EXPLANATORY MEMORANDUM TO

The Magistrates' Courts (Licensing) (Amendment) Rules (Northern Ireland) 2022

S.R. 2022 No. 123

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Justice 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 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. The 2021 Act makes provision for underage functions to be held in licensed premises, beyond the current latest time of 9pm. This Statutory Rule makes provision for the procedure for specified premises to apply for a suitability order for underage functions and for the procedure for those premises granted such an order to apply for authorisation to hold an underage function on a specified date.

3.2. The Statutory Rule also makes amendments consequential to the repeal of children's certificates.

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 professions and Northern Ireland Courts and Tribunals Service, was consulted prior to the making of the Statutory Rule.

4.3. The Department has also consulted on the Statutory Rule with 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 technical 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 bodies.

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.