**GUIDE TO THE REGISTRATION OF CLUBS**

**(NORTHERN IRELAND) ORDER 1996**

**Department for Communities**

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 **THE REGISTRATION OF CLUBS (NORTHERN IRELAND) ORDER 1996**

**INTERPRETATION**

In this Guide:

 “The Order” means the Registration of Clubs (Northern Ireland) Order 1996.

 “The 1987 Order” means the Registration of Clubs (Northern Ireland) Order 1987.

 “The Licensing Order” means the Licensing (Northern Ireland) Order 1996.

**INTRODUCTION**

This Guide on the principal provisions of the Order has been prepared by Social Policy Unit of the Department for Communities for the information and advice of club organisations.

The law in Northern Ireland on the retail sale of intoxicating liquor is contained in the Licensing Order which provides for the licensing of 11 types of premises for the sale and supply of intoxicating liquor to the public. A members' club cannot be licensed in this way, but the Order makes provision for a club to apply to the courts for registration, allowing club members to be supplied with and to consume intoxicating liquor within the club premises for the purpose of entertaining themselves and invited guests.

The Order repealed the 1987 Order and, with effect from 20 February 1997, brought into operation a number of changes which were introduced following a wide ranging review of clubs law in Northern Ireland. While some provisions in the Order are carried over from the 1987 Order and should be familiar, it is essential that club secretaries and other officials acquaint themselves with both the existing requirements and those which are being introduced for the first time.

Although it is hoped that the information contained in this Guide will prove useful to clubs, it is for general guidance only and should not be treated as a complete and authoritative statement of the law which is contained only in the Order and regulations made under it. It is recommended that a club should acquire copies of the legislation and Appendix B to this Guide gives details of where these may be obtained. A club intending to apply for registration under the Order would be wise to seek legal advice in order to ensure compliance with all the legislative requirements.

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1. **WHAT IS A "CLUB"?**

There is no definition of the word "club" in the Order. A club is basically a voluntary association of people who wish to promote some common object, such as social intercourse, sport, hobby or pastime. The two common types of clubs are the proprietary club and the members' club.

**Proprietary Club**

As the term implies, a proprietary club is one which is owned by a proprietor. The club premises, sporting equipment and furniture belong to the proprietor and members pay him a subscription in return for the right to use the club facilities. It is essentially a business in which an individual or a company provides the facilities and amenities for the use of people who are really customers but who are generally called "members". If food or other services are provided in return for payment, it is by way of a sale to members. Members have no interest in club property or income. They have a contractual relationship, not with each other but with the proprietor, the contract being construed out of the rules which he lays down for them to observe. A proprietary club can neither be licensed as a club under the Licensing Order for the retail sale of intoxicating liquor (although the proprietor may apply for a pub licence, restaurant licence, etc.) nor can it be registered under the Order to supply drink to its members.

 **Members' Club**

 A members' club is quite different from a proprietary club. The contractual relationship, which is the foundation of a members' club, exists between the members themselves. Put simply, the rules of a members' club represent the contract terms which exist between the members. They bind every member who joins the club. Forming a club creates the contract and each member is subsequently bound by the same set of rules which apply to everyone else and where the contract is broken the member may be expelled. A members' club does not carry on a business. Any surplus of its ordinary income over its expenditure is not subject to taxation - for example, an excess of subscriptions over expenses or profit arising from the supply of meals or refreshments. It is "owned" by its members and all profits derived from activities must be devoted to and used for the benefit of the club membership as a whole. The property of a members' club belongs to all the members jointly, subscriptions are paid into a common fund and an elected committee or governing body runs the club. The supply to an individual member of meals or refreshments or any other articles out of the stores of the club does not constitute a sale, even though payment may be exacted for it.

 **Registered Club**

A registered club is so called because it is registered under the Order for the supply of intoxicating liquor to its members. Unlike a proprietary club, a members' club can be registered under the Order. However, there is a mistaken impression in some quarters that a registered club holds a licence entitling it to sell intoxicating liquor by retail, in the same manner as a licence held in respect of a public house, hotel or restaurant. As previously stated, liquor licences can only be granted under the Licensing Order. A members' club cannot hold a liquor licence, which entitles a licensee to sell intoxicating liquor by retail to members of the public. Article 21 of the Order clearly states that registration does not make club premises licensed premises, but that Article does ensure that the supply of intoxicating liquor to a member or guest is not deemed to be an unlawful sale under the Licensing Order.

 In the eyes of the law, a club's liquor stock is owned in equal shares by the members and when one of them is supplied with a drink, there is no sale in law, merely a release or supply to him of that liquor. The payment made is merely a means of ensuring that club funds are reimbursed fairly as between one member and another.

 If a club wishes to supply intoxicating liquor to members and their guests for consumption within a club premises and to keep it for supply on those premises, then it must apply to a county court for a certificate of registration under the Order.

The club will have to demonstrate that it complies with the stringent requirements laid down and designed to show that the club is a bona fide club, run by the members for the members and not as a proprietary club, nor purely for the supply of drink

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**2.** **RESTRICTION ON THE SUPPLY, ETC., OF INTOXICATING LIQUOR ON THE PREMISES OF A CLUB - ARTICLE 3**

It is a basic plank of the law on the registration of clubs that, unless a club has a current certificate of registration, it is unlawful for it to supply intoxicating liquor or to keep it for supply on the club premises. However, the Order goes further in providing that it is also unlawful to consume alcohol in, keep it for consumption in or bring it onto the premises of, a club which is not registered. In general, a breach of these provisions will constitute an offence against licensing legislation and will be dealt with under the appropriate provisions of the Licensing Order.

However, where the club in question is one:

* which is serving the mandatory one year waiting period following the serving of the notice of its intention to apply for registration;
* whose premises have ceased to be registered because its suspended or registration expired within the preceding 3 years or the registration has been suspended or cancelled; or
* whose premises have been disqualified (on refusal of renewal, cancellation, etc.,) from being used for the purposes of a registered club;

# the offence will be dealt with under the Order. This is because such premises may have the mechanisms in place to dispense alcohol. In addition to any fine which it may impose on conviction of an offence by one of these “clubs”, a court is statutorily bound to disqualify the premises from being used as a registered club for 5 years or, where a disqualification is already in force, 5 years from the date on which the first disqualification ends.

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**3. CLUBS WHICH MAY BE REGISTERED - ARTICLE 4**

 To be eligible for registration a club's rules must contain the provisions set out in Schedule 1 to the Order (these are dealt with in more detail in Appendix A to this Guide). The club must have the appropriate rules in place from the date on which it first serves notice of its intention to seek registration although special conditions apply where a club has already served its notice of intention before the Order came into operation on 20 February 1997. A club may have additional rules but those laid down in Schedule 1 are an essential pre-requisite for registration. These additional rules must not contravene the provisions of the Order.

 Only bona fide members' clubs can be registered and to enable a court to determine whether a club is conducted in good faith as such, a court must have regard to:

* the past conduct of the club, that is, how it has operated since the date when its intention to seek registration was first notified or, if the club had been registered at some time previously, how it operated during that period and why it ceased to be registered. In this respect it should be noted that, on conviction of certain offences under the Order, a court may (and in some cases **must**) disqualify premises from being used as a registered club for a specific period;
* any arrangement restricting the club's freedom of purchase of intoxicating liquor. For example, it may be inadvisable for a club to be tied to a particular brewery. However, if an arrangement exists whereby all or most of a club's liquor is taken from a particular supplier, then provided the club clearly remains an independent entity and provided that the arrangement is for a limited time, it is unlikely that the question of a club's bona fides on this ground will be challenged. It will, however, be a matter for a court to decide;
* any provision in the rules or arrangement under which a club’s assets or any gain arising from the carrying on of the club is, or may be, applied other than for the benefit of the club as a whole or for charitable or benevolent purposes. It should be remembered that the “profits” of a club are, in fact, the surplus left from mutual trading among the members, particularly in the purchase and supply of drink. Most clubs use this money for some specific purpose, such as maintaining or extending their premises or to benefit a charitable or benevolent organisation. The provision is designed to ensure that what may appear to be a bona fide registered members' club is not, in fact, a proprietary club;
* the arrangements for controlling the club’s finances. All clubs will have to demonstrate that they have in place the financial controls required by the Order and which are set out in detail in the Registration of Clubs (Accounts) Regulations (Northern Ireland) 1997 (see paragraph 29);
* whether the club has less than 25 members with voting rights in relation to its affairs. This gives an indication as to how effectively the club is run; and

# whether the supply of alcohol is ancillary to the objects of the club. This will indicate whether or not the club may simply be a drinking club.

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**4.** **APPLICATIONS FOR GRANT OF REGISTRATION - ARTICLE 5 AND SCHEDULE 2**

 The detailed procedure in relation to an application for registration is contained in Article 5 of, and Schedule 2 to, the Order and in county court rules. A club wishing to apply for a grant of registration can do so at any time and the application must be made to a county court.

 The general procedure, as set out in Schedule 2 to the Order, is that 1 year before the time of the opening of the court sittings at which a club intends to apply for registration, the secretary must serve a notice of that intention upon the chief clerk of the relevant court and at the same time serve a copy of the notice upon the local police sub-divisional commander and the district council.

 A club which is already registered and has transferred to new premises is not required to give this prior notice but must nevertheless make a fresh application to a county court for registration. Similarly, a club which has, due to exceptional circumstances or to renovation or rebuilding, been forced to relocate in temporary premises may apply to a magistrate’s court to have the temporary premises registered for a limited period without having to serve a further waiting period.

 Further action is required nearer the time of the hearing of the application in court:

* between 4 and 8 weeks before the time of the opening of the court sittings at which the application is to be heard, notice of the application must be published at least once in two newspapers circulating in the area of the club premises;
* at least 4 weeks before the time of the opening of the court sittings, notice of the application must be served on the chief clerk of the court and copied to the sub-divisional commander of the police sub-division in which the club premises are situated and to the district council; and
* during the 4 weeks before the time of the opening of the court sittings, notice of the application must be displayed at the club premises as set out in the Registration of Clubs (Display of Notice) Regulations (Northern Ireland) 1997. These regulations require notice of the application to be displayed outside the club premises, at or near the main entrance and on a notice board where possible, but in any case where the public can see and conveniently read it. If a notice becomes torn or is removed then it should be replaced, as the requirement is to display it **during** the 4 week period. The purpose of this notice is to give potential objectors advance warning of the application.

# The form the various notices should take is set out in county court rules

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**5.** **INFORMATION TO ACCOMPANY NOTICE OF APPLICATION FOR GRANT OF REGISTRATION**

 The Registration of Clubs (Required Information) Regulations (Northern Ireland) 1997 set out the additional information, particulars and documents which must be sent to the court along with the notice of application and copied to the appropriate police sub-divisional commander, and those which must also be copied to the district council. These regulations are **essential reading** for club secretaries and the information required may be summarised as follows:

information to be sent to court, police and district council:

1. a copy of the club rules;
2. a plan of the club premises, with a description of the accommodation, facilities and amenities provided; and
3. the licence number of any entertainments licence issued by the district council;

information to be sent to court and police:

1. an alphabetical list of names and addresses of the club's officials, committee of management or governing body and members;
2. a list of names and addresses of the members of the committee concerned with the club's purchase or supply of alcohol;
* a copy of the minutes of meetings of the committee of management or governing body for the year before the time of the opening of the court sittings at which application is to be made;
1. a copy of the minutes of the club's Annual General Meeting for the same period; and
2. certain specified particulars about any liability of the club and other property and premises with which it is or has been connected. In summary, what is required are details of any liability which a club is under in respect of any loan of money (that is, the principal sum, interest payable and the name and address of any creditor) or any guarantee or security given on the club's behalf (including the name and address of the person giving or providing it). Details are also required of any property not included in the plan of the premises of the club which is to be used by the club, and which is not club property, including the name and address of any person to whom rent is paid. Finally, particulars should be given of any property not already specified which the club has occupied and habitually used for club purposes during the year before the court sittings, including the nature of the interest held by the club and the name and address of any person to whom rent was paid. Where there are no such premises, the application must say so. Similarly, where there is no loan, guarantee, etc., or additional property, this must be stated on the application.

 Among other purposes, the information to be given to the courts should assist in determining whether a club is a bona fide members' club and has been viable as such without being dependent on the income to be derived from the supply of intoxicating liquor.

# At the hearing, the court may require the production of further information, particulars and documents.

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**6.** **GROUNDS FOR REFUSAL OF APPLICATION FOR GRANT OF REGISTRATION - ARTICLE 5**

 At the hearing of an application in court, the onus is on a club to prove its qualifications for registration and if the court is not satisfied that the various conditions are met, the application may be refused. The grounds for refusal to grant an application are set out in Article 5(5) and (6) of the Order.

 In certain circumstances a court has no discretion and **shall** refuse an application for the grant of registration of a club unless it is satisfied:

* that the application procedures set out in Schedule 2 to the Order have been complied with, although a court has the discretion to grant the application despite the fact that all the procedures may not have been strictly adhered to;
1. that the premises are not already subject to a disqualification order from a court under the Order or the 1987 Order, prohibiting those premises from being used for the purposes of a registered club;
2. that having regard to the objects of a club and the estimated maximum membership, the premises are not suitable or proper when its location, accommodation, facilities or amenities are taken into account;
3. that there are not already sufficient registered clubs providing club accommodation of a similar nature in the vicinity of the club premises. The club should be in a position to prove to the court that there are insufficient registered clubs providing such accommodation;
4. that planning permission has been granted, or is not needed, in order to use the premises as club premises;
5. that the club rules include all the rules set out in Schedule 1 to the Order and do not contravene any other provisions of the Order;
6. that the unregistered club has been conducted in good faith as a members' club for not less than 1 year, ending immediately before the opening of the court sittings at which the application is to be heard;
7. that the rules of the club and provisions of the Order are and will be complied with; and
8. that no official has an “unspent” conviction for offences of violence or dishonesty. Under the Rehabilitation of Offenders (Northern Ireland) Order 1978 some offences attract rehabilitation periods of up to 10 years. What this means, in effect, is that a person is treated as not having been convicted of the offence once this period has ended, that is, once the conviction is “spent”.

 In addition, a court **may** refuse an application for grant of registration if it is satisfied on one or more of the following grounds:

1. that a licence under the Licensing Order or the Licensing (Northern Ireland) Order 1990 has been suspended or an application for such a licence refused in respect of the club premises within the last 5 years. This is intended to prevent premises such as pubs, restaurants, etc., which have failed to comply with the law on the sale of alcohol, from turning their attention to the supply of alcohol as registered clubs;
2. that the club is kept, or regularly used, for an unlawful purpose;
3. that intoxicating liquor has been sold, supplied or consumed on the club premises in contravention of the Order or the Licensing Order, that is, despite the fact that registration has not yet been granted, the club supplied intoxicating liquor to its members;
4. that the supply of intoxicating liquor will not be under the control of the club’s officials or voting members, that is, there is doubt as to whether the club is a bona fide members club;
5. that as regards character and reputation, any official of the club is unsuitable to hold such an office; or
6. that the club has been convicted of an offence under either the Order or the 1987 Order.

 These are the same grounds on which persons with a right to object to the application for grant may do so - see paragraph 7.

#  If a court decides to refuse an application under the Order it is obliged to give in writing its reasons for so doing.

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**7.** **OBJECTIONS TO THE GRANT OF A CERTIFICATE OF REGISTRATION -SCHEDULE 2**

 When dealing with an application for registration, a court is obliged to hear any objections which have been lodged in accordance with the provisions of the Order. Certain people have a right to appear at the court hearing to object to the application for the grant of registration as follows:

1. the sub-divisional commander of the police sub-division in which the club premises are situated or any officer nominated by him;
2. the district council in whose area the premises are situated;
3. any person owning, residing or carrying on business in the neighbourhood of the club premises.

Objections to the grant of registration can be made on any of the grounds on which a court shall or may refuse to grant the application. These are set out in paragraphs (5) and (6) of Article 5 of the Order and are dealt with in more detail in paragraph 6 of this Guide.

# Written notice of the intention to object, including a brief statement of the grounds for objection, must be served on the club and copied to the chief clerk of the court at least 1 week before the opening of the court sittings at which the application is to be heard.

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**8.** **CERTIFICATE OF REGISTRATION - ARTICLES 6 AND 11**

 If registration is granted, the court will issue a certificate of registration in the form contained in the Registration of Clubs (Certificate of Registration) Regulations (Northern Ireland) 1997.

 The certificate contains identifying particulars (name, address, etc.,) in relation to the club, the duration of the certificate, the special hours applicable in the case of nightworkers clubs and details of any subsequent renewals of the certificate. Every club which successfully applies for a grant or renewal of registration will receive a certificate with the appropriate parts completed by the court. It should be kept safely so that it can be readily produced for inspection by the police if requested, but it must be lodged with the clerk of petty sessions before the renewal date when applying for renewal of registration (see paragraph 10).

# Should a certificate of registration be lost or destroyed, application for a duplicate can be made to the local clerk of petty sessions.

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**9.** **TRANSFER OF CLUB TO NEW PREMISES**

 As intoxicating liquor can only be supplied or kept for supply on the premises in respect of which the club is registered, if a club moves to new premises then a fresh application for grant of registration in respect of those premises must be made. However, paragraph 1(2) of Schedule 2 to the Order removes the requirement to give one years' prior notice of intention to register in respect of the new premises. Apart from this concession, the same procedures, rights of objection etc., which apply to a club making application for registration for the first time, apply to the club making application for its new premises.

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**10.** **APPLICATIONS FOR RENEWAL OF REGISTRATION - ARTICLES 7 & 8 AND SCHEDULE 3**

 The renewal date for registration is 1 March in the year in which the certificate is due to expire (see paragraph 15 regarding the period of duration of certificates), but a club should be ready to start renewal procedures at the beginning of January of that year. Application for renewal of registration may be made by the club secretary to the magistrates' court although registration may be renewed by a clerk of petty sessions. The procedures are set out in Schedule 3 to the Order as follows:

1. between 4 and 8 weeks before the renewal date, notice of the application must be published at least once in 2 newspapers circulating in the area of the club premises;
2. at least 4 weeks before the renewal date, notice of the application must be served on the clerk of petty sessions and copied to the sub-divisional commander of the police sub-division in which the club premises are situated and to the district council; and
3. before the renewal date, the certificate of registration must be lodged with the clerk of petty sessions.

 Magistrates' court rules specify the form the notice should take and the information it must contain.

An application for renewal of the certificate of registration may be dealt with by a clerk of petty sessions without the need for a court hearing and, in these cases, the certificate will be renewed for the full five year period (see paragraph 15 regarding the duration of certificates of registration). However, in any of the following circumstances the clerk of petty sessions must refer the application to the court for a decision:

1. where the application for the renewal of registration has been made after the renewal date of 1 March (see paragraph 11);
2. where the application for renewal follows a period where the certificate of registration was granted or renewed by a court for a restricted period (see paragraph 15 regarding duration of certificates and registration periods);
3. where a notice of objection to the renewal has been served and has not been withdrawn; or
4. where, for any other reason, the clerk of petty sessions considers that the application should be dealt with by the court.

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**11.** **RENEWALS OUT OF TIME - ARTICLE 9**

 As stated in paragraph 10, an application to renew a certificate of registration should be made before 1 March in the year in which that certificate is due to expire. However, provided the application to renew is made within 12 months of that date, a court may renew the registration if it is satisfied that there was good reason for the delay. The decision as to what will constitute a good reason for the delay is left to the discretion of the court dealing with the application. If a court is not satisfied with the reasons given for the delay in applying for the renewal, the registration may still be renewed on payment of a fee for each month or part of a month between 1 March and the date the application is made. This monthly fee is fixed by the Lord Chancellor under section 116 of the Judicature (Northern Ireland) Act 1978, currently set at £50 per month.

Where more than 12 months have elapsed since the certificate of registration expired, an application to renew will not be appropriate. Instead, the club will be required to submit a fresh application for registration and will be required to serve a further one year “waiting period”.

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**12.** **INFORMATION TO ACCOMPANY NOTICE OF APPLICATION FOR RENEWAL OF REGISTRATION**

 The Registration of Clubs (Required Information) Regulations (Northern Ireland) 1997 contain the additional information, particulars and documents which must be sent to a

court with the notice of application and copied to the appropriate police sub-divisional commander and the district council. Again, club secretaries should familiarise themselves with these requirements.

 The following information, particulars and documents must be sent to the court along with the renewal application and copied to the police:

1. an alphabetical list of names and addresses of the club's officials, committee of management or governing body and members, including details of the numbers of voting and non-voting members;
2. a list of the names and addresses of the members of the committee concerned with the club's purchase or supply of alcohol;
3. a copy of the minutes of the club's Annual General Meeting for the year immediately before the renewal date;
4. details of any changes to particulars of any liability of the club, and other property and premises with which the club has been connected, since the last application for grant or renewal of registration (see paragraph 5).

In addition to the court and the police, the following information must also be copied to the district council for the area in which the club is situated:

1. details of any changes in club rules since the last application for grant or renewal or a statement confirming that there has been no such change; and
2. details of any structural alterations to the club premises since the last application for grant or renewal, and a plan of the premises and description of the accommodation, facilities and amenities provided.

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**13.** **GROUNDS FOR REFUSAL OF APPLICATION FOR RENEWAL OF REGISTRATION - ARTICLE 8**

 Under Article 8(3) of the Order, a magistrate’s court has no discretion and **shall** refuse an application for the renewal of registration of a club unless it is satisfied:

1. that the application procedures set out in Schedule 3 to the Order have been complied with (it should be noted that a court has the discretion to proceed with the application despite the fact that certain procedures may not have been complied with);
2. that the club rules conform to those prescribed in Schedule 1 to the Order and that any other rules which a club may have in addition to those prescribed do not breach any other provisions of the Order;
3. that the club has been conducted in good faith and has been operating within its own rules and those of the Order during the previous 6 years (or since it was first registered if that was less than 6 years previously). In determining whether a club has been conducted in good faith a court will look at the club’s past and present conduct, particularly in relation to the purchase of alcohol, whether it has less than 25 voting members and whether the supply of alcohol is ancillary to the objects of the club; and
4. that no official has an “unspent” conviction for offences of violence or dishonesty. Under the Rehabilitation of Offenders (Northern Ireland) Order 1978 some offences attract rehabilitation periods of up to 10 years. What this means, in effect, is that a person is treated as not having been convicted of the offence once this period has ended, that is, once the conviction is “spent”.

 In addition, under Article 8(4) of the Order, the court **may** refuse an application for renewal of registration if it is satisfied:

1. that taking into account any change in the accommodation, facilities and amenities of the club premises since the last renewal (or grant, if appropriate), the premises are not in every way suitable and proper, bearing in mind the objects of the club and the estimated maximum number of members;
2. that since the last renewal (or grant, if appropriate) the club has been kept or regularly used for an unlawful purpose;
3. that intoxicating liquor has been sold, supplied or consumed on the club premises in contravention of the Order or the Licensing Order;
4. that the supply of drink to the club is not under the control of a club official or members with voting rights in relation to the affairs of the club;
5. that as regards character and reputation, any official of the club is unsuitable to hold that office;
6. that the club has been convicted of an offence under the Order or the 1987 Order.

 These are the same grounds on which persons with a right to object to the application for renewal of registration may do so - see paragraph 14.

 If the court decides to refuse an application, it is obliged to give its reasons for so doing. Where the court refuses the renewal application but the applicant appeals, then unless the registration is cancelled or a disqualification order in respect of the premises applies, the registration continues in force until the appeal is determined or abandoned.

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**14.** **OBJECTIONS TO THE RENEWAL OF A CERTIFICATE OF REGISTRATION - SCHEDULE 3**

 Under the Order, certain people have a right to appear at a court hearing to object to the application for renewal of registration.

The court will hear properly lodged objections at the time of the hearing of the application. Those with a right to object are:

1. the sub-divisional commander of the police sub-division in which the club premises are situated, or any officer nominated by him;
2. the district council in whose area the premises are situated; and
3. any person owning, residing or carrying on business in the neighbourhood of the club premises.

 A person or body can object to the renewal of registration on any of the grounds on which a court can refuse to renew the application. These are set out in Article 8(3) and (4) of the Order and are dealt with in more detail in paragraph 13.

 Notice of intention to object, briefly stating the grounds of objection, must be served on the club and copied to the clerk of petty sessions at least 1 week before the renewal date.

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**15.** **DURATION OF CERTIFICATE OF REGISTRATION - ARTICLES 6 AND 11**

 The duration of a certificate of registration will be a matter for the court which grants or renews that certificate but this period will be affected by the date of the hearing and the expiry of the registration period during which that hearing takes place. The “registration period” is a fixed period of 5 years, the first of which for the purposes of the Order, will begin on 1 April 1998 and expire on 31 March 2003. (It follows, therefore, that the next registration period will commence on 1 April 2003 and expire on 31 March 2008 and so on).

Generally speaking, where a court grants a certificate for the first time, the duration of that certificate must not extend beyond the end of the registration period in which it was granted.

However, where the registration is granted in the final 3 months of a registration period, it may remain in force until the end of the next following period, that is for a maximum of 5 years and 3 months. This is to ensure that a renewal of the registration need not be required so soon after the court hearing to consider the grant of that application. (See below for the grant of a certificate of registration for shorter periods).

Where a certificate of registration has been renewed, the **maximum** duration of that certificate is determined as follows (see below for the renewal of a certificate of registration for shorter periods):

1. where the certificate is renewed by a court in the final 3 months of a registration period, it cannot be issued beyond the end of the next following period, that is, a maximum of 5 years and 3 months;
2. where the certificate is renewed by the clerk of petty sessions in the final month of a registration period, it must expire at the end of the next following period. It should be noted that a clerk of petty sessions cannot renew a certificate for a shorter period; or
3. where the certificate is renewed by the court in any other circumstances, it must expire no later than the end of the registration period in which that renewal took place.

A court dealing with the grant or renewal of a certificate of registration may grant or renew that certificate for a shorter period if it consider this to be reasonable course of action. Such a decision is entirely at the discretion of the court but such a step may be taken where, for example, a court is unhappy with some aspect of a club’s activities but does not regard this as sufficiently serious to warrant the refusal of the grant or renewal. Where such shorter period is imposed, the expiry date must be 31 March in the year determined by the court. Some other factors may affect the duration of a certificate of registration:

1. when an objector at the court hearing opposes the grant of registration but the court still registers the club, the certificate of registration will not come into force until the time for that objector to bring an appeal has expired or, if such an appeal is brought, until the court confirms the registration or the appeal is abandoned. If the appeal is unsuccessful or is abandoned, the date the appeal is disposed of is substituted for the date on which the certificate was issued. This could affect the duration of the certificate and the chief clerk of the court will make any necessary amendments to it;
2. when a club applying for renewal of registration is requested by a court to produce further information, particulars, documents or amended rules, as it has the right to do under Article 8(2) of the Order, the hearing of the application may be adjourned to allow the club time to submit the material or amend its rules. In that situation the registration will remain in force, beyond 31 March if necessary, until the application is decided by the court, **unless** registration has been cancelled under Article 13 or a disqualification order under either Article 15 or 46 applies to the club premises; and
3. generally speaking, where a court cancels a club registration, the certificate is then void unless the club secretary appeals, in which case the registration will continue in force until the appeal is determined or abandoned. In the same way, when a court makes a disqualification order, a club’s registration is void from the date the court order takes effect, though this will not be until the expiry of the time allowed to lodge an appeal or if an appeal is made, until it is determined or abandoned.

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**16.** **CONTINUANCE OF A CLUB IN TEMPORARY PREMISES - ARTICLE 12**

The Order ensures that a club may continue its activities and will not necessarily have to forfeit its certificate of registration in the event of it being forced to move into temporary premises for certain reasons. A club in this situation should make an application to a magistrate’s court for authorisation to use the temporary premises for a period not exceeding 6 months.

The notice of intention to make such an application should be lodged with the clerk of petty sessions 4 days before the date of the court sittings at which the application is to be heard. A copy of this notice should, at the same time, be sent to the sub-divisional commander of the police sub-division in which the temporary premises are situated. The notice of application should contain the information prescribed in magistrate’s court rules.

The temporary premises may be premises built, or to be built, wholly or partly on the site of the original premises or may be other premises in the vicinity of the original premises or site. The circumstances in which temporary continuance may be granted are where the original premises:

1. have become incapable of being used because of fire or other unforeseen calamity;
2. have been or are likely to be acquired or demolished under any other legal provision, for example, a compulsory purchase or vesting order;
3. have been or are likely to be extended;
4. are to be enlarged by additional premises being built alongside; or
5. have been or are about to be demolished and rebuilt.

A magistrate’s court will not make an order allowing the temporary premises to be used unless it is satisfied that:

1. the temporary premises are, and will remain, suitable during the period of the order. A court will have regard to the size and suitability of the premises in relation to such matters as the number of members and the club’s normal activities;
2. the temporary premises have not been disqualified by a court from being used as a registered club under the Order or the 1987 Order; and
3. the club intends moving back to the original premises within a reasonable period of time or has made an application for registration at the original premises or alternative premises.

Any order made by a court will be valid for up to 6 months but application may be made for further orders where there has, for example, been an unavoidable delay in the original premises becoming available again.

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**17.** **CANCELLATION OF REGISTRATION AND DISQUALIFICATION OF CLUB PREMISES - ARTICLES 13, 14, 15, & 46**

 The local police sub-divisional commander, the district council or a person owning, residing or carrying on business in the area of a club’s premises can apply to the magistrates' court **at any time** for cancellation of a club's registration on the same grounds as those on which objections may be made to the renewal of registration (see paragraph 14).

 The court will hear any representations from the applicant and the club secretary before deciding whether or not to cancel the certificate. If the court refuses the application, it must give its reasons, and if it upholds the application, the registration certificate will be void. However, should the club secretary appeal the decision, registration continues in force until the appeal is decided or abandoned.

 When a court refuses a renewal application, cancels a registration it must disqualify the premises from being used by any registered club for a period of at least 2 years and up to 5 years.

The certificate of registration will be void from the date the disqualification order takes effect, but that will not be until the expiry of the time for bringing an appeal and if an appeal is lodged, until it is decided or abandoned.

 A club which has its registration cancelled or whose premises are subject to a disqualification order can apply for a new grant of registration (after the expiry of the disqualification period, if appropriate) and must give one year's notice of intention to apply in the same way as for an initial application. When a court cancels the registration of a club or makes a disqualification order in respect of the club premises, it will order the club secretary to deliver the certificate of registration to the clerk of the court within a period laid down by the court. If the club secretary contravenes the court order, then he will become liable on summary conviction to a fine not exceeding level 4 on the standard scale (currently £2,500) or to imprisonment for a term not exceeding 3 months, or both.

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**18.** **APPEALS AGAINST COURT DECISIONS - ARTICLES 6, 10, 14, 15, & 48**

 Where an appeal is brought against the refusal to renew a certificate of registration, against an order for cancellation of the certificate or against disqualification of club premises, the certificate will remain in force, allowing the club to supply intoxicating liquor to members and their guests on club premises, until the appeal is finally determined.

 Where, in spite of an objection, the court grants a certificate of registration, that certificate will not come into force pending any appeal by the objector. If an appeal is brought, the certificate will not come into force until registration is confirmed or the appeal is abandoned. There must be no intoxicating liquor on the club premises if a certificate is not in force.

 Any party to County Court proceedings (including the objector) for the grant of a certificate of registration may appeal that court's decision.

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 **19.** **PERMITTED HOURS IN REGISTERED CLUBS - ARTICLE 24**

 Permitted hours are the hours during which intoxicating liquor can be supplied, obtained or consumed on the premises of a registered club. Club bars must be kept closed except during the permitted hours and any club contravening this restriction is guilty of an offence and liable on summary conviction to a fine of up to level 5 on the standard scale (currently £5,000).

 The permitted hours for registered clubs (apart from nightworkers clubs - see paragraph 20) are as follows:

1. Monday to Saturday, other than Good Friday or Christmas Day, from 11:30 am to 11:00 pm;
2. Good Friday, from 5:00 pm to 11:00 pm; and
3. Sunday or Christmas Day, from 12:30 pm to 10:00 pm.

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**20.** **NIGHTWORKERS CLUBS - ARTICLE 5**

 When a club states on its notice of application for registration that it is a nightworkers club, a county court must be satisfied that the members of the club normally work hours which would prevent them belonging to a club which has the usual permitted hours for the supply of intoxicating liquor. Where the court is satisfied, it will fix the permitted hours when granting registration and the magistrates' court may vary these hours at renewal stage. The total number of hours permitted must not be greater than those allowed to other clubs and cannot include the period from 1.00 am to 6.00 am. Club rules must prohibit guests of members being on club premises between midnight and 10.00 am.

 A certificate of registration in respect of a nightworkers club will state that the club mentioned in the certificate is a nightworkers club and specify the permitted hours fixed or varied by the court. The hours fixed or subsequently varied must not exceed:

1. Monday to Saturday, other than Good Friday and Christmas Day, 11 and a half hours;
2. Good Friday, 6 hours; and
3. Sunday or Christmas Day, 9 and a half hours.

 There must be a break of at least 2 consecutive hours between 2:00 pm and 5:00 pm on Good Friday. No period between 1.00 am and 6.00 am on any day will be included in the permitted hours.

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**21.** **SPORTING CLUBS**

 Under the Order, sporting clubs are defined as those "occupying a hereditament to which Article 31 of the Rates (Northern Ireland) Order 1977 applies (rates relief) being a hereditament which is used solely or mainly for the purposes of physical recreation". The phrase "solely or mainly" is particularly important here. It means that clubs with a room set aside for darts or snooker or which have football teams cannot necessarily regard themselves as sporting clubs. Many clubs indulge in sporting activities as a sideline or even support particular sporting teams, but as they do not exist solely or mainly to actively participate in one or more physical recreations, they are unlikely to be regarded as sporting clubs for the purposes of the Order.

 Unlike other registered clubs, persons under the age of 18 are allowed in the bar and drinking areas of sporting clubs until 10.00 pm without a children’s certificate being in operation (see paragraph 26 regarding children’s certificates). This concession does not allow persons under the age of 18 to be supplied with, or to consume, alcohol.

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**22.** **SPECIAL OCCASION AUTHORISATIONS - ARTICLE 26**

A registered club can apply to the police sub-divisional commander for the area in which the club premises are situated for authorisation to extend the permitted hours and 85 such authorisations may be granted in any period of 12 months.

The application must be made at least 7 days before the date for which the additional hours are sought.

 An authorisation, which will be given in writing, may permit the supply of intoxicating liquor in registered clubs (other than nightworkers clubs) on any single occasion:

* from Monday to Saturday (except Good Friday or Christmas Day), from 11:00 pm to 1:00 am on the following day;
* on Sunday (except Christmas Day or Easter Day), not being 31 December, from 10:00 pm to 12 midnight; or
* on Sunday, being 31 December, from 10:00 pm to 1:00 am on the following day.

In the case of a nightworkers club, a special occasion authorisation permits the supply of intoxicating liquor during the 2 hours after the end of normal permitted hours and guests of members may be admitted during the authorised period.

A special occasion authorisation cannot authorise the supply of intoxicating liquor on Christmas Day, Easter Day or Good Friday.

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**23.** **DRINKING-UP TIME - ARTICLE 25**

 Article 25 of the Order allows 30 minutes "drinking-up" time at the end of permitted hours, including any additional hours granted under a special occasion authorisation. Drinking up time is also permitted in a nightworkers club after the beginning of the afternoon break on Good Friday. These concessions permit only the **consumption** of intoxicating liquor which was supplied during permitted hours and it is an offence to supply or obtain intoxicating liquor outside the permitted hours.

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**24.** **CONDUCT OF A CLUB - ARTICLES 28-37**

A club should be managed by its committee of management or governing body whose duty is to ensure that club rules and the law relating to registered clubs are strictly observed. They should familiarise themselves with what may or may not take place on club premises, because, as club officials, they may be held responsible for any contravention of the law. If, because of the way in which a registered club is managed or carried on, its registration is cancelled, for example, because it is run mainly for the supply of intoxicating liquor or there is frequent drunkenness on the premises, then **every person** who is a club official or a member of the committee of management or governing body is guilty of an offence and subject to a fine. Proceedings under the Order may be brought against a club in its registered name, but summonses or documents can be served on the club secretary.

 The following paragraphs deal with a number of areas where an offence may be committed in relation to the general conduct of a registered club:

**unlawful supply, consumption etc., of intoxicating liquor (Article 28).** Only a club member, the guest of a member or an employee of the club should be supplied with, obtain or consume intoxicating liquor on club premises. However, the supply, etc. to these persons may also be an offence where any other provision of the Order or the rules of the club are contravened. In these circumstances, the registered club, the person supplying, obtaining or consuming the intoxicating liquor and any person permitting this are all guilty of an offence and liable to a fine of up to level 5 on the standard scale (currently £5,000) or a prison sentence of up to 6 months, or both.

**unauthorised people on club premises (Article 29).** In general, only a club member, a guest of a member, club staff or someone legitimately in the club on business (for example, delivering goods) should ever be in the bar area of club premises or any part where intoxicating liquor is supplied, kept for supply or consumed. It follows therefore, that clubs should not engage in commercial activities by allowing the public the use of their premises.

Every person who breaches this provision and every club which allows or permits that person to be in the prohibited areas shall be guilty of an offence and subject to a fine of up to level 4 on the standard scale (currently £2,500).

**functions in a registered club (Article 30).**  A function **cannot** be held by a registered club on its premises unless **all** the following conditions are met:

1. it is for the benefit of the club as a whole and not just one particular element, for example, the darts section within a social club cannot hold a function for its own benefit because the club’s proceeds belong to all of its members;
2. the function is related to the objects of the club. Before a club can be registered it must, amongst other things, prove itself to be a bona fide club run by members for its members. Its objectives should, therefore, be evident and it will be bound by them;
3. the function is organised by the club in keeping with the provision that the business and affairs of a club must be under the management of a committee or governing body; and
4. attendance at the function is limited to club members and their guests. With the exception of employees or tradespersons, only members and their guests are permitted in the bar area of a registered club at any time.

 Contravention of these conditions will mean that a club and every official at the time will be guilty of an offence and liable to a fine of up to level 4 on the standard scale (currently £2,500).

 The conditions do not apply to a club function if the **whole** proceeds, after deducting expenses, are devoted to charitable or benevolent purposes or if it is organised for a member and attendance is limited to that member and his guests, for example, a wedding reception of a member or his immediate family.

 It must be remembered that where non-members attend charity functions, they still have to be signed-in and are subject to all the provisions of the Order relating to behaviour and the supply of intoxicating liquor.

 Restrictions on the advertising of functions held on club premises are dealt with in paragraph 25.

**presence of persons under the age of 18 in the bar area of a registered club (Articles 32 - 34).** This is dealt with in a separate section at paragraph 25.

**drunkenness in a registered club. (Article 35)** A registered club must not allow drunkenness or disorderly behaviour on its premises or supply intoxicating liquor to a person who is known to be drunk. Where this happens, the club, every official at the time and the person allowing the drunkenness or supplying the intoxicating liquor will be guilty of an offence and liable to a fine of up to level 4 on the standard scale (currently £2,500). In addition, a person who is found drunk on the premises of a registered club is also guilty of an offence and liable to a fine of up to level 2 on the standard scale (currently £500).

**obtaining alcohol for a drunken person in a registered club (Article 36).** If any person on the premises of a registered club obtains intoxicating liquor for consumption by a person who is drunk, assists a drunken person to obtain or consume intoxicating liquor or brings a drunken person onto the premises, he will be guilty of an offence. On conviction, the fine for such an offence may be up to level 3 on the standard scale (currently £1,000).

**excluding a drunken person from the premises of a registered club (Article 37).** In order to assist a registered club to comply with the restrictions regarding a drunken person on its premises, the Order provides a club with the power to expel, or to refuse to admit, a drunk or disorderly person or a person who is there unlawfully. The provisions also enable a club to seek police help to expel a person from the premises and make it an offence for that person to refuse to leave when requested to do so by the club or the police.

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**25.** **PERSONS UNDER 18 YEARS OF AGE IN REGISTERED CLUBS - ARTICLES 32 -35**

 The Order prohibits a person under the age of 18 from being in a bar or other drinking area of a registered club premises during permitted hours. It also provides that a registered club must not allow a young person to be present in such areas nor should anyone else cause them to be there. However, there are a number of exceptions to this general prohibition and a person under the age of 18 is allowed in the bar area of a club as follows:

1. in the bar area of a sporting club up to 9:00 pm;
2. where a person is working in the bar area of a sporting club under a contract of service or under an approved training scheme or in a placement scheme as part of a further or higher education course;
3. if a person is only passing through a bar area of any club as a convenient means of getting to or from an unrestricted area; or
4. all of the following conditions are satisfied:

- the young person is in the company of a person who is aged 18 or over;

- a children’s certificate (see paragraph 26) is in force for that part of the premises and the certificate is operational. Such certificates are normally operational up to 9:00 pm but if the young person or the person accompanying him is consuming a meal bought before the deadline, the time may be extended to 9:30 pm; and

- the young person is seated away from the bar.

Even where a children’s certificate is in operation, a person under the age of 18 must not be at the bar in a registered club and the club must not allow nor should anyone cause, a young person to be there. The Order sets out a series of offences and penalties if the provisions in relation to the presence of a person under the age of 18 in a bar area are contravened as follows:

1. for being in a bar area (where none of the exceptions apply) a person under the age of 18 may be liable to a fine of up to level 3 on the standard scale (currently £1,000);
2. for causing a young person to be in a prohibited area a person may be liable to a fine up to level 4 on the standard scale (currently £2,500);
3. for allowing a young person to be in a prohibited area, a club, every official at the time of the offence and the person allowing the young person to be there may be liable to a fine up to level 4 on the standard scale (currently £2,500); and
4. where a person under the age of 18 lies about their age to get into a prohibited area, that young person may be liable to a fine up to level 3 on the standard scale (currently £1,000).

None of the exceptions under which a person under the age of 18 may be allowed into a bar area of a registered club affects the prohibition on the supply of intoxicating liquor to such young persons. A club **must not:**

1. supply drink to a person under the age of 18;
2. supply drink to someone for consumption by a person under the age of 18 on the premises of the club; or
3. allow a person under the age of 18 to drink intoxicating liquor anywhere on its premises.

The club, every official at the time of the above offences and the person who supplied or permitted the consumption of the drink will be guilty of an offence, the penalty for which may be a fine of up to level 5 on the standard scale (currently £5,000) or a term of up to 6 months in prison, or both.

**DUTY TO DISPLAY A NOTICE RELATING TO AGE – ARTICLE 34A**

A club **must** display a notice containing information in relation to offences concerning the supply of, obtaining or consumption of intoxicating liquor by young persons under 18 years of age and listing acceptable proof of age documents.

The notice must be on display at all times in any area if the club premises where intoxicating liquor is supplied and be readily visible to any person seeking to be supplied with intoxicating liquor.

It is an offence to fail to display a “proof of age notice and a club and every official of the club at the time of the offence is liable to a fine of up to £1000.

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**26.** **CHILDREN’S CERTIFICATES - ARTICLE 33**

With the exception of a sporting club (see paragraph 21) a person under the age of 18 is only allowed into a bar area in a registered club in the company of a person aged 18 or over and provided a children’s certificate is in operation for that area. A registered club wishing to have a children’s certificate in respect of a particular area must make an application to a county court at the time of the application for the grant of registration or to a magistrate’s court at any other time. A court will not grant a children’s certificate unless:

1. the part of the club premises for which the certificate is being sought is a suitable environment for a person under the age of 18. The decision on this matter is left entirely to the discretion of the court but the activities which take place and the physical or structural conditions may be matters which could be taken into consideration;
2. meals and drinks other than intoxicating liquor are available in the area during the period when the children’s certificate is to be operational;
3. the part of the premises for which the certificate is sought is furnished with an adequate number of tables and chairs. This will enable the condition that a person under the age of 18 must be seated away from the bar to be complied with; and
4. any other conditions which may be laid down are complied with. No additional conditions are currently prescribed.

Children’s certificates will not be operational beyond 9:00 pm (unless a meal purchased prior to that time is being consumed, when a 9:30 deadline will apply) but a club may ask a court to impose an earlier time. A notice must be displayed in a conspicuous place in the area for which a children’s certificate is granted, stating that a certificate is in force and setting out the conditions under which it was issued and the requirements with which the club must comply. Where this notice is not displayed, the club and every official at the time of the offence may be liable to a fine up to level 1 on the standard scale (currently £200).

Any person, at any time, can lodge a complaint that the part of the club premises for which a children’s certificate is operational is not a suitable environment for a person under the age of 18. Similarly, the police can lodge a complaint that the conditions imposed by the certificate, for example, regarding the provisions of meals, adequate tables and chairs, etc., are not being met. In these circumstances, a court has the power to revoke the certificate or modify the time during which such a certificate may operate.

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**27.** **ADVERTISEMENTS RELATING TO FUNCTIONS - ARTICLE 38**

As has been explained in paragraph 1, registered clubs are members' clubs and as such, are not allowed to be run as commercial enterprises. A club cannot legally open club events to all and sundry and advertise the fact in a local newspaper. To do so would imply that the club is not operating as a bone fide members' club, with admission strictly limited.

 Advertising club facilities suggests that the facilities are for hire or for use by members of the public and this is not permitted. The Order provides that advertising a function on club premises is illegal unless it takes the form of notices displayed inside club premises or relates to a function involving any sport, game or physical recreation.

Where these provisions are not adhered to, the club, every official at the time of the issue of the advertisement and the person involved in issuing the advertisement may be guilty of an offence and liable to a fine of up to level 4 on the standard scale (currently £2,500).

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**28.** **VISITING TEAMS - ARTICLE 39**

 Schedule 1 to the Order sets out the provisions to be included in club rules and contains in paragraph 12, the general rule regarding the signing-in of a member's guests. However, there are special arrangements for signing-in a visiting team or other body of people who are members of another club or organisation. In this case it will be sufficient for a club official to enter the name of the visiting team and their number in the visitors book. Also, while the visitors are on the premises, they can be supplied with intoxicating liquor at the request of, and in the presence of, an official of the club. Admission of people as members of a team is disregarded for the purposes of limiting a non-member to 20 visits to a club in any year (see paragraph 11 of Schedule 1).

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**29.** **CLUB ACCOUNTS - ARTICLE 40**

The Order imposes stringent requirements with regard to the setting up and maintenance of the accounts of a club. These requirements apply not only to a registered club but also to a club serving the one year waiting period, having given notice of its intention to apply for registration. The Order sets out the general requirements to be met by a club and also takes powers to enable the details to be prescribed by regulations.

These details are contained in the Registration of Clubs (Accounts) Regulations (Northern Ireland) 1997 which are essential reading for a club’s treasurer, accountant, etc.

The Order requires a club to:

1. keep certain vouchers in relation to its transactions, assets and liabilities (details of precisely what must be kept are set out in the regulations);
2. set up and operate a system of control of its accounts, cash holdings, receipts and remittances (details set out in the regulations);
3. prepare an annual statement of accounts (the format and content are prescribed in the regulations);
4. ensure those accounts are audited (who may audit and how that audit is to be conducted are set out in the regulations);
5. produce any record, document, etc., which the auditor reasonably requires to inspect;
6. send a copy of the accounts to the local sub-divisional commander of the police within 3 months of the end of the financial year to which they relate;
7. send, free of charge, a copy of a summary of its accounts and the auditor’s report to any member requesting them;
8. display, in a conspicuous part of its premises for 4 weeks ending on the date of the annual general meeting, a copy of the summary of accounts and the auditors report;
9. keep all documentation relating to its accounts for a period of 6 years; and
10. write to the local sub-divisional commander of the police indicating the address or addresses at which all books, documents, etc., are kept.

If any of these requirements is not complied with, the club and every official of the club at the time is guilty of an offence and may be liable to a fine of up to level 5 on the standard scale (currently £5,000).

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**30.** **INSPECTION OF, AND RIGHTS OF ENTRY TO, CLUB PREMISES - ARTICLE 42.**

 For the purpose of inspecting its facilities, accommodation and amenities, a police officer can, without a search warrant, enter and inspect the premises of:

1. a registered club which has applied for renewal of its registration but has changed its accommodation, facilities or amenities since registration was granted or last renewed; or
2. a club which is serving the one year waiting period after it has given notice of its intention to seek registration. This entry and inspection can take place at any time during that year.

For the purposes of ascertaining whether any provisions of the Order are being, have been or are likely to be contravened or not complied with, a police officer can, without a search warrant, also enter:

1. a registered club;
2. a club which is serving the one year waiting period between applying for its registration and the actual court hearing;
3. any premises used by a club which is no longer a registered club due to the expiry of its registration within the preceding 3 years or due to its certificate of registration having been cancelled by a court; or
4. any premises which have been disqualified under the Order or the 1987 Order from being used as a registered club.

In the case of a suspected contravention of the Order, a police officer can inspect the premises, inspect any book or document which appears to relate to the club, remove such book or document for copying, etc., and question people on the premises about the club.

 Every official of a club will be guilty of an offence and liable to a fine of up to level 4 on the standard scale (currently £2500) for:

1. failing or delaying without reasonable excuse to admit a police officer who demands admission to the premises;
2. failing without reasonable excuse to permit a police officer to inspect the premises;
3. failing to produce any book or document (in this case the club is also guilty of the offence and liable to a similar fine);
4. failing to permit a police officer to take away such book or document; or
5. failing or refusing to answer, or giving false or misleading answers to a police officer. An officer can arrest, without a warrant, a person committing any of these offences and who refuses to give his name and address.

 With the authority of a search warrant, a police officer can enter, if necessary by force, and search any premises where an offence under the Order is suspected, search suspects and seize any articles required as evidence.

 The police can also serve notice on a club secretary requiring that person to produce for inspection within a time specified in the notice, information, books or documents relating to the club. A fine of up to level 4 on the standard scale (currently £2,500) can be imposed for failure to do so.

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**31.** **PENALTY POINTS - ARTICLES 43 TO 45 AND SCHEDULE 6**

Where a registered club or any official of that club is convicted of certain offences under the Order, a court may order the certificate of registration in respect of the club to be endorsed with the number of penalty points which are attributable to each offence.

 On conviction of a offence liable to be a fine not exceeding £1000 as specified in Part 1 of Schedule 6 to the Order (see Annex A), a court **may** order penalty point attributed to the offence to be endorsed on the certificate of registration. Upon conviction of the same offence within 2 years a court **must** order the endorsement of penalty points on the certificate.

 On conviction of an offence liable to a fine not exceeding £2500 as specified in Part 2 of Schedule 6 to the Order, a court **must** order penalty point attributed to the offence to be endorsed on the certificate of registration unless it considers there are special reasons for not doing so. A court **must** order the endorsement of penalty points on certificate of registration for a further conviction within 2 years for any offence specified in Part 2 of Schedule 6.

On conviction of an offence liable to a fine exceeding £5000 as specified in Part 3 of Schedule 6 to the Order, a court **must** order the endorsement of penalty points on the certificate of registration.

The endorsement of the certificate will be in addition to any other penalty which the court may decide to impose in relation to that offence. Where a court decides to endorse a certificate of registration with penalty points, the secretary of the club will be required to produce the certificate to the court within a specified period.

If this is not complied with, the secretary of the club will be guilty of an offence and, on conviction, liable to a fine of up to level 4 on the standard scale (currently £2,500) or to 3 months imprisonment, or both.

Where the penalty points imposed by a court in relation to any offence take the total on a certificate of registration to 10 or more, the court, must suspend the registration of that club for not less than 1 week or more than 3 months.

 If more than 2 years have elapsed since the commission of an offence, or the penalty points were taken into account in relation to an earlier suspension the penalty points attributed to that offence will no longer count towards the running total of points.

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**32.** **REGISTER OF CLUBS - ARTICLE 16**

 A clerk of petty sessions is required to keep a record of registered clubs with premises in the district. This register contains the details shown on the certificate of registration and the names and addresses of club officials, details of renewals, permitted hours fixed and varied, cancellations, suspensions, disqualifications and convictions. The register of clubs and any document purporting to be a certified copy of any entry in the register can be produced as evidence in court proceedings, if necessary. Anyone may inspect the register at a reasonable hour and take copies of any entry. For statistical purposes, each clerk of petty sessions will regularly send to the Department for Social Development details of the number of clubs registered under the Order, the numbers of voting and non-voting members of each club and any other information which the Department may require.

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**33.** **CONCLUSION**

 It is hoped that this guide will prove useful in helping secretaries and other club officials involved in the registration process to find their way through the legislation contained in the Order and associated regulations. It is aimed not only at those clubs contemplating an application for a grant of registration but also those already in possession of a certificate of registration who will need to be aware of the provisions of the Order.

# Copies of this Guide may be obtained from the Department for Social Development, Social Policy Unit, 4th Floor Lighthouse Building, Gasworks Business Park, 1 Cromac Place, Ormeau Road, Belfast BT7 2JB (Telephone 028 9082 9521;

#  fax 028 9081 9539; e mail: social.policy@dsdni.gov.uk).

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**CLUB RULES**

Schedule 1 to the Order sets out the provisions which **must** be included in club rules:

**Paragraph 1** provides for the precise requirements regarding the composition of the management committee or governing body of a club, which must consist of a secretary, a treasurer and not less than 5 ordinary or life members who are elected to the committee or body for not less than 1 year by those members who have voting rights.

**Paragraph 2** specifies that elections to the committee or governing body should be held annually and, if all the elected members do not go out of office in every year, there must be fixed rules for determining those that are to.

**Paragraph 3** provides that the committee or governing body must hold periodical meetings.

**Paragraph 4** requires that the names and addresses of persons proposed as ordinary members must be displayed in a conspicuous place in the club premises for at least 1 week before their election and that not less than 2 weeks must pass between their nomination and election.

**Paragraph 5** requires that election of all members to a club must be carried out by the voting membership or by the committee or governing body of that club.

**Paragraph 6** requires that persons who have not gone through the usual election procedure of prior application or nomination (see paragraph 4 of Schedule 1) will have to wait until 2 days after their election before being permitted to use the club facilities.

Since paragraph 4 of the Schedule sets out the procedures which **must** be observed prior to the election of all **ordinary** members, it follows that any members elected where this procedure is not followed will not be an ordinary member. This requirement is designed to prevent the creation of instant members. Any evasion of the rules for membership may be taken into account by a court when considering whether or not the club is a bona fide one.

**Paragraph 7** provides that non-voting members of a club must not outnumber the voting members by a ratio of more than 3 to 1.

**Paragraph 8** requires that club rules must define who can be regarded as honorary members of a club and the conditions and regulations to which they are subject.

**Paragraph 9** makes it clear that a defined subscription is payable by members on election and, thereafter, by a specified date each year.

**Paragraph 10** requires an alphabetical list of members' and officials' names and addresses to be kept on club premises.

**Paragraph 11** limits admittance to club premises as a guest of a member to 20 days in any 12 month period. This does not apply to a parent, husband, wife or child of a member, or to members of visiting teams. **However, all the other rules relating to guests continue to apply to members’ relatives.**

**Paragraph 12** contains the rules on guests of members being admitted to club premises as follows:

a. a guest cannot be admitted except in the company of a member; and

b. the member must, immediately on a guest's admission, enter his own name and that of his guest in a visitor’s book which must also show the date of the visit. This provision applies equally where the guest is a parent, husband, wife or child of a member.

Visiting teams can be entered in the visitors book under the name of their club, specifying only the number of visitors.

**Paragraph 13** disapplies the condition specified in paragraph 12 where a person has paid a fee to use the facilities of a sporting club. This means that a person who has, for example, paid green fees to a golf club or a fee to play at a squash club, etc., does not need to be signed in for any day covered by the fee. The rule also allows such a person, on that day, to use such facilities as may be decided by the management committee or governing body of a club.

**Paragraph 14** provides that a member is responsible for his guest strictly observing the rules and therefore must not leave a club premises before his guest. A guest must not be supplied with intoxicating liquor unless upon the invitation and in the company of a member.

**Paragraphs 15 to 17** relate to the supply of intoxicating liquor in a club. They are designed to ensure that a registered club is not, in fact, a proprietary club and to prohibit possible links between the management of a club and a particular supplier. They do not stop a club as a whole from, for example, benefiting from trading discounts in the buying of stock.

**Paragraph 15** states that no official of a club and no manager or servant employed by a club should have any personal interest in the supply of intoxicating liquor or in the profits arising from such supply.

**Paragraph 16** states that no person is to be paid at a club's expense, commission, percentage or similar payment on, or with reference to, purchases of intoxicating liquor by the club.

**Paragraph 17** provides that no person is to directly or indirectly derive any monetary gain from the supply of intoxicating liquor by or on behalf of a club or members or guests, apart from any benefit accruing to a club as a whole.

**Paragraph 18** prohibits the supply of intoxicating liquor for consumption outside club premises.

**Paragraph 19** provides that club rules must state the date of the end of a club's financial year.

Registered clubs should note that any alteration in a club rules must be notified in writing to the local police sub-divisional commander within 14 days of the alteration, otherwise the club secretary will be guilty of an offence.

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SCHEDULE 6

TABLE OF OFFENCES WITH PENALTY POINTS

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OFFENCES PUNISHABLE WITH LEVEL 3 FINE ON THE STANDARD SCALE

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PART 2

OFFENCES PUNISHABLE WITH LEVEL 4 FINE ON THE STANDARD SCALE

|  |  |  |
| --- | --- | --- |
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| 31(3) | Contravention of provisions of Schedule 1 which are included in the club’s rules | 4-5 |
| 32(10) | Allowing person under 18 to be in club premises, or bar of club premises etc. | 4-5 |
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PART 3

OFFENCES PUNISHABLE WITH LEVEL 5 FINE ON TH STANDARD SCALE

|  |  |  |
| --- | --- | --- |
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**THE ORDER, RELATED REGULATIONS AND COURT RULES**

The Registration of Clubs (Northern Ireland) Order 1996, related regulations and court rules mentioned in this Guide are all available to purchase from the Stationery Office at [www.tsoshop.co.uk](http://www.tsoshop.co.uk) or by contacting the TSO Customer Services on 0870 6005522.

Alternatively the above legislation may be accessed at [www.statutelaw.gov.uk](http://www.statutelaw.gov.uk). Titles, reference numbers are as follows:

 The Registration of Clubs (Northern Ireland) Order 1996 - No.3159/NI 23,

 Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011 - chapter 18

Licensing and Registration of Clubs (Amendment) (2011 Act) (Commencement No.3) Order (Northern Ireland) 2012 - No. 48 (C8)

Licensing and Registration of Clubs (Amendment) (2011 Act) (Commencement No. 2) Order (Northern Ireland) 2012 –No. 28 (C.6)

Licensing and Registration of Clubs (Amendment) (2011 Act) (Commencement No. 1) Order (Northern Ireland) 2012 –No. 9 (C.1)

The Registration of Clubs (Notice Relating to Age) Regulations (Northern Ireland) 2012 –No. 27

The Registration of Clubs (Certificate of Registration) (Amendment) Regulations (Northern Ireland) 2012 – No 26

The Registration of Clubs (Accounts) Regulations (Northern Ireland) 1997 – No. 333,

The Registration of Clubs (Accounts) (Amendment) Regulations (Northern Ireland) 1999 – No. 384

 The Registration of Clubs (Certificate of Registration) Regulations (Northern Ireland) 1997 - No.78

 The Registration of Clubs (Display of Notice) Regulations (Northern Ireland) 1997 - No.77

 The Registration of Clubs (Form of Children’s Certificate) Regulations (Northern Ireland) 1997 - No.18

 The Registration of Clubs (Required Information) Regulations (Northern Ireland) 1997 - No.76

 County Court Amendment (No 2) Rules (Northern Ireland) 1997 - No.61

 Magistrate’s Courts (Registration of Clubs) Rules (Northern Ireland) 1997 -

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