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STATUTORY INSTRUMENTS

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**1987 No. 1278 (N.I. 14)**

**NORTHERN IRELAND**

**The Registration of Clubs (Northern Ireland) Order 1987**

*Made - - - - 21st July 1987  
Coming into operation on days to be appointed under  
Article 1(2)*

At the Court at Buckingham Palace, the 21st day of July 1987

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

**PART I**

**INTRODUCTORY**

**Title and commencement**

1.—(1) This Order may be cited as the Registration of Clubs (Northern Ireland) Order 1987.

(2) This Order shall come into operation on such day or days as the Head of the Department may by order appoint.

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“appeal”, except in Article 45(1), includes an appeal by way of case stated;

“bar” means an open bar;

“certificate of registration” means a certificate of registration issued under Article 7(1);

“the Department” means the Department of Health and Social Services;

“intoxicating liquor” has the same meaning as in the Licensing Act (Northern Ireland)1971;

“modify” means making additions, omissions, amendments or substitutions;

“notice” means notice in writing;

“owner” in relation to premises, 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, committee, liquidator, receiver or guardian, or who would so receive the same if the premises were let at a rack rent;

“permitted hours” means—

- (a) in the case of a nightworker’s club, the hours fixed by a court under Article 5;
- (b) in the case of a sporting club in respect of a Sunday (not being Christmas Day), the hours fixed by a court under Article 23;
- (c) in any other case, the hours specified in Article 22;

“planning permission” has the same meaning as in the Planning (Northern Ireland) Order1972;

“police sub-division”, in relation to a sub-divisional commander, means the sub-division for which that commander acts;

“qualified accountant” means a person who is a member of a body of accountants for the time being listed in Article 397(2) of the Companies (Northern Ireland) Order1986 or who is for the time being authorised by the Department of Economic Development under Article 397(1) (b) of that Order;

“registered club” means a club registered under this Order;

“regulations” means regulations made by the Department subject to negative resolution;

“renewal date” means 1st January in any year;

“secretary” includes any officer of a club or other person performing the duties of secretary;

“sporting club” means a club occupying a hereditament to which Article 31 of the Rates (Northern Ireland) Order1977 applies (rates relief) being a hereditament which is used solely or mainly for the purposes of physical recreation;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland)1954;

“sub-divisional commander” means a sub-divisional commander of the Royal Ulster Constabulary.

(3) In this Order any reference, in relation to a club, to the register of clubs is a reference to the part of the register which relates to that club.

(4) In this Order any reference to a sub-divisional commander of a police sub-division includes a reference to any other member of the Royal Ulster Constabulary nominated by him.

## PART II

### REGISTRATION OF CLUBS

#### **Prohibition on supply or keeping of intoxicating liquor on the premises of an unregistered club**

**3.** It shall be unlawful for any intoxicating liquor to be supplied or kept for supply on the premises of a club unless the club is registered in respect of those premises.

### **Clubs which may be registered**

- 4.—(1) Subject to paragraph (2), a club may be registered if—
- (a) the rules of the club contain the provisions specified in Schedule 1; and
  - (b) the rules do not contravene the provisions of this Order.
- (2) In the application of paragraph (1)(a) to a sporting club, paragraph 10 of Schedule 1 shall be omitted.
- (3) A club which occupies premises for which there is in force a disqualification order under Article 13 or 38 or an order under section 15(1) or 31(2) of the Registration of Clubs Act (Northern Ireland) 1967 shall not be registered under this Order.
- (4) In determining whether a club is conducted in good faith as a club a court shall have regard—
- (a) to any arrangement restricting the club's freedom of purchase of intoxicating liquor; and
  - (b) to any provision in the rules, or arrangement, under which money or property of the club, or any gain arising from the carrying on of the club is or may be applied otherwise than for the benefit of the club as a whole or for charitable or benevolent purposes.
- (5) Any certificate of registration purporting to be held by a club in respect of premises mentioned in paragraph (3) is void.

### **Nightworkers clubs**

- 5.—(1) Where a notice under Schedule 2 states that the club in respect of which an application is to be made is a nightworkers club and on the hearing of the application the county court is satisfied that the members of the club are persons who by reason of the times during which they are normally employed would be unable to take advantage of facilities provided by clubs to which Article 22 applies, the court shall direct that the following provisions of this Article shall have effect in relation to the club.
- (2) The hours for the supply of intoxicating liquor shall be fixed by the county court on the application for the grant of registration and may be varied by a court of summary jurisdiction on renewal of the registration and the hours so fixed or varied shall—
- (a) not exceed the total of—
    - (i) on week days, other than Good Friday or Christmas Day, 11½;
    - (ii) on Good Friday, 6;
    - (iii) on Sunday (not being Christmas Day), 5;
    - (iv) on Christmas Day, 9½; and
  - (b) provide for a break of at least 2 consecutive hours between 2 in the afternoon and 5 in the afternoon on Sunday and Good Friday; and
  - (c) not include any period between 1 in the morning and 6 in the morning of any day.
- (3) The rules of the club shall prohibit the admission of guests of members to, or their presence in, the club premises between the hours of midnight and 10 in the morning next following.

### *Grant of registration*

### **Applications for the grant of registration**

- 6.—(1) An application for the grant of registration of a club may be made by the secretary of the club and shall be made to a county court.
- (2) The procedure for applications for the grant of registration is set out in Schedule 2.

(3) On an application for the grant of registration of a club, the court shall hear the objections, if any, made under Schedule 2.

(4) On the hearing of an application for the grant of registration of a club, the court may, before granting or refusing to grant the application,—

- (a) require the production of further information, particulars or documents such as are mentioned in paragraph 2(2) of Schedule 2 for the period from the date of the information, particulars or documents, as the case may require, which are attached to the notice served upon the chief clerk under paragraph 1(1)(c) of Schedule 2 until such date as the court may specify; or
- (b) require the club to amend its rules so as to bring them into conformity with Article 4 and Schedule 1 and—
  - (i) in the case of a nightworkers club, Article 5;
  - (ii) in the case of a sporting club, Article 23;

and paragraphs 1(1)(c), 3 and 4 of Schedule 2 shall apply for the purposes of such further information, particulars, documents or amended rules as if they were notice of the application, subject to the modification that in paragraph 1(1)(c) for the reference to 4 weeks before the opening of the court sitting there shall be substituted a reference to 2 weeks before the time fixed by the court for the hearing of the application to be resumed.

(5) A court shall refuse an application for the grant of registration of a club unless it is satisfied—

- (a) that the procedure relating to the application set out in Schedule 2 has been complied with; and
- (b) that the premises of the club are not premises in respect of which a disqualification order under Article 13 or 38 or an order under section 15(1) or 31(2) of the Registration of Clubs Act (Northern Ireland) 1967 is in force; and
- (c) that the premises of the club are in all respects (including location, accommodation, facilities and amenities) suitable and proper having regard to the objects of the club and to the estimated maximum number of members of the club; and
- (d) that there are not sufficient registered clubs providing club accommodation of a similar character already in existence in the vicinity of the premises of the club; and
- (e) either—
  - (i) that there is in force planning permission to use the premises as the premises of a club for the period during which the certificate of registration would be in force; or
  - (ii) that the premises may be used as such a club for that period without such permission; and
- (f) that the rules of the club are in conformity with the provisions of this Order; and
- (g) that the club has been conducted in good faith as a club for not less than 2 years; and
- (h) that the provisions of the rules of the club and of this Order will be complied with.

(6) A court may refuse an application for the grant of registration of a club if it is satisfied—

- (a) that the club has less than 25 members having voting rights in relation to the affairs of the club; or
- (b) that, in respect of the premises, a licence for the sale of intoxicating liquor has been suspended, or an application for the renewal of any such licence has been refused, under the Licensing Act (Northern Ireland) 1971 within the preceding 5 years; or
- (c) that the club is kept or habitually used for an unlawful purpose, or as a resort of persons of known bad character; or

- (d) that the club is conducted in such a manner as to cause disorder or disturbance; or
  - (e) that intoxicating liquor has been sold, supplied or consumed on the premises of the club in contravention of this Order or the Licensing Act (Northern Ireland) 1971; or
  - (f) that the supply of intoxicating liquor to the club will not be under the control of the members having voting rights in relation to the affairs of the club or of the committee of management or governing body of the club;
  - (g) that, having regard to his character and reputation, the chairman or secretary or any officer or member of the committee of management or governing body is not a fit person to hold an office of the club; or
  - (h) that the club has been convicted of an offence under this Order or the Registration of Clubs Act (Northern Ireland) 1967.
- (7) Where the court refuses an application for the grant of registration of a club it shall specify in its order the reasons for its refusal.

#### **Issue and duration of certificates of registration**

7.—(1) Where a county court grants an application for the registration of a club the court shall issue a certificate of registration which shall be in such form as may be prescribed by regulations and shall specify—

- (a) the name of the club;
- (b) the address of the premises of the club;
- (c) the name and address of the owner of the premises of the club;
- (d) in the case of a nightworkers club—
  - (i) the following statement:—

“The above club is a nightworkers club to which Article 5 of the Registration of Clubs (Northern Ireland) Order 1987 applies.”; and
  - (ii) the hours fixed by the court under Article 5(2);
- (e) in the case of a sporting club, the hours fixed by the court under Article 23;
- (f) such other matters as may be prescribed by regulations.

(2) Subject to the succeeding provisions of this Article, a certificate of registration, unless registration is cancelled or a disqualification order under Article 13 or 38 applies to the premises of the registered club, shall remain in force from the date on which it is issued until—

- (a) where it is issued in the first 10 months of any year, 31st January in the next following year; or
- (b) where it is issued in the last 2 months of any year, 31st January in the next following year but one.

(3) Where, at the hearing of an application for the grant of registration of a club, any person appears before the court and opposes the registration, but the court registers the club—

- (a) until the expiry of the time for bringing an appeal against the registration and, if an appeal is brought, until the registration is confirmed or the appeal is abandoned the certificate of registration shall not come into force;
- (b) if on appeal the registration is confirmed or if the appeal is abandoned, for the purpose of determining the period for which the certificate of registration is to be in force, the date when the appeal is disposed of shall be substituted for the date on which the certificate of registration was issued and the chief clerk shall (if necessary) amend the certificate accordingly.

(4) Paragraph (2) shall not prejudice the operation of Articles 8(9), 9 and 12 under which a certificate of registration may continue in force after the time when it would otherwise expire.

### *Renewal of registration*

#### **Applications for the renewal of registration**

**8.—**(1) An application for the renewal of registration of a club may be made by the secretary of the club and shall be made to a court of summary jurisdiction.

(2) The procedure for applications for the renewal of registration of a club is set out in Schedule 3.

(3) On an application for the renewal of registration of a club, the court shall hear the objections, if any, made under Schedule 3.

(4) On the hearing of an application for the renewal of registration of a club, the court may, before granting or refusing to grant the application,—

(a) require the production of further information, particulars or documents such as are mentioned in paragraph 2(2) of Schedule 3 for the period from the date of the information, particulars or documents, as the case may require, which are attached to the notice served upon the clerk of petty sessions under paragraph 1(b) of Schedule 3 until such date as the court may specify; or

(b) require the club to amend its rules so as to bring them into conformity with Article 4 and Schedule 1 and—

(i) in the case of a nightworkers club, Article 5;

(ii) in the case of a sporting club, Article 23;

and paragraphs 1(b), 3 and 4 of Schedule 3 shall apply for the purposes of such further information, particulars, documents or amended rules as if they were notice of the application, subject to the modification that in paragraph 1(b) for the reference to 4 weeks before the renewal date there shall be substituted a reference to 2 weeks before the time fixed by the court for the hearing of the application to be resumed.

(5) A court shall refuse an application for the renewal of registration of a club unless it is satisfied—

(a) that the procedure relating to the application set out in Schedule 3 has been complied with; and

(b) that the rules of the club are in conformity with the provisions of this Order; and

(c) that, having regard to the manner in which the club has been conducted since the last previous renewal of the registration of the club (or where the renewal applied for is the first renewal of registration, since registration was granted),—

(i) the club is conducted in good faith as a club and not mainly for the supply of intoxicating liquor; and

(ii) the provisions of the rules of the club and of this Order are, and will be, complied with.

(6) A court may refuse an application for the renewal of registration of a club if it is satisfied—

(a) that the club has less than 25 members having voting rights in relation to the affairs of the club; or

(b) that, having regard to any change in the accommodation, facilities and amenities of the premises of the club since the last previous renewal of the registration of the club (or, where the renewal applied for is the first renewal of registration, since registration was

- granted), the premises of the club are not in all respects suitable and proper having regard to the objects of the club and to the estimated maximum number of members of the club; or
- (c) that, since the last previous renewal of the registration of the club (or, where the renewal applied for is the first renewal of registration, since registration was granted), the club has been kept or habitually used for an unlawful purpose or as a resort of persons of known bad character; or
  - (d) that there is frequent drunkenness on the premises, or that persons in a state of intoxication are frequently seen to leave the premises of the club; or
  - (e) that the club is conducted in such a manner as to cause disorder or disturbance; or
  - (f) that intoxicating liquor has been sold, supplied or consumed on the premises of the club in contravention of this Order or the Licensing Act (Northern Ireland)1971; or
  - (g) that persons who are not members are habitually admitted to the club merely for the purpose of obtaining intoxicating liquor; or
  - (h) that the supply of intoxicating liquor to the club is not under the control of the members having voting rights in relation to the affairs of the club or of the committee of management or governing body of the club; or
  - (i) that any of the rules of the club are habitually broken; or
  - (j) that, having regard to his character and reputation, the chairman or secretary or any officer or member of the committee of management or governing body is not a fit person to hold an office of the club; or
  - (k) that the club has been convicted of an offence under this Order or the Registration of Clubs Act (Northern Ireland)1967.

(7) Where the registration of a club is renewed, the clerk of petty sessions shall note the renewal on the certificate of registration and where, in the case of a nightworkers club or a sporting club, a court of summary jurisdiction under Article 5(2) or 23 fixes or varies the hours for the supply of intoxicating liquor the clerk shall note the hours or, as the case may be, the variation on the certificate of registration.

(8) Where the court refuses an application for the renewal of registration of a club it shall specify in its order the reasons for its refusal.

(9) A certificate of registration issued to a registered club which is required, on application for renewal of registration, to produce to the court further information, particulars, documents or amended rules under paragraph (4) shall, unless registration is cancelled or a disqualification order under Article 13 or 38 applies to the premises of the registered club, continue in force when it would otherwise expire until the application for renewal is determined.

### **Continuance of registration pending determination of appeal**

9. Where a court refuses an application for the renewal of the registration of a club and the applicant for the renewal appeals, the registration of the club shall, unless it is cancelled or a disqualification order under Article 13 or 38 applies to the premises of the registered club, continue in force until the appeal is determined or abandoned.

### **Duration of renewed certificates of registration**

10.—(1) Subject to paragraph (2), on the renewal of registration of a club, the certificate of registration, unless registration is cancelled or a disqualification order under Article 13 or 38 applies to the premises of the registered club, shall remain in force until—

- (a) where registration is renewed in the first 10 months of any year, 31st January in the next following year; or

(b) where registration is renewed in the last 2 months of any year, 31st January in the next following year but one.

(2) Paragraph (1) shall not prejudice the operation of Articles 8(9), 9 and 12 under which a certificate of registration may continue in force after the time when it would otherwise expire.

### *Cancellation of registration*

#### **Cancellation of registration**

**11.**—(1) An application for the cancellation of registration of a registered club may be made by the sub-divisional commander of the police sub-division in which the premises of the club are situated, the district council for the district in which the premises of the club are situated or any person owning, or residing or carrying on business in, premises in the vicinity of the premises of the club to a court of summary jurisdiction on any of the grounds on which objection may be made to an application for renewal of the registration of the club.

(2) On an application for the cancellation of registration of a registered club a court shall hear representations, if any, from the applicant and the secretary of the club.

(3) Where the court refuses an application for the cancellation of the registration of a club, it shall specify in its order the reasons for its refusal.

(4) A certificate of registration purporting to be in respect of the registration of a club shall, where that registration has been cancelled, be void.

#### **Continuance of registration pending determination of appeal against cancellation**

**12.** Where a court cancels the registration of a club and the secretary of the club appeals, the registration shall continue in force until the appeal is determined or abandoned.

#### **Disqualification of premises on refusal of renewal or cancellation of registration**

**13.**—(1) Where a court of summary jurisdiction—

- (a) refuses an application by a registered club for the renewal of its registration; or
- (b) cancels the registration of a club under Article 11(3), the court may make a disqualification order prohibiting the premises occupied by the club being used for the purposes of any registered club during such period not exceeding 5 years from the date on which the order takes effect, as may be specified in the order.

(2) Where a disqualification order under paragraph (1) is made, the registration of the club obtained before the order is made or before it takes effect shall by virtue of the order be void as from the time when the order takes effect.

(3) A disqualification order under paragraph (1) shall not take effect—

- (a) until the expiry of the time for bringing an appeal against the refusal to renew the registration, the cancellation of the registration or against the making of the order as the case may require, and
- (b) if such an appeal is brought, until the appeal has been determined or abandoned.



### *Register and proof of certificate of registration*

#### **Register of clubs**

**14.**—(1) Each clerk of petty sessions shall continue to keep a register of clubs having premises within the petty sessions district in respect of which a certificate of registration is issued under Article 7(1).

(2) Each clerk of petty sessions shall record in respect of each club entered in the register—

- (a) the matters which under Article 7(1) are required to be specified in the certificate of registration;
- (b) the names and addresses of the officials and the committee of management or governing body of the club;
- (c) particulars of any renewal of registration of the club;
- (d) particulars of any hours fixed or varied by a court under Article 5(2) or 23;
- (e) particulars of any cancellation of registration of the club and of any disqualification order made in consequence of the cancellation;
- (f) particulars of any conviction of the club of any offence under this Order and of any disqualification order made in consequence of the conviction;
- (g) such other matters as may be prescribed by regulations.

(3) Each clerk of petty sessions shall also keep the documents received by him under paragraph (4), and those documents shall be deemed to be matters which are required to be, and have been, recorded in the register under paragraph (2).

(4) Where a court—

- (a) on the application of any club grants registration; or
- (b) fixes any hours in respect of a club under Article 5(2) or 23; or
- (c) confirms, reverses or varies any decision or determination of any other court relating to the registration of a club, the court, where it is not a court of summary jurisdiction for the petty sessions district in which the premises of the club are situated, shall cause a copy of its order, and any document which was attached to, or received in connection with, the application, to be sent to the clerk of petty sessions for that district.

(5) A clerk of petty sessions may make such alterations in the register as are necessary to ensure that the matters recorded in the register in respect of the club are accurate.

#### **Inspection of register**

**15.** A register of clubs and the statements of expenditure by clubs on intoxicating liquor may be inspected and copies of all or any part of any entry in the register or statements may be taken, at all reasonable hours.

#### **Returns to Department**

**16.** The clerk of petty sessions for any petty sessions district, in respect of each such period as may be specified by the Department shall send to the Department a statement showing—

- (a) the number of clubs having premises in that district registered under this Order;
- (b) the number of certificates of registration issued;
- (c) the number of clubs so registered for which registration has been renewed;
- (d) the numbers of members of each club;

(e) the expenditure incurred by each club on intoxicating liquor; and containing such other information as the Department may require.

#### **Register of clubs to be evidence**

17.—(1) A register of clubs shall be received in evidence of the matters required by or under this Order to be recorded in it, and any document purporting to be certified by a clerk of petty sessions to be a true copy of an entry in the register of clubs kept by him shall be received in evidence of any such matters contained in the entry.

(2) On an application for the grant, renewal or cancellation of the registration of a club under this Order the court shall have regard to the entries, if any, in the register of clubs relating to the person by whom, or the club premises in respect of which, the application is made.

#### **Proof, etc., of certificates of registration**

18.—(1) A document purporting to be a certificate of registration and to be signed by the clerk of the court by which the club was registered shall be received in evidence.

(2) A document which has been issued by the clerk of petty sessions for the petty sessions district in which the club is registered and certified by him to contain a true copy of the particulars recorded in the register of clubs in respect of that club shall be treated for the purposes of this Order as the certificate of registration.

(3) The clerk of petty sessions may issue a document under paragraph (2) where he is satisfied that the certificate of registration has been lost or destroyed.

#### **Effect of registration**

19. The registration of a club under this Order shall not constitute the club premises licensed premises within the meaning of the Licensing Act (Northern Ireland) 1971 or authorise any sale of intoxicating liquor in the club which would otherwise be illegal but the supply, in accordance with the rules of the club and this Order, of intoxicating liquor by a registered club to a member of the club or to a guest of a member of the club shall not, for the purposes of any enactment prohibiting the sale of intoxicating liquor, be deemed to be an unlawful sale to that member or guest.

## **PART III**

### **PERMITTED HOURS**

#### *Prohibition of supply, etc., of intoxicating liquor outside permitted hours*

#### **Prohibition of supply, etc., of intoxicating liquor outside permitted hours**

20.—(1) Except as permitted by or under this Order, intoxicating liquor shall not be supplied, obtained or consumed in the premises of a registered club except during the permitted hours.

(2) If paragraph (1) is contravened—

- (a) the club; and
- (b) the person supplying, obtaining or consuming the intoxicating liquor; and
- (c) any other person permitting that person to supply, obtain or consume the intoxicating liquor; shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **Closing of bar outside permitted hours**

**21.**—(1) Any bar on the premises of a registered club shall be kept closed except during the permitted hours.

(2) If paragraph (1) is contravened the registered club shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **General permitted hours**

**22.** Subject to the succeeding provisions of this part, the permitted hours in a registered club other than a nightworkers club are the hours—

- (a) on week days, other than Good Friday or Christmas Day, from half past 11 in the morning to 11 in the evening; and
- (b) on Good Friday from 5 in the afternoon to 11 in the evening; and
- (c) except in the case of a sporting club, on Sunday (not being Christmas Day) from half past 12 in the afternoon to 10 in the evening with a break of 4 and a half hours beginning at half past 2 in the afternoon; and
- (d) on Christmas Day from half past 12 in the afternoon to 10 in the evening.

### **Permitted hours in sporting clubs on Sunday**

**23.** The hours for the supply of intoxicating liquor in a sporting club other than a nightworkers club on a Sunday (not being a Christmas Day) shall on the application of the club—

- (a) be fixed by the county court on the application for the grant of registration; or
- (b) be fixed or varied by a court of summary jurisdiction on an application for renewal of the registration; and the hours so fixed or varied shall not exceed the total of 5 beginning not earlier than half past 12 in the afternoon and ending not later than 10 in the evening with a break of at least 2 consecutive hours between 2 in the afternoon and 5 in the afternoon.

### *Exception*

### **Consumption after permitted hours of liquor supplied during those hours**

**24.** Where intoxicating liquor is supplied in the premises of a registered club during the permitted hours, Article 20 shall not prohibit—

- (a) during the first 30 minutes after the conclusion of the permitted hours, or
- (b) on a Sunday during the first 30 minutes after the beginning of the afternoon break, or
- (c) in a nightworkers club, on Good Friday or Christmas Day during the first 30 minutes after the beginning of the afternoon break, the consumption or permitting consumption of the liquor in those premises.

### *Special occasion authorisations*

### **Authorisations for special occasions**

**25.**—(1) On the application of a registered club, a sub-divisional commander for the police sub-division in which the premises are situated may in writing authorise the club to supply, to members of the club and to guests of members of the club, intoxicating liquor during any 1 period specified in the authorisation.

- (2) Not more than 20 authorisations shall be granted under this Article to any club in any year.
- (3) Nothing in this Article shall permit an authorisation under paragraph (1) to authorise the supply of intoxicating liquor on any Sunday (not being Easter Day) after 1 in the morning, or on Christmas Day, Easter Day or Good Friday or—
  - (a) in the case of a club other than a nightworkers club, during any part of the period from 1 in any morning to half past 11 in that morning; or
  - (b) in the case of a nightworkers club, for a period exceeding 2 hours in duration.
- (4) Where an authorisation is in force—
  - (a) Article 20 or 21 shall not prohibit—
    - (i) the opening or keeping open of any bar on the premises of a registered club for, or the supply of intoxicating liquor in the club premises to, members of the club or guests of members of the club during any period specified in an authorisation under paragraph (1); or
    - (ii) the obtaining by such persons of intoxicating liquor during that period; or
    - (iii) the consumption by such persons, or permitting the consumption of intoxicating liquor during that period and the first 30 minutes after the conclusion of that period; or
  - (b) in the case of a nightworkers club, the rules of the club or Article 5(3) shall not prohibit the admission of guests of members to, or their presence in, the premises of the club during that period.

#### *Miscellaneous*

#### **Defence in respect of consumption of intoxicating liquor by certain persons outside permitted hours**

26. In any proceedings under Article 20 for an offence of consuming, or permitting the consumption of, intoxicating liquor in the premises of a registered club outside the permitted hours or a period authorised under Article 25, it shall be a defence for the club or person charged to prove that such liquor was supplied by a person residing on those premises for consumption by him or his guests bona fide entertained by him at his own expense and that it was consumed by such persons in a part of those premises reserved for the use of the person residing on the premises.

## **PART IV**

### **CONDUCT OF REGISTERED CLUBS**

#### **Penalty for supplying or keeping intoxicating liquor in unregistered clubs**

27.—(1) Where intoxicating liquor is supplied to any member or other person on the premises of a club which is not registered under this Order every person who supplies, obtains or consumes or permits another person to supply, obtain or consume such liquor shall be guilty of an offence.

(2) Where intoxicating liquor is kept for supply on the premises of a club which is not registered under this Order—

- (a) the club; and
- (b) every officer and member of the club; shall be guilty of an offence.

(3) A person guilty of an offence under this Article shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.

(4) In any proceedings for an offence by reason of a contravention of paragraph (2) it shall be a defence for a person to prove that the contravention occurred without his consent or connivance and that he exercised due diligence to prevent it.

### **Unlawful supply and consumption, etc., in registered clubs**

**28.**—(1) Intoxicating liquor shall not, in a registered club,—

- (a) be supplied to, or obtained or consumed by, any person other than a member or a guest of a member or an employee of the club; or
- (b) without prejudice to Article 33, be supplied to, or obtained or consumed by, any person in contravention of any provision of this Order or of the rules of the club.

(2) If paragraph (1) is contravened—

- (a) the club; and
- (b) the person supplying, obtaining or consuming the intoxicating liquor; and
- (c) any other person permitting that person to supply, obtain or consume the intoxicating liquor; shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.

(3) Every registered club acting in contravention of a rule of the club required to be made in pursuance of paragraph 19 of Schedule 1 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

### **Presence of unauthorised persons in certain parts of club premises**

**29.**—(1) Every person, other than—

- (a) a member of the club;
- (b) a guest of a member of the club;
- (c) a person on the premises of the club for purposes connected with his trade, profession or employment (including employment by the club);

who is found in any part of the premises of a registered club in which intoxicating liquor is usually supplied, kept for supply or consumed shall, unless he proves that he is there for a lawful purpose, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) Every registered club authorising or permitting any person to be on any part of premises as mentioned in paragraph (1) and which does not prove that he is there for a lawful purpose shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

### **Functions in registered clubs**

**30.**—(1) A registered club shall not hold, in the premises of the club, any function unless—

- (a) the function is for the benefit of the club as a whole;
- (b) the function is related to the objects of the club;
- (c) the function is organised by the club; and
- (d) only members of the club and their guests are present at the function.

- (2) Paragraph (1) shall not apply to any function—
  - (a) where the whole proceeds of the function, after deducting the expenses of the function, are devoted to charitable or benevolent purposes;
  - (b) which is organised by a registered club for a member and at which only the member and his guests are present.
- (3) If paragraph (1) is contravened—
  - (a) the registered club; and
  - (b) every person entered in the register of clubs as an official or member of the committee of management or governing body of the club at the time of the contravention;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(4) In any proceedings for an offence by reason of a contravention of paragraph (1) it shall be a defence for a person to prove that the contravention occurred without his consent or connivance and that he exercised due diligence to prevent it.

(5) In this Article, club includes any separate branch or section of a club.

### **Misconduct of registered clubs**

**31.**—(1) Where, because of the manner in which a registered club is being managed or carried on, registration of the club is cancelled on a ground mentioned in Article 8(5)(c)(i) or (6)(c) to (g) every person entered in the register of clubs as an official or a member of the committee of management or governing body of the club shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) In any proceedings for an offence under paragraph (1) it shall be a defence for a person to prove that the club was managed or carried on in such a manner without his consent or connivance and that he exercised due diligence to prevent it.

### *Special provisions with respect to young persons*

#### **Young persons prohibited from bars**

**32.**—(1) During the permitted hours a person under the age of 18 shall not be in any part of the premises of a registered club which—

- (a) contains a bar; or
- (b) is used exclusively or mainly for the supply, consumption or storage of intoxicating liquor.

(2) A registered club shall not allow a person under the age of 18 to be in any part of the club premises as mentioned in paragraph (1) during the permitted hours.

(3) A person shall not cause or procure any person under the age of 18 to go into, or to be in, any part of the club premises as mentioned in paragraph (1) during the permitted hours.

(4) Any person acting in contravention of paragraph (1) or (3) shall be guilty of an offence and shall be liable on summary conviction—

- (a) for a contravention of paragraph (1), to a fine not exceeding level 3 on the standard scale;
- (b) for a contravention of paragraph (3), to a fine not exceeding level 4 on the standard scale.

(5) If paragraph (2) is contravened—

- (a) the registered club; and

- (b) every person entered in the register of clubs as an official or member of the committee of management or governing body of the club at the time of the contravention; and
- (c) the person allowing the person under the age of 18 to be on the part of the club premises mentioned in paragraph (1);

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(6) In any proceedings for an offence by reason of a contravention of paragraph (2) it shall be a defence for a person to prove—

- (a) that the contravention occurred without his consent or connivance and that he exercised due diligence to prevent it; or
- (b) that he had good reason to believe that the person under the age of 18 had attained that age.

(7) Where a person under the age of 18 represents himself to be the age of 18 for the purpose of being in any part of club premises as mentioned in paragraph (1) during the permitted hours, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) Nothing in this Article shall apply with respect to a person under the age of 18 who is—

- (a) in a part of sporting club premises as mentioned in paragraph (1) during the part of the permitted hours before 7 in the evening (except where that person is in that part for the purpose of employment); or
- (b) in a part of club premises as mentioned in paragraph (1) solely for the purposes of passing to or from some other part of the premises which is not a part as aforesaid and to or from which there is no other convenient means of access.

### **Supply, etc., of intoxicating liquor to young persons**

**33.**—(1) A registered club shall not—

- (a) supply intoxicating liquor to a person under the age of 18; or
- (b) supply intoxicating liquor to any person for consumption by a person under the age of 18 in the premises of the club; or
- (c) permit any person under the age of 18 to consume intoxicating liquor in any part of the premises of the club.

(2) If paragraph (1) is contravened—

- (a) the registered club; and
- (b) every person entered in the register of clubs as an official or member of the committee of management or governing body of the club at the time of the contravention; and
- (c) the person supplying the intoxicating liquor or, as the case may be, permitting the consumption of the intoxicating liquor;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.

(3) In any proceedings for an offence by reason of a contravention of paragraph (1) it shall be a defence for a person to prove—

- (a) the contravention occurred without his consent or connivance and that he exercised due diligence to prevent it; or
- (b) that he had good reason to believe that the person under the age of 18 had attained that age.

### *Preservation of order*

#### **Drunkenness in registered club**

**34.**—(1) A registered club shall not—

- (a) permit drunkenness or any disorderly conduct to take place on the premises of the club; or
- (b) supply intoxicating liquor to a drunken person knowing him to be such.

(2) If paragraph (1) is contravened—

- (a) the registered club; and
- (b) every person entered in the register of clubs as an official or member of the committee of management or governing body of the club at the time of the contravention; and
- (c) the person permitting the drunkenness or disorderly conduct or, as the case may be, supplying the intoxicating liquor, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) Where any person is found drunk on the premises of a registered club he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(4) In any proceedings for an offence by reason of a contravention of paragraph (1) it shall be a defence for a person to prove that the contravention occurred without his consent or connivance and that he exercised due diligence to prevent it.

(5) Where a person is charged under paragraph (2), with permitting drunkenness in contravention of paragraph (1)(a) and it is proved that any person was drunk on the premises of the registered club, the burden of proving that the defendant took all reasonable steps to prevent drunkenness in the club premises shall lie upon him.

#### **Procuring drink for drunken person**

**35.**—(1) If any person on the premises of a registered club procures intoxicating liquor for consumption by a drunken person he shall be guilty of an offence.

(2) If any person aids a drunken person in obtaining or consuming intoxicating liquor in premises as mentioned in paragraph (1) he shall be guilty of an offence.

(3) If any person without reasonable excuse brings a drunken person into premises of a registered club he shall be guilty of an offence.

(4) A person guilty of an offence under this Article shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) A person shall not be convicted of an offence under this Article unless the court is satisfied that he knew or ought to have known the condition of the person in connection with whom the charge is brought.

#### **Power to exclude drunken persons, etc., from registered club**

**36.**—(1) Without prejudice to any other right to refuse a person admission to premises or to expel a person from premises, a registered club may refuse to admit to, or may expel from, the premises of the club any person who is drunken, or is acting in a disorderly manner, or whose presence in the premises of the club would subject the club to a penalty under this Order or under any other statutory provision.

(2) If any person liable to be expelled from the club premises as mentioned in paragraph (1) fails to leave the premises on the request of the club or a constable, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.



(3) A constable shall, on the demand of a registered club, help to expel from the premises of the club any person liable to be expelled from those premises under this Article, and may use such force as may be required for the purpose.

### *Miscellaneous*

#### **Provision for inspection and rights of entry**

**37.**—(1) A constable may, at any reasonable time,—

- (a) for the purpose of inspecting the accommodation, facilities and amenities of—
  - (i) the premises of a club which has served a notice of application under paragraph 1(1)(c) of Schedule 2 for the grant of registration under this Order;
  - (ii) the premises of a registered club which has served a notice of application under paragraph 1(b) of Schedule 3 for the renewal of registration under this Order and which has since the last previous renewal of the registration of the club (or, where the renewal to be applied for is the first renewal of registration, since registration was granted), changed the accommodation, facilities and amenities of the premises; enter and inspect the premises of the club or, as the case may be, registered club;
- (b) for the purpose of ascertaining whether a contravention of this Order is being or has been committed or whether any conditions which are applicable under this Order are being or have been complied with, enter the premises of a registered club and—
  - (i) inspect the premises;
  - (ii) inspect any book or document which relates to the club found on the premises;
  - (iii) upon production of a receipt, remove any such book or document for the purpose of having copies of it made or extracts taken from it;
  - (iv) ask of any person found on the premises such reasonable questions in relation to the registered club as he thinks proper.

(2) If any person—

- (a) fails or delays without reasonable excuse to admit a constable who demands admission to the premises of the club under paragraph (1); or
- (b) on being required by a constable to do so, fails without reasonable excuse to permit the constable to inspect the premises; or
- (c) on being required by a constable to produce any book or document in his possession or under his control which relates to the club and which the constable reasonably requires to inspect, fails without reasonable excuse to produce it to the constable and to permit the constable to remove the book or document for the purpose of taking copies of it or of any entry in it; or
- (d) fails or refuses to answer to the best of his knowledge and ability any questions asked of him by a constable in exercise of the power conferred by paragraph (1)(b)(iv) or gives an answer to any such question which is to his knowledge false or misleading; every person entered in the register of clubs as an official or member of the committee of management or governing body of the club at the time of the contravention and, in the case of a contravention such as is mentioned in sub-paragraph (c) or (d), the registered club shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) If, on complaint on oath, a justice of the peace is satisfied that there are reasonable grounds for suspecting that an offence under this Order is being, has been or is about to be committed on any premises, he may issue a warrant in writing authorising any constable to enter the premises,

if necessary by force, at any time within 14 days from the time of the issue of the warrant and to search the premises.

(4) Any constable who enters any premises under the authority of a warrant issued under paragraph (3) may—

- (a) seize and remove any document, money or valuable thing, instrument or other thing whatsoever found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of an offence under this Order, and
- (b) arrest and search any person found on the premises whom he has reasonable cause to believe to be committing or to have committed any such offence.

(5) Without prejudice to paragraph (1) or (3), the sub-divisional commander of the police sub-division in which the premises of a club are situated may at any time serve on the secretary of the club a notice requiring him, in such manner and within such reasonable time as may be specified in the notice, to produce for inspection by that commander books or documents relating to that club of any description specified in the notice which that commander reasonably requires to inspect for the purpose specified in paragraph (1)(b).

(6) If without reasonable excuse the requirement imposed by a notice under paragraph (5) is not complied with—

- (a) every person entered in the register of clubs as an official or member of the committee of management or governing body of the club at the time of the contravention; and
- (b) the registered club; shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(7) A constable may arrest without warrant any person who does in his presence any act the doing of which is declared by this Article to be an offence and who refuses to give his name and address.

### **Disqualification of premises on conviction of offence**

**38.**—(1) Where a registered club is convicted of an offence under this Order, the court convicting the club may make a disqualification order prohibiting the premises occupied by the club being used for the purposes of any registered club during such period not exceeding 5 years from the date on which the order takes effect, as may be specified in the order.

(2) Where a disqualification order under paragraph (1) is made, the registration of the club obtained before the order is made or before it takes effect shall by virtue of the order be void as from the time when the order takes effect.

(3) A disqualification order under paragraph (1) shall not take effect—

- (a) until the expiry of the time for bringing an appeal against the conviction or against the making of the order, and
- (b) if such an appeal is brought, until the appeal has been determined or abandoned.

## **PART V**

### **MISCELLANEOUS**

#### **Restrictions on advertisements relating to functions in registered clubs**

**39.**—(1) Except as provided by this Article, no person shall issue, or cause to be issued, any advertisement drawing attention to any function to be held on the premises of a registered club and, subject to paragraph (3), if paragraph (1) is contravened then—

- (a) the registered club; and
  - (b) every person entered in the register of clubs as an official or member of the committee of management or governing body of the club at the time the advertisement is issued; and
  - (c) any person who issued the advertisement or caused it to be issued; shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (2) Paragraph (1) does not apply to—
- (a) the publication or display of a notice inside the premises of the registered club in which the function is to be held; or
  - (b) any advertisement in so far as it relates to a function involving any sport, game or physical recreation.
- (3) In any proceedings for an offence under paragraph (1) it shall be a defence for—
- (a) a person mentioned in paragraph (1)(b) to prove that the advertisement was issued without his consent or connivance and that he exercised all due diligence to prevent the issue of any such advertisement; and
  - (b) a person to prove that he is a person whose business it is to publish or arrange for the publication of advertisements and that he received the advertisement in question for publication in the ordinary course of business and did not know and had no reason to suspect that its publication would amount to an offence under paragraph (1).
- (4) For the purposes of this Article an advertisement issued by displaying or exhibiting it shall be treated as issued on every day on which it is displayed or exhibited.
- (5) In this Article “advertisement” includes every form of advertising, whether in a publication or by the display of notices or by means of circulars or other documents or by an exhibition of photographs or a cinematograph film, or by way of sound broadcasting or television or by inclusion in a cable programme service, and references to the issue of an advertisement shall be construed accordingly.

#### **Admission of visiting teams, etc.**

**40.**—(1) Notwithstanding paragraphs 14 and 15 of Schedule 1 or any rule required to be made by those paragraphs by a registered club, where a team or other body of persons who are, as members of another club (whether registered or not), society or organisation, visiting a registered club for the purpose of taking part in or in the organisation of or arrangements for, any pastime, sport, game or recreation at the registered club, the secretary or other officer of the club being visited may enter in the book required to be kept by that paragraph 14 the name of the club, society or organisation visiting that club and the number of such persons without specifying their names and addresses and intoxicating liquor may be supplied to such persons at the request and in the presence of any officer of the registered club being visited on the occasion of that visit.

(2) The admission of persons to whom paragraph (1) applies shall be disregarded for the purposes of paragraph 13 of Schedule 1.

#### **Accounts of registered clubs**

**41.**—(1) Every registered club shall—

- (a) cause to be kept proper books of account with respect to its transactions and its assets and liabilities, and
- (b) establish and maintain a satisfactory system of control of its accounts, its cash holdings and all its receipts and remittances, and

- (c) cause those accounts to be audited annually by a qualified accountant, and
  - (d) submit those accounts to the accountant within 3 months of the date of the end of the financial year of the club to which they relate, and
  - (e) send a copy of those accounts to the sub-divisional commander of the police sub-division in which the premises of the club are situated within 3 months of the date of the end of the financial year of the club to which they relate, and
  - (f) provide the sub-divisional commander mentioned in sub-paragraph (e) with such information, particulars or documents relating to those accounts as he may require within 2 weeks of the date on which he requests that information or those particulars or documents.
- (2) Every registered club acting in contravention of paragraph (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

#### **Notification of alteration of rules of registered clubs**

**42.**—(1) Where any alteration is made in the rules, the committee of management or the governing body of a registered club or the secretary of the club shall, within 14 days of the alteration, serve a notice giving particulars of the alteration upon the sub-divisional commander of the police sub-division in which the premises of the registered club are situated.

(2) If paragraph (1) is contravened the secretary of the registered club shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(3) Notwithstanding anything in Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981 (time limit for summary proceedings), a court of summary jurisdiction shall have jurisdiction to hear and determine a complaint charging the commission of an offence under this Article provided that the complaint is made within 12 months from the date on which the alteration is made.

#### *Legal proceedings*

#### **Proceedings against clubs**

**43.**—(1) Proceedings under this Order may be brought against a registered club in the name in which it is registered.

(2) Any summons or other document required to be served on the club in the course of such proceedings may be served on the secretary of the club; and any such summons shall, in addition to being so served, be served also on any other person whom the justice of the peace granting the summons may direct.

#### **Proof of consumption of intoxicating liquor**

**44.**—(1) Evidence that consumption of intoxicating liquor was about to take place shall, in any proceedings relating to an offence under this Order, be evidence of the consumption of intoxicating liquor without proof of actual consumption.

(2) Evidence that any person obtained, consumed or intended to consume intoxicating liquor in the premises of a registered club shall, in any such proceedings, be evidence that the liquor was supplied by or on behalf of the club.

(3) Where it is proved that intoxicating liquor has been received, delivered or distributed within the premises of a registered club and taken outside the premises, it shall, failing proof to the contrary, be deemed to have been so taken for consumption outside the premises.

(4) Where intoxicating liquor in open vessels is found in the premises of a registered club during any period when the consumption of intoxicating liquor in those premises is prohibited by this Order, consumption of intoxicating liquor shall, in any proceedings for a contravention of any provisions of this Order, be deemed to have taken place during that period and in those premises unless and until the contrary is proved.

### **Appeals**

**45.**—(1) Without prejudice to Articles 61 and 65 of the County Courts (Northern Ireland) Order 1980, any party to the proceedings who is dissatisfied with a decision of a county court on an application made to it under this Order may appeal from that decision as if the decision had been made in exercise of the jurisdiction conferred by part III of that Order and the appeal were brought under Article 60 of that Order.

(2) For the purposes of—

- (a) paragraph (1);
- (b) Articles 61 and 62 of the County Courts (Northern Ireland) Order 1980;
- (c) Articles 143 and 146 of the Magistrates' Courts (Northern Ireland) Order 1981,

a person who appears as an objector in any proceedings under this Order shall be deemed to be a party to the proceedings.

### **Procedure in connection with cancellation and disqualification**

**46.**—(1) A court which cancels the registration of a club or makes a disqualification order in respect of the premises of a registered club under Article 13 or 38 shall order the secretary of the club to deliver the certificate of registration of the club to the clerk of the court within a period specified in the order of the court, and if the person so ordered contravenes that court order he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months or both.

(2) The clerk of a court to whom a certificate of registration is delivered under paragraph (1) shall—

- (a) if he is not the clerk of petty sessions who keeps the register in which the club is registered, send the certificate of registration to that clerk of petty sessions; or
- (b) if he keeps that register, retain the certificate of registration.

(3) The clerk of a court which cancels the registration of a club or makes a disqualification order as mentioned in paragraph (1) shall send notice of the cancellation or order to the sub-divisional commander of the police sub-division in which the premises of the club are situated.

### *Supplemental*

### **Modifications of Schedules, amendments, transitional and saving provisions and repeals**

**47.**—(1) The provisions of Schedule 2 may be modified by county court rules and the provisions of Schedule 3 may be modified by magistrates' courts rules, and any rules made under this paragraph may make consequential modifications of this Order.

(2) The statutory provisions set out in Schedule 4 shall have effect subject to the amendments specified in that Schedule.

(3) The transitional and saving provisions in Schedule 5 shall have effect for the purposes of this Order.

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(4) The statutory provisions set out in Schedule 6 are hereby repealed to the extent specified in column 3 of that Schedule.

*G. I. de Deney*  
Clerk of the Privy Council.

## SCHEDULES

### Schedule 1

Article 4(1) and (2).

#### PROVISIONS TO BE INCLUDED IN RULES OF CLUB

1. The business and affairs of the club shall be under the management of a committee or governing body consisting of a secretary, a treasurer and not less than 5 ordinary or life members who are elected to the committee or body for not less than 1 year by the general body of members having rights of voting in relation to the affairs of the club.

2. Elections to the committee or governing body shall be held annually, and if all the elected members do not go out of office in every year, there shall be fixed rules for determining those that are to.

3. The committee or governing body shall hold periodical meetings.

4. The names and addresses of persons proposed as ordinary members of the club shall be displayed in a conspicuous place in the club premises for at least 1 week before their election, and that an interval of not less than 2 weeks shall elapse between the nomination and election of ordinary members.

5. All members, other than temporary members of a club, shall be elected by the whole body of members having rights of voting in relation to the affairs of the club or by the committee or governing body, with or without specially added members.

6. If persons, other than such temporary members, are elected as members by a procedure which does not comply with paragraph 4 they shall not be admitted to any of the privileges of membership until the expiration of a period of at least 2 days from their election.

7. Persons shall not be admitted in such numbers to membership not carrying rights of voting in relation to the affairs of the club as will result in the number of members not having such rights being more than 3 times the number of members having such rights.

8. No persons shall be allowed to become honorary or temporary members of the club or be relieved of the payment of the regular entrance fee or subscription, except those possessing certain qualifications defined in the rules and subject to conditions and regulations specified in the rules.

9. There shall be a defined subscription payable by members on election and thereafter annually by a specified date in every year.

10. No person under the age of 18 shall be admitted to membership of the club.

11. All members shall carry membership cards while on the premises of the club.

12. An alphabetical list of the names and addresses of every official and member of the club shall be kept on the premises of the club.

13. The same person, except where that person is a parent, husband, wife or child of a member, shall not be admitted as a guest of a member to the club premises on more than 20 days in any period of 12 months.

14. A guest of a member shall not be admitted to the club premises except in the company of a member and the member shall, immediately on the admission of his guest to the club premises, enter

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his name and address and the name and address of his guest in a book which shall be kept for that purpose and which shall show the date of each visit.

**15.** A member shall be responsible for his guest strictly observing the rules and shall not leave the club premises before his guest and a guest of a member shall not be supplied with intoxicating liquor in the club premises unless upon the invitation and in the company of the member.

**16.** No member of the committee or governing body, and no manager or servant employed in the club, shall have any personal interest in the supply of intoxicating liquor in the club or in the profits arising from such supply.

**17.** No person shall be paid at the expense of the club any commission, percentage or similar payment on or with reference to purchases of intoxicating liquor by the club.

**18.** No person shall, directly or indirectly, derive any pecuniary benefit from the supply of intoxicating liquor by or on behalf of the club or members or guests, apart from any benefit accruing to the club as a whole.

**19.** A statement, printed in plain type, of the hours during which intoxicating liquor may be supplied on the premises of the club shall be exhibited in a conspicuous part of the club premises.

**20.** Intoxicating liquor shall not be supplied to persons who are not members of the club for consumption outside the premises of the club.

**21.** Intoxicating liquor shall not be supplied to members of the club for consumption outside the premises of the club except where the liquor is supplied in such quantities and during such hours, being hours within the permitted hours, and on such days as the sub-divisional commander for the police sub-division in which the premises are situated may authorise in writing.

**22.** The date of the end of the financial year of the club.

## Schedule 2

Articles 5(1), 6(2), (3), (4), (5)(a), 37(1)(a)  
(i), 47(1) and Schedule 5.

### APPLICATIONS FOR THE GRANT OF REGISTRATION

**1.—(1)** The secretary of a club which intends to make an application for the grant of registration shall—

(a) not less than—

(i) in the case of an application in respect of a club the registration of which has been cancelled under Article 11 and the premises of which have not been disqualified under Article 13(1)(b), 1 year; or

(ii) subject to sub-paragraph (2), in any other case, 2 years; before the time of the opening of the court sittings at which 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—

(aa) the sub-divisional commander of the police sub-division in which the premises of the club are situated; and

(ab) the district council for the district in which the premises of the club are situated;

(b) not more than 8 weeks or less than 4 weeks before that time, cause notice of the application to be published at least once in 2 newspapers circulating in the vicinity of the premises of the club for which the grant of registration is to be sought;



- (c) not less than 4 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 the sub-divisional commander mentioned in head (a)(aa) and the district council mentioned in head (a)(ab);
- (d) during the 4 weeks before that time, cause notice of the application to be displayed, in such manner as may be required by regulations, outside the premises for which the grant of registration is to be sought.

(2) Sub-paragraph (1)(a)(ii) shall not apply if the applicant is a registered club.

**2.—(1)** The notices mentioned in paragraph 1 shall be in such form and shall contain such information as may be prescribed by county court rules.

(2) The applicant shall attach to the notice mentioned in paragraph 1(1)(c) and to the copy of that notice required to be served on the sub-divisional commander and the district council such information, particulars and documents with respect to the club, its officers and members, its objects and activities, its accounts and financial standing as may be required by regulations.

**3.** The sub-divisional commander mentioned in paragraph 1(1)(a)(aa), the district council mentioned in paragraph 1(1)(a)(ab) or any person owning, or residing or carrying on business in, premises in the vicinity of the premises of the club for which the registration is sought shall be entitled to appear at the hearing of the application and to object to the grant of registration of the club on any of the grounds mentioned in Article 6(5) and (6).

**4.** A person intending to object under paragraph 3 shall, not less than 1 week before the time mentioned in paragraph 1(1)(a)—

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

#### Schedule 3

Articles 8(2), (3), (4), (5)(a), 37(1)(a)(ii),  
47(1) and Schedule 5.

#### APPLICATIONS FOR THE RENEWAL OF REGISTRATION

**1.** The secretary of a club which intends to make an application for the renewal of the registration of a club shall—

- (a) not more than 8 weeks or less than 4 weeks before the renewal date cause notice of the application to be published at least once in 2 newspapers circulating in the vicinity of the premises of the club for which renewal of registration is sought;
- (b) not less than 4 weeks before the renewal date, serve notice of the application upon the clerk of petty sessions 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 of the club are situated;
  - (ii) the district council for the district in which the premises of the club are situated;
- (c) during the 4 weeks before the renewal date, cause notice of the application to be displayed, in such manner as may be required by regulations, outside the premises for which renewal of registration is sought.

**2.—(1)** The notices mentioned in paragraph 1 shall be in such form and shall contain such information as may be prescribed by magistrates' court rules.

(2) The applicant shall attach to the notice mentioned in paragraph 1(b) and to the copy of that notice required to be served on the sub-divisional commander and the district council such

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information, particulars and documents with respect to the club, its officers and members, its objects and activities, its accounts and financial standing as may be required by regulations.

3. The sub-divisional commander mentioned in paragraph 1(b)(i), the district council mentioned in paragraph 1(b)(ii) or any person owning, or residing or carrying on business in, premises in the vicinity of the premises of the club for which the renewal of the registration is sought shall be entitled to appear at the hearing of the application and to object to the renewal of registration on any of the grounds mentioned in Article 8(5) and (6).

4. A person intending to object under paragraph 3 shall, not less than 1 week before the renewal date—

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

5. Before the renewal date the applicant shall deposit the certificate of registration with the clerk of petty sessions.

#### Schedule 4

Article 47(2).

#### AMENDMENTS

##### *The Northern Ireland (Emergency Provisions) Act 1978 (c. 5)*

1. In paragraph 5 of Schedule 3 for “Registration of Clubs Act (Northern Ireland) 1967” substitute “Registration of Clubs (Northern Ireland) Order 1987”.

##### *The Alcoholic Liquor Duties Act 1979 (c. 4)*

2. In section 4(1), in the definition of “registered club” for “Registration of Clubs Act (Northern Ireland) 1967” substitute “Registration of Clubs (Northern Ireland) Order 1987”.

##### *The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (1985 N.I. 11)*

3. In Article 2(2), in the definition of “registered club” for sub-paragraph (b) substitute—

“(b) under the Registration of Clubs (Northern Ireland) Order 1987”.

4. In Article 96—

(a) in paragraph (4)(e) for “Registration of Clubs Act (Northern Ireland) 1967” substitute “Registration of Clubs (Northern Ireland) Order 1987”;

(b) for paragraph (6)(b) substitute—

“(b) that registration under that Order of 1987 or a certificate of registration under the Registration of Clubs Act (Northern Ireland) 1967 has been cancelled or that an application for renewal of such registration or certificate of registration has been refused”.

5. In Article 99(2)(e) for “Registration of Clubs Act (Northern Ireland) 1967” substitute “Registration of Clubs (Northern Ireland) Order 1987”.

6. For Article 103(1)(e) substitute—

“(e) that the club is registered under the Registration of Clubs (Northern Ireland) Order 1987; or”.

7. In Article 105—

- (a) in paragraph (1) for “Registration of Clubs Act (Northern Ireland) 1967” substitute “Registration of Clubs (Northern Ireland) Order 1987”;
- (b) in paragraph (7)—
  - (i) for “registrar (within the meaning of that Act of 1967)” substitute “clerk of petty sessions”;
  - (ii) for “section 10 of that Act of 1967” substitute “Article 7(1) of that Order of 1987”;
  - (iii) for “section 13 of that Act” substitute “Article 14 of that Order”.

Schedule 5

Article 47(3).

TRANSITIONAL PROVISIONS AND SAVINGS

*Interpretation*

1. In this Schedule—

- “Act of 1967” means the Registration of Clubs Act (Northern Ireland) 1967;
- “commencement date” for the purposes of any provision of this part, means the day appointed under Article 1(2) for the coming into operation of that provision;
- “existing certificate” means a certificate of registration granted under the Act of 1967.

PART I

TRANSITIONAL PROVISIONS

*Existing certificates*

2. Notwithstanding the repeal of the Act of 1967 by Article 47(4) and Schedule 6, any existing certificate in force immediately before the commencement date shall on and after that date be deemed to be a certificate of registration issued under Article 7(1) and shall, unless registration is cancelled or a disqualification order takes effect under Article 13 or 38, continue in force until the 31st January next following that date.

*Applications for certificates*

3.—(1) Where, before the commencement date, notice of application to a court of summary jurisdiction for the grant of a certificate of registration has been published and served under the Act of 1967, the court may proceed to hear the application and exercise any power which is exercisable by a county court under this Order in relation to the grant of registration and the court may treat the application as complying with Schedule 2 notwithstanding that some provision of that Schedule has not been complied with.

(2) Where a court of summary jurisdiction exercises the jurisdiction conferred by subparagraph (1), the provisions of this Order and of county court rules relating to the grant of registration (except any provision requiring the chief clerk to send documents to the clerk of petty sessions) shall have effect with any necessary modifications.

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#### *Renewals of certificates*

4. Where, before the commencement date, notice of application to a court of summary jurisdiction for the renewal of an existing certificate has been published and served under the Act of 1967, the application may be treated by the court as an application complying with Schedule 3 notwithstanding that some provision of that Schedule has not been complied with.

#### *Registration of existing clubs*

5.—(1) The secretary of a club in existence immediately before the commencement date may, within a period of 6 months after the commencement date,—

- (a) if the club will have been in existence for 2 years at the time of the opening of the court sittings at which the application is to be made, make an application under Article 6 for registration of the club; or
- (b) if the club will have been in existence for 2 years on a date after the end of that period, serve notice of the intention to make an application under Article 6 for registration of the club on or after that date 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 of the club are situated; and
  - (ii) the district council for the district in which the premises of the club are situated.

(2) Where by virtue of sub-paragraph (1) an application is made under Article 6 for the registration of a club—

- (a) paragraph (5)(g) of that Article shall have effect as if there were inserted at the beginning “that the club has been in existence, and”; and
- (b) Schedule 2 shall have effect as if—
  - (i) paragraph 1(1)(a) were omitted; and
  - (ii) in paragraph 1(1)(b) for “that time” there were substituted “the time of the opening of the court sittings at which application is to be made”; and
  - (iii) in paragraph 1(1)(c) for “mentioned in head (a)(aa)” there were substituted “of the police sub-division in which the premises of the club are situated” and for “mentioned in head (a)(ab)” there were substituted “for the district in which the premises of the club are situated”; and
  - (iv) in paragraph 4 for “(a)” there were substituted “(b)”.

#### *Other transitional provisions*

6. An order under Article 1(2) may make such transitional provision as appears to the Head of the Department to be necessary or expedient in connection with the provisions thereby brought into operation.

## PART II

### SAVINGS

7. References in any document (whether express or implied) to any statutory provision repealed by this Order or by the Act of 1967 shall, except where the context otherwise requires, be construed respectively as, or as including, a reference to this Order or to the corresponding provision of this Order.

8. The provisions of this Schedule shall have effect without prejudice to section 29 of the Interpretation Act (Northern Ireland) 1954.

Schedule 6

Article 47(4).

REPEALS

Chapter or number	Short title	Extent of repeal
<a href="#">1967 c. 27.</a>	The Registration of Clubs Act (Northern Ireland) 1967.	The whole Act.
<a href="#">1981 NI 26.</a>	The Magistrates' Courts (Northern Ireland) Order 1981.	In Schedule 6, in part II, paragraphs 81 and 82.

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order—

- (a) provides for clubs to be registered by a county court and establishes a procedure for these registrations;
- (b) provides for general permitted hours in registered clubs similar to the permitted hours in licensed premises;
- (c) makes it an offence for a person under the age of 18 to be in the bar of a registered club or to be supplied with intoxicating liquor;
- (d) makes it an offence to be drunk or to permit drunkenness in a registered club;
- (e) makes new provision in respect of the right of the police to enter and inspect club premises; and
- (f) otherwise consolidates the statutory provisions relating to the registration of clubs.