

## SCHEDULES

### SCHEDULE 4

Articles 15(2), 16(1), 17, 25(3), 90(1).

#### APPLICATIONS FOR THE RENEWAL OF LICENCES

### PART I

#### GENERAL PROCEDURE

1. The Department shall, during the month of July in each year, cause notice that licences are due for renewal during the month of September to be published at least once in 2 newspapers circulating throughout Northern Ireland.

2. The clerk of petty sessions for each petty sessions district shall, not less than 6 weeks before the renewal date, cause notice of that date and of the provisions of paragraph 6 to be published in 2 newspapers circulating in that district.

3. A person who intends to make an application for the renewal of a licence for any premises shall, not less than 3 weeks before the renewal date, serve notice of the application upon the clerk of petty sessions for the petty sessions district in which the premises are situated and at the same time serve a copy of the notice upon—

- (i) the sub-divisional commander of the police sub-division in which the premises are situated;
- (ii) where the applicant resides in some other police sub-division, upon the sub-divisional commander of that sub-division;
- (iii) the district council for the district in which the premises are situated.

4. The notices mentioned in paragraph 3, shall specify the kind of premises for which the renewal of the licence is sought and shall be in such form and contain such other information as may be prescribed by magistrates' courts rules.

5. A sub-divisional commander upon whom notice is required by paragraph 3 to be served, the district council mentioned in that paragraph or any person owning, or residing or carrying on business in, premises in the vicinity of the premises for which the renewal of the licence is sought shall be entitled to appear at the hearing of the application and to object to the renewal of the licence on any of the following grounds—

- (a) that the applicant is not a fit person to hold a licence; or
- (b) that—
  - (i) the kind of premises specified in the notice is not that for which the licence was granted or the premises are not of the kind so specified; or
  - (ii) the premises are not suitable to be licensed for the sale of intoxicating liquor by retail; or
- (c) that the business carried on in the premises under the licence has not been conducted in a peaceable and orderly manner since the previous renewal of the licence or, where the renewal applied for is the first renewal of the licence, since the licence was granted; or

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- (d) that—
    - (i) the business carried on in the premises under the licence, or
    - (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 been discontinued; or
  - (e) in the case of premises for which an order under Article 49 is in force, that the condition mentioned in Article 49(2) has not been, and the requirements of sub-paragraphs (a) and (b) of that paragraph have not continued to be, complied with.
6. A person intending to object under paragraph 5 shall, not less than 1 week before the renewal date,—
- (a) serve upon the applicant notice of his intention to object, briefly stating his grounds for so doing;
  - (b) serve a copy of the notice upon the clerk of petty sessions.
7. Before the renewal date, the applicant shall deposit the licence with the clerk of petty sessions.

## PART II

### PROCEDURE FOR RENEWALS OUT OF TIME

8. Part I shall apply for the purposes of an application under Article 17(1) or 25(1) for the renewal of a licence, subject to the following modifications—
- (a) paragraphs 1 and 2 shall be omitted;
  - (b) in paragraphs 3, 6 and 7 for any reference to the renewal date there shall be substituted a reference to the time of the court sitting at which the application is to be made.
9. Where the application is made under Article 25, the requirements of this Schedule shall be taken to be satisfied if the notices mentioned in paragraphs 3 and 6(a) were served by and upon either the holder of the licence or the person who intends to make application for the transfer.