2004 No. 451

MAGISTRATES' COURTS

Magistrates' Courts (Licensing) (Amendment) Rules (Northern Ireland) 2004

Made - - - - - 20th October 2004

Coming into operation in accordance with Rule 1

The Lord Chancellor in exercise of the powers conferred upon him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**a**) and paragraph 4 of Schedule 4, paragraph 2 of Schedule 5, paragraph 3 of Schedule 6, paragraph 3 of Schedule 9 and paragraph 3 of Schedule 10 to the Licensing (Northern Ireland) Order 1996(**b**) and all other powers enabling him in that behalf, on the advice of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following Rules:

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Magistrates' Courts (Licensing) (Amendment) Rules (Northern Ireland) 2004 and shall come into operation on the same day as Article 4 of the Licensing (Indoor Arenas) (Northern Ireland) Order 2004(**c**) comes into force.

(2) In these Rules, "the principal Rules" means the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997(**d**), a reference to a Rule by number means the Rule so numbered in the principal Rules and any reference to a Form by number is a reference to that Form so numbered in the Schedule to the principal Rules.

Amendments to the principal Rules

2. Rule 5(4) shall be amended as follows:

(a) in sub-paragraph (b), omit the word "or";

(b) in sub-paragraph (c), replace the comma with a semi-colon and insert "or, (d) for the renewal of a licence for any indoor arena,".

3. After Part X, there shall be inserted the following new Part XA:

"PART XA

LICENCE FOR INDOOR ARENA

Applications for attachment, variation, removal of conditions

14A.—(1) An application under Article 77A of the Order shall be made to a court of summary jurisdiction for the petty sessions district in which the indoor arena, in respect of which the application is made, is situated.

(**a**) S.I. 1981/1675 (N.I. 26)
(**b**) S.I. 1996/3158 (N.I. 22) as amended by S.I. 2004/1994 (N.I. 17)
(**c**) S.I. 2004/1994 (N.I. 17)
(**d**) S.R. 1997 No. 62

(2) Notice of application to attach conditions to a licence for an indoor arena in accordance with Article 77A shall be in Form 22.

(3) A district commander who intends to make an application to attach conditions to a licence for an indoor arena, shall not less than three weeks before the day on which the application is to be considered serve notice of the application upon the clerk of petty sessions for the petty sessions district in which the indoor arena in respect of which the application is made is situated and a copy of the notice of application on –

(a) the person to whom the licence to which the application relates was granted; and

(b) the district council for the district in which the premises are situated.

(4) Notice of application to vary or remove conditions, as the case may be, attached to a licence for an indoor arena in accordance with Article 77A shall be in Form 23.

(5) A person who intends to apply to vary or remove conditions attached to a licence for an indoor arena shall, not less than three weeks before the day on which the application is to be considered, serve notice of the application upon the clerk of petty sessions for the petty sessions district in which the indoor arena in respect of which the application is made is situated and serve a copy of the notice of application on (where they are not the applicant) –

(a) the person to whom the licence to which the application relates was granted;

(b) the district commander of the police district in which the premises are situated; and

(c) the district council for the district in which the premises are situated."

Forms

4. The Schedule to the principal Rules shall be amended as follows:

(a) in Form 1, after "(j) a seaman's canteen;]" insert the following –

"[5(1) (k) an indoor arena, i.e., premises 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 consist of an area where the events and activities take place and permanent seating accommodation for a prescribed number of persons or more wholly or substantially surrounding that area]";

(b) in Form 2, in note 3(e)(ii), for "j" substitute "k";

(c) in Form 3, after "(j) a seaman's canteen;]" insert the following –

"[5(1) (k) an indoor arena, i.e., premises 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 consist of an area where the events and activities take place and permanent seating accommodation for a prescribed number of persons or more wholly or substantially surrounding that area]";

(d) in Form 4, after "(j) a seaman's canteen]" insert the following –

"[5(1) (k) an indoor arena, i.e., premises 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 consist of an area where the events and activities take place and permanent seating accommodation for a prescribed number of persons or more wholly or substantially surrounding that area]";

(e) in Form 5, in note 3(e)(ii), for "j" substitute "k";

(f) in Form 6, for "j" substitute "k";

(g) in Form 8, after "[5(1)(j)]" insert "[5(1)(k)]";

(h) in Form 14, after "[5(1)(j)]" insert "[5(1)(k)]";

(i) in Form 16, after "[a higher education institution] [1]" insert "[an indoor arena][1]";

(j) in Form 17, after "[a higher education institution]" insert "[an indoor arena]";

(k) in Form 18, after "[a higher education institution]" insert "[an indoor arena]"; and

(l) in Form 20, after "[5(1)(j)]" insert "[5(1)(k)]".

5. After Form 21, there shall be added the Forms set out in the Schedule to these Rules.

Signed by the authority of the Lord Chancellor

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

Dated 20th October 2004

SCHEDULE

Rule 5

Form 22

Licensing (Northern Ireland) Order 1996

(Article 77A)

Notice of application for attachment of conditions to a licence for an indoor arena

Petty Sessions District of

Count Court Division of

TAKE NOTICE THAT I (*full name*) of (*full address*) being the district commander of the police district in which the indoor arean to which the application relates is situated, intend to apply to the magistrates' court sitting at (*place*) on (*date*) at (*time*) to attach the conditions set out below to the licence granted on the day of by .

The conditions sought are:

(*Set out conditions sought*)

Dated this day of

Signature of Applicant or his Solicitor

To (*full name of person to whom the licence to which the application relates was granted*) of (full address)

To the clerk of petty sessions for the above-named petty sessions district.

Copy to:

The district council at (*district council for the district in which the premises are situated*).

Notes:

In accordance with Rule 19(2) of the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997, any notice or document served on the clerk of petty sessions shall be endorsed with a note of the mode and date of service of such notice or document on any other person.

Form 23

Licensing (Northern Ireland) Order 1996

(Article 77A)

Notice of application to [vary] [remove] conditions attached to a licence for an indoor arena

Petty Sessions District of

Count Court Division of

TAKE NOTICE THAT I (*full name*) of (*full address*) [being the district commander of the police district in which the indoor arena to which the application relates is situated] [1], intend to apply to the magistrates' court sitting at (*place*) on (*date*) at (*time*) to [vary] [remove] [2] the condition(s) set out below to the licence granted on the day of by . The condition(s) sought to be [varied] [removed] and the reason(s) for the application is/are:

(*Set out briefly condition(s) to be varied or removed and reasons for application*)

Dated this day of

Signature of Applicant or his Solicitor

To (*full name of person to whom the licence to which the application relates was granted*) of (*full address*) [3]

To the clerk of petty sessions for the above-named petty sessions district.

Copies to:

(i) the district commander at (*headquarters for the police district in which the premises are situated*); [3]

(ii) the district council at (*district council for the district in which the premises are situated*). [3]

Notes:

[1] Delete if inapplicable.

[2] The inapplicable paragraphs must be deleted.

[3] Only include where not the applicant.

[4] In accordance with Rule 19(2) of the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997, any notice or document served on the clerk of petty sessions shall be endorsed with a note of the mode and date of service of such a notice or document on any other person.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules are made in consequence of the Licensing (Indoor Arenas) (Northern Ireland) Order 2004 which amends the Licensing (Northern Ireland) Order 1996 to:

- add an indoor arena to the types of premises for which a court may grant a licence for the retail sale of intoxicating liquor; and
- provide for a new type of application to a court of summary jurisdiction to attach, vary or remove conditions in respect of a licence for an indoor arena during its currency.

The Rules amend the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997 to, in particular, prescribe the procedure for an application to attach, vary or remove conditions in respect of a licence for an indoor arena.

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