EXPLANATORY MEMORANDUM TO

The Registration of Clubs (Certificate of Registration) (Amendment) Regulations (Northern Ireland) 2012

SR No. 26

1. Introduction

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

1.2. The Statutory Rule is made under The Registration of Clubs (Northern Ireland) Order 1996 (the Order) and is subject to the negative resolution procedure.

2. Purpose

2.1. The Statutory Rule amends the legislative reference in Part V of the Schedule to the Registration of Clubs (Certificate of Registration) Regulations (Northern Ireland) 1997 (the 1997 Regulations) which specifies the endorsements to be made on certificates of registration issued by the courts to clubs registered to supply alcohol to members and guests.

3. Background

3.1. The Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011 extends the offences in the Order to which penalty points can be attributed. This has caused an amendment to Article 44 of the Order under which endorsements are made to certificates of registration.

3.2. Penalty points are now endorsed on certificates of registration under Article 44(2) rather than, as previously, under Article 44(1). Therefore the relevant provisions under which endorsements are made are Article 44(1) and (2).

4. Consultation

4.1. Correspondence with the Northern Ireland Court Service confirmed they have no issue with the minor change required to certificates of registration.

5. Equality Impact

5.1. In accordance with its duty under Section 75 of the Northern Ireland Act 1998 the Department has conducted a screening exercise on the legislative proposals for these Regulations. The Department has concluded that the proposals would not have significant implications for equality of opportunity and therfore considered an Equality Impact Assessment was not necessary.

6. Regulatory Impact

6.1. These Regulations do not require a regulatory impact assessment as they do not impose costs on businesses, charities or voluntary groups.

7. Financial Implications

7.1. No financial implications.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied that the Statutory Rule is not incompatable with the convention rights, is not incompatable with community law, does not discriminate against a person or class of person on the grounds of religious belief or political opinion and does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Courts in Great Britain do not impose penalty points for convictions under licensing legislation and therefore the required amendment to certificates of registration applies to Northern Ireland only.

11. Additional Information

11.1. Not applicable.