

## SCHEDULES

### SCHEDULE 1

Articles 7, 9, 77, 85, Schedule 3.

#### APPLICATIONS FOR THE GRANT OF LICENCES

### PART I

#### GRANT OF LICENCES

1. A person who intends to make an application for the grant of a licence shall—
  - (a) not more than 6 weeks nor less than 2 weeks before the time of the opening of the court sittings at which the application is to be made, cause notice of the application to be published at least once in 2 newspapers circulating in the vicinity of the premises for which the licence is to be sought;
  - (b) during the 3 weeks before that time, cause notice of the application to be displayed on or near the premises for which the licence is to be sought;
  - (c) not less than 3 weeks before that time, serve notice of the application upon the chief clerk and at the same time serve a copy of the notice upon—
    - (i) the sub-divisional commander of the police sub-division in which the premises are situated;
    - (ii) where the applicant resides in some other police sub-division, upon the sub-divisional commander of that sub-division;
    - (iii) the district council for the district in which the premises are situated.
2. The notices mentioned in paragraph 1 shall specify the kind of premises for which the licence is sought and the name of the owner of the premises and shall be in such form and, without prejudice to paragraph 3, shall contain such other information as may be prescribed by county court rules.
- 3.—(1) The applicant shall attach to—
  - (a) the notice mentioned in paragraph 1(c), and
  - (b) the copy of that notice which is served upon the sub-divisional commander of the police sub-division in which the premises are situated and upon the district council,a plan of the premises for which the licence is sought.
  - (2) The plan mentioned in sub-paragraph (1) shall clearly delineate by appropriate colourings or markings and a legend or key thereto—
    - (a) except in the case of an hotel, the part or parts of the premises in which intoxicating liquor is to be sold;
    - (b) in the case of an hotel, any public or common part or parts of the premises in which intoxicating liquor is to be sold, any part of the hotel which is set apart for the service of main table meals or for the service of intoxicating liquor and other beverages to diners before or after such meals being clearly distinguished; and

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- (c) where the subsisting licence, if any, proposed to be surrendered under Article 7(4)(e)(ii) is for premises which are or are to be extended, used or demolished as mentioned in paragraph 2(a)(iv) to (vi) of Schedule 2, the extent of those premises.

<sup>[F1]</sup>**3A.** In the case of an application for the grant of a licence for premises of a kind mentioned in Article 5(1)(m), the notice mentioned in paragraph 1(c) must be accompanied by a copy of any certificate of registration, licence or other authorisation which is required by a statutory provision for the production of intoxicating liquor in the premises.]

**F1** Sch. 1 Pt. I para. 3A inserted (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 10(7), 47(2); S.R. 2022/63, art. 2, Sch.

**4.** A sub-divisional commander upon whom notice is required by paragraph 1 to be served, the district council mentioned in that paragraph or any person owning, or residing or carrying on business in, premises in the vicinity of the premises for which the licence is sought may appear at the hearing of the application and object to the grant of the licence on any ground mentioned in Article 7(4)(a) to (e)(i).

**5.** Any person having an estate in the premises specified in any subsisting licence which is proposed to be surrendered under Article 7(4)(e)(ii) may appear at the hearing of the application and object to the surrender of that licence.

**6.** A person intending to object under paragraph 4 or 5 shall, not less than 1 week before the time of the opening of the court sittings at which the application is to be made,—

- (a) serve upon the applicant notice of his intention to object, briefly stating his grounds for so doing;
- (b) serve a copy of the notice upon the chief clerk.

**7.** A person who intends to make an application for an order under Article 43, 44<sup>[F2]</sup>, 44A<sup>[F3]</sup>, 48 or 58A<sup>[F4]</sup>... at the same time as the application for the grant of a licence shall include in the notices mentioned in paragraph 1 notice of the application for that order <sup>F5</sup>....

**F2** Word in Sch. 1 para. 7 inserted (1.10.2021) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), s. 47(2), Sch. 1 para. 12(a); S.R. 2021/247, art. 2, Sch.

**F3** Words in Sch. 1 Pt. I para. 7 substituted (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), ss. 14(3), 47(2); S.R. 2022/63, art. 2, Sch.

**F4** Words in Sch. 1 para. 7 repealed (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), s. 47(2), Sch. 1 para. 12(b), Sch. 2; S.R. 2022/63, art. 2, Sch.

**F5** Words in Sch. 1 para. 7 repealed (6.4.2022) by Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7), s. 47(2), Sch. 1 para. 12(c), Sch. 2; S.R. 2022/63, art. 2, Sch.

## PART II

### PROVISIONAL GRANT OF LICENCES

- 8.** Part I shall apply in relation to an application for the provisional grant of a licence as if—
- (a) references to the grant of a licence were references to the provisional grant of a licence;
- (b) where the application relates to premises about to be constructed, or in the course of construction, references to the vicinity, the premises, the police sub-division or the district in which the premises are situated were references to the vicinity, the site of the premises, the police sub-division or the district in which the premises are to be situated;

- (c) references to a plan of the premises were references to a plan of the premises as they will be when their construction, alteration or extension has been completed;
  - (d) where the application is for the provisional grant of a licence of a kind mentioned in Article 5(1)(a) for premises in which it is intended to provide accommodation for guests or for an hotel or a guest house, in paragraph 1 (c) at the end there were added “(iv) the Northern Ireland Tourist Board.”;
  - (e) in paragraphs 3(2)(c) and 5, the reference to Article 7(4)(e)(ii) included references to Article 9(4)(c).
- 9.** Article 7(4)(a) to (e)(i) shall apply in relation to an application for the provisional grant of a licence as if—
- (a) in sub-paragraph (c) after the word “are” there were inserted the words “or will be”;
  - (b) in sub-paragraph (d) after the word “premises” in the first place where it occurs there were inserted the words “or proposed premises”;
  - (c) in sub-paragraph (e)(i) after the word “premises” in the second place where it occurs there were inserted the words “or proposed premises”.
- 10.** Where an application for the provisional grant of a licence is made by a housing authority, Part I and Article 7(4) shall apply as if—
- (a) in Part I, in paragraph 1, sub-paragraph (c)(ii) were omitted;
  - (b) in Article 7(4), sub-paragraph (b) were omitted.

### PART III

#### APPLICATION TO HAVE PROVISIONAL GRANT OF LICENCES DECLARED FINAL

- 11.** A person who intends to make an application to have the provisional grant of a licence declared final shall, not less than 3 weeks before the time of the opening of the court sitting at which the application is to be made, serve notice of the application upon the chief clerk and at the same time serve a copy of the notice upon—
- (a) the sub-divisional commander of the police sub-division in which the premises are situated;
  - (b) where the applicant resides in some other police sub-division, upon the sub-divisional commander of that sub-division;
  - (c) the district council for the district in which the premises are situated.
- 12.** The notice mentioned in paragraph 11 shall be in such form and shall contain such information as may be prescribed by county court rules.
- 13.** A sub-divisional commander upon whom notice is required by paragraph 11 to be served or the district council mentioned in that paragraph may appear at the hearing of the application and object to the grant of the licence being declared final on the ground—
- (a) that the applicant is not a fit person to hold a licence; or
  - (b) that the premises have not been completed in accordance with the plans deposited under Part I as modified by Part II or in accordance with those plans with modifications consented to under Article 9(6).
- 14.** A person intending to object under paragraph 13 shall not less than 1 week before the time of the opening of the court sitting at which the application is to be made,—

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- (a) serve upon the applicant notice of his intention to object;
- (b) serve a copy of the notice upon the chief clerk.

**15.** Before or at the hearing of the application to have the provisional grant of a licence declared final, the applicant shall deposit the licence with the chief clerk.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [art. 57B inserted by 2011 c. 18 \(N.I.\) s. 5](#)