2004 No. 463

COUNTY COURTS, NORTHERN IRELAND

County Court (Amendment No. 2) Rules (Northern Ireland) 2004

Made - - - - - 3rd November 2004

Coming into operation in accordance with Rule 1

We, the County Court Rules Committee, appointed by the Lord Chancellor under Article 46 of the County Courts (Northern Ireland) Order 1980(**a**), in exercise of the powers conferred upon us by Article 47 of that Order, Articles 8(6) and 39(1) of the Criminal Evidence (Northern Ireland) Order 1999(**b**), paragraph (2) of Schedule 2 to the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985(**c**), paragraph (2) of Schedule 1 to the Licensing (Northern Ireland) Order 1996(**d**) and all other powers enabling us in that behalf, hereby make the following Rules:

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the County Court (Amendment No. 2) Rules (Northern Ireland) 2004.

(2) Subject to paragraphs (3) and (4), these Rules will come into operation on 29th November 2004.

(3) Sub-paragraphs (a), (b) and (d) of Rule 2(3) and Rule 2(4)(d) shall come into operation on the same day as Article 5(1) of, and Schedule 2 to, the Betting and Gaming (Northern Ireland) Order 2004(**e**) come into operation.

(4) Rule 2(3)(c) and sub-paragraphs (b) and (c) of Rule 2(4) shall come into operation on the same day as Article 4 of the Licensing (Indoor Arenas) (Northern Ireland) Order 2004(**f**) comes into operation.

(5) In these Rules, a reference to an Order, Part, Appendix or Form is a reference to that Order, Part, Appendix or Form as numbered in the County Court Rules (Northern Ireland) 1981(**g**).

Amendment to the principal Rules

2.—(1) Order 32 Part IIA shall be amended as follows –

(a) in Rule 6B(5), for the words "Article 4(1)(a)" there shall be substituted the words "Article 4 or 5";

(**a**) S.I. 1980/397 (N.I. 3)
(**b**) S.I. 1999/2789 (N.I. 8)
(**c**) S.I. 1985/1204 (N.I. 11) as amended by S.I. 2004/310 (N.I. 1)
(**d**) S.I. 1996/3158 (N.I. 22) as amended by S.I. 2004/1994 (N.I. 17)
(**e**) S.I. 2004/310 (N.I. 1)
(**f**) S.I. 2004/1994 (N.I. 17)
(**g**) S.R. 1981 No. 225; to which the most recent relevant amendments were made by S.R. 2003 No. 295; S.R. 2003 No. 485 and S.R. 2004 No. 216

(b) in Rule 6B(7)(a)(i), for the words "Article 4(1)(a)" there shall be substituted the words "Article 4 or 5";

(c) in Rule 6G(2), for the words "a witness", there shall be substituted the words "a child witness";

(d) in Rule 6G(3), for the words "a witness", there shall be substituted the words "a child witness";

(e) by adding after Rule 6N the following new Rules:

"**Application for reporting direction**

6NA.—(1) An application by a party to an appeal arising out of criminal proceedings in a magistrates' court for a reporting direction under section 46 of the 1999 Act in relation to a witness at that appeal may be made at any time after service of the notice of appeal by giving notice in Form 137J.

(2) The notice under paragraph (1) shall be served on the chief clerk, and at the same time a copy thereof shall be served, by the applicant, on every other party to the appeal.

(3) Any party who wishes to oppose the application shall, within 7 days of the date notice of the application was served on him, notify the applicant and the chief clerk, in writing, of his opposition, giving reasons for it.

(4) In order to comply with paragraph (3) a party shall state in the written notification whether he –

(a) disputes that the witness is eligible for protection under section 46 of the 1999 Act; and

(b) disputes that the granting of protection would be likely to improve the quality of evidence given by the witness or the level of co-operation given by the witness to any party to the proceedings in connection with the party's preparation of its case.

Application for excepting direction

6NB.—(1) An application for a direction under section 46(9) of the 1999 Act ("an excepting direction") may be made at any time after the hearing of the appeal has begun if a reporting direction has been given by the court in respect of a witness at that appeal.

(2) The application under paragraph (1) may be made by –

(a) any party to the appeal; or

(b) any person who, although not a party to the appeal, is directly affected by a reporting direction given in relation to a witness in that appeal or could be so affected if the court in determining an application gave a reporting direction.

(3) An application for an excepting direction may be made –

(a) orally at the time the reporting direction is given; or

(b) by giving notice in Form 137K.

(4) An applicant for an excepting direction shall state why, in his opinion –

(a) the effect of the restrictions imposed (or which the applicant for the reporting direction seeks to have imposed) places a substantial and unreasonable restriction on the reporting of the proceedings; and

(b) it is in the public interest to remove or relax those restrictions.

(5) Where the application for an excepting direction is made in writing, the notice under paragraph (3)(b) shall be served on the chief clerk, and at the same time a copy thereof shall be served, by the applicant, on every other party or, as the case may be, every party to the appeal.

(6) Any party who wishes to oppose the application shall, within 7 days of the date notice of the application was served on him, notify the applicant and the chief clerk, in writing, of his opposition, giving reasons for it.

Variation or revocation

6NC.—(1) An application to –

(a) revoke a reporting direction; or

(b) vary or revoke an excepting direction,

may be made at any time after the hearing of the appeal has begun.

(2) The application under paragraph (1) may be made by –

(a) any party to the appeal in which the direction was given; or

(b) any person who, although not a party to the appeal is, in the opinion of the court, directly affected by the direction.

(3) The application under paragraph (1) shall be made by giving notice in Form 137L which –

(a) shall specify the grounds upon which the applicant seeks to have the direction varied or, as the case may be, revoked; and

(b) shall be served, by the applicant, on the chief clerk and on every other party or, as the case may be, every party to the appeal.

(4) Any party who wishes to oppose the application shall, within 7 days of the date the application was served on him, notify the applicant and the chief clerk, in writing, of his opposition, giving reasons for it.

Hearings

6ND.—(1) Subject to paragraph (2), the court may –

(a) determine any application made under Rule 6NA, 6NB or 6NC without a hearing; or

(b) direct a hearing of any such application.

(2) Where a party to the appeal notifies the chief clerk of his opposition to an application under Rule 6NA, 6NB or, as the case may be, 6NC, the court shall direct a hearing of that application.

(3) Where a hearing of an application is to take place in accordance with this Rule, the chief clerk shall notify each party to the appeal of the time and place of the hearing.

(4) A party notified in accordance with paragraph (3) may be present at the hearing and be heard.

(5) Before determining an application, the court may hear and take into account representations made to it by any person who in the court's opinion has a legitimate interest in the application before it.

(6) The chief clerk shall, as soon as reasonably practicable after the determination of an application under Rule 6NA, 6NB or 6NC, notify all the parties to the appeal of the decision of the court in Form 137M.

Notice required to accompany process served outside the United Kingdom

6NE.—(1) The notice which by virtue of section 3(4)(b) of the 2003 Act shall accompany any process served outside the United Kingdom shall give the information specified in paragraphs (2) and (4).

(2) The notice shall –

(a) state that the person required by the process to appear as a party or attend as a witness may obtain information about his rights in connection with such requirement from the relevant authority; and

(b) give the particulars specified in paragraph (4) about that authority.

(3) The "relevant authority" where the process is served –

(a) at the request of the prosecuting authority, is that prosecuting authority;

(b) at the request of the appellant, or of the prosecutor in the case of a private prosecution, is the court by which the process is served.

(4) The particulars referred to in paragraph (2) are –

(a) the name and address of the prosecuting authority or, as the case may be, the court, together with its telephone and fax numbers and e-mail address;

(b) the name of a person at the prosecuting authority or, as the case may be, the court who can provide the information referred to in paragraph (2)(a), together with his telephone and fax numbers and e-mail address.

(5) Where section 3(3) of the 2003 Act applies, the chief clerk shall require any process served outside the United Kingdom to be accompanied by –

(a) any translation which is provided under section 3(3)(b) of the 2003 Act; and

(b) any translation of the information required to be given by this Rule which is provided to him.

Proof of service outside the United Kingdom

6NF.—(1) The service on any person under section 4(1) of the 2003 Act of any process issued or made may be proved in any proceedings by a certificate given by or on behalf of the Secretary of State.

(2) A statement in any such certificate as is mentioned in paragraph (1) –

(a) that a process has been served;

(b) of the manner in which service was effected;

(c) of the date on which a process was served,

shall be admissible as evidence of any facts so stated.".

(2) In Order 32 Part III, Rule 7 shall be amended as follows –

(a) by inserting before the definition of "the 1999 Order", the following definitions:

" "the 2003 Act" means the Crime (International Co-operation) Act 2003;" and

" "the 1999 Act" means the Youth Justice and Criminal Evidence Act 1999;".

(b) by inserting after the definition of "enactment", the following definition:

" "process" has the same meaning as in section 51(3) of the 2003 Act;".

(3) Order 48 shall be amended as follows –

(a) for the title to Order 48 "Licensing and Registration of Clubs" there shall be substituted the following title –

"Licensing, Bookmaking Office Licences and Registration of Clubs";

(b) in Rule 1(1) before the definition of "the chief clerk" there shall be inserted the following definition –

"In Part VII, "the Betting, Gaming, Lotteries and Amusements Order" means the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 and expressions which are defined in that Order have the same meaning as in that Order";

(c) in Rule 3(3) after the words "any place of entertainment" there shall be inserted the words "or indoor arena".

(d) after Part VI there shall be added the new Part VII set out in Schedule 1 to these Rules.

(4) Appendix I shall be amended as follows –

(a) by inserting after Form 137I, the new Forms 137J to 137M in Schedule 2 to these Rules;

(b) by inserting after Form 200, the new Form 200A in Schedule 2 to these Rules;

(c) in Form 209 after "[(*j*)]" there shall be inserted "[(k)]"; and

(d) by inserting after Form 211, the new Forms 211A to 211D in Schedule 2 to these Rules.

We, the undersigned members of the County Court Rules Committee, having by virtue of the powers vested in us in this behalf made the foregoing Rules, do hereby certify the same under our hand and submit them to the Lord Chancellor accordingly.

T. A. Burgess
Barry Valentine
B. J. Stewart
Brian F. Walker

Dated 12th October 2004

After consultation with the Lord Chief Justice, I allow these Rules, which shall come into operation in accordance with Rule 1.

Signed by the authority of the Lord Chancellor

Baroness Ashton of Upholland
Parliamentary Under-Secretary of State, Department for Constitutional Affairs

Dated 3rd November 2004

SCHEDULE 1

Rule 2(3)(d)

"PART VII

APPLICATIONS FOR GRANT OF BOOKMAKING OFFICE LICENCES

Notices of Application

11.—(1) An application under Article 12 or 14 of the Betting, Gaming, Lotteries and Amusements Order shall be made to the county court for the county court division in which the premises, in respect of which the application is made, are situated.

(2) An application in accordance with Articles 12(1) or 14(1) of, and Schedule 2 to, the Betting, Gaming, Lotteries and Amusements Order for the grant or, as the case may be, for the provisional grant of a bookmaking office licence shall be in Form 211A and have attached a plan of the premises for which the licence is sought or, as the case may be, a plan of the premises for which the provisional licence is sought showing the premises as they will be when their construction, alteration or extension has been completed.

(3) An application in accordance with Article 14(7) of the Betting, Gaming, Lotteries and Amusements Order to have the provisional grant of a bookmaking office licence declared final shall be in Form 211B and the applicant shall attach the provisional licence to the notice for the purposes of Article 14(10) of the Betting, Gaming, Lotteries and Amusements Order.

(4) An application for the consent of the court under Article 14(6) of the Betting, Gaming, Lotteries and Amusements Order to the modification of plans at any time before a bookmaking office licence provisionally granted has been declared final shall be in Form 211C and –

(a) not less than three weeks before the time of opening of the court sitting at which the application is to be heard, served on the chief clerk and on the district commander of the police district in which the premises are or are to be situated and on the district council for the district in which the premises are or are to be situated; and

(b) have attached a copy of the modified plan of the premises clearly showing the proposed modifications.

Objection to the grant of a bookmaking office licence

12. Notice of intention to object, in accordance with paragraph 4 of Schedule 2 to the Betting, Gaming, Lotteries and Amusements Order, to the grant or provisional grant, as the case may be, of a bookmaking office licence shall be in Form 211D.

Newspaper notice

13. A notice published in the newspapers as required by paragraph 1 or paragraph 6 of Schedule 2 to the Betting, Gaming, Lotteries and Amusements Order shall be in Form 211A."

SCHEDULE 2

Rule 2(4)

FORMS TO BE INSERTED IN THE COUNTY COURT RULES (NORTHERN IRELAND) 1981

FORM 137J

APPLICATION FOR A REPORTING DIRECTION UNDER SECTION 46 OF THE YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999

Order 32: Part IIA: Rule 6NA

A copy of this form shall be served on every other party to the appeal at the same time as it is served on the chief clerk.

Details required	*Notes*
Details of applicant	
Name of applicant:	
Name of applicant's solicitor:	
Address of solicitor:	
Reference:	
Details of witness	
Name of witness:	
Date of birth of witness:	
Case details	
Name of PSNI Central Process Office:	
Central Process Office or District Command Unit reference number: DPP reference number: Defendant(s): Surname: Forenames:	
Court venue:	The venue of the court hearing the appeal.
Date of next court appearance:	
Charges	Give brief details of those charges to which this application relates
Details of application	
State the grounds on which the applicant relies in support of the application for a reporting direction:	The statement should make clear why, in the applicant's view, if the direction is not given – (a) the quality of evidence given by the witness, or (b) the level of co-operation given by the witness to any party to the proceedings in the preparation of that party's case, is likely to be diminished by fear or distress if the witness is identified by members of the public.

Give a description of evidence submitted in support of this application:	This requirement is optional. Examples might be – Police report Medical report
Set out the views of the witness for whom the direction is sought on this application:	

Public interest

State why a reporting direction –

(a) is in the interests of justice; and

(b) is in the public interest in avoiding the imposition of a substantial and unreasonable restriction on the reporting of proceedings

Dated this day of 20 .

Applicant
[Solicitor for Applicant]

To the Chief Clerk of the County Court Division of

And to

(insert names and addresses of each of the other parties to the appeal)

Note:

The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the appeal.

NOTE to party who receives a copy of this notice:

If you wish to oppose this application you are required within 7 days to notify the applicant and the chief clerk in writing of your opposition stating the reasons for such.

FORM 137K

APPLICATION FOR AN EXCEPTING DIRECTION UNDER SECTION 46(9) OF THE YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999

Order 32: Part IIA: Rule 6NB

A copy of this form shall be served on every other party to the appeal at the same time as it is served on the chief clerk.

Details required	*Notes*
Details of applicant	
Name of applicant:	
Name of applicant's solicitor:	
Address of solicitor:	
Reference:	
Details of witness	
Name of witness:	
Date of birth of witness:	
Case details	
Defendant(s): Surname:	
Forenames:	
Court venue:	The venue of the court hearing the appeal.
Date of next court appearance:	
Charges:	Give brief details of those charges to which this application relates
Reference number of reporting direction:	
Court which gave the reporting direction:	
Date on which reporting direction given:	
Is a copy of the reporting direction attached:	The applicant should attach a copy of the reporting direction if available
Details of application	
State the grounds on which the applicant relies and in particular state why a reporting direction is or would be a substantial and unreasonable restriction on the reporting of the proceedings:	

State why it would be in the public interest to remove or relax reporting restrictions:

Dated this day of 20 .

Applicant
[Solicitor for Applicant]

To the Chief Clerk of the County Court Division of

And to

(insert names and addresses of each of the other parties to the appeal)

Note:

The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the appeal.

NOTE to party who receives a copy of this notice:

If you wish to oppose this application you are required within 7 days to notify the applicant and the chief clerk in writing of your opposition stating the reasons for such.

FORM 137L

APPLICATION FOR [REVOCATION OF A REPORTING DIRECTION] [VARIATION OF AN EXCEPTING DIRECTION] [REVOCATION OF AN EXCEPTING DIRECTION] UNDER SECTION 46 OF THE YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999

Order 32: Part IIA: Rule 6NC

A copy of this form shall be served on every other party to the appeal at the same time as it is served on the chief clerk.

Details required	*Notes*
Details of applicant	
Name of applicant:	
Name of applicant's solicitor:	
Address of solicitor:	
Reference:	
Details of witness	
Name of witness:	
Date of birth of witness:	
Case details	
Defendant(s): Surname:	
Forenames:	
Court venue:	The venue of the court hearing the appeal.
Date of next court appearance:	
Charges:	Give brief details of those charges to which this application relates
Reference number of [reporting] [excepting] direction:	
Court which gave the [reporting] [excepting] direction:	
Date on which [reporting] [excepting] direction given:	
Is a copy of the [reporting] [excepting] direction attached:	The applicant should attach a copy of the [reporting] [excepting] direction if available

Details of application

The application is for: *Delete as appropriate
[the revocation of a reporting direction]*
[the variation of an excepting direction]*
[the revocation of an excepting direction]*

The grounds on which the applicant relies are as follows –

Dated this day of 20 .

Applicant
[Solicitor for Applicant]

To the Chief Clerk of the County Court Division of

And to

(insert names and addresses of each of the other parties to the appeal)

Note:

The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the appeal.

NOTE to party who receives a copy of this notice:

If you wish to oppose this application you are required within 7 days to notify the applicant and the chief clerk in writing of your opposition stating the reasons for such.

FORM 137M

NOTICE OF DECISION ON APPLICATION FOR [REPORTING DIRECTION] [EXCEPTING DIRECTION] [REVOCATION OF REPORTING DIRECTION] [VARIATION OR REVOCATION OF EXCEPTING DIRECTION] MADE IN ACCORDANCE WITH SECTION 46 OF THE YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999

Order 32: Part IIA: Rule 6ND

Notes

Details of applicant

Name of applicant:

Name of applicant's solicitor:

Address of solicitor:

Reference:

Details of witness

Name of witness:

Date of birth of witness:

Case details

Court venue:

Defendant(s):

Charges:

Upon the hearing of an application on (date) at (place) the court made an order to the following effect, viz:

Reporting Direction

If a reporting direction has been given by the court, give the following details –

Reference number of reporting direction:

Court which gave the reporting direction:

Date on which reporting direction given:

Give details of restrictions imposed by the direction:

Excepting Direction

If an excepting direction has been given by the court, give the following details –

Reference number of the excepting direction:

Court which gave the direction:

Date on which direction given:

Give details of the exception granted by the court:

Revocation of a reporting direction

If a reporting direction has been revoked, give the following details –

Reference number of the reporting direction:

Court which gave the reporting direction:

Date on which the reporting direction was given:

Date on which the reporting direction was revoked:

Variation or revocation of an excepting direction

If an excepting direction has been varied or revoked, give the following details –

Reference number of the excepting direction:

Court which gave the excepting direction:

Date on which the excepting direction was given:

Give details of how the excepting direction was varied or revoked:

Dated this day of 20 .

Chief Clerk

FORM 200A

LICENSING (NORTHERN IRELAND) ORDER 1996

(Articles 2, 5(1)(k), 7, 9 and Schedule 1)

Notice of application for [provisional] grant of licence authorising the sale of intoxicating liquor by retail in an indoor arena

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I/we (*full name(s) of applicant(s)*) [1] of (*full address(es) of applicant(s)*) intend to apply to the County Court/Recorder's Court sitting at (*specify courthouse, place of sitting etc.*) for the above Division for the [provisional] [2] grant of a licence for the premises [to be] [2] situated at (*full address of premises for which licence is sought*) being an indoor arena such as is specified in Article 2 of the Licensing (Northern Ireland) Order 1996, namely premises:

(a) which are structurally adapted and used, or intended to be used, for the purpose of providing a venue for a variety of indoor events and activities; and

(b) which consist of –

(i) an area where the events and activities take place; and

(ii) accommodation which is capable of seating the prescribed number of persons or more on permanent seats and wholly or substantially surrounds the area where the events and activities take place. [3]

AND TAKE NOTICE that this application will be dealt with by the court on the day of 20 commencing at o'clock.

I/we will be the owner of such business [1]

The owner of the premises is (*full name*)

A plan of the premises delineating the part or parts thereof in which intoxicating liquor is to be sold is attached to this notice in accordance with Schedule 1 to the said Order and Rule 6 of Order 48 of the County Court Rules (Northern Ireland) 1981.

There is in force planning permission to use the premises as premises of the kind specified in this notice for the period during which the licence would be in force and a copy of the planning permission is attached; or [4]

The premises may be used as premises of the kind specified in this notice for the period during which the licence would be in force without planning permission. [4]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 44 of the said Order for an order of the above court directing that, on such days as may be specified in the order, the hours mentioned in Article 44(2) of the said Order shall, in addition to the hours mentioned in Article 42(1) of the said Order, be included in the permitted hours for the part(s) of the premises delineated on the said plan on the grounds that the said part(s) of the said premises is/are –

(a) structurally adapted and used, or intended to be used, for the purpose of habitually providing for the accommodation of persons frequenting the premises:

(i) musical or other entertainment; or

(ii) substantial refreshment; or

(iii) both such entertainment and refreshment; and

(b) the sale of intoxicating liquor is ancillary to that entertainment or refreshment.][5]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 48 of the said Order for an order of the above-named court specifying the part of the premises particularly delineated on the plan as being suitable for functions such as are referred to in Article 47(5) of the said Order, namely those –

(a) organised by any body established for social, charitable or benevolent purposes or for furthering the common interests of persons associated with any trade, profession, educational or cultural activity, game or sport;

(b) functions (not exceeding 6 in number in any year) organised by the licence holder, on the grounds that –

(i) the part so delineated is structurally adapted and used or intended to be used for the purpose of providing for the accommodation of persons frequenting it substantial refreshment to which the sale of intoxicating liquor is ancillary; and

(ii) suitable means of access to that part of the premises, otherwise than through any other part of the premises which is used for the sale of intoxicating liquor, are available to customers.] [6]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 59 of the said Order for a children's certificate in respect of the part of the premises delineated on the said plan [and for a direction under Article 59(4) of the said Order that the said certificate shall operate between the hours of and on .] [7]

Dated this day of 20 .

Signature of Applicant(s) or his/their Solicitor.

To: The Chief Clerk at (*address of courthouse*)

Copy to:

(i) the clerk of petty sessions for the petty sessions district of at (*being the petty sessions district in which the premises are [to be] situated*);

(ii) the district commander at (*district headquarters for the police district in which the premises are [to be] situated*);

(iii) (if different from (ii)) the district commander at (*district headquarters for the police district in which the applicant resides*) [8];

(iv) the district council at (*district council for the district in which the premises are [to be] situated*);

Notes:

[1] Where a housing authority is applying for the provisional grant of a licence the name of the authority and its official address are to be given and the words referring to ownership of the business, surrender of a licence or applicant's residence must be omitted. Where the application is for the grant of the licence to a body corporate, its full title and the names and addresses of the directors, secretary and any other persons who have executive control of it should be stated for the purposes of Article 4(4) of the Order.

[2] The inapplicable words *must* be deleted.

[3] Where premises are kept or used for public entertainment any licence required by a council under Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 must be produced at the hearing of the application for the grant or, as the case may be, for a declaration that the grant of the licence is final.

[4] Delete if inapplicable.

[5] This paragraph is to be added only where the applicant is also applying for an order that a specified part of the premises is to be licensed for the sale of intoxicating liquor during the additional permitted hours referred to in Article 44(2).

[6] This paragraph should only be included where the applicant is applying for an order specifying the suitability of the premises for the possible grant of extension licences under Article 47 of the Order.

[7] This paragraph should only be included where the applicant is also applying for a children's certificate. Such certificates may operate until 9.00 pm, however, an applicant may apply under Article 59(4) of the Order for a direction that the said certificate shall cease to operate at an earlier time on such day or days as may be specified. The requested day(s) and time should be stated.

[8] Delete if application is made by a housing authority for a provisional grant of a licence.

FORM 211A

BETTING, GAMING, LOTTERIES AND AMUSEMENTS (NORTHERN IRELAND) ORDER 1985
(Articles 12(1), 14(1), Schedule 2, paras. 2,6)

Notice of application for [provisional] grant of bookmaking office licence

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I/we

(*full name(s) of applicant(s)/title of body corporate*) of (*full address(es) of applicant(s)/registered office of body corporate*) [1] intend to apply to the County Court/Recorder's Court sitting at (*specify courthouse, place of sitting etc*) for the [provisional] [2] grant of a bookmaking office licence in respect of [proposed] [2] premises at (*full address of premises*).

AND TAKE NOTICE that this application will be dealt with by the court on the day of 20 commencing at o'clock.

The owner of the [proposed] [2] premises is (*full name of owner*) of (*full address of owner*) [1]

The applicant is the owner of the business to be carried on under the licence.

[3] The applicant is a body corporate and

(a) the full names and residential addresses of the directors are (*names and addresses of directors*); [1]

(b) the names of persons having executive control are (*names of any such persons*);

(c) the names of persons having a financial interest are (*names of any such persons*);

(d) the following is a statement of the nature and extent of the financial interest of the persons named at (c) and includes a description of any right of direction or instruction to the directors given by that financial interest – (*statement*).

[4] Attached to the Notice served on the Chief Clerk is the receipt of the Department of Health and Social Services issued under Article 172(3) in respect of payment of the charge specified in Article 172(1)(b); and

[4] Also attached is the receipt issued by the Department of Agriculture under Article 9(2) of the Horse Racing (Northern Ireland) Order 1990 in respect of payment, in relation to this application, of the charge specified in Article 9(1) of that Order.

Attached to the Notice served on the Chief Clerk is a plan of the premises for which the [provisional] licence is sought [showing the premises as they will be when their construction or alteration or extension has been completed]. [2]

Any person who intends to object to the [provisional] grant of the licence must, in accordance with paragraph 5 of Schedule 2 to the Betting, Gaming, Lotteries and Amusements Order, serve notice of his intention to object upon the applicant and the Chief Clerk not less than one week before the time of the opening of the court sitting at which the application is to be made. The permissible grounds of objection as such are specified in Articles 12(4) and (6) of the Betting, Gaming, Lotteries and Amusements Order. [5]

Dated this day of 20 .

Signature of Applicant(s) or his/their Solicitor

To: The Chief Clerk at (*address of courthouse*)

Copy to:

(i) the district commander at (*headquarters for the police district in which the [proposed] premises are situated*);

(ii) the district council at (*district council for the district in which the [proposed] premises are situated*);

(iii) the Collector of Customs and Excise at (*Collector for the area in which the [proposed] premises are situated*).

Notes:

[1] Where the address of the solicitor for the applicant is given in the notice published in the newspaper, the address of the applicant, of the owner of the business or the premises, of the manager of the business, of the person for whose benefit the business will be carried on, and if the business is a body corporate, the residential addresses of the directors, may be omitted.

[2] The inapplicable words *must* be deleted.

[3] Insert only where applicable.

[4] This paragraph should only be added where the application is for the full grant of a bookmaking office licence.

[5] Where the address of the applicant's solicitor is given, a person intending to object to the application may serve notice of his objection on the applicant at the address of the solicitor for the applicant.

FORM 211B

BETTING, GAMING, LOTTERIES AND AMUSEMENTS (NORTHERN IRELAND) ORDER 1985
(Article 14(7), Schedule 2, para.7)

Notice of application for declaration of final grant of bookmaking office licence where grant has been provisional

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I/we (*full name(s) of applicant(s)/title of body corporate*) of (*full address(es) of applicant(s)/registered office of body corporate*) intend to apply to the County Court/Recorder's Court sitting at (*specify courthouse, place of sitting etc*) for a declaration that the grant of a bookmaking office licence for the premises situated at (*full address of premises*) provisionally granted by the above-named Court on the day of be declared final.

AND TAKE NOTICE that this application will be dealt with by the court on the day of 20 commencing at o'clock.

I/we will be the owner of the business

The owner of the premises is (*full name(s)*) and the premises have been completed in accordance with the plan deposited in Court upon the application for the provisional grant of the licence [as modified with the consent of the Court given on the day of 20 under Article 14(6) of the said Order [1]].

Attached to the Notice served on the Chief Clerk is the receipt of the Department of Health and Social Services issued under Article 172(3) in respect of payment of the charge specified in Article 172(1)(c); and

Also attached is the receipt issued by the Department of Agriculture under Article 9(2) of the Horse Racing (Northern Ireland) Order 1990 in respect of payment, in relation to this application, of the charge specified in Article 9(1) of that Order.

Dated this day of 20 .

Signature of Applicant(s) or his/their Solicitor

To: The Chief Clerk at (*address of courthouse*)

Copy to:

(i) the district commander at (*headquarters for the police district in which the premises from which the bookmaking office licence was provisionally granted are situated*);

(ii) the Collector of Customs and Excise at (*the Collector for the area in which the premises from which the bookmaking office licence was provisionally granted are situated*).

Notes:

[1] Delete if inapplicable.

FORM 211C

BETTING, GAMING, LOTTERIES AND AMUSEMENTS (NORTHERN IRELAND) ORDER 1985

(*Article 14(6)*)

Notice of application for consent to modification of plans of premises for which licence provisionally granted

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I (*full name of applicant(s)*) of (*full address(es) of applicants*) intend to apply to the County Court / Recorder's Court sitting at (specify courthouse) for the above Division for its consent to the modification of a plan deposited under Part II to the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 in respect of premises [to be] situated at (*full address of premises for which licence sought*) for which the Court on the day of 20 provisionally granted a bookmaking office licence under Article 14 of the said Order.

AND TAKE NOTICE that this application will be dealt with by the Court on the day of 20 commencing at o'clock.

A copy of the modified plans clearly showing the proposed modifications is attached to this notice.

I/we intend to have the licence declared final when the premises are completed in accordance with the modified plans if they are approved by the Court.

Dated this day of 20 .

Signature of Applicant(s) or his/their Solicitor

To: The Chief Clerk at (*address of courthouse*)

Copy to:

(i) the district commander at (*headquarters for the police district in which the [proposed] premises are situated*);

(ii) the district council at (*district council for the district in which the [proposed] premises are situated*);

(iii) the Collector of Customs and Excise at (*Collector for the area in which the [proposed] premises are situated*).

FORM 211D

BETTING, GAMING, LOTTERIES AND AMUSEMENTS (NORTHERN IRELAND) ORDER 1985
(*Schedule 2, paras. 5 and 6*)

Notice of intention to object to [provisional] grant of a bookmaking office licence

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I (*full name*) of (*full address*) (*state rank if member of PSNI*) intend at the hearing of the application of (*name of applicant(s)*) for the [provisional] grant of a bookmaking office licence to be heard on at to appear and object to such [provisional] grant on the following grounds, being grounds specified in Article 12(4) and (6) of the above Order:

(*state briefly grounds of objection*)

Dated this day of 20 .

Signature of Objector or his Solicitor

To: (*full name(s) of applicant(s) for grant of licence*) of (*full address(es) of applicant(s)*)

Copy to the Chief Clerk at (*address of courthouse*)

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the County Court Rules (Northern Ireland) 1981 ("the principal Rules") to make provision relating to –

- special measures under Part II of the Criminal Evidence (Northern Ireland) Order 1999 ("the 1999 Order");
- applications under section 46 of the Youth Justice and Criminal Evidence Act 1999 ("the 1999 Act") for reporting directions and excepting directions;
- service of United Kingdom processes abroad under the Crime (International Co-operation) Act 2003 ("the 2003 Act"); and
- applications for the grant of bookmaking office licences and liquor licences for indoor arenas.

Sub-paragraphs (a) to (d) of Rule 2(1) make a number of minor amendments to Part IIA of Order 32 to take account of the extension of Part II of the 1999 Order to vulnerable and intimidated adult witnesses in appeals in criminal cases from magistrates' courts to the county court.

Rule 2(1)(e) amends Order 32 to prescribe the manner in which applications may be made under the 1999 Act for reporting and excepting directions in respect of appeals in the county court from criminal proceedings in a magistrates' court.

Rule 2(1)(e) also amends Order 32 to make provision in relation to the service abroad of processes in appeals to the county court from criminal proceedings in magistrates' courts under the 2003 Act.

Rule 2(3) amends Order 48 of the principal Rules in consequence of the Betting and Gaming (Northern Ireland) Order 2004, to prescribe the procedure to be followed on an application to a county court for the grant of a bookmaking office licence.

Rule 2(3) also amends Order 48 in consequence of the Licensing (Indoor Arenas) (Northern Ireland) Order 2004, to prescribe the procedure to be followed on an application for the grant of a liquor licence for an indoor arena.

Rule 2(4) amends Appendix I to the principal Rules to prescribe a number of new forms and to make a minor amendment to Form 209 in connection with the above applications.

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