

SECTION 8 (3 D)

- (1) That none of the officials of the club has an un-spent conviction under the Rehabilitation of Offenders (Northern 1978 NI 27. Ireland) Order 1978 for an offence of violence or an offence involving dishonesty.

Amendment

Should be amended to include only those guilty of sex offences or fraud.

It should be acknowledged that some members of the Legislative Assembly would be unable to hold office in their own clubs under the terms of current legislation.

SECTION 8

RENEWAL OF REGISTRATION BY A COURT

- (2) On the hearing of an application for the renewal of registration of a club, the court may, before granting or refusing to grant the application, require the production of further information, particulars or documents such as are mentioned in paragraph 4(2) of Schedule 3 for the period from the date of the information, particulars or documents, as the case may require, which are attached to the notice served upon the clerk of petty sessions under paragraph 3(b) of Schedule 3 until such date as the court may specify; and paragraphs 3(b), 5 and 6 of Schedule 3 shall apply for the purposes of such further information, particulars or documents as if they were notice of the application, subject to the modification that in paragraph 3(b) for the reference to 4 weeks before the renewal date there were substituted a reference to 2 weeks before the time fixed by the court for the hearing of the application to be resumed.

Amendments

We question the required two week period stipulated in sub-section (2)

A period of four weeks would be more satisfactory, given the complexity of the data required.

Disqualification of premises on refusal of renewal or cancellation of registration

15.(1) Where a court of summary jurisdiction-

- (b) cancels the registration of a club under Article 13(1) or 45(1); the court shall make a disqualification order prohibiting the premises occupied by the club being used for the purposes of any registered club during a period of 2 years from the date on which the order takes effect or, if the court thinks fit, such greater period not exceeding 5 years as may be specified in the order.

Amendment

We would request that a disqualification order should apply only to the registration of the club and not to the actual premises, as there are numerous other bodies of a similar nature which could avail of the facilities provided by the premises.

CLOSING OF BAR OUTSIDE PERMITTED HOURS

- 23. (1)** Any bar on the premises of a registered club shall be kept closed except during the permitted hours.
- (2)** If paragraph (1) is contravened the registered club shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Amendment

Level 5 would appear to be rather harsh for such an offence.

Section 38

RESTRICTIONS ON ADVERTISING RELATING TO FUNCTIONS IN REGISTERED CLUBS

Amendment

Due to the de-centralising of sections of the population it may be found necessary to place notices in the press, moreover it may also encourage individuals to apply for membership of respective clubs to avail of the sporting and social facilities.

Clubs should be permitted to place notices/advertise for the benefit of members in the local press and through other media sources.

This is available to the majority of clubs due to their sports social and recreational activities, thus making section 38 of the legislation applicable to only a small number of clubs. In view of this Section 38 should be abolished, as it burdens the PSNI with an unnecessary workload to monitor and apply the current law to what must surely, in these modern times, be considered a trivial matter. Moreover this would afford parity with our counterparts in mainland UK.

NOTIFICATION OF ALTERATION OF RULES, etc., OF REGISTERED CLUBS

- 41. (I)** Where any alteration is made in the rules or to the committee of management or the governing body of a registered club, the secretary of the club shall, within 14 days of the alteration, giving particulars of the alteration.

Amendment

This period is too short and as committees usually meet on a monthly basis, we feel that the time period should be extended to quarterly.

PROVISION FOR INSPECTION AND RIGHTS OF ENTRY

- 42. (I)** A constable may, at any reasonable time,-
- (a) for the purpose of inspecting the accommodation, facilities and amenities of-
 - (i) the premises of a club which has served a notice of application under paragraph 1 (1)(a) of Schedule 2 for the grant of registration under this Order,
 - (ii) the premises of a registered club which has served a notice of application under paragraph 3(b) of Schedule 3 for the renewal of registration under this Order and which has since the last previous renewal of the registration of the club (or, where the renewal to be applied for is the first renewal of registration, since Registration was granted), changed the accommodation, facilities and amenities of the premises; enter and inspect the premises of the club or, as the case may be, registered club;
 - (b) for the purpose of ascertaining whether a contravention of this Order is being or has been committed or whether any conditions which are applicable under this Order are being or have been complied with, enter the premises of a registered club or any premises mentioned in Article 3(2) and-
 - (i) inspect the premises;
 - (ii) inspect any book or document which appears to the constable to relate to the club found on the premises;
 - (iii) upon production of a receipt, remove any such book or document for the purpose of having copies of it made or extracts taken from it;

(iv) ask of any person found on the premises such reasonable questions in relation to the club as he thinks proper.

(2) If any person-

- (a) fails or delays without reasonable excuse to admit a constable who demands admission to the premises of the club under paragraph (1); or
- (b) on being required by a constable to do so, fails without reasonable excuse to permit the constable to inspect the premises; or
- (c) on being required by a constable to produce any book or document in his possession or his control which appears to the constable to relate to the club and which the constable reasonably requires to inspect, fails without reasonable excuse to produce it to the constable and to permit the constable to remove the book or document for the purpose of taking copies of it or of any entry in it; or
- (d) fails or refuses to answer to the best of his knowledge and ability any questions asked of him by a constable in exercise of the power conferred by paragraph (1)(b)(iv) or gives an answer to any such question which is to his knowledge false or misleading; then-
 - (i) in the case of a registered club, every official of the club at the time of the contravention and, in the case of a contravention such as is mentioned in sub-paragraph (c) or (d), the registered club,
 - (ii) in any other case, the person contravening and, in the case of a contravention such as is mentioned in sub-paragraph (c) or (d), every official or member of the club, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) If, on complaint on oath, a justice of the peace is satisfied that there are reasonable grounds for suspecting that an offence under this Order is being, has been or is about to be committed on any premises, he may issue a warrant in writing authorising any constable to enter the premises, if necessary by force and to search the premises.

(4) Any constable who enters any premises under the authority of a warrant issued under paragraph (3) may-

- (a) seize and remove any document, money or valuable thing, instrument or other thing whatsoever found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of an offence under this Order, and

- (b) search any person found on the premises whom he has reasonable cause to believe to be committing or to have committed any such offence.
- (5) Without prejudice to paragraph (1) or (3), the sub-divisional commander of the police sub-division in which the premises of a club are situated may at any time serve on the secretary of the club a notice requiring him, in such manner and within such reasonable time as may be specified in the notice, to produce for inspection by that commander such information, books or documents relating to that club of any description as may be specified in the notice which that commander reasonably requires to inspect for the purpose specified in paragraph (1)(b).
- (6) If without reasonable excuse the requirement imposed by a notice under paragraph (5) is not complied with-
 - (a) in the case of a club which is a registered club, the registered club and every official of the club at the time of the contravention; and
 - (b) in the case of a club which is not a registered club, the person contravening and every official and member of the club; shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Amendment

- (a) **Section 42 should be amended to reflect the spirit of the Good Friday Agreement.**
- (b) **No Constable should be permitted to call at will to request the information encompassed in article 42**
- (c) **As specified, clubs are required to provide a full audit annually to the courts and the local PSNI Sub Divisional Commander. If any discrepancies are found within the audit, the PSNI retain the right to inspect all relevant documentation.**
- (d) **The PSNI also retain the right, upon receipt of relevant information at any time throughout the year, to send an Inspector and a Constable to demand any documentation they require to assist with their investigations.**
- (e) **The PSNI retain the right to enter club premises in pursuance of a crime.**

With a substantial reduction in the number of PSNI personnel and the increasing problems related to anti-social behaviour, to include drug abuse, smuggling, paramilitary activity, child sex abuse, joy-riding, attacks on the elderly and a host of other serious crimes, it is our opinion that consideration should be given by the Government to place Section 42 under the control of another agency or alternatively become the responsibility of respective councils.

PENALTY POINTS TO BE ATTRIBUTED TO AN OFFENCE

- 43. (1)** Where a registered club or any official of a registered club is convicted of an offence under a provision of this Order specified in column 1 of Schedule 6 (the general nature of which offence is indicated in column 2) then, subject to the following provisions of this Article, the number of penalty points to be attributed to the offence is-
- (a) the number shown in relation to the offence in column 3 of Schedule 6, or
 - (b) where a range of numbers is shown, a number within that range.
- (2) Where a registered club or any official of a registered club is convicted (whether on the same occasion or not) of 2 or more offences committed on the same occasion, the total number of penalty points to be attributed to them is the number or highest number that would be attributed on a conviction of one of them (so that if the convictions are on different occasions the number of penalty points to be attributed to the offences on the later occasion or occasions shall be restricted accordingly).
- (3) In a case where (apart from this paragraph) paragraph (2) would apply to 2 or more offences, the court may if it thinks fit determine that paragraph shall not apply to the offences (or, where 3 or more offences are concerned, to any one or more of them).
- (4) Where a court makes such a determination it shall state the reasons for the determination in the order of the court.
- (5) The Department may, by order made subject to affirmative resolution, alter a number or range of numbers shown in relation to an offence in column 3 of Schedule 6 (by substituting one number or range for another, a number for a range, or a range for a number).

Amendments

Penalty points should not be awarded for violations of Section 43. The decision of the court should be considered adequate in the event of a club being found guilty of an offence.

SCHEDULES

SCHEDULE I PROVISIONS TO BE INCLUDED IN RULES OF CLUB

1. The business and affairs of the club shall be under the management of a committee or governing body consisting 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 the general body of members having rights of voting in relation to the affairs of the club.

Amendment

This section should be amended to include a chairman.

SCHEDULE 3 APPLICATIONS FOR THE RENEWAL OF REGISTRATION

PART I GENERAL PROCEDURE

1. The Department shall, during the month of January in each year, cause notice that registrations which expire on 31st March in that year are due for renewal during the month of March to be published at least once in 2 newspapers circulating throughout Northern Ireland.
2. The clerk of petty sessions for each petty sessions district shall, not less than 6 weeks before the renewal date, cause notice of that date and of the provisions of paragraph 6 to be published in 2 newspapers circulating in that district.

Amendment

Clubs should have the right to advertise the renewal of their registration in local newspapers to include free newspapers.

EXPLANATORY NOTE

(This note is not part of the Order)

The Order consolidates with amendments the law relating to the registration of clubs. The principal amendments are-

- (a) the waiting period for a grant of registration is reduced to 1 year;
- (b) registration is valid for up to 5 years;
- (c) clubs awaiting registration will be required to have in place, and adhere to, rules similar to those required for registered clubs and the police right of entry to registered clubs is extended to cover clubs during the waiting period;
- (d) the compulsory afternoon break in the permitted hours on Sunday is abolished;
- (e) children, in the company of an adult, are to be allowed in registered clubs which are certified in that respect;
- (f) the number of special occasion authorisations which clubs can avail themselves of is increased to 52 in any year;
- (g) the Department is enabled to make provision, by regulation, as to the form of accounts which clubs are required to produce; and
- (h) penalty points are to be attributed where a registered club or an official of a registered club is convicted of certain offences and are to be taken into account if the club or an official of the club is convicted of a further such offence.

Amendment

- (b) The current five year period should be extended to ten years, in line with the remainder of the United Kingdom.**
- (f) We seek to have the 52 special occasion authorisations extended to 300**

per annum (this would not be required if we are granted the extended hours requested - see Section 24 of these amendments).

NEW ADDITION

We seek to establish a Federation/Union of clubs, which would permit members to hold a common pass card to socialise in other member clubs of the Federation. This would be similar to that which exists throughout the remainder of mainland Britain.

- (a) A common pass card would only be available to a member's through his own club secretary.
- (b) The applicant would have to be a fully paid-up member of his own club.
- (c) Despite holding a common pass card, a Federation/Union member club still retains the right to grant or refuse entry.
- (d) A member must produce his own current club membership card together with his common pass card, to gain entry.
- (e) The member must sign the common pass card on acceptance and in the presence of his club Secretary, who must also endorse the card.
- (f) Holders of a common pass card would only be treated as associate members with the rights attached to that status.

SCHEDULE I PROVISIONS TO BE INCLUDED IN RULES OF A CLUB

2. That a club management committee be permitted to nominate an associate non voting member to fulfill a vacancy which the committee are otherwise unable to fill from those members with full voting rights and that he said nominee be permitted to remain in office for the term specified in the club rule book, with full voting rights at all meetings of the club during that period

Reason for amendment

That it is embodied in the way in which ex-services clubs operate (*under a Commonwealth covenant*) prevents civilians from holding full membership. However ex-services clubs which must comply with the 1996 Clubs Order, permit non service personnel to join the social club.

It must also be considered that the ex-service membership within such clubs is of a more senior age grouping and as such would benefit greatly through this amendment.

