
STATUTORY INSTRUMENTS

1996 No. 3159

The Registration of Clubs (Northern Ireland) Order 1996

PART IV

CONDUCT OF REGISTERED CLUBS

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;
 in a part of sporting club premises as mentioned in paragraph (1) during the part of the permitted hours after 9 in the evening; or
- (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.

(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.