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Dear Janice

**THE LICENSING AND REGISTRATION OF CLUBS (AMENDMENT) BILL – FURTHER DRAFT AMENDMENTS**

Following on from my letter dated 27 April, please see attached the remaining set of amendments, agreed by the Minister, and drafted by the Office of the Legislative Counsel.

I hope you find this helpful and I would be grateful if you could share with Committee Members.

Yours sincerely

**Diane Mulligan**  
Departmental Assembly Liaison Officer  
Private Office

## THE LICENSING AND REGISTRATION OF CLUBS (AMENDMENT) BILL – FURTHER DRAFT AMENDMENTS

### Removal of restrictions on late opening on Sunday

Amendment to bring the additional opening hours on any Sunday into line with those currently permitted on weekdays for both licensed premises and registered clubs.

#### Draft amendments

#### **New clause (for licensed premises)**

After clause 1 insert—

#### **“Removal of restrictions on late opening for on-sales on Sunday**

**1A.**—(1) In Article 30 of the Licensing Order (occasional licences), in paragraph (1)(c), for paragraphs (ii) and (iii)—

“(ii) on Sundays, between half past 12 in the afternoon and 1 in the morning of the day next following,”.

(2) In Article 42 of the Licensing Order (general permitted hours)—

(a) in paragraph (1), after sub-paragraph (a) and the following “and” insert—

“(aa) on Sundays, other than Christmas Day, from half past 12 in the afternoon to 11 in the evening;”,

(b) in paragraph (1)(c), for the words from “except” to “Christmas Day” substitute “on Christmas Day;”, and

(c) in paragraph (3), for “paragraph (1)(c)” substitute “paragraph (1)(aa) and (c)”.

(3) In Article 42 of the Licensing Order, after paragraph (1) insert—

“(1A) Neither paragraph (1)(aa) nor, in a year when Christmas Day is on Sunday, paragraph (1)(c) applies in the case of premises of a kind mentioned in Article 5(1)(a) with respect to which a direction under Article 7(10) or 15(5)(a) is in force.”.

(4) In Article 44 of the Licensing Order (orders for additional permitted hours), in paragraph (2), for the words from “the hours—” to “shall” substitute “the hours on any day from 11 in the evening to 1 in the morning of the day next following shall”.

(5) In Article 45 of that Order (authorisations for additional permitted hours), in paragraph (1), for the words from “the hours—” to “in addition to” substitute “the hours on any day from 11 in the evening to 1 in the morning of the day next following in addition to”.

(6) In Article 47 of that Order (extension licences), in paragraph (1)(b), for paragraphs (ii) and (iii) substitute—

- “(ii) on Sundays, between half past 12 in the afternoon and 1 in the morning of the day next following.”.”.

### **New clause (for registered clubs)**

After clause 23 insert—

#### **“Removal of restrictions on late opening on Sunday**

**23A.**—(1) In Article 24 of the Registration of Clubs Order (general permitted hours), in paragraph (1)—

- (a) after sub-paragraph (a) and the following “and” insert—

“(aa) on Sundays other than Christmas Day, from half past 12 in the afternoon to 11 in the evening; and”, and

- (b) in sub-paragraph (c), omit “Sunday or”.

- (2) In Article 26 of the Registration of Clubs Order (authorisations for special occasions), in paragraph (1)(a), for paragraphs (ii) and (iii) (but not the “or” following paragraph (iii)) substitute—

- “(ii) on Sundays, from 11 in the evening to 1 in the morning of the day next following.”.”.

### **Alterations to Registered Clubs**

Amendment to require registered clubs to apply to the courts for approval to make alterations to club premises.

#### **Draft amendment**

#### **New clause**

After clause 22 insert—

*“Alterations to premises*

#### **Consent required for alterations to premises**

**22A.**—(1) After Article 12 of the Registration of Clubs Order insert—

*“Alterations to club premises*

#### **Consent required for certain alterations to premises**

12A.—(1) An alteration shall not, subject to paragraph (2), be made to the premises of a registered club if the alteration—

- (a) gives increased facilities for drinking in any part of the premises which contains a bar; or

- (b) adds to any part of the premises which contains a bar or substitutes one such part of the premises for another; or
  - (c) conceals from observation a part of the premises in which intoxicating liquor is supplied; or
  - (d) affects the means of passage between a part of the premises which contains a bar and the remainder of the premises or any road or other public place.
- (2) An alteration such as is mentioned in paragraph (1) may be made if—
  - (a) an application under this Article has been made by the secretary of the club to a county court and the court has made an order consenting to the alteration; or
  - (b) the alteration is required by order of some lawful authority and, before the alteration is made, notice of the requirement is served by the secretary of the club on the clerk of petty sessions.
- (3) The procedure for applications under paragraph (2)(a) is set out in Part 1 of Schedule 4A, and Part 2 of that Schedule has effect in relation to notices under paragraph (2)(b).
- (4) If an alteration such as is mentioned in paragraph (1) is made to premises otherwise than in accordance with an order of the county court or an order of some lawful authority, a court of summary jurisdiction may order the registered club to restore, as far as is practicable, the premises to their original condition within a period fixed by the order.
- (5) The period fixed by an order under paragraph (4) may be extended by order of a court of summary jurisdiction on the application of the secretary of the club.
- (6) If paragraph (2)(b) is not complied with, the registered club and every official of the club is guilty of an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (7) If the registered club makes default in complying with an order under paragraph (4), the club and every official of the club is guilty of an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.
- (8) This Article does not apply to an extension such as requires authorisation under Article 15A.”.”.
- (2) After Schedule 4 to the Registration of Clubs Order insert—

## “SCHEDULE 4A

### APPLICATIONS AND NOTICES UNDER ARTICLE 12A

#### PART 1

##### APPLICATIONS FOR CONSENT TO ALTERATIONS

1. In this Part “application” means an application under Article 12A(2)(a).
2. The secretary of a club which intends to make an application must, not less than 3 weeks before the time of the opening of the court sittings at which the application is to be made, serve notice of the application upon the chief clerk and at the same time serve a copy of the notice upon—
  - (a) the district commander for the police district in which the premises of the club are situated; and
  - (b) the person whose name is recorded in the register of clubs as the owner of the premises of the club.
3. The notice mentioned in paragraph 2 must be in such form and, without prejudice to paragraph 4, must contain such other information as may be prescribed by county court rules.
4. The applicant must attach a plan of the premises showing the alteration to—
  - (a) the notice mentioned in paragraph 2, and
  - (b) the copy of that notice which is served upon the district commander.
5. The district commander upon whom notice is required by paragraph 2 to be served or the person whose name is recorded in the register of clubs as the owner of the premises of the club may appear at the hearing of the application and object to the court consenting to the alteration to which the application relates.
6. A person intending to object under paragraph 5 must, not less than 1 week before the time of the opening of the court sitting at which the application is to be made—
  - (a) serve upon the applicant notice of the intention to object, briefly stating the grounds for so doing;
  - (b) serve a copy of the notice upon the chief clerk.

#### PART 2

##### NOTICES OF ALTERATIONS REQUIRED BY AUTHORITIES

7. The notice must be in such form and, without prejudice to paragraph 8, must contain such other information as may be prescribed by magistrates’ courts rules.
- 8.—(1) The secretary of the club must attach to the notice a plan of the premises showing the proposed alterations.

(2) The alterations shown in the plan mentioned in sub-paragraph (1) must be authenticated by or on behalf of the authority in question in the manner prescribed by magistrates' courts rules.”.

- (3) In Article 16 of the Registration of Clubs Order (register of clubs), in paragraph (2), after paragraph (d) insert—

“(da) particulars of any order made under Article 12A(2)(a), (4) or (5) in respect of the premises of the club and of any requirement in respect of those premises notice of which is served under Article 12A(2)(b);”.

- (4) In Part 3 of Schedule 6 to that Order (penalty points punishable with level 5 fine) at the appropriate place insert—

“12A(7)	Failure to comply with court order to make alterations etc.	5-6”.
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### **Clause 29 - Young people prohibited from bars**

Amendment to provide a regulatory making power to amend the months referred to in 29(1) and the number of prize giving ceremonies, referred to in 29(2).

#### **Draft amendment**

**Clause 29**, page 30, line 29

At end insert—

- “(5) In that Article, after paragraph (14) insert—

“(15) Regulations may modify paragraph (13)(a)(i) so as to substitute a different period for the period for the time being specified there.

(16) Regulations may modify paragraph (13A) so as to substitute a different number of prize-giving ceremonies for the number for the time being specified there.

(17) Regulations may not be made under paragraph (15) or (16) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.”.

### **Duty to produce guidance**

Amendment to require the Department to publish guidance on the provisions of the final Act.

#### **Draft amendment**

**New clause**

Before clause 33 insert—

“**Guidance**

- 32A.**—(1) The Department for Communities must issue guidance about—
- (a) the effect of the Licensing Order,
  - (b) the effect of Part 1 of this Act on that Order, and
  - (c) such other matters as the Department considers appropriate in connection with licensing premises for the sale of intoxicating liquor (within the meaning of the Licensing Order).
- (2) The Department for Communities must issue guidance about—
- (a) the effect of the Registration of Clubs Order,
  - (b) the effect of Part 2 of this Act on that Order, and
  - (c) such other matters as the Department considers appropriate in connection with the registration of clubs.
- (3) The Department for Communities must—
- (a) keep any guidance issued under this section under review, and
  - (b) revise any guidance issued under this section if the Department considers revision to be necessary in light of review.
- (4) The Department for Communities must publish any guidance issued or revised under this section.”

### **Review clause**

Amendment to require the Department to carry out a review and make a report on the implantation of the Act, lay a copy of the report before the Assembly and subsequently publish the report.

### **Draft amendment**

#### **New clause**

Before clause 33 insert—

#### **“Review**

- 32B.**—(1) The Department for Communities must review and make a report on the implementation of each provision of Part 1 and of each provision of Part 2—
- (a) as soon as practicable after the third anniversary of the commencement of that provision, and
  - (b) at least once in every five years after the making of the previous report on the implementation of that provision.
- (2) The Department for Communities must—
- (a) lay a copy of each report under this section before the Assembly, and

- (b) having done that, publish the report.
- (3) The Department for Communities may by regulations provide that subsections (1) and (2) are to cease to have effect on the date specified; but the regulations may not specify a date which is earlier than the tenth anniversary of this Act receiving Royal Assent.
- (4) Regulations under this section are not to be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”

### **One Day Membership**

Amendment to clarify the policy in respect of the Registration of Clubs (NI) Order 1996 that allows a member of the public to pay a fee that allows them to use the facilities if a sporting club for a day, to ensure that it is not used to allow someone to simply use the bar facilities.

### **Draft amendment**

**Schedule 1**, page 35, line 34

At end insert—

“18A. In Schedule 1 (provisions to be included in club rules), after paragraph 13 (day membership at sporting clubs) insert—

“13A. But paragraph 13 entitles a person to use facilities of the club on the day in question only if the person also engages in sporting activities of the club on that day; and paragraph 14 applies subject to this paragraph.”.”.