
STATUTORY INSTRUMENTS

1990 No. 594

The Licensing (Northern Ireland) Order 1990

PART II

THE GENERAL LICENSING SYSTEM

Transfer of licences

Powers of court on applications for transfer

24.—(1) Subject to paragraph (2), where an application is made for the transfer of a licence the court, after hearing the objections, if any, made under Schedule 5,—

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

(2) Without prejudice to its power to refuse to transfer a licence on any ground, a court shall not transfer 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 paragraph (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.

(3) Paragraph (2)(b) shall not apply to the transfer of a licence which is provisionally granted.

(4) For the purposes of paragraph (2)(b)(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.

(5) Where the licence is transferred, the clerk of petty sessions shall note the transfer on the licence.

(6) Where the court refuses to transfer a licence, it shall specify in its order the reasons for its refusal.