

1977 No. 200

**MAGISTRATES' COURTS****Magistrates' Courts (Licensing) (Amendment) Rules  
(Northern Ireland) 1977**

*Made* . . . . . 11th July 1977

*Coming into operation* . . . . . 1st September 1977

*To be laid before Parliament*

The Secretary of State(a) in pursuance of section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(b) on the recommendation of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following rules:

*Citation and commencement*

1. These rules may be cited as the Magistrates' Courts (Licensing) (Amendment) Rules (Northern Ireland) 1977 and shall come into operation on 1st September 1977.

*Amendment of the 1975 rules*

2. The provisions of the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1975(c) specified in the first column of the Schedule are amended to the extent specified in the second column thereof.

*Roy Mason*

Northern Ireland Office  
11th July 1977

One of Her Majesty's Principal  
Secretaries of State

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(a) Formerly the Minister of Home Affairs for Northern Ireland: see S.I. 1973/2163 (1973 III, p. 7541)  
(b) 1964 c. 21 (N.I.)  
(c) S.R. 1975 No. 349 (II, p. 1709)

## SCHEDULE

## Amendments to the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1975

<i>Provision amended</i>	<i>Amendment</i>
Rule 4	In rule 4(2) after the words "where the application is under section 29, under section 44(1)(a), 44(2) or section 45" there shall be inserted the words "(except where an order under section 45 is in force in relation to the part of the premises to which the plan relates and no structural alteration to the premises has been made to that part since the licence for the premises was last renewed)".
Part VII	In Part VII immediately under the title "MISCELLANEOUS" there shall be inserted the following rule:  "Costs 12A. Section 164 of the Magistrates' Courts Act (Northern Ireland) 1964 (costs) shall apply to an application under Schedule 4, 5, 6, 7, 8 or 9 to the Act as if any objector to the application were a respondent."
Schedule	In Form 5 in the Schedule after the words "delineated on the plan attached hereto" there shall be inserted the words "[or previously deposited with the clerk of petty sessions]".

## EXPLANATORY NOTE

*(This note is not part of the rules, but is intended to indicate their general purport.)*

These rules amend the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1975 by providing that, where a person applying for the renewal of a licence intends also to make an application under section 45 of the Licensing Act (Northern Ireland) 1971, he need serve on the clerk of petty sessions and the police a plan distinguishing the part of the premises to which the application relates only where no order under the section is in force in relation to the premises and no structural alterations have been made to that part since the licence was last renewed.

A court hearing an application for the renewal or transfer of a licence, for the grant of an occasional licence, for consent to certain alterations to licensed premises or for the grant of an extension licence is given power to order that an objector shall recover costs from the applicant or vice versa.