1989 No. 148

LICENSING

The Licensing (Form of Licence) Regulations (Northern Ireland) 1989

Made	*13th April 1989*
Coming into operation . .	*22nd May 1989*

The Department of Health and Social Services, in exercise of the powers conferred on it by section 33 of the Licensing Act (Northern Ireland) 1971(**a**) and now vested in it(**b**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Licensing (Form of Licence) Regulations (Northern Ireland) 1989 and shall come into operation on 22nd May 1989.

(2) In these regulations "the Act" means the Licensing Act (Northern Ireland) 1971.

Form of licence for the sale of intoxicating liquor

2.—(1) A licence, other than an occasional licence (being in such form as may be prescribed by magistrates' courts rules), shall be in the form set out in the Schedule.

(2) There shall be entered on each licence such of the entries as are therein set out as relate to the order made by a county court upon the grant of the licence or by a court of summary jurisdiction on the renewal or transfer of that licence.

(3) Every entry on the licence shall be verified in the case of—

(*a*) the grant of the licence, by the signature of the chief clerk of the court which made the order and shall state the county court division for which the court acted when making the order; and

(*b*) the renewal or transfer of the licence, by the signature of the clerk of petty sessions for the court of summary jurisdiction which made the order and shall state the petty sessions district for which the court acted when making the order.

(**a**) 1971 c. 13 (N.I.)
(**b**) *See* Art. 5 of and Sch. 2 to S.R. & O. (N.I.) 1973 No. 504; and Art. 5 of and Sch. 1 to S.I. 1982/338 (N.I. 6)

Revocation

3. The Licensing (Form of Licence) Regulations (Northern Ireland) 1971(**a**) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services on 13th April 1989.

(L.S.) *R. McMurray*
Assistant Secretary

(**a**) S.R. & O. (N.I.) 1971 No. 302

SCHEDULE Regulation 2(1)

FORM 1

LICENSING ACT (NORTHERN IRELAND) 1971

Licence for the Sale of Intoxicating Liquor by Retail

County Court Division of

Petty Sessions District of

PART I

KIND OF PREMISES FOR WHICH LICENCE ISSUED
(for completion in every case)

This licence [when declared final] authorises

of

to sell intoxicating liquor by retail at

being premises of the following kind as specified in sections 3(1) and 79(1) of the Licensing Act (Northern Ireland) 1971 (hereinafter in this licence referred to as 'the Act of 1971'), namely—

[premises in which the only or principal business carried on is the business of selling intoxicating liquor by retail for consumption either in or off the premises.]
[premises in which the only or principal business carried on is the business of selling intoxicating liquor by retail for consumption off the premises.]
[an hotel.]
[a restaurant.]
[a place of public entertainment.]
[a refreshment room in public transport premises.]
[a seamen's canteen.]
[a non-seagoing vessel.]

The owner of the premises is

of

Dated the day of 19 .

Chief Clerk
for the said Division

PART II

PARTICULARS OF APPROVED PLANS AND OTHER DETAILS AS TO GRANT OR PROVISIONAL GRANT OF LICENCE

A. (*For completion according to whether grant provisional or otherwise.*)

This licence was granted [provisionally] to the holder as specified in Part I hereof by the County Court for the Division of on the day of 19 .

The plan attached to the notice of application in accordance with Schedule 1 to the Act of 1971 was approved by the court [and filed pending final grant].

[Before declaring the provisional grant of the licence final, the court consented to the modification of those plans on the day of 19 and a copy of the modified plan was deposited with the chief clerk on the day of 19 .]

[The grant of this licence to
[a person nominated by the Northern Ireland Housing Executive] was declared final on the day of 19 , the court being satisfied that the premises had been completed in accordance with the said plans [as so modified].]

[The court in granting this licence ordered under section 6(1) of the Act of 1971 that the holder of the licence make the following alterations in the premises before the day of 19 :—

as detailed on plans to be deposited with the chief clerk.

Notice of the last-mentioned order was served on

of

as owner of the premises in the following manner:—

on the day of 19 .]

(*For completion only where the licence is granted for premises mentioned in section 3(1)(a) or (b) of the Act of 1971.*)

Before this licence was issued, the licence (particulars of which are set out below) being [a subsisting licence within the meaning of paragraph 1 of Schedule 2 to the Act of 1971] [treated as a subsisting licence under paragraph 2 of Schedule 2 to the Act of 1971] was surrendered to the court in accordance with section 5(2)(*c*)(ii) of that Act.

Address of premises on surrendered licence

Name of licensee on surrendered licence

Kind of premises

Petty sessions district in which premises on surrendered licence situated and date on which that licence was sent to the clerk of petty sessions for that district

[No subsisting licence was surrendered under section 5(2)(*c*)(ii) of the Act of 1971 because [the premises for which this licence is granted are situated in an area designated by an order under the New Towns Act (Northern Ireland) 1965 in the circumstances specified in section 5(4)(*a*) of the Act of 1971] [within the period of five years immediately preceding the date of the application upon which this licence was granted, a previous licence was in force for the premises licensed under the circumstances specified in section 5(4)(*b*) of the Act of 1971].]

Dated the day of 19 .

Chief Clerk
for the said Division

B. The court, on the application of the holder of the licence, ordered under section 6(3) of the Act of 1971 that the period fixed by order of the County Court under section 6(1) of that Act be extended to the day of 19 .

Dated the day of 19 .

Clerk of Petty Sessions
for the said District

C. (*For completion on the order of the court where a new licence is granted in lieu of an existing licence under Article 4(1) of the Licensing (Northern Ireland) Order 1978.*)

For the purposes of Article 4(1) of the Licensing (Northern Ireland) Order 1978 it is hereby noted that the licence is [provisionally] granted in lieu of an existing licence for premises which are or will be of the same description as those in respect of which the existing licence is granted, namely—

[(where the existing licence was granted—

(i) before 31st July 1902; or

(ii) between 30th July 1902 and 3rd May 1971 otherwise than under section 2(2) of the Licensing (Ireland) Act 1902 or section 9(*a*)(ii) of the Intoxicating Liquor Act (Northern Ireland) 1923)

premises registered in the register of hotels maintained by the Northern Ireland Tourist Board under section 10 of the Development of Tourist Traffic Act (Northern Ireland) 1948.]

[(where the existing licence is for premises to which section 84(4)(*a*) of the Act of 1971 applied) an hotel as defined by section 1(3) of the Intoxicating Liquor Act (Northern Ireland) 1923 providing accommodation approved by the Northern Ireland Tourist Board.]

[(where the existing licence is for premises to which section 84(4)(*b*) of the Act of 1971 applied) premises registered in the register of guest houses maintained by the Northern Ireland Tourist Board under section 10 of the Development of Tourist Traffic Act (Northern Ireland) 1948 and without a public bar for the sale of intoxicating liquor.]

Dated the day of 19 .

Chief Clerk
for the said Division

D. The court in granting this licence for premises of a kind mentioned in section 3(1)(*e*) of the Act of 1971 on the day of 19 attached the following conditions under section 5(5B) of that Act, namely—

Dated the day of 19 .

Chief Clerk
for the said Division

E. The court in granting this licence for premises of a kind mentioned in section 3(1)(*a*) of the Act of 1971 on the day of 19 gave a direction under section 5(5C) of that Act that on Sundays there shall be no permitted hours on the premises.

Dated the day of 19 .

Chief Clerk
for the said Division

F. The court in granting this licence for premises of a kind mentioned in section 79(1) of the Act of 1971 on the day of 19 , attached the following conditions under section 79(2) of that Act, namely—

Dated the day of 19 .

Chief Clerk
for the said Division

PART III

ORDERS MADE IN RELATION TO THE PREMISES AS TO SUITABILITY FOR EXTENSION LICENCES, ALTERNATIVE OR ADDITIONAL PERMITTED HOURS, ETC.

A. The court in [granting] [declaring final the grant of] [renewing] this licence on the day of 19 , by order under section 29 of the Act of 1971 specified the following part[s] of the premises as suitable for functions such as are mentioned in section 49(6) of that Act, namely—

and which [is] [are] particularly delineated on the plans lodged in court.

Dated the day of 19 .

Chief Clerk
for the said Division

Clerk of Petty Sessions
for the said District

B. The court in [granting] [declaring final the grant of] [renewing] this licence for premises of a kind mentioned in section 3(1)(*a*) of the Act of 1971 on the day of 19 , made an order under section 44 of that Act that the following part of the premises shall not be used for the sale of intoxicating liquor for consumption in the premises, namely—

and which is particularly delineated on the plans lodged in court.

The court further by its order directed that the permitted hours for that part of the premises shall be the hours on weekdays, other than Christmas Day, from half past nine in the morning to nine in the evening.

Dated the day of 19 .

Chief Clerk
for the said Division

Clerk of Petty Sessions
for the said District

C. The court on the day of 19 by order made under section 45 of the Act of 1971 directed that on the following specified days, namely—

other than on Christmas Day, Easter Day or Good Friday in the licensing year commencing on the 1st day of October 19 in the part[s] of the premises specified below, the hours from eleven in the evening to one in the morning of the day next following shall, in addition to the hours mentioned in sections 42(1) and 43 of the Act of 1971, [*but subject to the condition mentioned below,] be included in the permitted hours for the premises.

The part[s] specified by the order [is] [are] as follows:—

and which [is] [are] particularly delineated on the plans lodged in court.

[*The aforementioned condition is that the specified part[s] shall not be used for the sale of intoxicating liquor for consumption off the premises during the hours from eleven in the evening of any specified day to one in the morning of the day next following.]

Dated the day of 19 .

Clerk of Petty Sessions
for the said District

**The condition and the reference to it should be deleted in the case of a restaurant.*

PART IV

ORDERS RELATING TO GAMING MACHINES ON LICENSED PREMISES

A. The court, on an application by [a member of the Royal Ulster Constabulary nominated by] the divisional commander of the police division in which the licensed premises are situated, gave a direction under section 5(5A) of the Act of 1971 that gaming machines may be made available for gaming on the licensed premises in accordance with the provisions of Article 108 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.

Dated the day of 19 .

Chief Clerk
for the said Division

B. The court in renewing this licence on the day of 19 , on an application by [a member of the Royal Ulster Constabulary nominated by] the divisional commander of the police division in which the licensed premises are situated, gave a direction under section 12(3A) of the Act of 1971 that gaming machines may be made available for gaming on the premises in accordance with the provisions of Article 108 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.

Dated the day of 19 .

Clerk of Petty Sessions
for the said District

C. The court in renewing this licence on the day of 19 , on an application under section 12(3A) of the Act of 1971 by [[a member of the Royal Ulster Constabulary nominated by] the divisional commander of the police division in which the licensed premises are situated] [the licence holder] varied the number of gaming machines which may be made available for gaming on the licensed premises to provide that gaming machines may be made available for gaming on the premises in accordance with the provisions of Article 108 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.

Dated the day of 19 .

Clerk of Petty Sessions
for the said District

D. The court in renewing this licence on the day of 19 , on an application by the licence holder under section 12(3A) of the Act of 1971, cancelled the direction that gaming machines may be made available for gaming on the licensed premises in accordance with the provisions of Article 108 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.

Dated the day of 19 .

Clerk of Petty Sessions
for the said District

E. The court, on an application by the sub-divisional commander of the police sub-division in which the licensed premises are situated, declared under Article 107(1) of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 that no gaming machine shall be used for gaming on those licensed premises.

This declaration takes effect on the day of 19 . (See Article 107(3) as to appeals.)

Dated the day of 19 .

Clerk of Petty Sessions
for the said District

F. The court, on the application of the licence holder, under Article 107(5) of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 cancelled the declaration made on the day of 19 that no gaming machine shall be used for gaming on those licensed premises.

Dated the day of 19 .

Clerk of Petty Sessions
for the said District

PART V

PROTECTION ORDERS, TRANSFERS AND ORDERS FOR TEMPORARY CONTINUANCE IN OTHER PREMISES

A. Protection orders

On the day of 19 the court made a protection order under section [23] [24(3)] of the Act of 1971 authorising

of

to carry on business under this licence until the day of 19 until an application for the transfer, or transfer and renewal, of the licence can be brought before the court.

Dated the day of 19 .

Clerk of Petty Sessions
for the said District

B. Transfers

On the day of 19 the court made an order under section [18] [20] of the Act of 1971 transferring this licence to

of

[and an order for renewal thereof as entered in Part VI of this licence].

Dated the day of 19 .

Clerk of Petty Sessions
for the said District

C. Temporary continuance in other premises if licensee unable to carry on business in premises specified in Part I of licence.

On the day of 19 the court made an order under section 26 of the Act of 1971 authorising the continuance of the business under this licence in the premises at

until the day of 19 .

The plan attached to the notice of application for this order has been annexed to that of the original premises referred to in Part II of this licence.

Dated the day of 19 .

Clerk of Petty Sessions
for the said District

PART VI

RENEWALS

A. On the day of 19 the [court made an order renewing] [clerk of petty sessions renewed] this licence under section[s] [11] [11 and 13] [11 and 14] [20] of the Act of 1971 and subject to section 17 of that Act it shall remain in force until the 30th day of September 19 .

Dated the day of 19 .

Clerk of Petty Sessions
for the said District

B. On the day of 19 the court made an order renewing this licence under sections 11 and 14 of the Act of 1971 in the name of

of

and subject to section 17 of that Act it shall remain in force until the 30th day of September 19 .

Dated the day of 19 .

Clerk of Petty Sessions
for the said District

C. The court in renewing this licence for premises of a kind mentioned in section 3(1)(*a*) of the Act of 1971 on the day of 19 [gave a direction under section 12(3B)(*a*) of the Act of 1971] [cancelled a direction given under section [5(5C)] [12(3B)(*a*)] of the Act of 1971] that on Sundays there shall be no permitted hours on the premises.

Dated the day of 19 .

Clerk of Petty Sessions
for the said District

PART VII

SUSPENSIONS
(Section 71)

On the day of 19 the court sitting at made an order suspending this licence [and the protection order granted to

on the day of 19] for a period of commencing in accordance with the provisions of section 74 of the Act of 1971.

The suspension commenced on the day of 19 and will expire on the day of 19 .

Dated the day of 19 .

Clerk of Petty Sessions
for the said District

The court sitting at in transferring this licence made an order under section 21(2) of the Act of 1971 [terminating] [substituting for] the period of suspension imposed on the day of 19 [a period ending on the day of 19].

Dated the day of 19 .

Clerk of Petty Sessions
for the said District

PART VIII

DISQUALIFICATION OF PREMISES

On the day of 19 the court sitting at made an order under section 71(2A) of the Act of 1971 that:—

[in the case of an offence under section 41(1)(*a*) of the Act of 1971, that the premises shall not be premises to which [section 43 of that Act] [section 45 of that Act] [section 46 of that Act in relation to the hours mentioned in section 43 of the said Act] applies]

[in the case of an offence under section 49(9) of the Act of 1971, that the premises shall not be premises to which section 49 of that Act applies]

[in the case of an offence under section 57(4) of the Act of 1971, that the premises shall not be premises to which section 43 of that Act applies]

for a period of commencing in accordance with the provisions of section 74 of that Act.

This order commenced on the day of 19 and will expire on the day of 19 .

Dated the day of 19 .

Clerk of Petty Sessions
for the said District

FORM 2

LICENSING ACT (NORTHERN IRELAND) 1971
(Section 49)

Extension Licence

County Court Division of

Petty Sessions District of

The holder,

of a licence for the premises at

being premises of a kind mentioned in section 45(7) of the Act of 1971 for [part of] which an order is in force under section 29 of the said Act is granted this extension licence authorising the sale of intoxicating liquor by retail for consumption in the following part of those premises, specified in such order, that is to say

(*specify part or parts of premises in which sale is to be authorised*)

between the hours of 11.00 p.m. on the day of 19 , and on the day of 19 .

The function to which the sale of such liquor will be ancillary is of the following nature

(*description*)

and is a [function organised by the following body, namely

which is a body established for the purposes set out in section 49(6)(*a*) of the said Act.]

[function organised by the licence holder under the provisions of section 49(6)(*b*) of the said Act.]

Dated the day of 19 .

Clerk of Petty Sessions
for the said District

Warning to the Licence Holder

1. This licence does not authorise the sale of liquor on any Sunday after one in the morning, on Christmas Day, on Easter Day or Good Friday or during any part of the period from one in any morning to half past eleven in that morning or to a person admitted to the premises after half past twelve in the morning or, where the function is due to end before one in the morning, less than half an hour before the function is due to end.

2. This licence permits the purchase of intoxicating liquor in that part or parts of the premises specified in the licence by persons lawfully attending the function so specified only during the hours specified in the licence and its consumption during those hours and the first 30 minutes after the conclusion of those hours.

3. This licence must at any time during the period of the function when intoxicating liquor is sold, made available for purchase or being consumed in the premises, forthwith be produced by the person who is in charge of the sale of intoxicating liquor there for examination by a member of the Royal Ulster Constabulary at his request.

If it is not so produced without reasonable excuse the holder of the licence and that person are each guilty of an offence and are liable on summary conviction to a fine.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations prescribe the form of licence (other than an occasional licence) issued by the court authorising the retail sale of intoxicating liquor.

The regulations take account of changes in the notes which chief clerks or clerks of petty sessions, as the case may be, are required to make on licences issued under the Licensing Act (Northern Ireland) 1971 (the Act of 1971) as a result of amendments of that Act by the Licensing (Northern Ireland) Order 1987. They also take account of changes brought about by the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985. The changes include those of recording directions of the county court or the petty sessions court relating to premises not having permitted hours on Sundays for the retail sale of intoxicating liquor under the Act of 1971; the number of gaming machines permitted in certain premises (and in both instances the variation or cancellation of such directions); the restriction of gaming machines from certain premises and the cancellation of such restrictions; and the disqualification of certain premises on conviction of an offence from being such as have permitted hours on a Sunday or are allowed additional or extended hours under section 45 or 49 respectively of the Act of 1971.

They also contain other minor consequential amendments as a result of the amendments referred to above.

The Licensing (Form of Licence) Regulations (Northern Ireland) 1971 are revoked.