EXPLANATORY MEMORANDUM TO

The Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (Consequential Provision) Regulations 2022

2022 SR No. 142

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Communities to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under section 45(2) and (3) of the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 ("the Act") and is subject to the negative resolution procedure.

2. Purpose

2.1. The Statutory Rule provides for references in Schedule 10(2) to the Licensing (Northern Ireland) Order 1996 ("the 1996 Order"), for an authorisation under Article 52F, inserted by section 11 of the Act, to the clerk of petty sessions to be read as including a reference to the chief clerk of the county court.

2.2. It also provides for references in Schedule 10(3) to the 1996 Order, for an application under Article 52F, to magistrates' courts rules to be read as including a reference to county court rules.

3. Background

3.1. Under the 1996 Order certain kinds of premises may be granted a licence to sell intoxicating liquor to the public. The Act amends the 1996 Order to add premises in which intoxicating liquor is produced to the kinds of premises which may apply for a liquor licence.

3.2. A licence holder is only authorised to sell their intoxicating liquor for consumption off the production premises unless a suitability order under Article 52E of the Order (inserted by section 11 of the Act) has been granted, and an authorisation for specific dates has been granted under Article 52F.

3.3. Articles 52E and 52F allow for a licence holder to be able to apply for a suitability order and an authorisation at the same time as applying for the intitial liquor licence, at a county court. A suitability order and/or an authorisation may also be granted at a later date by a magistrates' court.

3.4. A procedural issue was identified with the drafting of section 11 whereby an amendment to Schedule 10 to the Order was not made to allow notice of application for an Article 52F authorisation to be served on the chief clerk nor to state that the form and content of the notice may be prescribed by county court rules.

4. Consultation

4.1. The Department consulted with the Lady Chief's Justice Office which provides the secretariat to the Courts Rules Committee, First Legislative Counsel and the Departmental Solicitor's Office to find a solution to the procedural error.

5. Equality Impact

5.1. The Statutory Rule has been screened for any possible impact on equality of opportunity affecting the groups listed in section 75 of the Northern Ireland Act 1998 and no adverse or differential aspects were identified.

6. Regulatory Impact

6.1. No Regulatory Impact Assessment is required as the proposals will result in no or negligible costs or savings for any business, charity or voluntary group.

7. Financial Implications

7.1. None for the Department.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department considers that the Statutory Rule is compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. The Statutory Rule does not replicate any corresponding legislation in Great Britain where local authorities are responsible for liquor licensing.

11. Additional Information

11.1. Not applicable.