

*These notes refer to the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c.7) which received Royal Assent on 26 August 2021*

# Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 2

#### Registration of Clubs

##### *Section 28: Sporting clubs*

This section introduces new Article 15A in the Clubs Order (Extension authorisations for sporting clubs) to allow police to authorise a sporting club to extend the area of its premises which is registered to supply intoxicating liquor for the purpose of holding a function.

The extended area will be treated as part of the registered premises and therefore the function will be subject to the conditions set out in Article 30 (Functions in registered clubs). A sporting club will be able to apply for a police authorisation up to 6 times in any year. Only in exceptional circumstances, determined by the PSNI, should an authorisation last for more than 1 day.

The Department has a power to make regulations to change the number of authorisations the police may make in any year to any club. The regulations cannot come into operation unless and until approved by the Assembly.

##### *Section 29: Consent required for alterations to premises*

This section introduces a new Article 12A to the Clubs Order (Consent required for certain alterations to premises). The provision requires a registered club to obtain the consent of a court before making certain specified alterations to its premises, as is already the case for licensed premises under the provisions of the Licensing Order. The procedure for applications for consent under Article 12A is set out in a new Schedule 4A.

Paragraph (6) of the new Article 12A adds an offence (punishable by a fine up to £500) for failure to comply with an order to make alterations.

Paragraph (7) of the new Article 12A also adds an offence (punishable by a fine up to £5000 or imprisonment up to 6 months or both) for not complying with a court order to restore premises.

***Section 30: Removal of additional restrictions at Easter***

This section amends Article 24 (general permitted hours), Article 25 (consumption of liquor after permitted hours) and Article 26 (authorisations for special occasions) of the Clubs Order to remove all Easter restrictions, bringing the hours available into line with those available on weekdays during the rest of the year. This corresponds with changes made for licensed premises in section 1 of the Act.

***Section 31: Removal of restrictions on late opening on Sunday***

This section amends Article 24 (general permitted hours) and Article 26 (authorisations for special occasions) of the Clubs Order and removes the restrictions on late night permitted hours on a Sunday (currently restricted to 10pm and 12 midnight respectively) for registered clubs. This brings the permitted hours on any Sunday into line with those permitted on any other day (i.e. 11pm, other than Christmas Day, and 1am of the next day for special occasions).

***Section 32: Extension of “drinking-up time”***

This section amends Article 25 of the Clubs Order (consumption after permitted hours of liquor supplied during those hours) to create similar provisions for the duration of the “drinking-up time” in private members’ clubs to those set out in section 6 of the Act in relation to licensed premises.

***Section 33: Increase in number of authorisations for special occasions***

This section amends Article 26 of the Clubs Order (authorisation for special occasions) to increase the number of authorisations which can be granted by the police to any club in any year from 85 to 104.

Subsection (2) inserts new paragraphs (2A) and (2B) in Article 25 to give the Department the power to modify by regulations, subject to Assembly approval, the number of authorisations which can be granted for the time specified.

Subsection (3) inserts new paragraphs (5) to (9) in Article 26 to require a person applying for an authorisation under this Article, to display a notice of the application on or near the club premises for which the authorisation is sought during the three weeks before the first occasion to which the application relates. A copy of the notice must also be served on the district council. There is provision for complaints to be made to the courts where undue inconvenience is caused to local residents as a result of a late night authorisation. Courts are given the power to revoke an authorisation, modify the hours of an authorisation, or make an authorisation subject to such terms and conditions as it thinks fit,

including any which may be requested by the district commander of the police of the district in which the club premises are situated.

***Section 34: Major events***

This section introduces a new Article 26A to the Clubs Order (Extension of permitted hours for major events). The provisions in Article 26A correspond to those set out for major events in section 7 of the Act.

***Section 35: Removal of requirement for children's certificate, etc.***

This section repeals Article 33 of and Schedule 5 to the Clubs Order (children's certificates) and amends Article 32 of the Clubs Order (young persons prohibited from bars) to create similar provisions for safeguarding young people who are present in club premises from the dangers of intoxicating liquor to those provided for licensed premises in section 13 of the Act.

***Section 36: Underage functions***

This section introduces new Article 32A in the Clubs Order (Authorisations for underage functions). The provisions in Article 32A for police authorisations if an underage function is taking place in club premises correspond to those set out for court authorisations for licensed premises in section 14 of the Act.

Subsection (4) inserts paragraph (7A) in Article 106 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (use of gaming machines in registered clubs). This paragraph makes it an offence for gaming machines to be made available in any part of club premises in which an underage function is being held.

***Section 37: Private functions***

This section amends Article 32 of the Clubs Order (young persons prohibited from bars) to introduce new paragraph (3A) to correspond to those provisions set out in section 15 of the Act and will allow young people to remain in the bar area of a registered club, provided certain conditions are met.

***Section 38: Young people prohibited from bars***

This section amends Article 32 of the Clubs Order (young persons prohibited from bars). It extends the last time that young people under 18 years of age may be in the bar area of sporting club premises from 10.00pm to 11.00pm during the summer months (1 May to 30 September).

It also introduces a new Article 32(13A) to allow a young person to remain in the bar area until 11.00pm to attend up to three prize-giving ceremonies in a calendar year.

The Department has a power to make regulations to change the months during which this provision applies and the number of prize-giving ceremonies which

can be attended. The regulations cannot come into operation unless and until approved by the Assembly.

***Section 39: Prohibition on self-service and supply by vending machines***

This section introduces new Article 31C in the Clubs Order (prohibition on self-service and sales by vending machines). It mirrors those provisions as set out in section 18 of the Act in respect of licensed premises and prevents the supply of intoxicating liquor not made under direct supervision.

Paragraph (3) of the new Article 31C extends the prohibition to the use of an “honesty box”, whereby persons are trusted to pay for intoxicating liquor by placing money in a container provided for that purpose, or agree to pay for by recording the intoxicating liquor appropriated by a process provided by the club.

***Section 40: Restrictions relating to advertisements***

This section amends Article 38 of the Clubs Order (Restrictions on advertisements relating to functions in clubs) by removing current advertising restrictions (which specifies that unless a function involves a sport, game or physical recreation, it may only be advertised within club premises).

It permits a club to advertise any function outside of club premises where the advertisement clearly states that only members of the club and their guests may attend the function.

However, advertisements relating to functions where the proceeds are devoted to charitable or benevolent purposes will not be subject to such restrictions.

***Section 41: Code of practice***

This section introduces new Article 41K in the Clubs Order (code of practice) to create similar provisions to section 25 (which introduces new Article 76F in the Licensing Order) in relation to allowing the Department to approve a code of practice.