EXPLANATORY MEMORANDUM TO

THE MAGISTRATES' COURTS (LICENSING) (AMENDMENT) RULES (NORTHERN IRELAND) 2021

SR 2021 No. 339

1. Introduction

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

1.2. The Statutory Rule is made under Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981 and is subject to the negative resolution procedure.

2. Purpose

2.1. The purpose of the Statutory Rule is to amend the Magistrates' Courts Licensing Rules (Northern Ireland)1997 (SR 1997 No. 62) ("the 1997 Rules") in consequence of amendments made to the Licensing (Northern Ireland) Order 1996 ("the Licensing Order") by the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 ("the 2021 Act").

3. Background

3.1. A number of provisions of the 2021 Act came into operation on 1 October 2021. In summary, these amended the Licensing Order to remove restrictions on permitted opening hours in licensed premises at Easter, to allow the courts to make an order for further later opening and to ensure entertainment provided during later opening or further later opening is not allowed to continue after the end of "drinking up" time.

3.2. Magistrates' courts hear applications for the renewal of a liquor licence and other applications relating to a licence, subsequent to it being granted. The 1997 Rules prescribe the forms to be used and the information required to be included with the application.

3.3. The Statutory Rule amends the 1997 Rules to prescribe the form to be used for an application to a magistrates' court for an order for further additional permitted hours and to require that a copy of the pages of the newspapers bearing a notice of intention to apply for an order for additional permitted hours be lodged with the clerk of the petty sessions.

3.4. The Statutory Rule also makes technical amendments consequential to the repeal of restrictions on Easter licensing hours and the alignment of closing time for liquor and entertainment.

4. Consultation

4.1. The underlying policy given effect by the 2021 Act was consulted on by the Department for Communities.

4.2. The Magistrates' Courts Rules Committee, which is comprised of representatives from the Judiciary, the legal profession and Northern Ireland Courts and Tribunals Service, was consulted prior to the making of the Statutory Rule and the Department has consulted the Lady Chief Justice in accordance with its statutory duty under Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981.

5. Equality Impact

5.1. The Department for Communities conducted a screening exercise on the underlying policy to which the 2021 Act gives effect, concluding that there were no significant implications for equality of opportunity and that an equality impact assessment was not necessary.

5.2. The amendments made by the Statutory Rule are tenchical and consequential to amendments to the Licensing Order made by the 2021 Act.

6. Regulatory Impact

6.1. The Statutory Rule does not require a regulatory impact assessment as it does not impose costs on businesses, charities or voluntary groups.

7. Financial Implications

7.1. Not applicable

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department considers the Rules to be compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. Not applicable.