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STATUTORY INSTRUMENTS

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**1996 No. 3159**

**The Registration of Clubs (Northern Ireland) Order 1996**

**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—

- (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—

- (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 Police Authority for Northern Ireland or to or in any authorised mess of members of Her Majesty's naval, military or air forces.

### **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.

(2) The statutory provisions set out in Schedule 7 shall have effect subject to the amendments specified in that Schedule.

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

(4) The statutory provisions set out in Schedule 9 are hereby repealed to the extent specified in column 3 of that Schedule.