1990 No. 211

MAGISTRATES' COURTS

Magistrates' Courts (Licensing) Rules (Northern Ireland) 1990

Made	*4th June 1990*
Coming into operation . .	*1st July 1990*

The Lord Chancellor, in exercise of the powers conferred upon him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**a**) and of 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:—

PART I

Citation and commencement

1. These rules may be cited as the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1990 and shall come into operation on 1st July 1990.

Revocation and saving

2. The Magistrates' Courts (Licensing) Rules (Northern Ireland) 1988(**b**), are hereby revoked, except in relation to any application notice of which has been given before 1st July 1990.

Interpretation

3.—(1) In these rules, unless the context otherwise requires, "the Order" means the Licensing (Northern Ireland) Order 1990(**c**); a reference to an Article or Schedule by number is a reference to that Article or Schedule as numbered in the Order; and expressions which are defined in the Order have the same meaning as in the Order.

(2) Any reference in these rules to a form by number is a reference to that form so numbered in the Schedule to these rules.

(3) The notes appended to the forms do not form any part thereof and are so appended only for the purpose of assisting their proper completion.

(4) Any reference in these rules to the clerk of petty sessions is a reference to the clerk of petty sessions for the petty sessions district in which the application is made.

(a) S.I. 1981/1675 (N.I. 26)
(b) S.R. 1988 No. 220
(c) S.I. 1990/594 (N.I. 6)

PART II

RENEWAL OF LICENCES

Applications for the renewal of licences

4.—(1) Notice of application for the renewal of a licence shall be in Form 1.

(2) Where on such application the applicant intends also to make an application under Article 34 (for an order specifying part of premises as suitable for extension licences) or under Article 49 (for an order directing that the hours be alternative permitted hours) he shall attach to the notice in Form 1 served on the clerk of petty sessions for the petty sessions district in which the premises are situated, and to the copies required to be served by paragraph 3 of Schedule 4 a notice in Form 2 or 3, as may be appropriate, and, a plan of the premises distinguishing the part thereof to which the application relates.

(3) Notice of intention to object to the renewal of a licence shall be in Form 4.

Plans to be attached to notices of renewal

5.—(1) The plan referred to in rule 4(2) must be to scale on substantial paper or other material and shall show each floor of the premises on a separate page measuring approximately eighteen inches (46 cms) by eighteen inches (46 cms) and certified as true and correct by an architect, surveyor or other person considered by the court to be competent to do so.

(2) The plan shall show the parts of the premises in which intoxicating liquor is sold, or in which it is intended that intoxicating liquor should be sold, by clearly distinguishing in bold hatched or shaded colour between that and other parts of the premises.

PART III

DOCUMENTS

Documents to be produced at hearing of applications

6.—(1) The applicant for an order under Article 34, in relation to premises of a kind mentioned in Article 6(1)(*a*), shall produce to the court a copy of the certificate of the Northern Ireland Tourist Board that the premises for which the licence is sought to be renewed are registered in the register of restaurants maintained by the Board under section 10 of the Development of Tourist Traffic Act (Northern Ireland) 1948(**a**).

(2) Where application is made for the renewal of a licence for an hotel or restaurant, a copy of the certificate of the Northern Ireland Tourist Board that the premises are registered in the appropriate register under section 10 of the Development of Tourist Traffic Act (Northern Ireland) 1948 and, in the case of a restaurant, comply with the requirements of Article 2(2) shall be lodged with the notice of application.

(a) 1948 c. 4 (N.I.)

(3) Evidence for the purposes of Article 2(5) that a licence was granted before 31st July 1902 or under Article 4(1) of the Licensing (Northern Ireland) Order 1978(**a**) or under Article 12(1) of the Order in lieu of such a licence or that the accommodation provided on the premises is approved by the Northern Ireland Tourist Board or that premises are in the register of guest houses, as the case may be, produced to the clerk of petty sessions may be in the form of a certified extract from the register of licences or a certificate of the Board, as may be appropriate.

(4) Where application is made—

(*a*) for the renewal of a licence for an hotel, restaurant or premises of a kind mentioned in Article 6(1)(*a*) and either an application is to be made or an order is in force for the premises under Article 50;

(*b*) for an order under Article 50 other than on renewal; or

(*c*) for the renewal of a licence for any place of entertainment,

any licence required for those premises by a council under Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985(**b**) shall be produced to the court.

PART IV

TRANSFER OF LICENCES AND AUTHORISATIONS UNDER ARTICLE 31

Applications for transfer

7.—(1) Notice of application for the transfer of a licence shall be in Form 5 and notice of application for the transfer and renewal of a licence under Article 25 shall be in Form 6.

(2) A copy of the pages of the newspapers bearing the notices referred to in paragraph 1(*a*) of Schedule 5 endorsed with the date on which they were published shall be lodged with the clerk of petty sessions a reasonable time before the hearing of the application.

(3) Notice of intention to object to a transfer shall be in Form 7.

Protection Orders and authorisation of continuance in business

8.—(1) Notice of application for a protection order shall be in Form 8.

(2) Notice that a person is carrying on business by virtue of Article 30 shall be in Form 9.

(3) Notice of application for an order under Article 31 authorising the continuance of business under a licence in temporary or other premises shall be in Form 10.

(4) Notice of intention to object to the making of a protection order or an order under Article 31 shall be in Form 11.

(a) S.I. 1978/1044 (N.I. 14)
(b) S.I. 1985/1208 (N.I. 15)

PART V

OCCASIONAL LICENCES (ARTICLE 32)

Applications for the grant of an occasional licence

9.—(1) A notice of application for the grant of an occasional licence shall be served not less than fourteen days before the time of the court sitting at which the application is to be made.

(2) Notice of application for the grant of an occasional licence shall be in Form 12.

(3) An occasional licence shall be in Form 13.

(4) The applicant for an occasional licence shall attach to the notice of application and to the copies thereof to be served on the sub-divisional commander and the district council a written statement containing the particulars referred to in paragraph (5) made by the body organising the function to which the application relates.

(5) The written statement referred to in paragraph (4) shall be signed by an officer of the body and set out the name and purposes of the body, the nature of the function, the premises on which and the times during which the function is to be held. It shall state the names and addresses of each of the persons to be in personal charge of running the function.

(6) A caution such as is referred to in paragraph 3 of Schedule 7 shall be in Form 14 and the cautioner shall in addition to complying with that paragraph serve a copy of the caution on the person to whom the licence was granted.

(7) The sub-divisional commander, the district council or a cautioner who intends to object to the grant of an occasional licence shall serve notice of his intention to object and his grounds for doing so in Form 15 upon the applicant and upon the clerk of petty sessions; but where the court is satisfied that the person intending to object has reasonable grounds for failure to serve any such notice, the court may nevertheless hear such person in considering the application.

(8) Where the sub-divisional commander does not object to the grant of the licence he may so state on the bottom of the copy of the notice of the application which he receives and may cause the form to be delivered to the clerk of petty sessions not later than the day before the court sitting at which the application is to be made.

PART VI

ALTERATIONS TO LICENSED PREMISES

Notice required by Article 36(1)(ii)

10.—(1) The notice of an alteration to licensed premises required by order of some lawful authority referred to in Article 36(1)(ii) shall be in Form 16.

(2) The proposed alterations shown in the plan required to be attached to Form 16 under paragraph 8(1) of Schedule 8 should be authenticated on behalf of the authority in question by the signature of an officer thereof having power to do so.

PART VII

ADDITIONAL PERMITTED HOURS (ARTICLE 50)

Applications under Article 50

11.—(1) Notice of application for an order under Article 50 shall be in Form 17.

(2) Where an application is made for an order under Article 50 the applicant shall attach to the notice in Form 17 served on the clerk of petty sessions and to the copies required to be served by paragraph 2 of Schedule 9 (except where an order under Article 50 is in force in relation to the part of the premises to which the plan relates and no structural alteration to the premises has been made to that part since an Article 50 order was last granted in respect of the premises or since the licence for the premises was last renewed), a plan of the premises distinguishing the part thereof to which the application relates.

(3) The plan referred to in paragraph (2) shall comply with the requirements in rule 5.

(4) Notice of intention to object to the making of an order under Article 50 shall be in Form 18.

PART VIII

EXTENSION LICENCES (ARTICLE 54)

Applications for extension licences

12.—(1) A notice of application for the grant of an extension licence shall be served not less than fourteen days before the time at which the person who intends to make the application wishes it to be considered.

(2) Notice of application for an extension licence shall be in Form 19 and of intention to object thereto shall be in Form 20.

(3) Paragraphs (4), (5) and (8) of rule 9 shall apply to applications for the grant of extension licences as they apply to occasional licences, and paragraph (8) of rule 9 shall, in so applying, have effect as if for the words "the court sitting at which the application is to be made" there were substituted the words "the day on which the application is to be considered".

PART IX

MISCELLANEOUS

Costs

13. Article 163 of the Magistrates' Courts (Northern Ireland) Order 1981(**a**) (Costs) shall apply to an application under Schedule 4, 5, 6, 7, 8, 9 or 10 as if any objector to the application were a respondent.

(a) S.I. 1981/1675 (N.I. 26)

Plans

14.—(1) Where premises were licensed for which plans were deposited in the office of the chief clerk and have been sent to the clerk of petty sessions or plans were in the possession of the clerk of petty sessions before 3rd May 1971(**a**), those plans shall be indexed as relating to the register and kept as plans duly sent to such clerk under Article 39(3).

(2) Where by reason of any change in the boundaries of a petty sessions district or otherwise, premises should be registered in the register of another district, a certified copy of the relevant entry in the register and any plans relating thereto shall be sent by the clerk for the first-mentioned district to that of the other for inclusion in the register and he shall so inform the person holding the licence for the premises.

(3) In this rule the expression "chief clerk" has the meaning assigned to it by Article 2(2) of the County Courts (Northern Ireland) Order 1980(**b**).

Copies of notices for sub-divisional commander to be served at police station within police sub-division

15.—(1) Any notice, document or copy thereof required by the Order or these rules to be served upon the sub-divisional commander of a police sub-division shall be served, unless the sub-divisional commander otherwise directs, by being lodged with the member of the Royal Ulster Constabulary for the time being in charge of a police station within the sub-division in which the premises to which the document relates are situated or, as the case may be, in which the applicant resides.

(2) Notwithstanding anything in Article 2(9), where the applicant is a body corporate paragraph (1) shall have effect as if for the reference to the police sub-division in which the applicant resides there were substituted a reference to that in which the body has its principal or registered office.

Mode of service of documents

16.—(1) Any notice, document or copy thereof such as is referred to in rule 15 or which is required by the Order or these rules to be served on the clerk of petty sessions or any other person or body may be served by the applicant, by his solicitor or a member of the staff in the solicitor's office over the age of sixteen years by sending it by registered post or by the recorded delivery service in an envelope addressed to the intended recipient—

(*a*) where rule 15 applies, at the police station specified in that rule;

(*b*) where service is to be on the clerk of petty sessions or a local or official body, at the address of his or its office;

(*c*) in any other case, at his residence.

(2) A notice of application or any other document required by the Order or these rules to be served on the clerk of petty sessions, and also required to be served on any other person or body, shall be endorsed with a note of the mode and date of service of such document on such other person or body.

(**a**) The commencement date of section 34(3) of the Licensing Act (Northern Ireland) 1971 (c. 13 (N.I.))
(**b**) S.I. 1980/397 (N.I. 3)

(3) Production of the post office advice of delivery shall be evidence of such posting.

Dated 4th June 1990. *Mackay of Clashfern*, C.

SCHEDULE

FORM 1 Rule 3

LICENSING (NORTHERN IRELAND) ORDER 1990

(Article 15, Schedule 4, paras. 3 and 4)

Notice of application for renewal of a licence.

Petty Sessions District of

County Court Division of

[1] TAKE NOTICE that I/we *(full name(s) of applicant(s)/title of body corporate)* of *(full address(es) of applicant(s)/registered office of body corporate)* intend to apply to the magistrates' court sitting at *(place)* on *(date)* at *(time)* for the renewal of the licence (attached to this notice) authorising the sale of intoxicating liquor for the premises situated at *(full address of premises)* being premises of the following kind according to the Licensing (Northern Ireland) Order 1990, namely premises specified in Article:—

[6(1) (*a*) 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;]

[6(1) (*b*) premises in which the only or principal business carried on is the business of selling intoxicating liquor by retail for consumption off the premises;]

[6(1) (*c*) an hotel, i.e., premises or a set of 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] [treated as an hotel by virtue of Article 2(5)(*a*) or (*b*) (as the case may be) of the Licensing (Northern Ireland) Order 1990;]]

[6(1) (*d*) a restaurant, i.e., premises (*other* than those referred to in Article 6(1)(*a*) of the Order) structurally adapted and used, or intended to be used, for the purpose of providing persons frequenting the premises with a main table meal at mid-day or in the evening or both where there is in force a certificate of the Northern Ireland Tourist Board stating that the premises comply with the requirements set out in Article 2(2) of the Licensing (Northern Ireland) Order 1990 (including their registration in the register of restaurants maintained under section 10 of the Development of Tourist Traffic Act (Northern Ireland) 1948);]

[6(1) (*e*) a place of public entertainment i.e., premises used as a theatre, a ballroom, premises on a licensed track within the meaning of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 or such other premises used for the purposes of such entertainments in accordance with such conditions as are prescribed by regulations made by the Department of Health and Social Services;]

[6(1) (*f*) a refreshment room in a railway station, an airport, harbour terminal or bus station;]

[6(1) (*g*) a seamen's canteen;]

[85 a non-seagoing vessel;]. [2]

I am the owner of the business to be carried on under the licence [3], [or the following body corporate owns the business—

(*full title of company etc. stating whether limited liability company or other body*) of which the following persons are the directors—

(*full names and addresses*) and the following are the executive controllers—

(*name persons other than directors who have executive control within the meaning of Article 5(4) of the Licensing Order*)].

The owner of the premises is

(*full name*). [4]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 15(4) of the Licensing Order for a direction that on Sundays there shall be no permitted hours on the premises.] [5]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 15(4) of the Licensing Order for the cancellation of a direction that on Sundays there shall be no permitted hours on the premises.] [5]

No alteration such as is specified in Article 36 of the Licensing (Northern Ireland) Order 1990 has been made to the premises since the licence was last granted (*or, in the case of a first renewal* since it was granted). [6]

Dated this day of 19 .

Signature of Applicant
or his/their Solicitor

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

Copy to:

(i) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the premises are situated*);

(ii) (if different from (i)) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the applicant resides*);

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

Notes:

[1] This notice must be served not later than 9th August on the clerk of petty sessions for the district in which the premises are situated and the sub-divisional commander for the police sub-division in which the premises are situated and also where the applicant resides in some other police sub-division upon the sub-divisional commander of the sub-division in which the applicant resides and also on the district council for the district in which the premises are situated.

The copy of the notice to be served on the sub-divisional commander may be lodged at any police station in the appropriate sub-division.

As to the meaning of "reside" where the applicant is a body corporate any reference to a police sub-division in which a person resides becomes a reference to that in which the body has its principal or registered office.

Where the service requirements are met, the clerk of petty sessions may renew the licence in the absence of the applicant *except* where the application is also to transfer the licence or where—

(*a*) notice of objection to renewal is served on the clerk of petty sessions;

(*b*) the licensed premises have been altered since the last previous renewal of the licence (or, where the renewal applied for is the first renewal of the licence, since the licence was granted);

(*c*) the application for renewal is in respect of premises of a kind mentioned in Article 6(1)(*a*) for which the applicant has also applied to the court for—

(i) a direction specifying that on Sundays there shall be no permitted hours; or

(ii) the cancellation of such a direction;

(*d*) the licence to be renewed is one in force in relation to certain premises on which business has been interrupted (see Article 19 of the Licensing Order);

(*e*) application is made or an order is in force under the following Articles of the Licensing Order — Article 34 (suitability of part of premises for functions for which extension licences may be granted under Article 54) or Article 49 (alternative permitted hours for part of premises of a kind mentioned in Article 6(1)(*a*));

(*f*) the licence to be renewed is for a seamen's canteen or non-seagoing vessel;

(*g*) the application for renewal is in respect of licensed premises for which the applicant has also applied to the court for the variation of a direction specifying the number of gaming machines which may be made available on the licensed premises or, where such a direction has not been given in respect of the licensed premises, for which the sub-division in which the licensed premises are situated has applied for such a direction;

(*h*) the clerk of petty sessions requires the application to be made to the court.

As for penalties for failure duly to serve notice of application see Article 17 of the Licensing Order.

[2] The *inapplicable* paragraphs *must* be deleted.

[3] This includes any personal representative, trustee, assignee, controller, liquidator, receiver or guardian carrying on the business in exercise of a power conferred by or under any statutory provision, will or deed.

[4] This means the person for the time being receiving the rack rent of the premises, whether on his own account or as personal representative, trustee, assignee, controller, liquidator, receiver or guardian or who would receive the same if the premises were let at a rack rent.

[5] Delete if inapplicable.

[6] It is an offence under Article 36 of the Licensing Order to alter premises in certain respects so as to alter drinking facilities, etc.

FORM 2

LICENSING (NORTHERN IRELAND) ORDER 1990

(Article 34)

Notice of application for order on renewal of licence that part of licensed premises be specified as suitable for functions mentioned in Article 54(6) (functions for which extension licence may be granted).

Petty Sessions District of

County Court Division of

[1] TAKE NOTICE THAT I/we (*full name(s)*) of (*full address(es)*) intend upon the application to the magistrates' court sitting at (*place*) on (*date*) at (*time*), for the renewal of the licence authorising the sale of intoxicating liquor at the premises situated at (*full address of premises*) being premises mentioned in Article 50(7) of the Licensing (Northern Ireland) Order 1990 (namely, an hotel, a restaurant or premises of a kind mentioned in Article 6(1)(*a*)) to apply under Article 34 of the Licensing Order for an order specifying the part of the premises particularly delineated on the [2] plan attached hereto as being suitable for [3] functions such as are mentioned in Article 54(6) of the said Order on the grounds that—

(i) the part so delineated is structurally adapted and used or intended to be used for the purpose of providing for the accommodation of persons frequenting it substantial refreshment to which the sale of intoxicating liquor is ancillary; and

(ii) suitable means of access to that part of the premises otherwise than through any other part of the premises which is used for the sale of intoxicating liquor, are available for customers.

[A copy of the certificate of the Northern Ireland Tourist Board that the premises are registered in the register of restaurants maintained by the Board under section 10 of the Development of Tourist Traffic Act (Northern Ireland) 1948 will be produced to the court at the hearing of the application,] [4]

Dated this day of 19 .

Signature of Applicant
or his/their Solicitor

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

Copy to the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the premises are situated*).

Notes:

[1] This notice must be attached to, and served together with the notice of application for renewal of the licence and each copy thereof required to be served by paragraph 3 of Schedule 4 to the Licensing (Northern Ireland) Order 1990.

[2] A plan of the entire premises drawn to the appropriate architectural scale on substantial paper or other material with each floor shown on a separate page measuring approximately 18″ (46 cms) × 18″ (46 cms) certified as true and correct by an architect, surveyor or other person considered by the court to be competent to do so must be attached to the notice and the copies in Note 1.

This aspect of the plan must delineate clearly the part of the premises to which the application under Article 34 relates and show how it is adapted to the purpose referred to in paragraph (i) of the notice as well as the suitable means of access referred to in paragraph (ii).

[3] The functions for which extension licences may be granted under Article 54 of the Order are—

(*a*) functions organised by any body established for social, charitable or benevolent purposes or for furthering the common interest of persons associated with any trade, profession, educational or cultural activity or any game or sport; or

(*b*) functions (not exceeding six in number in any year) organised by the licence holder.

[4] This paragraph should only be included if the premises are of a kind mentioned in Article 6(1)(*a*) of the Licensing Order. The certificate of the Northern Ireland Tourist Board stating that the premises are registered in the register of restaurants maintained by the Board under section 10 of the Development of Tourist Traffic Act (Northern Ireland) 1948 is required to be produced to the court at the hearing of the application.

FORM 3

LICENSING (NORTHERN IRELAND) ORDER 1990

(Article 49(1))

Notice of application for order on renewal of licence directing that permitted hours for off-sales in part of premises licensed under Article 6(1)(*a*) of the Licensing Order be alternative permitted hours.

Petty Sessions District of

County Court Division of

[1] TAKE NOTICE that I/we (*full name(s)*) of (*full address(es)*) intend upon the application to the magistrates' court sitting at (*place*) on (*date*) at (*time*) for the renewal of the licence authorising the sale of intoxicating liquor at the premises situated at (*full address of premises*) as being premises of the kind mentioned in Article 6(1)(*a*) of the Licensing (Northern Ireland) Order 1990 (namely those 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) to apply for an order directing that the permitted hours for the part of the premises particularly delineated on the [2] plan attached hereto as being—

(*a*) structurally adapted for the sale of intoxicating liquor for consumption off the premises, and

(*b*) not connected by any internal means of passage open to customers with a part of the premises used for the sale of such liquor for consumption in the premises,

be [3] the alternative permitted hours on the condition that such part shall not be used for the sale of intoxicating liquor for consumption in the premises.

Dated this day of 19 .

Signature of Applicant
or his/their Solicitor.

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

Copy to the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the premises are situated*).

Notes:

[1] This notice must be attached to, and served together with the notice of application for renewal of the licence and each copy thereof required to be served by paragraph 3 of Schedule 4 to the Licensing (Northern Ireland) Order 1990.

[2] A plan of the entire premises drawn to the appropriate architectural scale on substantial paper or other material with each floor shown on a separate page measuring approximately 18″ (46 cms) × 18″ (46 cms) certified as true and correct by an architect, surveyor or other person considered by the court to be competent to do so must be attached to the notice and the copies in Note 1.

This aspect of the plan must delineate clearly the part of the premises to which the application under Article 49 relates and show how it is adapted to the purpose referred to in paragraph (*a*) of the notice as well as the fact that there is not internal means of passage as stated in paragraph (*b*).

[3] The ''alternative permitted hours'' means the hours mentioned in Article 47(2) of the Licensing (Northern Ireland) Order 1990. See Article 63(1) of the Order as to restrictions as to sale etc., of intoxicating liquor for consumption off the premises.

FORM 4

LICENSING (NORTHERN IRELAND) ORDER 1990

(Article 15, Schedule 4, paras. 5 and 6)

Notice of intention to object to the renewal of a licence

Petty Sessions District of

County Court Division of

[1] TAKE NOTICE that I (*full name*) of (*full address or, if sub-divisional commander state sub-divisional headquarters*) [on behalf of (name of district council)] [2] intend on the hearing of the application of (*full name of applicant*) of (*address of applicant*) at the magistrates' court sitting at (*place*) on (*date*) at (*time*) for the renewal of the licence authorising the sale of intoxicating liquor for the premises situated at (*full address of premises*) to appear and object to such renewal on the following grounds—

(State briefly and precisely grounds of objection stating which of the grounds specified in paragraph 5 of Schedule 4 to the Licensing (Northern Ireland) Order 1990 on which the objector relies.) [3]

Dated this day of 19 .

Signature of Objector
or his Solicitor

To the Applicant.

Copy to the clerk of petty sessions for the above-named petty sessions district.

Notes:—

[1] The objector must be one of the following:

(*a*) the sub-divisional commander upon whom the notice of application for renewal of a licence is served, or

(*b*) the district council for the district in which the premises are situated; or

(*c*) any person owning or residing or carrying on business in premises in the vicinity of the premises for which the renewal of the licence is sought.

[2] Delete if inapplicable.

[3] The following may be grounds for objecting to the renewal of the licence:

(*a*) that the applicant is not a fit person to hold a licence; or

(*b*) that—

(i) the kind of premises specified in the notice is not that for which the licence was granted or the premises are not of the kind so specified; or

(ii) the premises are not suitable to be licensed for the sale of intoxicating liquor by retail; or

(*c*) that the business carried on in the premises under the licence has not been conducted in a peaceable and orderly manner since the previous renewal of the licence or, where the renewal applied for is the first renewal of the licence, since the licence was granted; or

(*d*) that—

(i) the business carried on in the premises under the licence, or

(ii) in the case of premises of a kind mentioned in Article 6(1)(*c*) to (*g*), of the Licensing Order (other than an hotel in respect of which the note and record mentioned in Article 6(5)(*a*) have been made) the business to which the sale of intoxicating liquor under the licence is ancillary,

has been discontinued; or

(*e*) in the case of premises for which an order under Article 49 is in force, that the condition mentioned in Article 49(2) has not been, and the requirements of sub-paragraphs (*a*) and (*b*) of that paragraph have not continued to be, complied with.

FORM 5

LICENSING (NORTHERN IRELAND) ORDER 1990

(Article 23, Schedule 5, paras. 1 and 2)

Notice of application for the transfer of a licence

Petty Sessions District of

County Court Division of

TAKE NOTICE that I (*full name*) of (*full address*) intend at the magistrates' court sitting at (*place*) on (*date*) at (*time*) to apply for the transfer to me of a licence [[1] granted provisionally by the County Court for the division of on the day of 19 at] at present held by (*full names of present licensee*) of (*full address of licensee*) for the premises at (*full address of licensed premises*) being premises of the following kind according to the Licensing (Northern Ireland) Order 1990, namely premises specified in Article:—

[6(1) (*a*) 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;]

[6(1) (*b*) premises in which the only or principal business carried on is the business of selling intoxicating liquor by retail for consumption off the premises;]

[6(1) (*c*) an hotel, i.e., premises or a set of 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] [treated as an hotel by virtue of Article 2(5)(*a*) or (*b*) (as the case may be) of the Licensing (Northern Ireland) Order 1990];]

[6(1) (*d*) a restaurant, i.e. premises (*other* than those referred to in Article 6(1)(*a*) of the Order) structurally adapted and used, or intended to be used, for the purpose of providing persons frequenting the premises with a main table meal at mid-day or in the evening or both where there is in force a certificate of the Northern Ireland Tourist Board stating that the premises comply with the requirements set out in Article 2(2) of the Licensing (Northern Ireland) Order 1990 (including their registration in the register of restaurants maintained under section 10 of the Development of Tourist Traffic Act (Northern Ireland) 1948;]

[6(1) (*e*) a place of public entertainment i.e. premises used as a theatre, a ballroom, premises on a licensed track within the meaning of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 or such other premises used for the purposes of such entertainments in accordance with such conditions, as are prescribed by regulations made by the Department of Health and Social Services;]

[6(1) (*f*) a refreshment room in a railway station, an airport, harbour terminal or bus station;]

[6(1) (*g*) a seamen's canteen;]

[85 a non-seagoing vessel;]. [2]

[A protection order authorising (*name of person authorised*) of (*address*) to carry on the business under the licence was granted on the day of 19 by the magistrates' court at (*place*) on (*date*) for the period of months from the date of the order [and further protection orders were granted by the following courts on the following dates for the following periods

(*specify details of any further protection orders*).]] [3]

[The licence was suspended for a period of months by the magistrates' court sitting at (*place*) on (*date*) for the following offence—

[and the suspension is the subject of an appeal to the county court for the division of] [I intend to ask the court hearing this application to terminate the suspension.]] [4]

I am [*or* shall be] the owner of the business [to be] carried on under the licence. [*or* the following body corporate owns [*or* will own] the business [to be] carried on under the licence—

(*full title of company etc stating whether limited liability company or other body*) of which the following persons are the directors

(*full names and addresses*) and the following are the executive controllers—

(*name* persons other than directors who have executive control within the meaning of Article 5(4) of the Licensing Order)]. [5]

[6] The owner of the premises is

(*full names*).

The licence will be deposited with the clerk of petty sessions before or at the hearing of the application.

Dated this day of 19 .

Signature of Applicant
or his Solicitor.

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

Copy to:—

(i) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the premises are situated*);

(ii) (if different from (i)) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the applicant resides* [7];

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

Notes:

[1] These words are appropriate only where the application is for the transfer of a licence provisionally granted by the county court and the grant has not yet been declared final on completion of the premises.

[2] The *inapplicable* paragraphs *must* be deleted.

[3] Delete except where application is made during the currency of a protection order or after it has ceased to have effect and the application is made not later than the end of the licensing year next following the expiration of the licence.

[4] Delete except where licence is subject to a suspension order.

[5] This includes any personal representative, trustee, assignee, controller, liquidator, receiver or guardian carrying on the business in exercise of a power conferred by or under any statutory provision, will or deed.

[6] This means the person for the time being receiving the rack rent of the premises, whether on his own account or as personal representative, trustee, assignee, controller, liquidator, receiver or guardian or who would receive the same if the premises were let at a rack rent.

[7] Where the applicant is a body corporate any reference to a police sub-division in which a person resides becomes a reference to that in which the body has its principal or registered office.

FORM 6

LICENSING (NORTHERN IRELAND) ORDER 1990

(Article 25)

Notice of application for transfer and renewal of a licence.

Petty Sessions District of

County Court Division of

TAKE NOTICE that I (*full name*) of (*full address*) intend at the magistrates' court sitting at (*place*) on (*date*) at (*time*) to apply for the transfer to me of a licence [[1] granted provisionally by the county court for the division of on at] at present held by of (*full names of present licensee*) of (*full address of present licensee*) for the premises at (*full address of licensed premises*) being premises of the following kind according to the Licensing (Northern Ireland) Order 1990, namely premises specified in Article:—

[6(1) (*a*) 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;]

[6(1) (*b*) premises in which the only or principal business carried on is the business of selling intoxicating liquor by retail for consumption off the premises;]

[6(1) (*c*) an hotel, i.e., premises or a set of 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] [treated as an hotel by virtue of Article 2(5)(*a*) or (*b*) (as the case may be) of the Licensing (Northern Ireland) Order 1990];]

[6(1) (*d*) a restaurant, i.e., premises (*other* than those referred to in Article 6(1)(*a*) of the Order) structurally adapted and used, or intended to be used, for the purpose of providing persons frequenting the premises with a main table meal at mid-day or in the evening or both where there is in force a certificate of the Northern Ireland Tourist Board stating that the premises comply with the requirements set out in Article 2(2) of the Licensing (Northern Ireland) Order 1990 (including their registration in the register of restaurants maintained under section 10 of the Development of Tourist Traffic Act (Northern Ireland) 1948);]

[6(1) (*e*) a place of public entertainment i.e., premises used as a theatre, a ballroom, premises on a licensed track within the meaning of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 or such other premises used for the purposes of such entertainments in accordance with such conditions, as are prescribed by regulations made by the Department of Health and Social Services;]

[6(1) (*f*) a refreshment room in a railway station, an airport, harbour terminal or bus station;]

[6(1) (*g*) a seamen's canteen;]

[85 a non-seagoing vessel;]. [2]

[A protection order authorising (*name of person authorised*) of (*address*) to carry on business under the licence was granted on by the magistrates' court sitting at (*place*) on (*date*) for the period of months from the date of the order [and further protection orders were granted by the following courts on the following dates for the following periods— (specify details of any further protection orders)].] [3]

[The licence was suspended for a period of months by the magistrates' court sitting at (*place*) on (*date*) for the following offence—

[and the suspension is the subject of an appeal to the county court for the division of]

[I intend to ask the court hearing this application to terminate the suspension.].] [4]

I am [*or* shall be] the owner of the business [to be] carried on under the licence. [*or* the following body corporate owns [*or* will own] the business [to be] carried on under the licence—

(*full title of company etc. stating whether limited liability company or other body*) of which the following persons are the directors

(*full names and address*) and the following are the executive controllers—

(*name persons other than directors who have executive control within the meaning of* Article 5(4) of the Licensing Order)]. [5]

[6] The owner of the premises is (*full names*).

[7] No alteration such as is specified in Article 36 of the Licensing (Northern Ireland) Order 1990 has been made to the premises since the licence was last renewed (or, *in the case of a first renewal*, since it was granted).

[8] As the existing licence [is due to expire] [expired] on (*date*).

TAKE NOTICE that at the same time I intend to apply to the court to renew the licence until the expiration of the [current] [next] licensing year, i.e., 30th September 19 before transferring it to me.

The licence will be deposited with the clerk of petty sessions before or at the hearing of the application.

Dated this day of 19 .

Signature of Applicant
or his Solicitor.

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

Copy to:—

(i) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the premises are situated*);

(ii) (if different from (i)) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the applicant resides* [9]);

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

Notes:

[1] These words are appropriate only where the application is for the transfer of a licence provisionally granted by the county court and the grant has not yet been declared final on completion of the premises.

[2] The *inapplicable* paragraphs *must* be deleted.

[3] Delete except where application is made during the currency of a protection order or after it has ceased to have effect and the application is made not later than the end of the licensing year next following the expiration of the licence.

[4] Delete except where licence is subject to a suspension order.

[5] This includes any personal representative, trustee, assignee, controller, liquidator, receiver or guardian carrying on the business in exercise of a power conferred by or under any statutory provision, will or deed.

[6] This means the person for the time being receiving the rack rent of the premises, whether on his own account or as personal representative, trustee, assignee, controller, liquidator, receiver or guardian or who would receive the same if the premises were let at a rack rent.

[7] It is an offence under Article 36 of the Licensing Order to alter premises in certain respects so as to alter drinking facilities, etc.

[8] Under Article 25 of the Order where a person applies for a transfer of a licence the holder of which has not applied for a renewal thereof, the Court on the application of that person may renew the licence before transferring it to him.

A Court shall not renew a licence on an application under that Article unless the application is made—

(*a*) within the three months immediately preceding the date on which the licence is due to expire, or

(*b*) not later than the end of the licensing year next following the date on which the licence expired, or

(*c*) during the currency of a protection order.

[9] Where the applicant is a body corporate any reference to a police sub-division in which a person resides becomes a reference to that in which the body has its principal or registered office.

FORM 7

LICENSING (NORTHERN IRELAND) ORDER 1990

(Schedule 5, paras. 3 and 4)

Notice of intention to object to transfer of licence.

Petty Sessions District of

County Court Division of

TAKE NOTICE that I [1]

(*full name*) of
(*full address*) intend on the hearing of the application of
(*full names of applicant*) of
(*address of applicant*) at the magistrates' court sitting at
(*place*) on (*date*) at (*time*), for the transfer of the licence [granted provisionally by the county court for the division of on at] at present held by (*names of present licensee*) of (*full address of present licensee*) for the premises at (*full address of licensed premises*) to appear and object to the transfer on the following grounds—

(*state briefly and precisely grounds of objection stating which of the [2] grounds specified in paragraph 3 of Schedule 5 to the Licensing (Northern Ireland) Order 1990 the objector relies on*).

Dated this day of 19 .

Signature of Objector
or his Solicitor.

To the Applicant.

Copy to the clerk of petty sessions for the above-named petty sessions district.

Notes:

[1] The objector must be one of the following:

(*a*) the sub-divisional commander upon whom the notice of application for the transfer of a licence is served; or

(*b*) the district council for the district in which the premises are situated; or

(*c*) any person owning or residing or carrying on business in, premises in the vicinity of the premises for which the transfer of the licence is sought.

[2] The following may be grounds for objecting to the transfer of a licence:

(*a*) that the applicant is not a fit person to hold a licence; or

(*b*) that the business carried on in the premises under the licence has been discontinued; or

(*c*) that in the case of premises of kind mentioned in Article 6(1)(*c*) to (*g*), other than an hotel in respect of which the note and record mentioned in Article 6(5)(*a*) have been made, the business to which the sale of intoxicating liquor under the licence is ancillary, has been discontinued.

FORM 8

LICENSING (NORTHERN IRELAND) ORDER 1990

(Article 28, Schedule 6, paras. 2 and 3)

Notice of application for a Protection order

Petty Sessions District of

County Court Division of

TAKE NOTICE that I intend to apply to the magistrates' court sitting at (*place*) on (*date*) at (*time*), for a protection order [1] authorising me to carry on business under the licence held by (*full name of licensee*) of (*full address of licensee*) for the premises at (*full address of premises stating whether they are those of kind specified in Article 6(1)(a) to (g) or Article 85*).

[2] I am proposing to apply for the transfer of the licence [*or* I am a person entitled to a beneficial interest in consequence of the former licensee's death (there being no personal representative willing/able to act)] [*or* I propose to carry on the business on behalf of the licensee because the licensee has become incapable through illness or other infirmity of carrying on the business authorised by the licence.]

Dated this day of 19 .

Signature of Applicant
or his Solicitor.

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

Copy to the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the premises are situated*).

Notes:

[1] A protection order is authority to carry on business under a licence until an application for transfer or transfer and renewal can be brought before a court. A licence in connection with which a protection order is in force is deemed to continue in force for such period as the protection order remains in force. See Article 28 of the Licensing (Northern Ireland) Order 1990.

[2] The *inapplicable* words *must* be deleted.

FORM 9

LICENSING (NORTHERN IRELAND) ORDER 1990

(Article 30(3))

Notice by person carrying on business under a licence by virtue of Article 30(1) [or 30(2)].

Petty Sessions District of

County Court Division of

TAKE NOTICE that, whereas (*full names of licensee*) of (*full address*) being the holder of the licence for the premises at (*full address of premises*) on which the principal business was that of (*state whether business was principally sale of intoxicating liquor for consumption in and off or off the premises, an hotel, restaurant etc.*)

[1] died [was adjudged bankrupt etc.] [*or state other events*] on the day of 19 , and I am his personal representative [1] [*or* there being no personal representative willing [*or* able] to act] [*or* as his trustee in bankruptcy, etc.] (*state fully and precisely the appropriate circumstances in terms of Article 30(1) or 30(2) of the above Licensing Order*)[2].

I commenced carrying on the business under the said licence by virtue of Article 30(1) [*or* (2)] of the Licensing (Northern Ireland) Order 1990 on the day of 19 .

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

To the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the premises are situated*).

Note:

[1] The *inapplicable* words *must* be deleted.

[2] Until Article 381(2) of, and Schedule 9 to, the Insolvency (Northern Ireland) Order 1989 comes into operation Article 30(1), has effect subject to the modifications set out at paragraph 4 of Schedule 12 to the 1990 Order.

FORM 10

LICENSING (NORTHERN IRELAND) ORDER 1990

(Article 31, Schedule 6, paras. 2 and 3)

Notice of application for an order authorising the continuance of business under a licence in temporary or other premises.

Petty Sessions District of

County Court Division of

TAKE NOTICE that I (*full names*) of (*full address*) intend to apply to the magistrates' court sitting at (*place*) on (*date*) at (*time*) for an order authorising me, as the holder of licence for the premises at (*full address of original premises*) being a licence for the sale of intoxicating liquor in premises of a kind specified in Article [[6(1)(*a*)] [6(1)(*b*)] [6(1)(*c*)] [6(1)(*d*)] [6(1)(*e*)] [6(1)(*f*)] [6(1)(*g*)] [85]] [[1]] to carry on business for the period of [six] months at the following premises

(*full address of premises for which authorisation sought*).

I am unable to carry on business in the premises by reason of the circumstances that they—

[[2]] [by reason of fire [tempest] [*or* state other unforeseen and unavoidable calamity] have become incapable of being used for the business carried on in them under the licence];

[*or* have been [or are likely to be] acquired or demolished, either wholly or to a substantial extent, under a statutory provision (namely)];

[*or* have been [or are to be] extended to include other premises which are, or are to be constructed so as to be, contiguous to them];

[*or* are [or are to be] used for the purpose of the same business in conjunction with other additional premises which are [or are to be] constructed adjacent to them];

[*or* have been [or have to be] wholly or substantially demolished and new premises have been or are to be constructed wholly or partly within their curtilage;]

The premises for which the authorisation is sought are [[2]] temporary premises erected [*or* to be erected] wholly [*or* partly] within the curtilage, or on the site of the original premises/other premises in the vicinity of the original premises or their site.

[[3]] A plan of the premises for which the authorisation is sought is attached to this notice.

Dated this day of 19 .

Signature of Applicant
or his Solicitor.

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

Copy to the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the premises are situated*).

Notes:

[1] Delete inapplicable section.

[2] The *inapplicable* words *must* be deleted.

[3] The plan attached to the notice and copy must clearly delineate by appropriate colourings or markings and a legend or key thereto the part or parts of the premises, or, in the case of an hotel, any public or common part or parts of the premises in which intoxicating liquor is to be sold.

FORM 11

LICENSING (NORTHERN IRELAND) ORDER 1990

(Schedule 6, para. 5)

Notice of intention to object to [making of protection order] [authorisation of temporary continuance of business].

Petty Sessions District of

County Court Division of

TAKE NOTICE that I (*sub-divisional commander*) of (*sub-divisional headquarters for police sub-division*) intend at the hearing of the application of (*full name of applicant*) of (*address of applicant*) at the magistrates' court sitting at (*place*) on (*date*) at (*time*), for the [making of a protection order] [authorisation of the temporary continuance of business formerly conducted at (*premises for which licence held*)] authorising the applicant to carry on business at (*full address of premises at which business is to be continued*), to object to the making of the order on the following grounds — [*state grounds of objection briefly and precisely*].

Signature of Objector
or his Solicitor.

To the Applicant.

Copy to the clerk of petty sessions for the above-named petty sessions district.

FORM 12

LICENSING (NORTHERN IRELAND) ORDER 1990

(Article 32 and Schedule 7)

Notice of application for an occasional licence.

Petty Sessions District of

County Court Division of

TAKE NOTICE that I (*full names*) of (*full address*) as the licence-holder for premises of a kind mentioned in Article 6(1)(*a*) of the Licensing (Northern Ireland) Order 1990 at (*full address of premises*) [1] in which the only or principal business is that of selling intoxicating liquor by retail for consumption either in or off the premises intend to apply to the magistrates' court at (*place*) on (*date*) at (*time*) [2] for an occasional licence(s) authorising the sale of intoxicating liquor by retail [3] at the following place(s) (being a place [*or* places] other than the premises aforesaid)—

during the following [4] period(s) and between the following hours—

(*specify exact period (or periods) i.e., day or days and hours during which it is proposed that sale should take place. The total period for each occasional licence may not exceed six days*).

The function(s) to which the occasional licence(s) is/are ancillary is/are of an occasional nature to which Article 32 of the said Order applies being a function(s) of the following nature—

(*specify nature of function(s)*).

The organising body/bodies known as (*name*) is a body/are bodies established for the following purposes namely [5]

being social, charitable or benevolent purposes or for furthering the common interests of persons associated with a trade, profession, educational or cultural activity, game or sport.

Dated this day of 19 .

Signature of Applicant
or his Solicitor.

[on behalf of [6] (*full title of body corporate, partnership, etc., stating capacity in which application is made.*)]

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

Copy to:

(i) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the place/one of the places/premises to which the application relates is/are situated*);

(ii) the district council at (*district council for the district in which the place/one of the places/premises to which the application relates is/are situated*).

Notes:

[1] An occasional licence can be granted only to the holder of a licence for premises of the kind mentioned in Article 6(1)(*a*) of the Licensing (Northern Ireland) Order 1990 namely — those licensed for the sale of intoxicating liquor for consumption either in or off the premises. It cannot be granted to the holder of a licence of a kind to which sub-paragraphs (*b*) to (*g*) of Article 6(1) and Article 85 refer, namely an "off-licence", an hotel, a restaurant, a place of public entertainment, a refreshment room in public transport premises, a seamen's canteen or non-seagoing vessel.

[2] Under Rule 9(1) of the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1990, the notice of application must be served not less than fourteen days before the court sitting. See paragraph 6 of Schedule 7 as to cases where applicant can show reasonable cause for failure to serve. See also Rule 9(4) as to statement to be attached.

The application may be made to a court of summary jurisdiction *either*

(*a*) in the county court division in which the place/or one of the places for which the occasional licence is sought is situated; or

(*b*) in an adjoining county court division for a petty sessions district which includes the place/or one of the places for which the occasional licence is sought.

[3] "Place" includes premises. The exact place(s) at which the intoxicating liquor is sold and the nature of the premises must be specified in detail.

[4] The days must be in the same week or consecutive weeks and the total period must not exceed six days.

An occasional licence cannot be granted to authorise the sale of intoxicating liquor on any Sunday after 1.00 a.m., or on Christmas Day, Easter Day or Good Friday.

The sale of intoxicating liquor cannot be authorised during any part of the period from 1.00 a.m. till 11.30 a.m.

[5] The organising body or bodies must be established for one or more of the purposes set out in the Form. This exact purpose must be clearly stated after the full name of the body is entered on this Form.

[6] Where licensee is a body corporate, e.g. a limited company, its correct name and that under which it trades must be given. The application must be by a director or by the secretary or other employee of the company. Where the licence is held in partnership, the partnership name must be stated and the fact that the applicant is a partner must also be stated.

This space is to be included in the copy of the notice served on the sub-divisional commander of the police sub-division in which the premises are situated for completion where he does not serve notice of intention to object to the grant of the licence.

I am satisfied that this is a bona fide application and that the function(s) is one which is/are, and that the premises are, suitable for the grant of an occasional licences.

Signed

(RUC Rank)

FORM 13

LICENSING (NORTHERN IRELAND) ORDER 1990

(Article 32 and Schedule 7)

OCCASIONAL LICENCE

Petty Sessions District of

County Court Division of

Licence authorising holder of licence of kind specified in Article 6(1)(*a*) to sell intoxicating liquor at place other than that for which licence is held.

The magistrates' court sitting at (*place*) grants to (*name of licensee*) of (*address*) the holder of the licence for the premises at (*address*) being premises of the kind mentioned in Article 6(1)(*a*) of the Licensing (Northern Ireland) Order 1990 in which the only or principal business is that of selling intoxicating liquor by retail for consumption either in or off those premises, an occasional licence authorising the sale of intoxicating liquor by retail for consumption at or in the following place or premises—

(*specify place or premises*) during the following period, namely—

being day(s) of 19 , during the hours of

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

(*description*) and is organised by the following body, namely (*name*) which is a body established for the following purposes—

being a social, charitable or benevolent purpose or for furthering the common interests of persons associated with any trade, profession, educational or cultural activity or any game or sport.

Resident Magistrate

This day of 19 .

Warning to Licence-Holder

1. This licence does not authorise the sale of intoxicating liquor except during hours specified in the licence.

2. This licence does not authorise the sale of intoxicating liquor for consumption off the place specified in the licence.

3. Where an occasional licence has been granted in connection with a function at any place, a constable may at any time during the period of the function enter that

place for the purpose of ascertaining whether there has been a contravention of the Licensing (Northern Ireland) Order 1990 (which makes it an offence, for example, to sell intoxicating liquor to a person under the age of eighteen, to permit such a person to consume such liquor on the premises for which the occasional licence is in force or to sell liquor to a drunken person or permit drunkenness on such premises).

4. Failure to observe the law renders the licensee liable to conviction and punishment under that Order.

5. Failure or delay in admitting a constable to the premises renders the licence-holder liable to a fine on summary conviction and failure to produce this licence forthwith to a constable for examination renders the holder of the licence and the person in charge of the sale of intoxicating liquor at the premises liable to a fine on such conviction.

6. Where upon complaint made under Part VIII of the Magistrates' Courts (Northern Ireland) Order 1981, a court of summary jurisdiction is satisfied that functions held at the place specified in an occasional licence have been conducted so as to cause undue inconvenience to persons residing in the vicinity of that place, the Court may—

   (*a*) revoke any other occasional licences granted in respect of that place; or

   (*b*) order that the place specified in the licence shall not be a place for which an occasional licence may be granted; or

   (*c*) make any licences mentioned in paragraph (*a*) subject to such terms and conditions as the court thinks fit.

FORM 14

LICENSING (NORTHERN IRELAND) ORDER 1990

(Article 32, Schedule 7, para. 3)

Caution stating that cautioner wishes to be heard on next following application for an occasional licence.

I (*full names*) being a person [owning premises] [residing] [carrying on business] at (*full address*) in the vicinity of a place specified in the occasional licence granted to (*name of licensee*) of (*address of licensee*) the holder of a licence for the sale by retail of intoxicating liquor at the premises at (*address of premises for which licence held*) for a function held on (*date*) hereby serve on you, as the sub-divisional commander of the police sub-division in which that place is situated, and on you, the holder of that licence, this caution stating that I wish to be heard by the court on the next following (if any) application for an occasional licence in connection with a function to be held at that place.

Signature of Cautioner.

To the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the said place is situated*).

Copy to (*name of licensee*) of (*address of licensed premises*).

FORM 15

LICENSING (NORTHERN IRELAND) ORDER 1990

(Article 32, Schedule 7, para. 5 and Rule 9(7))

Notice of intention to object to grant of an occasional licence.

Petty Sessions District of

County Court Division of

TAKE NOTICE that I

(*full name*) of

(*full address*) being [the district council for the district in which] [1] [a person owning, residing or carrying on business in the vicinity of which] [1] the place or premises to which the application or an occasional licence relates, intend at the hearing of the application of

(*full name of applicant*) of

(*full address of applicant*) for an occasional licence for the following function at

(*premises*) on the day(s) of 19

during the hours between a.m. and p.m. to appear and object to the grant of the licence.

The grounds of objection are as follows [2]—

(*state grounds briefly*).

Dated this day of 19 .

Signature of Objector
or his Solicitor.

To the Applicant.

Copy to the clerk of petty sessions for the above-named petty sessions district.

Notes:

[1] Delete if inapplicable.

[2] An objector is entitled to object on either of the following grounds—

(*a*) that functions held at the place or premises to which the application relates have been conducted so as to cause undue inconvenience to persons residing in the vicinity of that place or, as the case may be, those premises; or

(*b*) that terms and conditions imposed under Article 32(13) of the Licensing (Northern Ireland) Order 1990 in respect of a previous occasional licence in respect of that place or those premises were not complied with.

FORM 16

LICENSING (NORTHERN IRELAND) ORDER 1990

(Article 36 and Schedule 8)

Notice of alteration to licensed premises required by lawful authority.

TAKE NOTICE that I (*full names*) of (*full address*) holding a licence for premises at

(*full address of premises*) being premises of a kind specified in Article [[6(1)(*a*)] [6(1)(*b*)] [6(1)(*c*)] [6(1)(*d*)] [6(1)(*e*)] [6(1)(*f*)] [6(1)(*g*)] [85]][1], of the Licensing (Northern Ireland) Order 1990, have been required by the following lawful authority, that is to say—

(*specify authority, giving full title, e.g. the planning, housing or other authority making the requirement*) by notice given on the day of 19 to make the following alterations to the said premises—

and the alteration is one which paragraphs [(*a*)] [(*b*)] [(*c*)] [(*d*)] [1] of Article 36(1) of the said Licensing Order applies.

A plan of the premises showing the proposed alteration is attached to this notice and is authenticated on behalf of the said authority by the signature of (*full names*) being an officer of that authority having power to do so.

Dated this day of 19 .

Signature of Licensee.

To the clerk of petty sessions for the petty sessions district in which the premises are situated.

[1] Delete if inapplicable.

FORM 17

LICENSING (NORTHERN IRELAND) ORDER 1990

(Article 50, Schedule 9)

Notice of application for an order under Article 50 (Additional permitted hours).

Petty Sessions District of

County Court Division of

TAKE NOTICE that I (*full names*) of (*full address of premises*) being [an hotel] [1] [a restaurant] [1] [premises of a kind mentioned in Article 50(7)(*c*) [2] of the Licensing (Northern Ireland) Order 1990] [1] intend to apply to the magistrates' court sitting [3] at (*place*) on (*date*) at (*time*) to apply for an order directing that the part [*or* parts] of the premises particularly delineated on the [4] plan attached hereto, or previously deposited with the clerk of petty sessions, (as being structurally adapted and used or intended to be used for the purpose of habitually providing for the accommodation of persons frequenting it, musical or other [5] entertainment as well as substantial [6] refreshment) on the following weekdays (other than Christmas Day or Good Friday) namely (*here insert applicable days*) during the following period 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 Articles 47(1) and 48 of the Licensing (Northern Ireland) Order 1990 [but subject to the condition referred to below] [1] be included in the permitted hours for the [hotel] [1] [restaurant] [1] [premises of a kind mentioned in Article 50(7)(*c*) of the Licensing Order[1].

[The said condition to be inserted in the licence is that the part [*or* parts] of the [hotel] [premises of a kind mentioned in Article 50(7)(*c*) of the Licensing Order] referred to 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 day specified in the order to one in the morning of the day next following]. [1]

The licence required for the premises for which the application is made, by a council under Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 will be produced at the hearing of the application [7].

Dated this day of 19 .

Signature of Applicant
or his Solicitor.

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

Copy to:—

(i) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the premises to which the application relates are situated*);

(ii) the district council at (*district council for the district in which the premises to which the application relates are situated*).

Notes:

[1] Delete as applicable.

[2] Premises of a kind mentioned in Article 6(1)(*a*) of the Licensing (Northern Ireland) Order 1990 for which an order under Article 50 of the Order may be granted, are those which are, or part of are, structurally adapted and used, or intended to be used, for the purpose of providing persons frequenting the premises with a main table meal at mid-day or in the evening, or both, and for which there is in force a certificate from the Northern Ireland Tourist Board stating—

(i) that in the opinion of the Board the premises—

(*a*) are well equipped and well furnished and provide comfortable seating in the dining room or rooms; and

(*b*) are operated by a competent management and staff; and

(*c*) provide a high standard of catering; and

(ii) that the premises conform to the requirements, if any, prescribed by regulations by the Department of Health and Social Services made with the concurrence of the Department of Economic Development.

[3] This notice and copies thereof should be served not less than twenty-one days before the time when the application is to be made.

[4] Except where an order under Article 50 is in force in relation to the part of the premises to which the plan relates and no structural alteration to the premises has been made since an Article 50 order was last granted in respect of the premises or since the licence was last renewed, a plan of the entire premises drawn to the appropriate architectural scale on substantial paper or other material with each floor shown on a separate page measuring approximately 18″ (46 cms) × 18″ (46 cms) and certified as true and correct by an architect, surveyor or other person considered by the court to be competent to do so, must be attached to the notice and copies served on the sub-divisional commander of the police sub-division in which the premises to which the application relates are situated and on the district council for the district in which the premises to which the application relates are situated.

This aspect of the plan must delineate the part [*or parts*] of the premises to which the application under Article 50 relates and show how it is adapted to provide the entertainment and refreshment to which reference is made.

[5] Entertainment does not include any form of entertainment given otherwise than by persons actually present and performing.

[6] No part of the premises shall be treated for the purposes of Article 50 of the Order as used or intended to be used for the purpose of habitually providing refreshment and entertainment unless it is used or intended to be used for providing them *after*, *and* for a substantial period *preceding* the end of the general permitted hours mentioned in Article 47(1) of the Order on every week-day or on particular week-days in every week, any break for a period or periods not exceeding two weeks in any three successive months, or on any special occasion, or by reason of any emergency being disregarded.

[7] See Rule 6(4) of the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1990.

FORM 18

LICENSING (NORTHERN IRELAND) ORDER 1990

(Article 50, Schedule 9)

Notice of intention to object to making of an order under Article 50.

Petty Sessions District of

County Court Division of

TAKE NOTICE that I (*full name*) of (*full address*) being [the sub-divisional commander for the police sub-division in which] [1] [appointed on behalf of the district council for the district in which] [1] [a person owning, residing or carrying on business in the vicinity of which] [1] the premises to which the application for an order under Article 50 of the Licensing (Northern Ireland) Order 1990 relates, intend at the hearing of the application of (*full name of applicant*) of (*full address of applicant*) for an order under Article 50 of the Licensing Order at the magistrates' court sitting at [2] (*place*) on (*date*) at (*time*) intend to appear and object to the making of the order on the following grounds [3]—

(*state grounds briefly*).

Dated this day of 19 .

Signature of Objector
or his Solicitor.

To the Applicant.

Copy to the clerk of petty sessions for the above-named petty sessions district.

Notes:

[1] Delete if inapplicable.

[2] This notice should be served on the applicant and a copy thereof on the clerk of petty sessions not less than seven days before the time when the application is to be heard.

[3] An objector is entitled to object on any of the following grounds—

(*a*) that the additional permitted hours will cause or where an order under Article 50 of the Licensing (Northern Ireland) Order 1990 was in force with respect to the premises for any period during the preceding year, have caused undue inconvenience to persons residing in the vicinity of the premises; or

(*b*) where an order under Article 50 was in force with respect to the premises for any period during the preceding year, that the business carried on in the premises has been conducted during those hours and any period immediately following their termination in such a manner so as to cause undue inconvenience to persons residing in the vicinity of the premises; or

(*c*) that the premises are not suitable to have those hours as they do not comply with the requirement of Article 50(3)(*a*) or, (where an order under Article 50 was in force with respect to the premises during the preceding year) that requirement has not continued to be complied with.

FORM 19

LICENSING (NORTHERN IRELAND) ORDER 1990

(Article 54 and Schedule 10)

Notice of application for an extension licence.

Petty Sessions District of

County Court Division of

TAKE NOTICE that I (*full names*) of (*full address*) as the holder of a licence for the premises at (*full address of premises*) being [an hotel] [1] [a restaurant] [1] [premises of a kind mentioned in Article 6(1)(*a*) [2] of the said Licensing Order [1] [3] for which as respects a certain part [*or* parts] of the premises an order is in force under Article 34 of the Licensing Order specifying it [or them] suitable for functions such as are subject to this application, intend to apply [4] to the magistrates' court sitting (*or, where Article 54(3) applies the clerk of petty sessions*) at (*place*) on (*date*) at (*time*) for an extension licence under Article 54 of the Licensing Order authorising the sale of intoxicating liquor by retail in the premises [5] *or* in that part of the premises known as on the day of 19 , between [6] the hours of and .

The function to which the extension licence is ancillary is one of the following nature—

(*description*) and is organised by the following [7] namely (*name*) which is a body established for the following purposes—

being social, charitable or benevolent purposes or for furthering the common interests of persons associated with any trade, profession, educational or cultural activity, or a game or sport [*or* [8] is one of the six functions permitted annually to the licence-holder under Article 54(6) of the Licensing Order].

This year I have been granted extension licences for functions organised by me as a licence holder.

Dated this day of 19 .

Signature of Applicant
or his Solicitor.

[on behalf of [9]
(*full title of body corporate, partnership, etc.*, stating capacity in which application is made.)]

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

Copy to:

(i) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the premises are situated*);

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

Notes:

[1] Delete as inapplicable.

[2] The premises of a kind mentioned in Article 6(1)(*a*) of the Licensing (Northern Ireland) Order 1990 for which an extension licence may be granted are those for which an order under Article 34 of the Order is in force and which are, or part of are, structurally adapted and used, or intended to be used, for the purpose of providing persons frequenting the premises with a main table meal at mid-day or in the evening, or both, and for which there is in force a certificate from the Northern Ireland Tourist Board stating—

(i) that in the opinion of the Board the premises—

(*a*) are well equipped and well furnished and provide comfortable seating in the dining room or rooms; and

(*b*) are operated by a competent management and staff; and

(*c*) provide a high standard of catering; and

(ii) that the premises conform to the requirements, if any, prescribed by regulations by the Department of Health and Social Services made with the concurrence of the Department of Economic Development.

[3] The premises for which an application for an extension licence is made in respect of, must be the subject of an order under Article 34 of the Licensing (Northern Ireland) Order 1990 specifying part of the premises as suitable for functions for which extension licences may be granted.

[4] The notice should be served not less than fourteen days before the time when the application is to be considered and see Rule 12(4) of the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1990 as to statement to be attached.

The extension licence may be granted by the clerk of petty sessions unless—

(*a*) notice of objection has been served upon the clerk and has not been withdrawn; or

(*b*) the clerk is of the opinion, for any other reason, that the application should be made to the resident magistrate in court.

[5] See note [3] above.

[6] An extension licence cannot be granted to authorise the sale of intoxicating liquor on any Sunday after one in the morning, on Christmas Day, Easter Day or Good Friday or during any part of the period from 1.00 a.m. till 11.30 a.m. 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. However, where 31st December in any year falls on a Sunday, an extension licence may authorise the sale of intoxicating liquor on that day after 10.00 p.m. (see Article 54(8) of the Licensing Order).

[7] Except as mentioned in note [8] the organising body must be established for one or more of the purposes set out in the form. This exact purpose must be clearly stated.

[8] The licence-holder is allowed six extension licences a year for functions organised by him (i.e., other than on behalf of such bodies as are referred to at note [5]).

[9] Where licensee is a body corporate, e.g. a limited company, its correct name and that under which it trades must be given. The application must be by a director or by the secretary or other employee of the company. Where the licence is held in partnership the partnership name must be stated and the fact that the applicant is a partner must also be stated.

This space is to be included in the copy of the notice served on the sub-divisional commander of the police sub-division in which the premises are situated for completion where he does not serve notice of intention to object to the grant of the licence.

I am satisfied that this is a bona fide application and that the function is one which is suitable, and that the premises are eligible, for the grant of an extension licence.

Signed

(RUC Rank)

FORM 20

LICENSING (NORTHERN IRELAND) ORDER 1990

(Article 54, Schedule 10, para. 5)

Notice of intention to object to the grant of an extension licence.

Petty Sessions District of

County Court Division of

TAKE NOTICE that I (*full name*) of (*full address, or if sub-divisional commander state sub-divisional headquarters*) [*or* on behalf of (*name of district council*)] intend at the hearing of the application of (*full name of applicant*) of (*address of applicant*) for an extension licence for the following function—

at

(*premises*)

on the day(s) of 19 during the hours between a.m. and p.m. to appear and object to the grant of the licence.

The grounds of objection are as follows—

(*state grounds briefly*).

Dated this day of 19 .

Signature of Objector
or his Solicitor.

To the Applicant.

Copy to the clerk of petty sessions for the above-named petty sessions district.

EXPLANATORY NOTE

(This note is not part of the Rules.)

These rules provide for the procedure to be followed in magistrates' courts dealing with various applications, relating to the sale by retail of intoxicating liquor, under the Licensing (Northern Ireland) Order 1990 (''the Order''), which Order effects a consolidation of licensing legislation by revoking and replacing the Licensing Act (Northern Ireland) 1971, as amended. The sole purpose of these rules is to revoke and replace the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1988 to take account of the Order.

Rule 4 provides for the procedure to be followed on an application for the renewal of a licence and, if applicable, for accompanying applications under Article 34 and/or 49 of the Order (Forms 1-4).

Rule 5 deals with various requirements regarding plans which are to be submitted to the court.

Rule 6 specifies which documents are to be produced at the hearing of an application.

Rules 7 and 8 provide for the procedure to be followed on applications for the transfer of licences, transfer and renewal of licences, protection orders and authorisations under Article 31 of the Order (Forms 5-11).

Rule 9 provides for the procedure to be followed on an application for the grant of an occasional licence (Forms 12-15).

Rule 10 provides for the notice of alteration to licensed premises required by a lawful authority under Article 36 of the Order (Form 16).

Rule 11 provides for the procedure to be followed on an application under Article 50 of the Order (Additional permitted hours) (Forms 17 and 18).

Rule 12 provides for the procedure to be followed on an application for an extension licence (Forms 19-20).

Rules 13-16 deal with the miscellaneous matters of costs, plans and service of documents etc.