

**DUBLIN CITY COUNCIL
(PROHIBITION OF
CONSUMPTION OF
INTOXICATING LIQUOR ON
ROADS AND IN PUBLIC PLACES)
BYE-LAWS 2008**



Dublin City Council
Comhairle Cathrach Bhaile Átha Cliath

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DUBLIN CITY COUNCIL

INTOXICATING LIQUOR BYE-LAWS

Dublin City, (hereinafter called Dublin City Council) is empowered pursuant to Section 199(1) of the Local Government Act, 2001 to make bye-laws for or in relation to the use, operation, protection, regulation or management of any land, services, or any other thing whatsoever provided by or under the control of Dublin City Council, or in relation to any matter connected therewith and has power pursuant to Section 199(2)(a) where in its opinion it is desirable in the interest of the common good of the local community (i)that any activity or matter should be regulated or controlled or (ii)that any nuisance should be controlled or suppressed, to make a bye-law for that purpose.

Whereas Dublin City Council is of the opinion that behaviour consisting of the consumption of intoxicating liquor on roads, beaches and in other public places is contrary to the proper use, operation, protection, regulation or management of such roads and other public places under its control or management in that such behaviour seriously detracts from the proper purpose, amenity and enjoyment of such roads and public places and is of the opinion that it is desirable in the interest of the common good of the local community that the consumption of intoxicating liquor on roads, beaches and public places should be controlled.

NOW BE IT KNOWN that the Council has hereby made the following bye-laws.

- Citation:** 1. These Bye-Laws may be cited as the Dublin City Council (Prohibition of consumption of Intoxicating Liquor on Roads and in Public Places) Bye-Laws 2008.
- Commencement:** 2. These Bye-Laws shall come into operation on the 1st day of October 2008.
- Area of Application:** 3. These Bye-Laws apply to the area comprising of the City of Dublin.
- Revocation:** 4. The following provisions are hereby revoked. Intoxicating Liquor Bye-Laws made under the Local Government Act 1994 dated the 28th August 2000 and any other reference to alcohol, alcoholic beverages, intoxicating liquor in other bye-laws made in respect of the City of Dublin.

Interpretation:

5. In these bye-laws, except where the context otherwise requires:-

“road” means any street, lane, footpath, square, court, alley or passage, any bridge, viaduct, underpass, subway, tunnel, overpass, overbridge, flyover, carriageway (whether single or multiple), pavement or footway, weighbridge or other facility for the weighing or inspection of vehicles, toll plaza or other facility for the collection of tolls, service area, emergency telephone, first aid post, culvert, arch, gully, railing, fence, wall, barrier, guardrail, margin, kerb, lay-by, hard shoulder, island, pedestrian refuge, median, central reserve, channelliser, roundabout, gantry, pole, ramp, bollard, pipe, wire cable, sign, signal or lighting forming part of the road, and any other structure or thing forming part of the road and necessary for the safety, convenience or amenity of road users or for the construction, maintenance, operation or management of the road or for the protection of the environment, or prescribed by the Minister **AND** which is in the control or management of Dublin City Council.

“public place” means a place to which the public can and do have access, to include, churches, churchyards and cemeteries, open spaces, beaches, public parks, green spaces and amenity areas, including including the liffey boardwalk, canals, canal banks and towpaths, riverbanks, any outdoor area or place including the curtilage of private and public buildings to which the public have access either by right or as a trespasser or otherwise, or by express or implied permission together with such area or spaces contiguous with any of the foregoing places **AND** which is within the control or management of Dublin City Council.

“intoxicating liquor” means spirits, wine, beer, porter, stout, cider, perry and sweets and any fermented, distilled or spirituous liquor which cannot, according to any law for the time being in force, be legally sold without a licence from the Revenue Commissioners or any drink or other liquid containing alcohol.

“authorised person” means a person authorised in writing by the Authority pursuant to the Local Government Act 2001.

“the Authority” means Dublin City Council.

“functional Area” means the City of Dublin.

6. Subject to sections 9 and 11 hereof no person or persons shall –
- (1) Consume or attempt to consume intoxicating liquor on a road or in a public place within the functional area of the Council or
 - (2) Possess intoxicating liquor on a road or in a public place within the functional area of the Council with the intention of consuming it on a road or in a public place or of supplying it to a person or persons for consumption on a road or in a public place within the functional area of the Council.

A person who contravenes paragraph 6(1) or 6(2) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,900.

7. Where an authorised person or a member of the Garda Síochána has reasonable grounds for believing that a person is contravening or has contravened a provision of these bye-laws, such authorised person or member may direct such person to do either or both of the following, that is to say:

- (i) desist from such breach, and
- (ii) leave immediately the vicinity of the place concerned in a peaceable and orderly manner

Failure to comply with such a direction shall be an offence under this bye-law, and shall be liable on summary conviction in the District Court to a fine not exceeding €1,900.

- 8(a) Where an authorised person or a member of the Garda Síochána is of the opinion with reasonable cause, that a person is committing or has committed an offence under these bye-laws, the authorised person or member of the Garda Síochána may demand the name and address of such person and if that demand is refused or the person gives a name or address which is false or misleading, that person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,900.
- 8(b) Where a member of the Garda Síochána is of the opinion with reasonable cause that a person or persons is/are committing or has committed an offence under these bye-laws, that member may confiscate all intoxicating liquor in their possession.
- 8(c) Where a member of the Garda Síochána is of the opinion with reasonable cause, that a person or persons is/are committing or has committed an offence under these bye-laws, that member may arrest such person or persons without warrant.

9. It shall not be an offence under these bye-laws to consume intoxicating liquor while seated at tables and chairs provided on a street or a public place immediately adjacent to a hotel, restaurant or public house where the consumption of such intoxicating liquor is in strict compliance with the liquor licence attaching to such hotel, restaurant or public house or any occasional licence (within the meaning of the Intoxicating Liquor Acts) granted in respect of such premises **and** is in strict compliance with the general laws concerning the sale and consumption of intoxicating liquor **and** where the arrangements for such tables and chairs are strictly compliant with the provisions of the Local Government (Planning and Development) Acts, 1963-2000 or as these are amended from time to time or pursuant to any regulations made there under or made under the provisions of the Roads Act, 1993 **and** where the tables and chairs aforesaid have been provided, for patrons only, by the proprietor(s) of the hotel, restaurant or public house aforesaid **and** where the consumption aforesaid occurs within the hours of trading permitted under the general law relating to spirits retailers on-licences (i.e., publican's licences).
10. Where a member of the Garda Síochána or an authorised person is of the opinion with reasonable cause that an offence is being committed or has been committed under any provision of these bye-laws, a member of the Garda Síochána or an authorised person may serve such person/persons with a notice, specifying a fixed payment, not exceeding such amount as may be prescribed, in respect of a contravention of a bye-law as an alternative to a prosecution for the contravention and where the bye-law so provides it shall specify-
- (i) the amount of the fixed payment, and
 - (ii) the period within which it must be paid in order to avoid prosecution.
- The amount of the fixed payment applicable to the fixed payment notice shall be €75. In the event of non-payment within the specified period a person or persons shall be liable on summary conviction to a fine not exceeding €1,900.
11. Notwithstanding the provisions of these bye-laws the City Manager, on application, not less than 6 weeks before the event, may at his discretion and after consultation with the Gardai relax the provisions of these bye-laws in whole or in part on the occasion of:
- (i) major civic celebrations
 - (ii) major sporting events.
 - (iii) Special community events organised for and by the community itself.
12. A person or persons who contravene(s) a provision of these bye-laws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,900.

**PRESENT WHEN THE CORPORATE SEAL OF THE CITY COUNCIL AND
BURGESSES OF DUBLIN was affixed hereto:
THE RIGHT HONOURABLE THE LORD MAYOR also being present:**

**CITY COUNCIL OFFICIAL
CIVIC OFFICES**

Dated this day of 2008

**Dublin City Council,
Civic Offices,
Wood Quay,
Dublin 2.**