

**2022 No. 123**

**MAGISTRATES' COURTS**

**PROCEDURE**

**The Magistrates' Courts (Licensing) (Amendment) Rules  
(Northern Ireland) 2022**

*Made* - - - -

*16th March 2022*

*Coming into operation* -

*7th April 2022*

The Magistrates' Courts Rules Committee makes and the Department of Justice, after consultation with the Lady Chief Justice, allows the following Rules in exercise of the powers conferred by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(a)

**Citation and commencement**

1. These Rules may be cited as the Magistrates' Courts (Licensing) (Amendment) Rules (Northern Ireland) 2022 and shall come into operation on 7th April 2022.

**Amendment to the Magistrates' Courts (Licensing Rules) (Northern Ireland) 1997**

2.—(1) The Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997(b) are amended as follows:

(2) In Rule 4(2), for “Article 59 (for a children’s certificate)” substitute “Article 58A (for an order specifying part of the premises as suitable for underage functions)”.

(3) For Part X (Children’s Certificates), substitute—

**“PART X**

**UNDERAGE FUNCTIONS**

**Applications for an order specifying part of the premises as being suitable for underage functions**

13A.—(1) Notice of an application for an order specifying part of the premises as suitable for underage functions, in accordance with Article 58A and paragraphs 2 and 3 of Schedule 9, shall be in Form 20.

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(a) S.I. 1981/1675 (N.I. 26); Article 13 was amended by paragraph 65 of Schedule 5 to the Constitutional Reform Act 2005 (c.4), paragraph 133 of Schedule 18 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976) and paragraph 4 of the Schedule to the Northern Ireland (Miscellaneous Provisions) Act 2014 (c.13).  
(b) S.R. 1997 No. 62 to which the most recent relevant amendments were made by S.R. 2021 No. 339, S.R. 2016 No. 405 and S.R. 2016 No. 303.

(2) Where an application is made for an order specifying part of the premises as suitable for underage functions, the applicant shall attach to the notice in Form 20 served on the clerk of petty sessions, and to the copies required to be served by paragraph 2 of Schedule 9, a plan of the premises distinguishing the part thereof to which the application relates.

(3) Notice of intention to object to the making of an order specifying part of the premises as suitable for underage functions, in accordance with paragraphs 4 and 5 of Schedule 9, shall be in Form 21.

### **Applications for authorisation for underage functions**

**13B.**—(1) A notice of application for an authorisation for underage functions in accordance with Article 58B and paragraphs 2 and 3 of Schedule 10 shall be in Form 20A.

(2) Paragraphs (3), (4) and (7) of Rule 8 shall apply to applications for authorisations for underage functions as they apply to occasional licences, and paragraph 7 of Rule 8 shall, in so applying, have effect as if for the words “the court sitting at which the application is to be made” there were substituted the words “the day on which the application is to be considered”.

(3) Notice of intention to object to the grant of an authorisation for underage functions shall be in Form 20B.”.

(4) In the Schedule—

- (a) for Form 20, substitute Form 20 in Schedule 1 to these Rules;
- (b) after Form 20, insert Forms 20A and 20B as set out in Schedule 2 to these Rules; and
- (c) in Form 21—
  - (i) in the title, for “[Article 59 (grant of a children’s certificate)]” substitute “[Article 58A (order specifying premises as suitable for underage functions)]”;
  - (ii) for “the grant of a children’s certificate under Article 59 of the Licensing (Northern Ireland) Order 1996”, substitute “an order under Article 58A of the Licensing (Northern Ireland) Order 1996 (order specifying premises as being suitable for underage functions)”; and
  - (iii) for note 3(d), substitute “(d) in the case of an application under Article 58A, any of the grounds mentioned in Article 58A(3).”.

*Nigel Broderick  
Ciaran McQuillan  
D Maclam  
E McKenna*

Dated 14th March 2022

In exercise of the powers conferred by Article 13 of the Magistrates’ Courts (Northern Ireland) Order 1981, I allow these Rules.

Sealed with the Official Seal of the Department of Justice on 16th March 2022



*Naomi Long*  
Minister of Justice

“

**Form 20****LICENSING (NORTHERN IRELAND) ORDER 1996**  
(Article 58A, Schedule 9, paragraphs 2 and 3)**Notice of application for an order that part of a licensed premises be specified as suitable for underage functions**

TAKE NOTICE that I [ ] (*full name of applicant*) of [ ] (*full address*), the holder of a licence for premises at [ ] (*full address of premises*) being [premises of a kind mentioned in Article 50(1)(a) of the Licensing (Northern Ireland) Order 1996] [an hotel] [a restaurant] [a conference centre] [a higher education institution] [an indoor arena] [an outdoor stadium] [1], intend to apply at the magistrates' court sitting at [ ] (*place*) on [ ] (*date*) at [ ] (*time*) for an order under Article 58A of the Licensing (Northern Ireland) Order 1996 specifying the part of the premises particularly delineated on the plan attached hereto [2] as being suitable for underage functions, on the grounds that—

(i) the part so delineated is structurally adapted and used or intended to be used for the purpose of having functions held in it;

(ii) appropriate steps have been taken for securing the safety of persons under the age of 18 while attending an underage function in that part of the premises and that it is otherwise suitable for underage functions; and

(iii) suitable arrangements are in place for securing that persons under the age of 18 attending the function do not have access to any other part of the premises which is used for the sale of intoxicating liquor.

Dated this        day of        20

Signature of Applicant/Applicant's Solicitor

To: The clerk of petty sessions at [ ] [3]

Copy to:

(a) the district commander at (*the police district in which the premises to which the application relates are situated*);

(b) the district council at (*district council for the district in which the premises to which the application relates are situated*).

NOTES:

[1] The inapplicable words must be deleted.

[2] The plan referred to must clearly delineate the part of the premises to which the application under Article 58A relates and show how it is adapted for the purposes referred to in paragraph (i) of the notice as well as, as appropriate, any applicable steps referred to in paragraph (ii) and any applicable arrangements referred to in paragraph (iii).

[3] In accordance with Rule 19(2) of the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997, any notice or document served on the clerk of petty sessions shall be endorsed with a note of the mode and date of service of such notice or document on any other person.

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## SCHEDULE 2

Rule 2(3)(b)

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### Form 20A

#### LICENSING (NORTHERN IRELAND) ORDER 1996

(Article 58B, Schedule 10, paragraphs 2 and 3)

#### Notice of application for authorisation to hold an underage function

TAKE NOTICE that I [ ] (*full name of applicant*) of [ ] (*full address*), the holder of a licence for premises at [ ] (*full address of premises*), such premises being [premises of a kind mentioned in Article 5(1)(a) of the Licensing (Northern Ireland) Order 1996] [an hotel] [a restaurant] [a conference centre] [a higher education institution] [an indoor arena] [an outdoor stadium] [1] for which as respects a certain part [or parts] of the premises an order is in force under Article 58A of the Licensing (Northern Ireland) Order 1996, intend to apply at the magistrates' court sitting (or, where Article 58B(3) of the said Order applies, the clerk of petty sessions) [2] at [ ] (*place*) on [ ] (*date*) at [ ] (*time*), for an authorisation under Article 58B of the said Order to hold an underage function on [ ] (*date*) during the hours between [ ] and [ ] in the part of the premises for which the said Article 58A order is in force.

Dated this        day of        20

Signature of Applicant/Applicant's Solicitor

I am satisfied that this is a bona fide application and that the function is one which is suitable, and the premises are eligible, for the grant of an authorisation to hold an underage function.

Signed (PSNI rank) [3]

To: The clerk of petty sessions at [ ] [4]

Copy to:

(a) the district commander at (*the police district in which the premises to which the application relates are situated*);

(b) the district council at (*district council for the district in which the premises to which the application relates are situated*).

Notes:

[1] The inapplicable words must be deleted.

[2] An authorisation for an underage function may be granted by the clerk of petty sessions unless (a) a notice of objection has been served upon the clerk and has not been withdrawn or (b) the clerk is of the opinion for any other reason that the application should be made to the court.

[3] This paragraph should be included in the copy of the notice served on the district commander of the police district in which the premises are situated for completion where he/she does not serve any notice of intention to object to the grant of the licence.

[4] In accordance with Rule 19(2) of the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997, any notice or document served on the clerk of petty sessions shall be endorsed with a note of the mode and date of service of such notice or document on any other person. ”

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## Form 20B

### LICENSING (NORTHERN IRELAND) ORDER 1996 (Article 58B, Schedule 10, paragraphs 4 and 5)

#### Notice of intention to object to the grant of an authorisation for an underage function

TAKE NOTICE that I [ ] (*full name of objector*) of [ ] (*full address*), [being the district commander of the police district] [on behalf of [ ] (*name of district council*)] [1] in which the premises to which the application relates are situated, intend at the hearing of the application of [ ] (*full name of applicant*) of [ ] (*full address of applicant*) for authorisation for an underage function to be held on [ ] (*date*) during the hours between [ ] and [ ] to appear and to object to the granting of the authorisation.

The grounds of objection are as follows— (*state grounds briefly*)

Dated this        day of        20

Signature of Objector/Objector's Solicitor

To: The Applicant

Copy to the clerk of petty sessions at [ ] [2]

Notes:

[1] The inapplicable words must be deleted.

[2] In accordance with Rule 19(2) of the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997, any notice or document served on the clerk of petty sessions shall be endorsed with a note of the mode and date of service of such notice or document on any other person.

”

## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules amend the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997 (S.R. 1997 No. 62) in consequence of amendments made to the Licensing (Northern Ireland) Order 1996 (1996 No. 3158 (N.I. 22)) by the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7) to—

- make provision for the procedure for an application under Article 58A of the 1996 Order for an order specifying part of the premises as being suitable for underage functions;
- make provision for the procedure for an application under Article 58B of the 1996 Order for authorisation to hold an underage function; and
- make amendments consequential to the repeal of Article 59 of the 1996 Order (Children's certificates).

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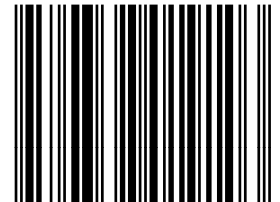
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