
STATUTORY INSTRUMENTS

1990 No. 594

The Licensing (Northern Ireland) Order 1990

PART II

THE GENERAL LICENSING SYSTEM

Renewal of licences

Powers of court hearing applications for renewal

16.—(1) Subject to paragraph (2), where an application for the renewal of a licence is made to a court of summary jurisdiction, the court, after hearing the objections, if any, made under Schedule 4,

- (a) if the application was duly made, may renew the licence, or
- (b) may refuse to renew the licence.

(2) Without prejudice to its power to refuse to renew a licence on any ground, a court shall not renew a licence for any premises unless it is satisfied—

- (a) that the applicant is a fit person to hold a licence; and
- (b) subject to Article 19(3),—
 - (i) that the kind of premises specified in the application is that for which the licence was granted and the premises are of the kind so specified; and
 - (ii) either that the premises are suitable to be licensed for the sale of intoxicating liquor by retail or, if they are not suitable, that they will be made suitable in consequence of an order under paragraph (6); and
- (c) that, having regard to the manner in which the business carried on in the premises under the licence has been conducted since the last previous renewal of the licence (or, where the renewal applied for is the first renewal of the licence, since the licence was granted), it is likely that, if the licence is renewed, the business will be conducted in a peaceable and orderly manner; and
- (d) subject to Article 19(3), that—
 - (i) the business carried on in the premises under the licence, and
 - (ii) in the case of premises of a kind mentioned in Article 6(1)(c) to (g) other than an hotel in respect of which the note and record mentioned in Article 6(5)(a) have been made, the business to which the sale of intoxicating liquor under the licence is ancillary, has not been discontinued; and
- (e) where the licence is in respect of premises of a kind mentioned in Article 6(1)(e), that the conditions attached to the licence by the court under Article 8(8) have been observed.

(3) For the purposes of paragraph (2)(d)(i) a business shall be deemed not to have been discontinued if its conduct has been interrupted by reason only of the suspension of the licence.

(4) A court which renews a licence in respect of premises of a kind mentioned in Article 6(1)(a), on the application of the holder of the licence—

- (a) where a direction has not been given under Article 8(7), shall give such a direction; or
- (b) shall cancel a direction given under sub-paragraph (a) or Article 8(7).

(5) A court which renews a licence for any premises which are licensed premises to which regulations under Article 108(1)(b) of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985(1) apply may—

- (a) where a direction has not been given under Article 8(9) in respect of the licensed premises, on an application by the sub-divisional commander of the police sub-division in which the licensed premises are situated, give such a direction; or
- (b) on an application by the sub-divisional commander mentioned in sub-paragraph (a), vary a direction given under sub-paragraph (a) or Article 8(9); or
- (c) on an application by the holder of the licence, vary or cancel a direction given under sub-paragraph (a) or Article 8(9).

(6) Article 9 shall apply on the renewal of a licence as it applies on the grant of a licence with the substitution—

- (a) for any reference to the court granting a licence of a reference to a court renewing a licence; and
- (b) for the reference in paragraph (2) to the person whose name has been notified to the court as the owner of the premises of a reference to the person whose name is recorded in the register of licences as the owner of the premises.

(7) Where the court refuses an application for the renewal of a licence or for the variation or cancellation of a direction under paragraph (5), it shall specify in its order the reasons for its refusal.

(8) Where the court gives or cancels a direction under paragraph (4) or (5) or varies a direction under paragraph (5) the clerk of petty sessions shall note the direction, cancellation or variation, as the case may require, on the licence.