerk.

SCHEDULE

(Description of Re-development Area and situation of approved sites)

To the District Inspector of the Royal Ulster Constabulary for each district.

To the Clerk of the Crown and peace for the Division.

FORM 7

LICENSING ACT (NORTHERN IRELAND) 1963 s. 13

Notice of Application for Grant of a Licence

IN THE COUNTY COURT FOR THE
DIVISION OF

TAKE NOTICE that I [full names of applicant] of [full address] having acquired a site situate at [full address], being a site specified in a subsisting declaration issued by the County Court for the Division of _____ on the [date] under section 8 of the Licensing Act (Northern Ireland) 1963 intend to apply under section 13 of that Act to the County Court sitting at [place] for the above Division commencing on the [date] for the grant to me in accordance with that declaration of a new [description of licence] licence for the sale of intoxicating liquor in premises on that site.

Dated this _____ day of _____ 19 _____

Signature of Applicant or
his Solicitor.

To the District Inspector of the Royal Ulster
Constabulary for the district of _____

To the Clerk of the Crown and peace for the
Division.

FORM 8

LICENSING ACT (NORTHERN IRELAND) 1963, s. 13(3)

Notice of Opposition to Grant of Licence

IN THE COUNTY COURT FOR THE
DIVISION OF

TAKE NOTICE that on the hearing of the application of [full names of applicant] of [address of applicant] for the grant of a licence under section 13 of the Licensing Act (Northern Ireland) 1963 in respect of premises [to be] situate on the site specified in the notice of that application I [full names] of [full address] being an officer of the Royal Ulster Constabulary for [area] / a person residing/ carrying on business/ in premises in the vicinity of that site intend to appear and oppose the application on the following grounds (being grounds on which by section 13(6) of the said Act such an application may be refused):—

Dated this _____ day of _____ 19 _____

Signature of Objector or
his Solicitor.

To the Applicant.

To the Clerk of the Crown and peace.

To the District Inspector.

FORM 9

LICENSING ACT (NORTHERN IRELAND) 1963, s. 13(5)

Order provisionally authorising the Grant of New LicenceIN THE COUNTY COURT FOR THE
DIVISION OF

WHEREAS [full names and address of applicant] having acquired a site situate at [full address] (being a site specified in a subsisting declaration issued by the County Court for the Division of _____ on the [date] under section 8 of the Licensing Act (Northern Ireland) 1963) has applied for an order under section 13(5) of that Act provisionally authorising the grant of a new licence:

IT IS HEREBY ORDERED that a new [description of licence] licence for the sale of intoxicating liquor in premises when completed on that site in accordance with plans submitted to and this day approved by this Court may be granted in accordance with that declaration, and that such grant is provisionally authorised accordingly.

Dated this _____ day of _____ 19 _____

Clerk of the Crown and peace.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules are made in consequence of the change in the licensing system made by Part V of and Schedule 2 to the Finance Act (Northern Ireland) 1967.

That Act abolished the Excise licences previously required by the Customs and Excise Act 1952 for the sale of intoxicating liquor by retail and instead requires the issue by the appropriate court of licences authorising such sale. The County Court is now empowered upon being satisfied as to the character of the applicant and the suitability of the premises or, as the case may be, their conduct by the applicant, to grant new licences or transfer or remove current licences.

Part I of these Rules provides that a fee of ten shillings which had previously been payable for a certificate authorising the issue of an Excise licence shall, instead, be payable for the court licence.

Part II deals with the forms to be used for giving notice of an application for an on-licence and for the form of the on-licence itself.

Part III replaces the County Court Rules made in 1963 as a consequence of the changes previously referred to in this Note.