
STATUTORY INSTRUMENTS

1996 No. 3159

The Registration of Clubs (Northern Ireland) Order 1996

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.

(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;
 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.

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.

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 c 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
- (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 notify, in writing, the sub-divisional commander mentioned
- (j) 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.