

1971. No. 302

[C]

LICENSING

REGULATIONS, DATED 30TH AUGUST 1971, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 33 OF THE LICENSING ACT (NORTHERN IRELAND) 1971.

The Ministry of Home Affairs in exercise of the powers conferred on it by section 33 of the Licensing Act (Northern Ireland) 1971(a) (herein referred to as "the Act") and all other powers thereunto enabling it, hereby makes the following regulations:—

Citation

1. These Regulations shall be cited as the Licensing (Form of Licence) Regulations (Northern Ireland) 1971.

Form of licence for sale of intoxicating liquor

2.—(1) A licence under the Act authorising the sale of intoxicating liquor by retail (other than an occasional licence or an extension licence being in such form as may be prescribed by magistrates' courts rules) shall be in Form 1 in the Schedule.

(2) There shall be entered on the licence such of the entries as are therein set out as relate to the orders made by the court whether upon the grant, transfer or renewal of or otherwise in relation to the licence.

(3) Every entry in the licence shall be verified by the signature of the clerk of the court which made the order and shall state the county court division or as the case may be, the petty sessions district for which the court acted when making the order.

Clerks of the Crown and peace to send copies of newly-granted licence to clerk of petty sessions

3. Where the county court grants a licence, the clerk of the Crown and peace shall for the purposes of section 34(3) of the Act—

- (a) send a copy of the licence as fully completed to the clerk of petty sessions for the petty sessions district in which the newly licensed premises are situated; and
- (b) where a licence is surrendered to the clerk of the Crown and peace under section 5(2)(c)(ii) of the Act, send that licence (duly certified by him as cancelled) to the clerk of petty sessions for the district in which the premises specified in that licence are situated together with Form 2 of the Schedule.

Duplicate licences under section 38 to be issued

4. A clerk of petty sessions shall for the purposes of section 38(2) of the Act issue a duplicate of the licence headed "DUPLICATE" and that duplicate shall be issued and certified in accordance with the provisions of that section.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 30th day of August 1971.

(L.S.)

J. H. Parkes,
Assistant Secretary.

SCHEDULE

FORM 1.

LICENCE FOR THE SALE OF INTOXICATING LIQUOR BY RETAIL

(Licensing Act (Northern Ireland) 1971: Section 3(1))

PART I

KIND OF PREMISES FOR WHICH LICENCE ISSUED

(This Part must be verified in every case by the clerk of the Crown and peace where the licence for the premises was first granted after 3rd May 1971, or on the first renewal of the licence after that date by the clerk of petty sessions for the petty sessions district in which the premises are situated where the licence for the premises was first granted before that date; alternatively the licence must be issued only as provided by section 38 of the Act of 1971 and Rule 4 of the Licensing (Form of Licence) Regulations (Northern Ireland) 1971 where the original licence has been lost or destroyed and only according to the particulars entered on the register of licences).

This licence authorises
(full forenames and surname of licensee, or, where licensee is a body corporate, title of body)
 of *(full residential address, or, where licensee is a body corporate, that of its registered or principal office)*
 to sell intoxicating liquor by retail at *(full address of premises licensed)* being premises of the following kind as specified in section 3(1) of the Licensing Act (Northern Ireland) 1971 (hereinafter referred to as "the Act of 1971"):—

premises in which the only or principal business carried on is the business of selling intoxicating liquor by retail for consumption either in or off the premises

[or premises in which the only or principal business carried on is the business of selling intoxicating liquor by retail for consumption off the premises]

[or an hotel]

[or a restaurant]

[or a place of public entertainment]

[or a refreshment room in public transport premises]

[or a seamen's canteen]

The owner of the premises is

(full names)

of

(full address)

Clerk of the Crown and peace for
 the County Court/Recorder's Court
 for the Division
 of
 [or Clerk of petty sessions for the
 petty sessions district of
 in the County of]

Dated the

day of

19

PART II

PARTICULARS OF APPROVED PLANS AND OTHER DETAILS AS TO GRANT OF LICENCE AFTER 3RD MAY 1971 (OR PARTICULARS TO BE RECORDED BY CLERK ON FIRST RENEWAL AFTER 1ST OCTOBER 1971*, WHERE LICENCE GRANTED BEFORE THAT DATE)

A. For verification by clerk of the Crown and peace only where licence granted after 3rd May 1971.

(For completion according to whether grant provisional or otherwise.)

This licence was granted [provisionally] to [the holder of the licence specified in Part I hereof] [or the housing authority] by the County Court/Recorder's Court sitting at for the Division [of County] on the day of 19 .]

[The plan attached to the notice of application in accordance with Schedule 1 to the Act of 1971 was approved by the court and filed on court file No. pending transmission to the clerk of petty sessions for the petty sessions district in which the premises are situated.]

[Before declaring the provisional grant of the licence final, the court consented to the modification of those plans on the day of 19 and a copy of the modified plan was deposited with the clerk of the Crown and peace on the day of 19 .]

[The grant of this licence to [a person nominated by the said housing authority] was declared final on the day of 19 , the court being satisfied that the premises had been completed in accordance with the said plans [as so modified].]

(For completion where court makes an order under section 6 of the Act.)

[The court in granting this licence ordered that the holder of the licence make the following alterations in the premises before the day of 19 :—

as detailed on plans to be deposited with the clerk of the Crown and peace.

Notice of the last-mentioned order was served on of as owner of the premises in the following manner:— on the day of 19 .]

(For completion only where the licence is granted for premises mentioned in section 3(1)(a) or (b) of the Act.)

Before this licence was issued, the licence (particulars of which are set out below) being a subsisting licence within the meaning of paragraph 1 of Schedule 2 to the Act of 1971 [or treated as a subsisting licence under paragraph 2 of Schedule 2 to the Act of 1971] was surrendered to the court in accordance with section 5(2)(c)(ii) of that Act:—

Address of premises on surrendered licence.

Name of licensee on surrendered licence.

Kind of licence.

*See S.R. & O. (N.I.) 1971, No. 227.

Petty sessions district in which premises on surrendered licence situated and date on which that licence was sent to the clerk of petty sessions for that district [or NO subsisting licence was surrendered under section 5(2)(c)(ii) of the Act of 1971 because [the premises for which this licence is granted are situated [on an approved site and are of a kind specified for that site in a declaration of the County Court for the division of under section 8 of the Act of 1971 made on the day of. 19] [in an area designated by an order under the New Towns Act (Northern Ireland) 1965 in the circumstances specified in section 5(4)(a) of the Act of 1971]] [or within the period of five years immediately preceding the date of the application upon which this licence was granted, a previous licence was in force for the premises licensed under the circumstances specified in section 5(4)(b) of the Act of 1971].]

Dated this day of 19

Clerk of the Crown and peace
for the County Court Division
of

B. For completion by clerk of petty sessions only where licence granted before 3rd May 1971, upon the occasion of the first renewal of the licence after 1st October 1971*.

(For completion in every such case for the purpose of registering the plan attached to the notice of application for renewal of the licence in accordance with paragraph 6 of Schedule 11 to the Act of 1971.)

This licence is renewed for the sale of intoxicating liquor in the part or parts of the premises delineated on the plan [according to the nature of the area of the hotel as therein set out] which is annexed to the register of licences for the petty sessions district in relation to entry No. dated the day of 19 and recorded in accordance with section 34 of the Act of 1971.

(For completion only where licence renewed is for the hotel premises mentioned in paragraph 7 of Schedule 11 to the Act of 1971.)

[For the purposes of paragraph 7 of Schedule 11 to the Act of 1971, it is hereby noted that the licence for the premises specified in this licence as being of the kind mentioned in section 3(1)(c) of the Act was granted [before 31st July 1902] [or between 30th July 1902 and 3rd May 1971, otherwise than under section 2(2) of the Licensing (Ireland) Act 1902 or section 9(a)(ii) of the Intoxicating Liquor Act (Northern Ireland) 1923] and hence the conditions specified in section 3(3)(a) or (b) of the Act of 1971 do not apply to the sale of intoxicating liquor under this licence.]

Clerk of petty sessions for the
Petty Sessions District of in the County
[Borough] of

*See S.R. & O. (N.I.) 1971, No. 227.

PART III

ORDERS MADE IN RELATION TO THE PREMISES AS TO SUITABILITY FOR
EXTENSION LICENCES, ALTERNATIVE OR ADDITIONAL
PERMITTED HOURS, ETC.

A. For verification by clerk of the Crown and peace or clerk of petty sessions where order made under section 29 for premises specified in section 3(1)(a).

The court in [granting] [declaring final the grant of] [renewing] this licence on the _____ day of _____ 19____ by order specified the following part(s) of the premises as suitable for functions such as are mentioned in section 49(6) of the Act; namely—

and which [is] [are] particularly delineated on the plans referred to in Part II of this licence.

B. For verification by clerk of the Crown and peace or clerk of petty sessions where order made under section 44 for part of premises specified in section 3(1)(a).

The court in [granting] [declaring final the grant of] [renewing] this licence on the _____ day of _____ 19____ inserted the condition that the following part of the premises shall not be used for the sale of intoxicating liquor for consumption in the premises; namely—

and which is particularly delineated on the plans referred to in Part II of this licence.

The court further by its order directed that the permitted hours for that part of the premises shall be the hours on weekdays, other than Christmas Day, between 9.30 a.m. and 9 p.m.

C. For verification by clerk of the Crown and peace or clerk of petty sessions where order made under section 44 for premises specified in section 3(1)(b).

The court in [granting] [declaring final the grant of] [renewing] this licence on the _____ day of _____ 19____ by order directed that the permitted hours for the premises shall be the hours on weekdays, other than Christmas Day, between 9.30 a.m. and 9 p.m.

D. For verification by clerk of the Crown and peace or clerk of petty sessions where order made under section 45 for premises specified in section 3(1)(c) (hotel).

The court in [granting] [declaring final the grant of] [renewing] this licence on the _____ day of _____ 19____ by order directed that on the following days; namely—

(specify applicable weekdays)

other than on Christmas Day or Good Friday, during the period from the _____ day of _____ 19____ until the _____ day of _____ 19____ in the part(s) of the hotel specified below, the hours from 11 p.m. to 1.30 a.m. on the day next following shall in addition to the hours mentioned in sections 42 and 43 of the Act, but subject to the condition mentioned below, be included in the permitted hours for the hotel.

The part(s) specified by the order is [or are] as follows:—

and which is [or are] particularly delineated on the plans referred to in Part II of this licence.

The afore-mentioned condition is that the part(s) so specified shall not be used for the sale of intoxicating liquor for consumption off the premises during the hours from 11 p.m. of any day above specified to 1.30 a.m. of the day next following.

E. For verification by clerk of the Crown and peace or clerk of petty sessions where order made under section 45 for premises specified in section 3(1)(d) (restaurant).

The court in [granting] [declaring final] the grant of] [renewing] this licence on the day of 19 by order directed that on the following days; namely—

(specify applicable weekdays)
other than on Christmas Day or Good Friday, during the period from the day of 19 until the day of 19 in the part(s) of the restaurant specified below, the hours from 11 p.m. to 1.30 a.m. on the day next following shall in addition to the hours mentioned in sections 42 and 43 of the Act be included in the permitted hours for the restaurant.

The part(s) specified by the order is [or are] as follows:—
and which is [or are] particularly delineated on the plans referred to in Part II of this licence.

PART IV

PROTECTION ORDERS; TRANSFERS AND ORDERS FOR TEMPORARY CONTINUANCE IN OTHER PREMISES

A. Protection orders

On the day of 19 the court made a protection order under section 23 [or 24(3)] of the Act of 1971 authorising
(full names of
person authorised)

of

(address)

to carry on business under this licence until the day of 19 until an application for the transfer or transfer and renewal of the licence can be brought before the court.

B. Transfers

On the day of 19 the court made an order under section 18 [or 20] of the Act of 1971 transferring this licence to
(full names of
transferee)

of

(address)

[and an order for renewal thereof as entered in Part V of this licence].

C. Temporary continuance in other premises where licensee unable to carry on business in premises specified in Part I of licence

On the day of 19 the court made an order under section 26 of the Act of 1971 authorising the continuance of the business under this licence in the premises at until the day of 19

The plan attached to the notice of application for this order has been annexed to that referred to in Part II of this licence (i.e. of the original premises).

PART V

RENEWALS

On the day of 19 [the court] [the clerk of petty sessions] made an order [renewed] under section 14 [or section 20] of the Act of 1971 [renewing] this licence until the day of 19

PART VI

SUSPENSIONS

On the _____ day of _____ 19 _____ the following court sitting at _____ made an order suspending this licence [or the protection order granted to _____ of _____ 19 _____] until the _____ day of _____ 19 _____

[The period of suspension imposed by the court on the _____ day of _____ 19 _____ was by order of the court of summary jurisdiction sitting at _____, made in transferring this licence, terminated as from the _____ day of _____ 19 _____ [or was for the remainder thereof substituted as follows:—

].

FORM 2

NOTICE TO CLERK OF PETTY SESSIONS THAT LICENCE HAS BEEN SURRENDERED

(Licensing Act (Northern Ireland) 1971: Section 34(3))

In the Recorder's Court/County Court for the
Division of _____

Pursuant to Section 34(3) of the above Act, I give you Notice that on the (provisional) Grant of a _____ Licence by the above Court on the _____ day of _____ 197 _____ in respect of premises known as _____ a subsisting Licence in respect of premises known as _____ was surrendered.

To: The Clerk of Petty Sessions
[for the petty sessions district
in which the premises specified
in the surrendered Licence are
situated].

Clerk of the Crown and Peace.

EXPLANATORY NOTE

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

These Regulations prescribe the form of licence (other than an occasional or extension licence) issued by the court authorising the retail sale of intoxicating liquor.