
STATUTORY INSTRUMENTS

1996 No. 3158

The Licensing (Northern Ireland) Order 1996

PART II

THE GENERAL LICENSING SYSTEM

Transfer of licences

Transfer of licences

22.—(1) An application for the transfer of a licence shall be made to a court of summary jurisdiction.

(2) The application may be made by the person who proposes to, or has, become the owner of the business of selling intoxicating liquor by retail in the licensed premises.

(3) This Article shall apply in relation to the transfer of a licence provisionally granted as if the reference in paragraph (2) to the business of selling intoxicating liquor by retail in the licensed premises were a reference to that business as proposed to be carried on in those premises after the licence has been declared final.

(4) The procedure for applications for the transfer of, respectively, licences and licences provisionally granted is set out in Parts I and II of Schedule 5.

(5) On an application for the transfer of a licence the court shall hear the objections, if any, made under Schedule 5.

(6) A court shall refuse an application for the transfer of a licence unless it is satisfied—

(a) subject to paragraph (7), that the procedure relating to the application set out in Schedule 5 has been complied with; and

(b) that the applicant is a fit person to hold a licence; and

(c) subject to paragraph (8), that—

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

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

has not been discontinued.

(7) A court may transfer a licence notwithstanding that the procedure relating to the application set out in Schedule 5 has not been complied with if, having regard to the circumstances, it is reasonable to do so.

(8) Paragraph (6)(c) shall not apply to the transfer of a licence which is provisionally granted.

(9) For the purposes of paragraph (6)(c)(i) a business shall be deemed not to have been discontinued if its conduct has been interrupted by reason only of the suspension of the licence.

(10) Where the licence is transferred, the clerk of petty sessions shall note the transfer on the licence.

(11) Where the court refuses to transfer a licence, it shall specify in its order the reasons for its refusal.