

1973. No. 14

[C]

MAGISTRATES' COURTS**Magistrates' Courts (Licensing) (Amendment) Rules
(Northern Ireland) 1973**

RULES, DATED 18TH JANUARY 1973, MADE BY THE SECRETARY OF STATE UNDER SECTION 23 OF THE MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964.

I, THE RIGHT HONOURABLE WILLIAM WHITELOW, M.C., M.P., in exercise of the powers conferred on me by section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(a), section 86(1) of the Licensing Act (Northern Ireland) 1971(b) and section 1(1) of the Northern Ireland (Temporary Provisions) Act 1972(c) and of every other power enabling me in that behalf, on the recommendation of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, do hereby make the following Rules:—

Citation

1. These Rules may be cited as the Magistrates' Courts (Licensing) (Amendment) Rules (Northern Ireland) 1973.

Interpretation

2. In these Rules any reference to a Form is to that Form as contained in the Schedule to the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1971(d).

Amendment of Forms to include references to premises specified in section 84(4) of the Act

3. In Form 1 (notice of application for renewal of a licence) and in Form 7 (notice of application for transfer of licence) for paragraph (c) in the body of the Form there shall be substituted the following paragraph:—

“[(c) an hotel, i.e., premises or a set of premises [registered in the register of hotels maintained by the Northern Ireland Tourist Board under section 10 of the Development of Tourist Traffic Act (Northern Ireland) 1948] [treated as an hotel by virtue of section 84(4)(a) or (b) (as the case may be) of the Licensing Act (Northern Ireland) 1971];”.

Combined Form of application for transfer and renewal of licence

4.—(1) In Form 7 the words from “As the existing licence is due to expire” to “30th September 19 .” shall be omitted.

(2) After Form 7 there shall be inserted Form 7A as set out in the Schedule to these Rules.

(a) 1964. c. 21 (N.I.).

(b) 1971. c. 13 (N.I.).

(c) 1972. c. 22.

(d) S.R. & O. (N.I.) 1971, No. 184.

Amendment of notice of application for an extension licence

5. In Form 18 (notice of application for an extension licence) after the words "for the above-named district" there shall be inserted the words "sitting at _____ on the _____ day of _____ 19 ____".

Dated this 18th day of January 1973.

W. S. I. Whitelaw,
One of Her Majesty's Principal
Secretaries of State.

SCHEDULE

Form 7A

LICENSING ACT (NORTHERN IRELAND) 1971

(Section 20)

Notice of application for transfer and renewal of licence*(State full names of applicant)*

Applicant

who resides at

(State full postal address at which applicant resides)

Petty Sessions District of

County [Borough] of

TAKE NOTICE that I intend at the sitting of the Court of Summary Jurisdiction for the above-named petty sessions district on
 at _____ to apply for the transfer to me of a
 licence ^{[[1]} granted provisionally by the County Court for the
 Division of _____ on
 at _____] at present held by

(full
names of present licensee) of
(full
address of present licensee) for the premises at

(full
address of licensed premises) being premises of the following kind according
 to section 3(1) of the Licensing Act (Northern Ireland) 1971, namely—

- [2] [(a) premises in which the only or principal business carried on is the business of selling liquor by retail for consumption either in or off the premises;]
- [(b) premises in which the only or principal business carried on is the business of selling intoxicating liquor by retail for consumption off the premises;]
- [(c) an hotel, i.e., premises or set of premises [registered in the register of hotels maintained by the Northern Ireland Tourist Board under section 10 of the Development of Tourist Traffic Act (Northern Ireland) 1948;] [treated as an hotel by virtue of section 84(4)(a) or (b) (as the case may be) of the Licensing Act (Northern Ireland) 1971;]]
- [(d) a restaurant, i.e., premises (other than such as are mentioned in section 3(1)(a) of the Licensing Act (Northern Ireland) 1971) structurally adapted and used, or intended to be used for the purpose of providing persons frequenting the premises with a customary main meal at midday or in the evening or both and for which there is in force a certificate by the Northern Ireland Tourist Board stating that the premises comply with certain requirements (including registration in the register of restaurants maintained under section 10 of the Development of Tourist Traffic Act (Northern Ireland) 1948;]

[(e) a place of public entertainment, i.e., a theatre or such other premises used for the purposes of such entertainments, in accordance with such conditions as may be prescribed by regulations made by the Ministry of Home Affairs;]

[(f) a refreshment room in a railway station, an airport, a harbour terminal or a bus station;]

[(g) a seamen's canteen.]

[[³] A protection order authorising (name
of person authorised) of)
(address) to carry on business under the licence was granted on
Jurisdiction sitting for the by a Court of Summary
petty sessions district of
at for
the period of months from the date of the order [and further
protection orders were granted by the following Courts on the following dates
for the following periods
(specify details of any further protection orders).]

[[⁴] The licence was suspended for a period of months by a
Court of Summary Jurisdiction sitting for the petty sessions
district of at on
for the following offence—

[and the suspension is the subject of an appeal to the County Court for the
Division of]
[I intend to ask the Court hearing this application to terminate the suspension].

[[⁵] I am [or shall be] the owner of the business [to be] carried on under
the licence.
[or The following body corporate owns [or will own] the business [to be]
carried on under the licence—

(full
title of company etc. stating whether limited liability company or other body)
of which the following persons are the directors

(full
names and addresses) and the following are the executive controllers—

(name
persons other than directors who have executive control within the meaning of
section 2(4) of the Act of 1971)].

[[⁶] The owner of the premises is (full
names) of (full
address).

As the existing licence is due to expire on
and the licence may be transferred within three months preceding the expira-
tion of the current licensing year, TAKE NOTICE that at the same time I intend
to apply to the Court to renew the licence until the expiration of the next
licensing year, i.e., 30th September 19 before transferring it to me.

EXPLANATORY NOTE

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

The Magistrates' Courts (Licensing) Rules (Northern Ireland) 1971 which prescribe the Forms applicable to proceedings under the Licensing Act (Northern Ireland) 1971 are amended so as to refer to premises referred to in section 84(4) of the 1971 Act, to add a Form of Application for the concurrent transfer and renewal of a licence under section 20 of that Act and to amend the form of notice of application for an extension licence.