

Status: Point in time view as at 01/01/2006.

Changes to legislation: The Registration of Clubs (Northern Ireland) Order 1996 is up to date with all changes known to be in force on or before 31 January 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

STATUTORY INSTRUMENTS

1996 No. 3159 (N.I. 23)

The Registration of Clubs (Northern Ireland) Order 1996 ^{F1}

- - - - - 19th December 1996

F1 functions transf. by SR 1999/481
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PART I INTRODUCTORY

Title and commencement

- 1.—(1) This Order may be cited as the Registration of Clubs (Northern Ireland) Order 1996.
(2) This Order shall come into operation on the expiration of 2 months from the day on which it is made.

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 48(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 6(1);
- “children's certificate” means a certificate granted under Article 33;
- “the Department” means the Department of Health and Social Services;
- “intoxicating liquor” has the same meaning as in the Licensing (Northern Ireland) Order 1996.
- “modify” means making additions, omissions, amendments or substitutions;
- “notice” means notice in writing;
- “official” means—
 - (a) in relation to a registered club, a person entered in the register of clubs as an officer or member of the committee of management or governing body of the club; and
 - (b) in relation to a club which has served a notice under paragraph 1(1)(a) of Schedule 2, an officer or member of the committee of management or governing body of the club;

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“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”, subject to Article 26, means the hours specified in Article 24;

“planning permission” has the same meaning as in the Planning (Northern Ireland) Order 1991;

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

“prescribed” means prescribed by regulations;

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

“registration period” means a period of 5 years beginning on 1st April 1998 or any quinquennial of that date;

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

“renewal date” means 1st March;

“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) Order 1977 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

Restriction on supply, etc., of intoxicating liquor on the premises of a club

3.—(1) It shall be unlawful—

- (a) to supply, consume or keep for supply or consumption intoxicating liquor on the premises of a club;
- (b) to bring intoxicating liquor on the premises of a club for the purposes of the consumption of the liquor;

unless the club is registered in respect of those premises.

(2) If intoxicating liquor is supplied, consumed, kept for supply or consumption or brought for the purposes of the consumption on—

- (a) the premises of a club which has served a notice of application under paragraph 1(1)(a) of Schedule 2 for the grant of registration under this Order; or
- (b) any premises used by a club which has ceased to be a registered club by reason of—

- (i) the expiration of the registration within the preceding 3 years; or
- (ii) the cancellation of the registration; or
- (c) any premises in respect of which a disqualification order under this Article or under Article 15 or 46 or under Article 13 or 38 of the Registration of Clubs (Northern Ireland) Order 1987 is in force;

every person who supplies, obtains, consumes, keeps for supply or consumption or permits the consumption of the intoxicating liquor, or who brings the intoxicating liquor on the premises and, in the case of the premises of a club, every officer and member of the 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 or to imprisonment for a term not exceeding 6 months or to both.

(3) In addition to any penalty it imposes under paragraph (2) on a person convicted of an offence under that paragraph, the court shall make a disqualification order prohibiting the premises on which the offence was committed being used for the purposes of any registered club during—

- (a) in the case of premises mentioned in sub-paragraph (2)(a) or (b), the period of 5 years from the date on which the order takes effect; or
- (b) in the case of premises mentioned in sub-paragraph (2)(c), the period of 5 years from the date on which the disqualification order which is in force with respect to the premises expires.

(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 he exercised all due diligence to avoid the commission of such an offence.

(5) Where a disqualification order under paragraph (3) 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.

(6) A disqualification order under paragraph (3) 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.

(7) Nothing in this Article shall apply to anything done at a function held in premises in connection with which an occasional licence has been granted under Article 30 of the Licensing (Northern Ireland) Order 1996.

Clubs which may be registered

4.—(1) Subject to paragraph (2), a club may be registered if—

- (a) on the date of the service of the notice of application under paragraph 1(1)(a) of Schedule 2 for the grant of registration under this Order the rules of the club contain the provisions specified in paragraphs 1 to 13 and 19 of Schedule 1; and
- (b) the rules do not contravene the provisions of this Order.

(2) A club which occupies premises for which there is in force a disqualification order under Article 3, 15 or 46 or under Article 13 or 38 of the Registration of Clubs (Northern Ireland) Order 1987 shall not be registered under this Order.

(3) In determining whether a club is conducted in good faith as a club a court shall have regard—

- (a) to the past conduct of the club; and
- (b) to any arrangement restricting the club's freedom of purchase of intoxicating liquor; and

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- (c) 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; and
 - (d) to the financial arrangements in relation to the club; and
 - (e) to whether the club has fewer than 25 members having voting rights in relation to the affairs of the club; and
 - (f) to whether the supply of intoxicating liquor is ancillary to the objects of the club.
- (4) Any certificate of registration purporting to be held by a club in respect of premises mentioned in paragraph (2) is void.

Grant of registration

Grant of registration

5.—(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, 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; and paragraphs 1(1)(c), 3 and 4 of Schedule 2 shall apply for the purposes of such further information, particulars or documents 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 were 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) subject to paragraph (7), 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 3, 15 or 46 or under Article 13 or 38 of the Registration of Clubs (Northern Ireland) Order 1987 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 contain the provisions specified in Schedule 1 and do not contravene the provisions of this Order; and

- (g) that the club has been conducted in good faith as a club for not less than 1 year; and
 - (h) that the provisions of the rules of the club and of this Order are, and will be, complied with; and
 - (i) that none of the officials of the club has an unspent conviction under the Rehabilitation of Offenders (Northern Ireland) Order 1978 for an offence of violence or an offence involving dishonesty.
- (6) A court may refuse an application for the grant of registration of a club if it is satisfied—
- (a) that, in respect of the premises of the club, 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 (Northern Ireland) Order 1996 or the Licensing (Northern Ireland) Order 1990 within the preceding 5 years; or
 - (b) that the club is kept or habitually used for an unlawful purpose; or
 - (c) that intoxicating liquor has been sold, supplied or consumed on the premises of the club in contravention of this Order or the Licensing (Northern Ireland) Order 1996; or
 - (d) that the supply of intoxicating liquor to the club will not be under the control of an official of the club or the members having voting rights in relation to the affairs of the club; or
 - (e) that, having regard to his character and reputation, an official of the club is not a fit person to hold an office of the club; or
 - (f) that the club has been convicted of an offence under this Order or the Registration of Clubs (Northern Ireland) Order 1987.
- (7) A court may grant the registration of a club notwithstanding that the procedure relating to the application set out in Schedule 2 has not been complied with if, having regard to the circumstances, it is reasonable to do so.
- (8) 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—
- (a) 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 24(1) applies, and
 - (b) the rules of the club 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,
- the court shall direct that Article 24(2) shall have effect in relation to the club.
- (9) 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

- 6.—(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 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) that the club is a nightworkers club to which Article 5(8) of the Registration of Clubs (Northern Ireland) Order 1996 applies; and
 - (ii) the hours fixed by the court under Article 24(2);
 - (e) such other matters as may be prescribed.

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(2) Subject to the succeeding provisions of this Article, a certificate of registration, unless registration is cancelled or a disqualification order under Article 15 or 46 applies to the premises of the registered club, shall remain in force from the date on which it is issued until—

- (a) the expiration of—
 - (i) the then current registration period, or
 - (ii) such lesser period ending on 31st March as the court shall determine; or
- (b) if it is issued within the 3 months immediately preceding the expiration of the then current registration period, the expiration of—
 - (i) the next following registration period, or
 - (ii) such lesser period ending on 31st March as the court shall determine.

(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(8), 10 and 14 under which a certificate of registration may continue in force after the time when it would otherwise expire.

Renewal of registration

Renewal of registration

7.—(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 except where the registration is renewed by the clerk of petty sessions under this Article.

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

(3) Subject to paragraph (4), where notice of application for the renewal of the registration of a club otherwise than under Article 9 has been served upon the clerk of petty sessions, he may renew the registration as if the application had been made to him and may do so in the absence of the applicant.

- (4) Where—
 - (a) a notice of application is in respect of the renewal of the registration of a club which has been in force for a period determined by the court under Article 6(2)(a)(ii) or (b)(ii) or Article 11(1)(b)(ii) or (c)(ii), or
 - (b) a notice of objection has been served on the clerk and has not been withdrawn, or
 - (c) the clerk is of the opinion, for any other reason, that an application for the renewal of the registration of a club should be made to a court;

the clerk shall require the application to be made to the court and shall notify the applicant and the objectors, if any, of the requirement and of the time and place of the hearing.

(5) Where the registration of a club is renewed, the clerk of petty sessions shall note the renewal on the certificate of registration.

Renewal of registration by a court

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

(2) 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, require the production of further information, particulars or documents such as are mentioned in paragraph 4(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 3(b) of Schedule 3 until such date as the court may specify; and paragraphs 3(b), 5 and 6 of Schedule 3 shall apply for the purposes of such further information, particulars or documents as if they were notice of the application, subject to the modification that in paragraph 3(b) for the reference to 4 weeks before the renewal date there were substituted a reference to 2 weeks before the time fixed by the court for the hearing of the application to be resumed.

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

- (a) subject to paragraph (5), that the procedure relating to the application set out in Part I of Schedule 3 has been complied with; and
- (b) that the rules of the club contain the provisions specified in Schedule 1 and do not contravene the provisions of this Order; and
- (c) that, having regard to the manner in which the club has been conducted during the preceding 6 years (or where the club has not been registered during all of that period, during the period from the date of the service of the notice of application under paragraph 1(1)(a) of Schedule 2 for the grant of registration),—
 - (i) the club is conducted in good faith as a club; and
 - (ii) the provisions of the rules of the club and of this Order are, and will be, complied with; and
- (d) that none of the officials of the club has an unspent conviction under the Rehabilitation of Offenders (Northern Ireland) Order 1978 for an offence of violence or an offence involving dishonesty.

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

- (a) 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
- (b) 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
- (c) that intoxicating liquor has been sold, supplied or consumed on the premises of the club in contravention of this Order or the Licensing (Northern Ireland) Order 1996; or
- (d) that the supply of intoxicating liquor to the club is not under the control of an official of the club or the members having voting rights in relation to the affairs of the club; or
- (e) that, having regard to his character and reputation, an official of the club is not a fit person to hold an office of the club; or

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- (f) that the club has been convicted of an offence under this Order or the Registration of Clubs (Northern Ireland) Order 1987.
- (5) A court may renew the registration of a club notwithstanding that the procedure relating to the application set out in Part I of Schedule 3 has not been complied with if, having regard to all the circumstances, it is reasonable to do so.
- (6) Where, in the case of a nightworkers club, a court of summary jurisdiction under Article 24(2) varies the hours for the supply of intoxicating liquor the clerk shall note the variation on the certificate of registration.
- (7) 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.
- (8) 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 or documents under paragraph (2) shall, unless registration is cancelled or a disqualification order under Article 15 or 46 applies to the premises of the registered club, continue in force when it would otherwise expire until the application for renewal is determined.

Power to renew registration out of time

9. Where the secretary of a club the registration of which falls to expire on the 31st March fails to serve due notice of an application for its renewal before the renewal date, a court of summary jurisdiction, upon application made in compliance with the procedure set out in Part I of Schedule 3 as modified by Part II of that Schedule not later than the end of the period of 12 months from the date on which the registration expires, may renew the registration of the club—
- (a) if it is satisfied that there was good reason for the failure; or
 - (b) upon the payment of such additional fee as may be fixed by order under section 116 of the Judicature (Northern Ireland) Act 1978 for each month or part of a month between the renewal date and the time when the application is made under this Article for the renewal of the registration.

Continuance of registration pending determination of appeal

10. Where a court refuses an application for the renewal of the registration of a club and the secretary of the club appeals, the registration of the club shall, unless it is cancelled or a disqualification order under Article 15 or 46 applies to the premises of the registered club, continue in force until the appeal is determined or abandoned.

Duration of renewed certificates of registration

- 11.—(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 15 or 46 applies to the premises of the registered club, shall remain in force until—
- (a) if it is renewed by the clerk of petty sessions during the month of March immediately preceding the expiration of the then current registration period, the expiration of the next following registration period; or
 - (b) if it is renewed by a court within the 3 months immediately preceding the expiration of the then current registration period, the expiration of—
 - (i) the next following registration period, or
 - (ii) such lesser period ending on 31st March as the court shall determine; or
 - (c) if it is renewed by a court in any other case, the expiration of —

- (i) the then current registration period; or
- (ii) such lesser period ending on 31st March as the court shall determine.

(2) Paragraph (1) shall not prejudice the operation of Articles 8(8), 10 and 14 under which a certificate of registration may continue in force after the time when it would otherwise expire.

Continuance of club in temporary premises

Continuance of club in temporary premises

12.—(1) Where the premises of a registered club—

- (a) have, by reason of fire, tempest, or other unforeseen and unavoidable calamity, become incapable of being used as the premises of the club; or
- (b) have been, or are likely to be, acquired or demolished, either wholly or to a substantial extent, under any statutory provision; or
- (c) have been, or are likely to be, extended to include premises which are, or are to be constructed so as to be, contiguous to them; or
- (d) are, or are to be, used for the purpose of the registered club in conjunction with additional premises which are or are to be constructed adjacent to it; or
- (e) have been, or are to be, wholly or substantially demolished and new premises have been or are to be constructed wholly or partly within its curtilage;

and the registered club is unable to use the premises (in this Article referred to as “the original premises”), a court of summary jurisdiction may, on an application made by the secretary of the club in compliance with the procedure set out in Schedule 4, make an order authorising the registered club to use—

- (i) temporary premises erected, or to be erected, wholly or partly within the curtilage of the site of the original premises; or
- (ii) other premises in the vicinity of the original premises or their site,

for such period, not exceeding 6 months, as the court thinks fit.

(2) A court shall not make an order under paragraph (1) unless it is satisfied—

- (a) that the premises which the club proposes to use are adequate for the conduct of the club and will continue to be adequate during the period of the order; and
- (b) that the premises are not premises in respect of which a disqualification order under Article 3, 15 or 46 or under Article 13 or 38 of the Registration of Clubs (Northern Ireland) Order 1987 is in force; and
- (c) that the registered club either—
 - (i) proposes to resume occupation of the original premises within a reasonable period; or
 - (ii) has made an application for registration for those or other premises, or proposes to do so within a reasonable period.

(3) An application under this Article shall be made to a court of summary jurisdiction for the petty sessions district in which the premises which the club proposes to use are situated.

(4) Where an order has been made under paragraph (1), a court of summary jurisdiction may, on the application of the secretary of the registered club, make such further order or orders under that paragraph as the court thinks fit.

(5) The continuance of the registered club in temporary premises under this Article shall cease—

- (a) at the end of the period specified in an order or a further order made under paragraph (1), or

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- (b) when the registered club resumes occupation of the original premises or of premises in respect of which the club is registered,

whichever first occurs.

(6) Where under this Article a court authorises the continuance of a club in any temporary premises, those premises shall be deemed to be the premises in respect of which the club is registered.

Cancellation of registration

Cancellation of registration

13.—(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

14. 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

15.—(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 13(1) or 45(1);

the court shall make a disqualification order prohibiting the premises occupied by the club being used for the purposes of any registered club during a period of 2 years from the date on which the order takes effect or, if the court thinks fit, such greater period not exceeding 5 years 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

16.—(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 6(1).

- (2) Each clerk of petty sessions shall record in respect of each club entered in the register—
- (a) the matters which under Article 6(1) are required to be specified in the certificate of registration;
 - (b) the names and addresses of the officials of the club;
 - (c) particulars of any renewal of registration of the club;
 - (d) particulars of any cancellation of registration of the club and of any disqualification order made in consequence of the cancellation;
 - (e) particulars of any conviction of the club of any offence under this Order and of any penalty points endorsed on the certificate of registration or any disqualification order made in consequence of the conviction;
 - (f) such other matters as may be prescribed.

(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 24(2); 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

17. A register of clubs may be inspected and copies of all or any part of any entry in the register may be taken, at all reasonable hours.

Returns to Department

18. 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 a current certificate of registration in that district;
- (b) the number of voting and non-voting members of each club;

and containing such other information as the Department may require.

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Register of clubs to be evidence

19.—(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

20.—(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

21. The registration of a club under this Order shall not constitute the club premises licensed premises within the meaning of the Licensing (Northern Ireland) Order 1996 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 statutory provision 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

22.—(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 registered 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

23.—(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

24.—(1) 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) on Sunday or Christmas Day from half past 12 in the afternoon to 10 in the evening.

(2) The hours for the supply of intoxicating liquor in a nightworkers club 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 and 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 Good Friday; and
- (c) not include any period between 1 in the morning and 6 in the morning of any day.

Exception

Consumption after permitted hours of liquor supplied during those hours

25. Where intoxicating liquor is supplied in the premises of a registered club during the permitted hours, Article 22 shall not prohibit—

- (a) during the first 30 minutes after the conclusion of the permitted hours, or
- (b) in a nightworkers club, on Good Friday 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

26.—(1) On the application of a registered club, not less than 7 days before the occasion to which the application relates, the sub-divisional commander for the police sub-division in which the premises are situated may, in writing, authorise the club to supply intoxicating liquor to members of the club and to guests of members of the club—

- (a) except in the case of a nightworkers club, during the hours—
 - (i) on week-days from 11 in the evening to 1 in the morning of the day next following, or

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- (ii) on Sunday, not being 31st December, from 10 in the evening to 12 in the evening, or
- (iii) on Sunday, being 31st December, from 10 in the evening to 1 in the morning of the day next following, or

- (b) in a nightworkers club on any day, during the 2 hours following the end of the permitted hours,

in addition to the hours mentioned in Article 24, on any 1 occasion specified in the authorisation, and any additional hours authorised under this Article shall be included in the permitted hours for the registered club.

(2) Not more than 52 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 Christmas Day, Easter Day or Good Friday.

(4) Where an authorisation under paragraph (1) is in force in the case of a nightworkers club, the rules of the club or Article 5(8)(b) shall not prohibit the admission of guests of members to, or their presence in, the premises of the club during any additional hours authorised under this Article.

Miscellaneous

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

27. In any proceedings under Article 22 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 26, 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

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 34, 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 registered 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.

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; or
- (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 official 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 he exercised all due diligence to avoid the commission of such an offence.

(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(3)(c)(i) or (4)(b) or (c), every official 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 he exercised all due diligence to avoid the commission of such an offence.

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(3) Where any of the provisions specified in Schedule 1 (other than paragraph 14) which are included in the rules of a registered club are contravened—

- (a) the registered club; and
- (b) every official 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.

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) Paragraphs (1), (2) and (3) shall not apply with respect to a person under the age of 18 who is in a part of club premises if—

- (a) the person under 18 is in the company of a person who is 18 or over; and
- (b) the part of the club premises are premises for which a children's certificate is in force; and
- (c) where the premises contain a bar, the person under the age of 18 is seated at a table away from the bar; and
- (d) the certificate is operational or paragraph (5) applies.

(5) This paragraph applies where—

- (a) the person under the age of 18, or a person in whose company he is, is consuming a meal purchased before the certificate ceased to be operational, and
- (b) no more than 30 minutes have elapsed since the certificate ceased to be operational.

(6) A person under the age of 18 shall not be at the bar in a part of club premises for which a children's certificate is in force and the certificate is operational or paragraph (5) applies.

(7) A registered club shall not allow a person under the age of 18 to be at the bar in a part of the club premises for which a children's certificate is in force and the certificate is operational or paragraph (5) applies.

(8) A person shall not cause or procure any person under the age of 18 to go to, or to be at, the bar in a part of club premises for which a children's certificate is in force and the certificate is operational or paragraph (5) applies.

(9) Any person acting in contravention of paragraph (1), (3), (6) or (8) shall be guilty of an offence and shall be liable on summary conviction—

- (a) for a contravention of paragraph (1) or (6), to a fine not exceeding level 3 on the standard scale;
- (b) for a contravention of paragraph (3) or (8), to a fine not exceeding level 4 on the standard scale.

(10) If paragraph (2) or (7) is contravened—

- (a) the registered club; and
- (b) every official 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.

(11) In any proceedings for an offence by reason of a contravention of paragraph (2) or (7) it shall be a defence for a person to prove—

- (a) that he exercised all due diligence to avoid the commission of such an offence; or
- (b) that he had no reason to suspect that the person under the age of 18 had not attained that age.

(12) Where a person under the age of 18 represents himself to be the age of 18 or over 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.

(13) 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 9 in the evening; or
- (b) a person who has attained the age which is the upper limit of compulsory school age and is—
 - (i) employed by the registered club under a contract in writing; or
 - (ii) receiving training under a scheme approved by the Department of Economic Development; or
 - (iii) engaged in a placement scheme as part of a further or higher education course;
- (c) 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.

(14) Where a person under the age of 18 who is found in any part of sporting club premises as mentioned in paragraph (1) after 9 in the evening is employed by, or in training or placement with, the registered club, that person or the secretary of the club shall, at the request of a constable, produce the written contract or other proof of training or placement within 7 days of the request to, or in accordance with the reasonable directions of, the constable for examination, and if it is not so produced that person or, as the case may be, the registered club shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Children's certificates

33.—(1) In respect of premises which are or include premises to which Article 32(1) applies,—

- (a) a county court which grants the registration of a club, on the application of the secretary of the club, or
- (b) a court of summary jurisdiction, at any time, upon the application of the secretary of a registered club made in compliance with the procedure set out in Schedule 5,

may grant a children's certificate in respect of any part of the premises to which Article 32(1) applies.

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(2) A court shall refuse an application for the grant of a children's certificate unless it is satisfied that—

- (a) the part of the premises to which the application relates constitutes an environment in which it is suitable for a person under the age of 18 to be present; and
- (b) meals and suitable beverages other than intoxicating liquor (including drinking water) will also be made available for consumption in that part when the certificate is operational; and
- (c) that part is equipped and furnished with an adequate number of tables and chairs; and
- (d) any conditions prescribed for the purposes of this Article have been complied with.

(3) Subject to paragraph (4), a children's certificate shall be operational at any time up to 9 in the evening.

(4) A court which grants a children's certificate may, on the application of the secretary of the registered club, by order direct that, on such day or days as may be specified in the order, the time when the certificate ceases to be operational shall be such earlier time as may be so specified.

(5) Where a children's certificate is in force for any part of club premises the registered club shall keep displayed in some conspicuous place in that part a notice which—

- (a) states that a children's certificate is in force for that part; and
- (b) explains the effect of the certificate and of the conditions under paragraph (2) or Article 32(4) which extend to it.

(6) Where paragraph (5) is contravened—

- (a) the registered club; and
- (b) every official 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 1 on the standard scale.

(7) In any proceedings for an offence by reason of a contravention of paragraph (5) it shall be a defence for a person to prove that he exercised all due diligence to avoid the commission of such an offence.

(8) A children's certificate may be revoked by a court of summary jurisdiction on the application of the secretary of the registered club.

(9) Where, upon complaint made under Part VIII of the Magistrates' Courts (Northern Ireland) Order 1981, a court of summary jurisdiction is satisfied—

- (a) that the part of the premises for which a children's certificate is in force does not constitute an environment in which it is suitable for a person under the age of 18 to be present; or
- (b) in the case of a complaint made by the sub-divisional commander of the police sub-division in which the premises are situated, that any condition specified in paragraph (2)(b) to (d) or in Article 32(4) is not being complied with,

the court may—

- (i) revoke the children's certificate; or
- (ii) revoke any order under paragraph (4) which relates to the certificate; or
- (iii) modify, in relation to the certificate, the time mentioned in paragraph (3) or in any order under paragraph (4) which relates to the certificate.

(10) A children's certificate shall be in such form as may be prescribed.

Supply, etc., of intoxicating liquor to young persons

34.—(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 official 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) that he exercised all due diligence to avoid the commission of such an offence; or
- (b) that he had no reason to suspect that the person under the age of 18 had not attained that age.

Preservation of order

Drunkenness in registered clubs

- 35.**—(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 official 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 he exercised all due diligence to avoid the commission of such an offence.

(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.

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Procuring drink for drunken person

36.—(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 clubs

37.—(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

Restrictions on advertisements relating to functions in registered clubs

38.—(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 this paragraph is contravened—

- (a) the registered club; and
- (b) every official 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 he exercised all due diligence to avoid the commission of such an offence; 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.

39.—(1) Notwithstanding paragraphs 12 and 14 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, an official of the club being visited may enter in the book required to be kept by that paragraph 12 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 an official 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 11 of Schedule 1.

Accounts of registered clubs, etc.

40.—(1) Every registered club and every club which has served a notice under paragraph 1(1) (a) of Schedule 2 shall—

- (a) keep such vouchers with respect to its transactions and its assets and liabilities, and in such manner, as may be prescribed, and
- (b) establish and maintain a prescribed system of control of its accounts, its cash holdings and all its receipts and remittances, and
- (c) prepare an annual statement of accounts in such form and containing such particulars as may be prescribed, and
- (d) cause those accounts to be audited by such person (“the auditor”), and in such manner, as may be prescribed, and
- (e) on being required by the auditor, produce any record or voucher and any other information or explanation which appears to the auditor to relate to those accounts and which the auditor requires to inspect, and
- (f) send a copy of those accounts and the auditor's report thereon to the sub-divisional commander of the police sub-division in which the premises of the club are situated within 3 months of the end of the financial year of the club to which they relate, and
- (g) on the demand of any member of the club, send a summary of those accounts and the auditor's report thereon to that member, free of charge, as soon as they become available, and

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- (h) cause a summary of those accounts and auditor's report thereon to be displayed, for a period of 4 weeks ending on the date of the annual general meeting, in a conspicuous part of the premises of the club which is accessible to all members, and
 - (i) keep all original vouchers, books, accounts, reports and other documents which the club is required to keep under the provisions of this Order for a period of 6 years from the date of the auditor's report on the accounts to which they relate, and
 - (j) notify, in writing, the sub-divisional commander mentioned in sub-paragraph (f) of the address or addresses at which the vouchers, books, accounts, reports and other documents to which sub-paragraph (i) applies are kept.
- (2) If paragraph (1) is contravened—
- (a) the registered club; and
 - (b) every official 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 5 on the standard scale.

(3) In any proceedings for an offence under paragraph (1) it shall be a defence for a person to prove that he exercised all due diligence to avoid the commission of such an offence.

Notification of alteration of rules, etc., of registered clubs

41.—(1) Where any alteration is made in the rules or to the committee of management or the governing body of a registered club, the secretary of the club shall, within 14 days of the alteration, serve a notice giving particulars of the alteration upon—

- (a) the clerk of petty sessions for the petty sessions district in which the premises of the registered club are situated; and
- (b) 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), summary proceedings for an offence under this Article may be brought at any time within 6 months from the date on which evidence, sufficient in the opinion of the Director of Public Prosecutions for Northern Ireland to justify the proceedings, comes to his knowledge; but no such proceedings shall be brought by virtue of this paragraph more than 3 years after the commission of the offence.

(4) For the purposes of paragraph (3), a certificate of the Director of Public Prosecutions as to the date on which such evidence as is referred to in paragraph (3) came to his knowledge is conclusive evidence.

PART V

MISCELLANEOUS

Inspection and rights of entry

Provision for inspection and rights of entry

42.—(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)(a) 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 3(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 or any premises mentioned in Article 3(2) and —
 - (i) inspect the premises;
 - (ii) inspect any book or document which appears to the constable to relate 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 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 appears to the constable to relate 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;
- then,—
- (i) in the case of a registered club, every official 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,
 - (ii) in any other case, the person contravening and, in the case of a contravention such as is mentioned in sub-paragraph (c) or (d), every official or member of the 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 and to search the premises.
 - (4) Any constable who enters any premises under the authority of a warrant issued under paragraph (3) may—

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- (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) 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 such information, books or documents relating to that club of any description as may be 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) in the case of a club which is a registered club, the registered club and every official of the club at the time of the contravention; and
- (b) in the case of a club which is not a registered club, the person contravening and every official and member of the 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.

Legal proceedings

Penalty points to be attributed to an offence

43.—(1) Where a registered club or any official of a registered club is convicted of an offence under a provision of this Order specified in column 1 of Schedule 6 (the general nature of which offence is indicated in column 2) then, subject to the following provisions of this Article, the number of penalty points to be attributed to the offence is—

- (a) the number shown in relation to the offence in column 3 of Schedule 6, or
- (b) where a range of numbers is shown, a number within that range.

(2) Where a registered club or any official of a registered club is convicted (whether on the same occasion or not) of 2 or more offences committed on the same occasion, the total number of penalty points to be attributed to them is the number or highest number that would be attributed on a conviction of one of them (so that if the convictions are on different occasions the number of penalty points to be attributed to the offences on the later occasion or occasions shall be restricted accordingly).

(3) In a case where (apart from this paragraph) paragraph (2) would apply to 2 or more offences, the court may if it thinks fit determine that that paragraph shall not apply to the offences (or, where 3 or more offences are concerned, to any one or more of them).

(4) Where a court makes such a determination it shall state the reasons for the determination in the order of the court.

(5) The Department may, by order made subject to affirmative resolution, alter a number or range of numbers shown in relation to an offence in column 3 of Schedule 6 (by substituting one number or range for another, a number for a range, or a range for a number).

Endorsement of certificates of registration

44.—(1) Where a registered club or any official of a registered club is convicted of an offence under a provision of this Order specified in column 1 of Schedule 6, the court shall order there to be endorsed on the certificate of registration issued on the registered club particulars of the conviction and also—

- (a) particulars of the offence, including the date when it was committed, and
- (b) subject to paragraph (2), the penalty points to be attributed to the offence.

(2) A court shall not order penalty points attributed to an offence to be endorsed on the certificate of registration of a registered club if, in any proceedings for the offence,—

- (a) in the case of the registered club, every official of the club at the time of the offence, or
- (b) in any other case, the person convicted of the offence,

proves that he exercised due diligence to avoid the commission of such an offence.

(3) A court which orders the endorsement of a certificate of registration of a registered club under paragraph (1) shall order the secretary of the club to deliver the certificate of registration to the clerk of the court within a period specified in the order of the court and if the secretary of the registered club 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.

Cancellation of registration for repeated offences

45.—(1) Where a registered club or any official of a registered club is convicted of an offence under a provision of this Order specified in column 1 of Schedule 6, the penalty points to be taken into account on that occasion are (subject to paragraph (2))—

- (a) any that are to be attributed to the offence or offences in respect of which the club or, as the case may be, the official is convicted, and
- (b) any that were on a previous occasion ordered to be endorsed on the certificate of registration issued to the registered club;

and where the penalty points so taken into account number 10 or more, the court shall, unless satisfied that by reason of extenuating circumstances in connection with the offence or offences the registration of the club ought not to be cancelled, cancel the registration of the club.

(2) If any of the offences was committed more than 3 years before another, the penalty in respect of that offence shall not be added to those in respect of the other.

(3) Where the court refuses to cancel the registration of a club it shall specify in its order the reasons for its refusal.

Disqualification of premises on conviction of offence

46.—(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 a period of 2 years from the date on which the order takes effect or, if the court thinks fit, such greater period not exceeding 5 years 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—

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- (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.

Proof of consumption of intoxicating liquor

47.—(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

48.—(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

49.—(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 15 or 46 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 secretary of the club 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.

Proceedings against clubs

50.—(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.

Supplemental

Exemptions

51. Nothing in this Order shall apply to the supply or consumption of intoxicating liquor to or in any club in which the supply of intoxicating liquor is carried on under the authority of the Secretary of State or the^{F2} Policing Board] or to or in any authorised mess of members of Her Majesty's naval, military or air forces.

F2 2000 c. 32

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

52.—(1) The provisions of Schedule 2 may be modified by county court rules and the provisions of Schedules 3, 4 and 5 may be modified by magistrates' courts rules, and any rules made under this paragraph may make consequential modifications of this Order.

Para. (2)—Amendments

(3) The transitional and saving provisions in Schedule 8 shall have effect for the purposes of this Order.

Para. (4)—Repeals

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SCHEDULES

SCHEDULE 1

Articles 4, 5, 8 and 31.

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 address 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 an interval of not less than 2 weeks shall elapse between the nomination and election of ordinary members.

5. All 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 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 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 the year.

10. 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.

11. The same person, except where that person is a parent,^{F3} spouse, civil partner] 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.

F3 2004 c. 33

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

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13. A person, on payment of a fee to a sporting club in respect of any day may use, on that day, such facilities as the management committee or governing body of the club may determine and paragraph 12 shall not apply to that person in respect of that day.

14. 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 shall not be supplied with intoxicating liquor in the club premises unless upon invitation and in the company of a member.

15. No official, 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.

16. 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.

17. 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.

18. Intoxicating liquor shall not be supplied for consumption outside the premises of the club.

19. The date of the end of the financial year of the club.

SCHEDULE 2

Articles 5, 42 and 52.

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) subject to sub-paragraph (2), not less than 1 year 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—

(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;

(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)(i) and the district council mentioned in head (a)(ii);

(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) 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)(a) or (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 officials and members, its objects and activities, its accounts and financial standing as may be required by regulations.

Status: Point in time view as at 01/01/2006.

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3. The sub-divisional commander mentioned in paragraph 1(1)(a)(i), the district council mentioned in paragraph 1(1)(a)(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 registration is sought may appear at the hearing of the application and object to the grant of registration of the club on any ground mentioned in Article 5(5) and (6).

4. A person intending to object under paragraph 3 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 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.

5. The secretary of a club which intends to make an application for a children's certificate at the same time as the application for the grant of registration shall include in the notices mentioned in paragraph 1 notice of the application for the children's certificate.

SCHEDULE 3

Articles 7, 8, 9, 42, 52.

APPLICATIONS FOR THE RENEWAL OF REGISTRATION

PART I

GENERAL PROCEDURE

1. The Department shall, during the month of January in each year, cause notice that registrations which expire on 31st March in that year are due for renewal during the month of March to be published at least once in 2 newspapers circulating throughout Northern Ireland.

2. The clerk of petty sessions for each petty sessions district shall, not less than 6 weeks before the renewal date, cause notice of that date and of the provisions of paragraph 6 to be published in 2 newspapers circulating in that district.

3. 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 for the petty sessions district in which the premises of the club are situated 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.

4.—(1) The notices mentioned in paragraph 3 shall be in such form and shall contain such information as may be prescribed by magistrates' courts rules.

(2) The applicant shall attach to the notice mentioned in paragraph 3(b) 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 officials and members, its objects and activities, its accounts and financial standing as may be required by regulations.

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5. The sub-divisional commander mentioned in paragraph 3(b)(i), the district council mentioned in paragraph 3(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 may appear at the hearing of the application and object to the renewal of registration on any ground mentioned in Article 8(3) and (4).

6. A person intending to object under paragraph 5 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.

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

PART II

PROCEDURE FOR RENEWALS OUT OF TIME

8. Part I shall apply in relation to an application under Article 9 for the renewal of the registration of a club as if—

- (a) paragraphs 1 and 2 were omitted;
- (b) in paragraphs 3, 6 and 7 references to the renewal date were references to the time of the court sitting at which the application is to be made.

SCHEDULE 4

Articles 12, 52.

APPLICATIONS FOR AUTHORISATIONS OF CONTINUANCE OF CLUBS IN TEMPORARY PREMISES

1. In this Schedule “application” means an application for an order authorising the continuance of a registered club in premises other than those specified in the certificate of registration.

2. The secretary of a club which intends to make an application shall, not less than 4 days before the time of the court sitting at which the application is to be made, serve notice of the application upon the clerk of petty sessions and at the same time serve a copy of the notice upon the sub-divisional commander of the police sub-division in which the premises to which the application relates are situated.

3. The notice mentioned in paragraph 2 shall specify the premises to which the application relates and shall be in such form and shall contain such other information as may be prescribed by magistrates' courts rules.

4. The sub-divisional commander upon whom notice is required by paragraph 2 to be served may appear at the hearing of the application and object to the making of the authorisation of the continuation of the club in the premises in question.

5. The court may consider the application, notwithstanding that the procedure set out in this Schedule has not been complied with if, having regard to the circumstances, it is reasonable to do so.

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SCHEDULE 5

Articles 33 and 52.

APPLICATIONS FOR CHILDREN'S CERTIFICATES

1. In this Schedule “application” means an application for a children's certificate.
2. The secretary of a club which intends to make an application shall, not less than 3 weeks before the time of the court sitting at which the application is to be made, serve notice of the application upon the clerk of petty sessions 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 to which the application relates are situated; and
 - (b) the district council for the district in which the premises to which the application relates are situated.
3. The notice mentioned in paragraph 2 shall be in such form and shall contain such information as may be prescribed by magistrates' courts rules.
4. The sub-divisional commander mentioned in paragraph 2(a), the district council mentioned in paragraph 2(b) or any person owning or residing in, premises in the vicinity of the premises to which the application relates may appear at the hearing of the application and object to the grant of the certificate on any ground mentioned in Article 33(2).
5. A person intending to object under paragraph 4 shall, not less than 1 week before the time of the court sitting 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; and
 - (b) serve a copy of the notice upon the clerk of petty sessions.
6. The court may consider the application, notwithstanding that the procedure set out in this Schedule has not been complied with if, having regard to the circumstances, it is reasonable to do so.

SCHEDULE 6

Articles 43, 44 and 45.

TABLE OF OFFENCES WITH PENALTY POINTS

<i>Article of Order</i>	<i>General nature of offence</i>	<i>Penalty point</i>
40	Failure to comply with requirements to—	5-10
	(1) Keep proper vouchers	
	(2) Establish and maintain a satisfactory system of control	5-10
	(3) Prepare annual accounts	5-10
	(4) Have accounts audited	10
	(5) Produce required records, etc., to auditor	5-10
	(6) Provide copy of accounts to sub-divisional commander	5-10
	(7) Provide summary of accounts to members	5-10

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	(8) Displaying accounts for 5-10 4 weeks
	(9) Retain records for 6 5-10 years
	(10) Notify addresses at 5-10 which records are kept
42(2)	Failure to admit constable or 4 produce books and records, etc.
42(6)	Failure to comply with written 4 notice to produce books, etc.
44(3)	Failure to deliver certificate of 4 registration to clerk of court for endorsement

Schedule 7—Amendments

SCHEDULE 8

Article 52(3)

TRANSITIONAL PROVISIONS AND SAVINGS

PART I

TRANSITIONAL PROVISIONS

1. Notwithstanding the repeal of Articles 7(2) and 10(1) of the Registration of Clubs (Northern Ireland) Order 1987 by Article 52(4) and Schedule 9, those Articles shall continue to have effect in relation to registrations granted or renewed before this Order came into operation as if for 31st January there were substituted 31st March.

2.—(1) Where, before the date on which this Order comes into operation, a notice of application under paragraph 1(1)(a) of Schedule 2 to the Registration of Clubs (Northern Ireland) Order 1987 has been served by the secretary of a club which intends to make application for the grant of registration, that notice shall be deemed to have been served under paragraph 1(1)(a) of Schedule 2 to this Order and—

- (a) in a case where that notice was served more than 1 year before that date, if, at the time of the opening of the court sittings at which the application is to be made; or
- (b) in a case where that notice was served less than 1 year before that date, if—
 - (i) not more than 8 weeks from that date; or
 - (ii) at the time of the opening of the court sittings at which the application is to be made; whichever first occurs,

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the rules of the club contain the provisions specified in paragraphs 1 to 13 and 19 of Schedule 1, the secretary of the club may make an application under Article 5 for registration of the club.

(2) Nothing in sub-paragraph (1) shall apply Article 40, in so far as it relates to a club which has served a notice under paragraph 1(1)(a) of Schedule 2, to any such club before this Order comes into operation.

PART II

SAVINGS

3. References in any document (whether express or implied) to any statutory provision repealed by this Order or by the Registration of Clubs (Northern Ireland) Order 1987 or by the Registration of Clubs Act (Northern Ireland) 1967 shall, except where the context otherwise requires, be construed as, or as including, references to this Order or to the corresponding provision of this Order.

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

Schedule 9—Repeals

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

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