

GENERAL SCHEME

SALE OF ALCOHOL BILL 2022

SALE OF ALCOHOL BILL 2022

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REPEALS AND REVOCATIONS

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Air Navigation and Transport (Amendment) Act 1998	1998, No. 24
Air Navigation and Transport Act 1936	1936, No. 40
Anglo-Portuguese Commercial Treaty Act 1914	5 Geo. 5, c. 15
Anglo-Portuguese Commercial Treaty Act 1916	6 & 7 Geo. 5, c. 39
Beer Licences (Ireland) Act 1877	40 & 41 Vict, c. 4
Beer Retailers' and Spirit Grocers' Retail Licences Act 1900	63 & 64 Vict., c. 30
Beerhouses (Ireland) Act (1864) Amendment Act 1871	34 & 35 Vict, c. 112
Beerhouses (Ireland) Act 1864	27 & 28 Vict, c. 35
Betting Act 1931	1931, No. 27
Building Control Act 1990	1990, No. 3
Building Control Act 2007	2007, No. 21
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Central Bank and Financial Services Authority of Ireland Act 2003	2003, No. 12
Companies Act 1963	1963, No. 33
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Company Law Enforcement Act 2001	2001, No. 28
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Cork Improvement Act 1868	31 & 32 Vict, c. 33
Courts (No.2) Act 1986	1986, No. 26
Courts (Supplemental Provisions) Act 1961	1961, No. 39
Courts of Justice Act 1936	1936, No. 48
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Criminal Justice (Public Order) Act 1994	1994, No. 2
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Criminal Law (Sexual Offences) Act 1993	1993, No. 20
Customs and Inland Revenue Act 1885	48 & 49 Vict, c. 51
Customs and Inland Revenue Act 1890	53 & 54 Vict., c. 8
Dublin Justices Act 1824	5 Geo. 4, c. 81
Dublin Police Act 1842	5 & 6 Vict, c. 24
Dublin Police Magistrates Act 1808	48 Geo. 1, c 140
Dublin Reconstruction (Emergency Provisions) Act 1924	No. 24 of 1924
Equal Status Act 2000	2000, No. 8
Eucharistic Congress (Miscellaneous Provisions) Act 1932	1932, No. 7
Excise Act 1835	5 & 6 Wm. 4, c. 39
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Excise Management Act 1827	6 Geo. 4, c. 53
Excise Management Act 1841	4 & 5 Vict, c. 20
Excise Permit Act 1832	2 & 3 Wm. 4, c. 16
Finance (1909 - 1910) Act 1910	10 Edw. 7, c. 8
Finance (New Duties) Act 1916	6 Geo. 5, c. 11
Finance Act 1898	61 & 62 Vict., c. 10
Finance Act 1911	1 & 2 Geo. 5, c. 48
Finance Act 1914	5 Geo. 5, c. 7
Finance Act 1915	5 & 6 Geo. 5, c. 62
Finance Act 1917	7 & 8 Geo. 5, c. 31
Finance Act 1940	1940, No. 14
Finance Act 1989	1989, No. 10
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Finance Act 1993	1993, No. 13
Finance Act 2002	2002, No. 5
Finance Act 2003	2003, No. 3
Finance Act 2004	2004, No. 8
Fire Services Act 1981	1981, No. 30
Firearms Acts 1925 to 2000	

Gaming and Lotteries Act 1956	1956, No. 2
Gaming and Lotteries Act 1956	1956, No. 2
Greyhound Industry Act 1958	1958, No. 12
Habitual Drunkards Act 1879	42 & 43 Vict, c. 19
Illicit Distillation (Ireland) Act 1831	1 & 2 Wm. 4, c. 16
Illicit Distillation (Ireland) Act 1857	20 & 21 Vict, c. 40
Inebriates Act 1888	51 & 52 Vict., c. 19
Inebriates Act 1898	61 & 62 Vict., c. 60
Inland Revenue Regulation Act 1890	53 & 54 Vict., c. 21
Intoxicating Liquor (Amendment) (No. 2) Act 1929	1929, No. 20
Intoxicating Liquor (General) Act 1924	No. 62 1924
Intoxicating Liquor (National Concert Hall) Act 1983	1983, No. 34
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Intoxicating Liquor Act 1927	1927, No. 15
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Intoxicating Liquor Act 1943	1943, No. 7
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Intoxicating Liquor Act 1962	1962, No. 21
Intoxicating Liquor Act 1962 (Section 9) Order 2003	S.I. No. 442 2003
Intoxicating Liquor Act 1977	1977. No. 8
Intoxicating Liquor Act 1981	1981, No. 5
Intoxicating Liquor Act 1988	1988, No. 16
Intoxicating Liquor Act 1995	1995, No. 33
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Intoxicating Liquor Act 2004	2004, No. 34
Intoxicating Liquor Act 2008	2008, No. 17
Intoxicating Liquor Act 2008	2008, No. 17
Intoxicating Liquors (Ireland) Act 1815	55 Geo. 3, c. 19
Irish Horseracing Industry Act 1994	1994, No. 18
Irish Horseracing Industry Act 1994	1994, No. 18
Licensed Grocers (Ireland) Act 1818	58 Geo, 3, c. 57

Licensing (Ireland) Act 1833	3 & 4 Wm. 4, c. 68
Licensing (Ireland) Act 1836	6 & 7 Wm. 4, 38
Licensing (Ireland) Act 1855	18 & Vict, c. 62
Licensing (Ireland) Act 1860	23 & 24 Vict, c. 35
Licensing (Ireland) Act 1874	37 & 38 Vict, c. 69
Licensing (Ireland) Act 1902	1902, c. 18
Licensing (Ireland) Act 1902	3 Edw. 7, c. 18
Licensing Act 1872	35 & 36 Vict, c. 94
Local Government Act 2001	2001, No. 37
Merchant Shipping (Safety Convention) Act 1952	1952, No. 29
Merchant Shipping Act 1894	57 & 58 Vic., c. 60
Merchant Shipping Act 1992	1992, No. 2
Metrology Act 1996	1996, No. 27
Metrology Acts 1980 to 1998	
Municipal Elections (Corrupt and Illegal Practices) Act 1884	47 & 48 Vict, c. 70
National Cultural Institutions Act 1997	1997, No. 11
National Cultural Institutions Act 1997	1997, No. 11
Non-Fatal Offences Against the Person Act 1997	1997, No. 26
Organisation of Working Time Act 1997	1997, No. 20
Pawnbrokers Act 1964	1964, No. 31
Petty Sessions (Ireland) Amendment Act 1861	24 & 25 Vict, c. 49
Petty Sessions (Ireland) Amendment Act 1863	26 & 27 Vict, c. 96
Planning and Development (Amendment) Act 2010	2010, No. ??
Planning and Development Act 2000	2000, No. 30
Planning and Development Acts 2000 to 2021	
Prevention of Crime Act 1871	34 & 35 Vict, c. 112
Protection of Employees (Part-Time Work) Act 2001	2001, No. 45
Public Dance Hall Acts 1935 to 2003	
Public House (Ireland) Act 1855	18 & 19 Vict, c. 114
Refreshment Houses (Ireland) Act 1860	23 & 24 Vict, c. 107
Registration of Business Names Act 1963	1963, No. 30
Registration of Clubs (Ireland) Act 1904	4 Edw. 7, c. 24
Revenue (No. 2) Act 1861	24 & 25 Vict, c. 91
Revenue Act 1863	26 & 27 Vict, c. 35

Revenue Act 1867	30 & 31 Vict, c. 90
Revenue Act 1889	52 & 53 Vict., c. 42
Revenue Act 1898	61 & 62 Vict., c. 46
Solicitors Act 1954	1954, No. 36
Spirits (Ireland) Act 1845	8 & 9 Vict, c. 64
Spirits (Ireland) Act 1854	17 & 18 Vict, c. 89
Spirits (Ireland) Act 1855	18 & 19 Vict, c. 103
Spirits (Ireland) No.2 Act 1815	55 Geo. 3, c. 104
Spirits Act 1880	43 & 44 Vict, c. 24
Still Licences Act 1846	9 710 Vict, c. 90
Summary Jurisdiction (Ireland) Act 1908	8 Edw. 7, c. 24
Taxes Consolidation Act 1997	1997, No. 39
The Courts of Justice Act 1924	no. 10 of 1924
Tippling Act 1735	9 Geo. 2, C.8
Tourist Traffic Act 1952	1952, No. 15
Tourist Traffic Act 1952	1952, No. 15
Tourist Traffic Acts 1939 to 2003	

SALE OF ALCOHOL BILL 2022

Draft of

B I L L

entitled

AN ACT TO PROVIDE FOR THE CONSOLIDATION AND REVISION OF THE
ENACTMENTS RELATING TO ALCOHOL; AND TO PROVIDE FOR RELATED
MATTERS.

BE IT ENACTED by the Oireachtas as follows:

PART 1
PRELIMINARY AND GENERAL

Short title, collective citations, construction and commencement.

1.____(1) This Act may be cited as the Sale of Alcohol Act 2022.

(2) This Act shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision, and different days may be so appointed for different purposes and different provisions.

(3) Without prejudice to the generality of *subsection (2)*, an order under that subsection may, in respect of the repeal by *section 6(1)* of the Acts specified in *Part 1* of *Schedule 1*, appoint different days for the repeal of different Acts or different provisions of them.

Interpretation - general.

2.__(1) In this Act -

“act” includes an omission (and, accordingly, any reference to an act done includes an omission made);

“address” includes Eircode details;

“aerodrome licence” has the meaning assigned to it by *section 75*;

“age card” has the meaning assigned to it by *section 131(1)*;

“age document”, in relation to a person, means a document which meets all of the following requirements:

- (a) it contains a photograph of the person;
- (b) it contains information that enables the age of the person to be determined; and
- (c) it is -
 - (i) an age card;
 - (ii) a passport;
 - (iii) an identity card issued by a Member State of the European Communities;

- (iv) a driving licence issued by a Member State of the European Communities; or
- (v) issued by a body prescribed in regulations made under *section 190* for the purposes of this definition and in a form prescribed in such regulations;

“alcohol” means any alcohol product which is -

- (a) chargeable to alcohol products tax under section 75 of the Finance Act 2003,

and
- (b) is not relieved from such tax under section 77 of the Finance Act 2003;

“alcohol product” means beer, wine, other fermented beverage, spirits or intermediate beverage;

“amenity licence” means a licence issued under *Part 4*;

“Annual Licensing Court” means the Annual Licensing Court referred to in *section 5*;

“authorisation” means an authorisation given by a statutory authority in the form of a licence, permit, consent, approval or permission or any other form and includes a licence granted under section 254 of the Planning and Development Act 2000 and a consent given under section 71 of the Roads Act 1993;

“authorised racecourse” means a racecourse authorised under section 59 of the Irish Horseracing Industry Act 1994;

“bar”, in relation to licensed premises, means -

- (a) any part of the premises devoted to the sale and consumption of alcohol, or
- (b) any part of the premises which contains a bar counter;

“bar counter”, in relation to licensed premises, means any counter or barrier in the premises across which alcohol is served to the public, but does not include a counter at which -

- (a) meals are served to persons sitting at the counter, and
- (b) alcohol is served to such persons for consumption as an ancillary to such meals;

“beer”, subject to section 74 of the Finance Act 2003, means -

- (a) beer made from malt, and
- (b) any beverage containing a mixture of such beer with any non-alcoholic beverage,

in either case exceeding 0.5% vol;

“bottle or container” means a bottle or container irrespective of whether -

- (a) the bottle or container is opened or unopened, and

- (b) any or all of the contents of the bottle or container have been or are being consumed,

and includes the contents of the bottle or container, but does not include a bottle or container for a substance which is in the possession of a person for a purpose other than the intoxication of that or any other person;

“child” means a person under the age of 15 years;

“cider and perry” means a beverage exceeding 1.2% vol but not exceeding 15% vol, obtained from the fermentation of apple or pear juice and without the addition of –

- (a) any other alcoholic beverage, or
- (b) any other beverage or substance which imparts colour or flavour and which, by such addition in the opinion of the Commissioners significantly alters the character of the product.

“club certificate” has the meaning assigned to it by *section 145*;

“company” means -

- (a) a company within the meaning of the Companies Acts, or
- (b) a body established under the laws of a state other than the State and corresponding to a body referred to in *paragraph (a)*;

“Court” means the District Court;

“cultural amenity licence” has the meaning assigned to it by *section 72(7)*;

“director”, in relation to a body corporate, includes -

- (a) any person occupying the position of director, by whatever name called,
- (b) any person who effectively directs or has a material influence over the business of the body corporate,
- (c) any person in accordance with whose directions or instructions the directors of the body corporate are accustomed to act, unless the directors are accustomed so to act by reason only that they do so on advice given by the person in a professional capacity, and
- (d) where the affairs of the body corporate are managed by its members, any of the members who exercises the functions of such management;

“disorderly conduct” means any unreasonable behaviour by a person on licensed premises which, having regard to all the circumstances, is likely to cause injury, fear or distress to any other person on the premises and includes, but is not limited to -

- (a) violent, threatening, abusive, quarrelsome or insulting behaviour,
- (b) conduct causing damage to property,
- (c) conduct constituting an offence under the Firearms Acts 1925 to 2009 or the Non-Fatal Offences Against the Person Act 1997,

- (d) conduct in breach of the duty (imposed by section 18(3) of the Fire Services Act 1981) to ensure that as far as is reasonably practicable any person on premises is not exposed to danger from fire as a consequence of any act, and
- (e) conduct likely to constitute a risk to the health, safety or welfare of any person;

“drunken person” means a person who is intoxicated to such an extent as would give rise to a reasonable apprehension that the person might endanger himself or herself or any other person, and “drunk” and “drunkenness” are to be construed accordingly;

“dwelling” includes any outhouse, yard, garden or other land appurtenant to it or usually enjoyed with it;

“Executive” means the Health Service Executive;

“fire authority” means -

- (a) subject to *paragraph (b)*, a fire authority within the meaning of the Fire Services Act 1981, and
- (b) in relation to any application made under this Act to the Court, the fire authority for the area in which the premises (if any) to which the application relates are situated;

“general exemption order” has the meaning assigned to it by *section 102(14)*;

“guardian” includes a person acting in good faith in place of a parent;

“holiday camp licence” means a licence issued in respect of premises before commencement of this Act which -

- (a) contain furnished residential accommodation in buildings (wholly or mainly of a permanent character) for at least 250 guests at any one time, and
- (b) are for the time being registered in the register of holiday camps maintained by National Tourism Development Authority under the Tourist Traffic Acts 1939 to 2016,

and which authorises the sale of alcohol for consumption on or off the premises;

“hotel licence” means a licence issued in respect of premises specified in the licence which are for the time being registered in the register of hotels maintained by National Tourism Development Authority under the Tourist Traffic Acts 1939 to 2016 and which authorises the sale of alcohol to residents for consumption on or off the premises,

“intermediate beverage”, subject to section 74 of the Finance Act 2003, means any beverage other than beer, wine, or other fermented beverage, the alcoholic content of which is at least partly of fermented origin and which -

- (a) in the case of a still beverage exceeds 10% vol,
- (b) in the case of a sparkling beverage exceeds 13% vol,

and which in either case does not exceed 22% vol;

“late bar” means in relation to a court permit granted under *section 64*, means the premises specified in the permit,

“licence” means a licence for the sale of alcohol issued by the Revenue Commissioners under a provision of this Act;

“licensed premises”, in relation to a licence, means the premises specified in the licence including any outdoor seating area on which the business the subject of the licence may be carried out;

“licensee” means the holder of a licence;

“licensing area” -

- (a) means a district court area prescribed by law for the purposes of the transaction of licensing business, and
- (b) in relation to licensed premises, means the district court area as so prescribed in which the licensed premises are situated;

“local authority” has the meaning assigned to it by the Local Government Act 2001;

“map”, in relation to an application made under this Act to the Court or a relevant Minister, means a location map to a scale of not less than 1:1000 in built-up areas and 1:2500 in all other areas (which shall be identified on the map) containing details of features in the

neighbourhood such as to permit identification of the location of the premises to which the application relates and marked or coloured so as to identify clearly those premises;

“methylated spirits” means spirits mixed with any substance so as to render the mixture unfit for human consumption;

“methylated spirits licence” means a licence issued in respect of premises specified in the licence and which authorises -

- (a) the production of methylated spirits at the premises, or
- (b) the supply by wholesale or retail of methylated spirits at the premises;

“Minister” means the Minister for Justice;

“new retail licence” means a retail licence which is issued for the first time;

“nightclub” -

- (a) in relation to a court permit granted under *section 51(1)*, means the premises specified in the permit,
- (b) in relation to a court permit granted under *section 54(1)*, means the part of premises specified in the permit;

“non-alcoholic beverage” means any beverage not exceeding 0.5% vol;

“non-licensed business” means any business, other than the sale of alcohol, that is carried on in any licensed premises the subject of a licence;

“occasional permit” has the meaning assigned to it by *section 105(8)*;

“officer in charge of the Garda Síochána”, in relation to any premises, means a designated officer of the Garda Síochána for the relevant licensing area in which the premises are or will be situated and the licensing area in which the applicant resides or has its registered office;

“off-licence” means a licence issued in respect of premises specified in the licence and which authorises the sale of all types of alcohol by retail on the premises for consumption off the premises only;

“on-licence” means -

- (a) a holiday camp licence,
- (b) a hotel licence or publican’s hotel licence,
- (c) a public house licence,
- (d) a wine on-licence, or
- (e) a restaurant licence;

issued in respect of premises specified in the licence and which authorises the sale of alcohol for consumption on or off the premises, off sales should be ancillary to the main licence activity;

“other fermented beverage”, subject to section 74 of the Finance Act 2003, means a beverage other than beer or wine exceeding 1.2% vol which -

- (a) has an alcoholic content which is entirely of fermented origin and does not exceed 15% vol, or
- (b) has an alcoholic content which is only partly of fermented origin and which -
 - (i) in the case of a still beverage does not exceed 10% vol,
 - (ii) in the case of a sparkling beverage does not exceed 13% vol,

and includes any mixture, exceeding 1.2% vol, of such beverage with any non-alcoholic beverage;

“outdoor seating area” means, in relation to a licensed premises, an outdoor seating area—

- (a) lawfully used by a licensee of that premises pursuant to an authorisation, or
- (b) on private land abutting the premises where—
 - (i) the land is owned, or occupied by way of a lease or licence, by the licensee of the premises,
 - (ii) a licence is not in force, or a club certificate is not applicable and in force, in respect of the area,
 - (iii) the number of seated patrons who can be accommodated in the area does not exceed the number of patrons who may be accommodated in the licensed premises,

- (iv) the area contains sufficient seating to accommodate the number of seated patrons referred to in *subparagraph (iii)*,
 - (v) the area does not contain any counter or barrier across which intoxicating liquor can be served to the public, and
 - (vi) the sale or supply of intoxicating liquor by the licensee to patrons in the area is ancillary part of the normal business carried on on that premises
- (c) included in a map of the licensed premises.

“owners” includes trustees, governors, guardians and boards of management;

“parent” includes a guardian;

“passenger aircraft licence” has the meaning assigned to it by *section 75*;

“passenger vessel licence” has the meaning assigned to it by *section 80(6)*;

“plan”, in relation to an application made under this Act to the Court means a site or layout plan of the area to which the application relates drawn to a scale of not less than 1:500 (which shall be indicated on the plan) and drawings of floor plans and elevations drawn to a scale of not less than 1:200 (which shall be indicated on the drawings) and such other particulars as are necessary to describe the premises concerned;

“planning authority” has the meaning given to it in the Planning and Development Act 2000;

“private land” means land other than State land (within the meaning of the State Property

Act 1954);

“premises” includes proposed premises and a part of premises, and means a building or house and excludes mobile and temporary outlets (vans, caravans, stalls at shows, fairs and markets, etc.);

“prescribed fee”, in relation to an application made under this Act, means the fee prescribed -

- (a) under section 65 of the Courts of Justice Act 1936 in respect of the application, or
- (b) under *section 189* in respect of the application;

“produce”, in relation to alcohol products, includes -

- (a) the manufacturing of alcohol products,
- (b) the blending of alcohol products, and
- (c) the blending of any alcohol products with any non-alcoholic beverages or with any other substances;

“producer’s licence” means a licence issued in respect of premises specified in the licence and which authorises -

- (a) the production of specified alcohol products at the premises, and
- (b) the supply by wholesale of alcohol products which are the produce of the licensee under the licence;

“prohibited hours” shall be construed in accordance with *section 89(7)*;

“publican’s hotel licence” means a licence issued in respect of premises specified in the licence which are for the time being registered in the register of hotels maintained by National Tourism Development Authority under the Tourist Traffic Acts 1939 to 2016 and which authorises the sale of alcohol for consumption on or off the premises, including in any bar situated on the premises;

“public holiday” has the same meaning it has in the Organisation of Working Time Act 1997;

“public house licence” means a licence, other than a holiday camp licence, hotel licence, publican’s hotel licence, restaurant licence or wine on-licence, issued in respect of premises specified in the licence and which authorises the sale of alcohol by retail on the premises for consumption on or off the premises, off sales should be ancillary to the main licence activity;

“racecourse licence” has the meaning assigned to it by *section 68(11)*;

“race track licence” has the meaning assigned to it by *section 70(10)*;

“railway restaurant car licence” has the meaning assigned to it by *section 79(7)*;

“Register” means the Alcohol Licences Register established under *section 9(1)*;

“registered club” has the meaning assigned to it by *section 145*;

“registered premises” has the meaning assigned to it by *section 145*;

“relevant retail licence” has the meaning assigned to it by *section 34(5)*;

“restaurant” in relation to a restaurant licence, means the premises specified in the licence,

“restaurant licence” means a licence issued in respect of premises specified in the licence which -

- (a) are structurally adapted and *bona fide* used or intended to be used as a restaurant for the purpose of supplying substantial meals to customers for consumption on the premises,
- (b) do not contain a bar counter, and
- (c) substantially comply with any guidelines or standards relating to restaurants which may be published by the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media,

and which authorises the sale and consumption of alcohol in either the waiting area (being the area set aside for the sole purpose of accommodating persons while waiting to have a meal in the dining area) or the dining area (being the area set aside for the service and consumption of meals) of the premises by a person as an ancillary to a substantial meal;

“retail licence” means -

- (a) a holiday camp licence,
- (b) a hotel licence or publican’s hotel licence,
- (c) an off-licence,
- (d) a public house licence,
- (e) a restaurant licence,

(f) a wine on-licence, or

(g) a wine off-licence:

“situated”, in relation to premises which are proposed premises, includes proposed to be situated;

“sparkling”, in relation to any beverage, means any such beverage which -

(a) is contained in bottles with mushroom stoppers held in place by ties or fastenings, or

(b) has an excess pressure due to carbon dioxide in solution of 3 bar or more;

“area exemption order” has the meaning assigned to it by *section 104(13)*;

“occasional late hours order” has the meaning assigned to it by *section 101(14)*;

“spirits” means any product which exceeds 1.2% vol and which is -

(a) distilled ethyl alcohol,

(b) an alcoholic beverage the full alcohol content of which is the result of a process of distillation,

(c) any other product falling within CN Code 2207 or 2208, even when such product forms part of a product which is not an alcohol product,
or

(d) any beverage exceeding 22% vol,

and includes any such product which contains a non-alcoholic product, whether in solution or not;

“sporting arena licence” has the meaning assigned to it by *section 67(11)*;

“station licence” has the meaning assigned to it by *section 78(7)*;

“substantial meal”, in relation to any premises, means a meal such as might be expected to be served as a main midday or main evening meal or as a main course at main midday or main evening meal,

“tax clearance certificate” has the meaning given by section 1094 of the Taxes Consolidation Act 1997;

“temporary closure order” shall be construed in accordance with *section 138(2)*;

“temporary transfer of relevant retail licence” means a transfer under *sections 28 and 35* of a relevant retail licence;

“wholesale”, in relation to alcohol products, means the supply of the alcohol products to any person who -

- (a) is the licensee under an amenity licence, or retail licence,
- (b) is the holder of an authorisation (however described), not being an amenity licence or retail licence, which authorises the sale of alcohol by retail by the holder, or

- (c) carries on the business of supplying alcohol products outside the State;

“wholesaler’s licence” means a licence issued in respect of premises specified in the licence and which authorises the supply by wholesale of alcohol products from the premises;

“wine”, subject to section 74 of the Finance Act 2003, means any beverage exceeding 1.2% vol the alcoholic content of which is entirely of fermented origin -

- (a) obtained from the total or partial fermentation of grapes or the must of fresh grapes, and
- (b) not exceeding 15% vol, or in the case of still wine produced without enrichment, not exceeding 18% vol,

and includes such wine flavoured with plants or aromatic extracts and grape must in fermentation or with fermentation prevented or arrested otherwise than by the addition of spirits;

“wine on-licence” means a licence issued in respect of premises before commencement of this Act which contain a bar counter and which authorises the sale of wine by retail on the premises for consumption on or off the premises;

“wine off-licence” means a licence issued in respect of premises before commencement of this Act and which authorises the sale of wine by retail on the premises for consumption off the premises only;

“young person” means a person who is 15 years of age or over but under the age of 18 years;

“% vol” means alcoholic strength by volume which is the ratio, expressed as a percentage, of the volume of pure ethyl alcohol present in a product to the total volume of the product at a temperature of 20° Celsius.

(2) An application made under this Act, other than to a court, shall be in such form as is reasonably specified by the person to whom the application is made or as otherwise reasonably required by the person.

(3) Where 2 or more applications (of whatever nature) are made under this Act to the Court in respect of the same premises by the same person, the Court may, as it thinks fit in the circumstances of the case, hear and determine all the applications, or some of them, at the same time.

(4) Any reference in a provision of this Act or of regulations made under this Act to the sale of alcohol includes the supply of alcohol, either with or without the concomitant sale of the alcohol, unless the provision expressly provides otherwise.

(5) References in this Act (other than *section 11*) to licensed premises do not include any premises on which the business authorised by a producer’s licence, wholesaler’s licence or methylated spirits licence is carried out.

(6) Whether or not an applicant has satisfied the requirements of *section 20(3)(a)*, *24(2)*, *42(2)(a)*, *50(2)*, *53(2)(a)* or *64(2)* is a matter entirely within the discretion of the Court.

(7) A reference in any enactment to the Licencing Acts 1833 to 2018 shall be construed with any necessary modifications as a reference to this Act.

Laying of regulations.

3.____Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next subsequent 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Expenses of administration of this Act.

4.____The expenses incurred in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Annual Licensing Court.

5.____(1) A judge of the Court shall hold a court, to be known as the Annual Licensing Court, in each district court area in the judge's district on the day of the last sitting of the Court for that area for the transaction of the business of the Court exercising its summary jurisdiction held in the month of September each year.

(2) Every Annual Licensing Court shall hear and determine -

- (a) all objections referred to in *section 39(1)* to applications under *section 37(1)* for the renewal of a retail licence,
- (b) all objections referred to in *sections 42(3)* and *53(3)* to applications made in relation to nightclub permits and late bar permits,
- (c) all objections referred to in Chapter 2 of Part 5 to applications made for exemption orders, and
- (d) any other matter which may or is required by this Act or rules of court to be made or brought at that Court,

and the judge may adjourn that Court from time to time as circumstances may deem it necessary.

Repeals and revocation(s).

6.____(1) The Acts specified in columns (1) and (2) of *Part 1* of *Schedule 1* are hereby repealed to the extent specified in column (3) of that Part.

(2) The statutory instrument specified in columns (1) and (2) of *Part 2* of *Schedule 1* are hereby revoked to the extent specified in column (3) of that Part.

PART 2

SALE OF ALCOHOL PROHIBITED WITHOUT LICENCE, REGISTER OF LICENCES AND MATTERS RELATING TO APPLICATIONS FOR LICENCES

Prohibition of sale of alcohol without licence.

7.____(1) Subject to *section 105*, a person shall not sell, expose for sale, or keep for sale, by retail, any alcohol -

- (a) except pursuant to a licence, or
- (b) at any place where the person is not authorised by such licence to sell alcohol.

(2) Subject to *subsection (4)*, a person who contravenes *subsection (1)* is guilty of an offence and shall be liable -

- (a) on summary conviction, to a class A fine, or imprisonment for a term not exceeding 6 months, or both, or
- (b) on conviction on indictment, to a fine not exceeding €250,000 or imprisonment for a term not exceeding 3 years, or both.

(3) Where the Court convicts a person of an offence under *subsection (2)*, it may order all alcohol to which the offence relates found in the possession of the person, and the

vessels containing the alcohol, to be forfeited and destroyed or disposed of in such manner as the Court determines.

(4) A person who contravenes *subsection (1)* is not guilty of an offence under *subsection (2)* if -

(a) the person is -

(i) the executor, administrator or assignee of the licensee under a licence who has died, or

(ii) the trustee of the licensee under a licence who has been adjudged as bankrupt or whose affairs are liquidated by arrangement,

and

(b) the act to which the contravention relates -

(i) is an act which may have been done by the licensee pursuant to his or her licence, and

(ii) has been done -

(I) before the expiration of the licence, and

(II) before the sitting of the Court, in the district court area in which the licensed premises are situated, next occurring after the expiration of 28 days from the date

of death of the licensee, the date of appointment of the trustee, or the date of the arrangement, as the case may be.

Occupier of unlicensed drinking premises liable for sale of alcohol.

8.__(1) The occupier of any unlicensed premises on which alcohol is sold or kept for sale, or if such premises are occupied by more than one person, every occupier, shall, if it is proved that the sale was done with his or her consent, acquiescence or approval, be subject to the penalties imposed upon persons for the sale of alcohol without a licence under *section 7*.

- (2) In this section, “occupier”, in relation to unlicensed premises, means -
- (a) the owner of the premises,
 - (b) a lessee of the premises,
 - (c) any person entitled to occupy the premises,
 - (d) any other person having, for the time being, control of the premises.

Register of licences.

Provide that:

9.__(1) The Courts Service shall, as soon as is practicable after the commencement of this section, establish and maintain for the purposes of this Act a register of licences to be known as the Alcohol Licences Register.

(2) The Revenue Commissioners and the Courts Service shall, in the performance of their functions in relation to the Register, co-operate with and provide assistance to each other, including sharing all information deemed necessary, including confidential information, personal data including sensitive information, or commercial information, with each other.

(3) The Register shall contain the following particulars:

- (a) the name of the licensee under a licence;
- (b) if the licensee is a company, the address of the registered office of the company;
- (c) address of the licensed premises;
- (d) the trading name of the premises;
- (e) the type of licence;
- (f) the date of issue of the licence;
- (g) the last date on which the licence was renewed;

- (h) the particulars of the transfer of a relevant retail licence as set out in the notice concerned given to the Revenue Commissioners pursuant to *section 35(1)(a)(ii) and section 28 (1) (a)(ii)*;
- (i) such other particulars as may be prescribed in regulations made under *section 190*.

(4) The Register may be established and maintained in a form that is not legible if it is capable of being converted into a legible form.

(5) The Courts Service shall make the contents of the Register available for inspection by members of the public free of charge on the Courts Service website.

(6) In any legal proceedings, a document -

- (a) purporting to be a copy of, or extract from, an entry in the Register, and
- (b) purporting to be certified by an officer of the Courts Service to be a true copy of, or extract from, as the case may be, the entry.

shall be received in evidence and shall, until the contrary is proved, be deemed to be a true copy of or extract from the entry and to be evidence of the matters stated in it.

(7) The licensee under a licence to whom an entry in the Register relates shall give notice in writing to the Courts Service of -

- (a) any error that the person knows of in the entry, and

- (b) any change of circumstances that is likely to have a bearing on the accuracy of the entry,

as soon as may be after the person becomes aware of that error or change in circumstances, as the case may be.

(8) The licensee under a licence who contravenes *subsection (7)* is guilty of an offence and liable on summary conviction -

- (a) for a first offence, to a class C fine,
- (b) for a second or subsequent offence, to a class A fine.

(9) The Courts Service may, from time to time, review each entry in the Register and, if they become aware that any particular in the Register is incorrect or has ceased to be correct, they shall make such alterations to the Register as they consider necessary and give notice in writing to the licensee under the licence concerned of any such alteration.

Eligibility for licence.

10.___Notwithstanding anything contained in this Act, a licence shall not be held by a person

- (a) who has not attained the age of 18 years,
- (b) who, has been convicted of -
 - (i) a drug trafficking offence,
 - (ii) money laundering within the meaning of section 2 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010, or
 - (iii) financing terrorism within the meaning of section 13 of the Criminal Justice (Terrorist Offences) Act 2005,
- (c) who -
 - (i) is the holder of -
 - (I) a bookmaker's licence issued under section 7 of the Betting Act 1931¹, or
 - (II) a licence issued under section 7A (as amended by section 64 of the Irish Horseracing Industry Act 1994) of the Betting Act 1931²,

¹ Betting Act 1931 will be repealed and replaced by the Gambling Regulation Bill.

² Betting Act 1931 will be repealed and replaced by the Gambling Regulation Bill.

- (ii) is the holder of a moneylender's licence granted under section 93 (as amended by paragraph 21 of Part 21 of Schedule 1 to the Central Bank and Financial Services Authority of Ireland Act 2003) of the Consumer Credit Act 1995, or
- (iii) is the holder of a pawnbroker's licence granted under the Pawnbrokers Act 1964.

Licence must specify licensed premises, etc.

11.__(1) Except as otherwise provided in this Act, a licence shall authorise the licensee under the licence and no other person to carry on the type of licensed business specified in the licence in the licensed premises (if any) and in no other premises.

(2) The Revenue Commissioners may, subject to the provisions of this Act applicable to the issue of a new licence of the type concerned, issue a new licence of that type to the licensee under an existing licence of that type to replace the existing licence in order to specify licensed premises in the new licence which are expanded, decreased or altered from the licensed premises specified in the existing licence.

(3) Subject to *subsection (4)*, where the licensee under an existing licence proposes to decrease or expand the licensed premises, the licensee shall make an application under this Act for the grant of a court certificate which, if granted, will entitle the licensee, upon the surrender to the Revenue Commissioners of the existing licence, to the issue of a new licence of the same type as the existing licence except in respect of the decreased or expanded licensed premises.

(4) *Subsection (3)* does not apply in the case of –

- (a) the licensee under an existing racecourse licence, race track licence, passenger aircraft licence or railway restaurant car licence who proposes to decrease or expand the licensed premises, or
- (b) the licensee under any other type of licence which may be issued by the Revenue Commissioners without a court certificate.

Information to be stated in licence.

12.___A licence shall state -

- (a) the name and address of the licensee under the licence,
- (b) the address and trading name of the licensed premises (if any) and, where the premises occupy part only of a building, a description of that part,
- (c) the type of licence,
- (d) the date of issue of the licence,
- (e) the date on which the licence expires,
- (f) if a court certificate under *section 21(1)* was required to obtain the licence, the licensing area concerned.
- (g) such other information that the Revenue Commissioners consider appropriate.

Tax clearance.

13.____(1) Subject to *subsection (2)*, the Revenue Commissioners shall refuse to issue or renew a licence to or in respect of a person in respect of whom a tax clearance certificate is not in force.

(2) The Revenue Commissioners may nevertheless issue or renew a licence to or in respect of such a person if -

- (a) the person has, at least 4 months before applying for the issue or renewal, applied for a tax clearance certificate and it has been refused and an appeal against the refusal has been made under section 1094(7) of the Taxes Consolidation Act 1997 but not determined, and
- (b) the Revenue Commissioners would, but for *subsection (1)*, have issued or renewed the licence.

(3) A licence issued or renewed on foot of *subsection (2)* shall expire 7 days after the date on which the appeal concerned referred to in that subsection has been determined or finally determined and such appeal is unsuccessful.

(4) In this section, “person” means –

- (a) in the case of a body corporate, all the directors of the body corporate,
and
- (b) in the case of a partnership, all the partners.

Provisions applicable to application for issue, etc. of licence by body corporate or person who is not beneficial owner of business.

14.___Notwithstanding anything contained in this Act, the Revenue Commissioners shall refuse an application for the issue, renewal or transfer of a licence -

- (a) by or on behalf of a company, unless the company holds a certificate of the incorporation of the company -
 - (i) certified by the registrar of companies under section 370(1)(b) of the Companies Act 1963, and
 - (ii) dated not earlier than 4 weeks before the date of the application,
- (b) by or on behalf of a person carrying on business under a name that is not that of the beneficial owner of the business, unless the person holds and has in his or her possession a certificate of registration -
 - (i) under the Registration of Business Names Act 1963, and
 - (ii) certified in accordance with section 16(1)(b) of that Act.
- (c) if such company or person, as the case may be, fails or refuses to produce such certificate, upon the request of the Revenue Commissioners, for inspection by them.

Time limit on submission of application for licence to Revenue Commissioners.

15.____(1) Subject to *subsection (2)*, where a court certificate under *section 21(1)* is granted, the Revenue Commissioners shall not issue the licence to which the certificate relates unless the application for the licence is made to them not later than 28 days from the date on which the certificate or approval, as the case may be, was granted.

(2) In the case of a court certificate referred to in *subsection (1)*, the Court may in any particular case extend the period specified in *subsection (1)* -

- (a) if it is satisfied that a failure to make the application concerned to the Revenue Commissioners within that period was due to exceptional circumstances, and
- (b) for not more than 6 months from the date on which the court certificate concerned was granted.

Production of licence.

16.__(1) Subject to *subsection (2)*, the licensee under a licence shall produce the licence for inspection, there and then on the premises, upon being requested to do by a member of the Garda Síochána or an officer of the Revenue Commissioners.

(2) Where the licensee under a licence is a company, it shall be sufficient compliance with *subsection (1)* if -

(a) the licence is -

(i) kept in the company's registered office,

(ii) displayed in a conspicuous place in that office, and

(iii) available for inspection on request made by a member of the Garda Síochána or an officer of the Revenue Commissioners,

and

(b) the licensee keeps a copy of the licence on the licensed premises, and produces the copy for inspection as soon as is practicable after a request to do so is made to the licensee by a member of the Garda Síochána or an officer of the Revenue Commissioners.

(3) The licensee under a licence who, without reasonable excuse, contravenes *subsection (1)* is guilty of an offence and liable on summary conviction -

(a) for a first offence, to a class C fine,

(b) for a second or subsequent offence, to a class A fine.

(4) This section shall, with all necessary modifications, apply to -

(a) a court permit granted under *section 43(1), 51, 64*, the holder of such permit and the premises specified in such permit,

(b) an occasional late hours order, the holder of such order and the premises specified in such order,

(c) a general exemption order, the holder of such order and the premises specified in such order,

(d) an occasional permit, the holder of such permit and the relevant place (within the meaning of *section 105(9)*) specified in such permit,

as it applies to a licence, the licensee under the licence and the licensed premises respectively.

Evasion of licence conditions.

17.____(1) The licensee under a licence shall not, with intent to evade the conditions of the licence -

- (a) take alcohol from the licensed premises for the purpose of its being sold on the account, or for the benefit or profit, of the licensee, or
- (b) permit any person so to take alcohol.

(2) A person shall not intentionally aid or abet a licensee to contravene *subsection (1)*.

(3) The licensee under a licence who contravenes *subsection (1)*, or a person who contravenes *subsection (2)*, is guilty of an offence and liable on summary conviction -

- (a) for a first offence, to a class C fine, and
- (b) for a second or subsequent offence, to a class A fine.

(4) Where, in a prosecution for an offence under *subsection (3)* which relates to a contravention of *subsection (2)*, the prosecution proves that the premises to which the alcohol was taken were owned or controlled by the licensee concerned or used with that licensee's consent, then the burden of proving that the licensee did not intend to evade the conditions of the licence shall lie on the licensee.

Performance of functions of Revenue Commissioners.

18.___The Revenue Commissioners may nominate any of their officers to perform any functions conferred on the Revenue Commissioners by this Act.

PART 3

RETAIL LICENCES

Chapter 1

Jurisdiction of Court

Jurisdiction of Court.

19.___An application for the grant of a court certificate under *section 21(1)* shall be made -

- (a) subject to *paragraph (b)*, at any sitting of the Court in the district court area in which the premises to which the application relates are situated,
or
- (b) at any sitting of the Court for the district court district in which the premises to which the application relates are situated if the Court is satisfied, in the particular case concerned, that exceptional circumstances justify the application being so made.

Chapter 2

Issue of new retail licences in respect of premises not already licensed

Application for court certificate for new retail licence.

20.____(1) The Revenue Commissioners shall not issue a new retail licence in respect of any premises unless a court certificate has been granted under *section 21(1)* in respect of the premises.

(2) Subject to *section 19*, an application for the grant of a court certificate under *section 21(1)* shall be made -

- (a) to the Court, and
- (b) by or on behalf of the person who is the holder of the lowest estate or tenancy in the premises to which the application relates.

(3) The Court shall not entertain an application under *subsection (2)* unless the applicant has first satisfied it that -

- (a) the applicant has -
 - (i) not less than 28 days before the date of the hearing of the application by the Court, served a *section 20* notice, a map and a plan on -
 - (I) the Court clerk,

- (II) the fire authority and the officer in charge of the Garda Síochána, in both the licencing area in which the premises are located and the licencing area in which the applicant resides,
 - (III) the local authority, and
 - (IV) the Executive
- (ii) published, not less 28 days before the date of the hearing of the application by the Court, the information specified in the definition of “*section 20 notice*” in *subsection (5)* (except the information specified in *paragraph (e)* of that definition) in each of 2 newspapers circulating generally in the locality in which the premises to which the application relates are situated, and
- (iii) displayed, for a period of not less than 14 consecutive days during the 28 days immediately preceding the date of the hearing of the application by the Court, the information specified in the definition of “*section 20 notice*” in *subsection (5)* (except the information specified in *paragraph (e)* of that definition) in a conspicuous place on or near the premises to which the application relates so as to be easily visible and legible by members of the public,

- (b) the application is for the grant of a court certificate under *section 21(1)* which will entitle the applicant to be issued a new hotel licence or a new publican's hotel licence, the premises comprising the hotel, are for the time being registered in the register of hotels, maintained by National Tourism Development Authority under the Tourist Traffic Acts 1939 to 2016, and
 - (c) a tax clearance certificate as referred to in *section 13(1)* in relation to the applicant has been issued by the Revenue Commissioners and is available for inspection by the Court.
- (4) On the hearing of an application under *subsection (2)* -
- (a) the fire authority, the officer in charge of the Garda Síochána, the local authority, the Executive, or
 - (b) any person who has a substantial and bona fide interest in the matter and is resident in the neighbourhood

may object to the application and, for that purpose, may appear and give evidence.

- (5) In this section, "*section 20 notice*", in relation to an application under *subsection (2)* for the grant of a court certificate under *section 21(1)*, means a notice stating -
- (a) the applicant's intention to apply to the Court for the grant of a court certificate which will entitle the applicant to be issued a new retail licence by the Revenue Commissioners,

- (b) the name and address of the applicant and, if the applicant is a body corporate or partnership, the name and address of each of the directors or partners, as the case may be, of the body corporate or partnership,
- (c) the address of the premises to which the application relates,
- (d) the type of new retail licence to which the application relates,
- (e) details of each retail licence (if any) currently or formerly held by -
 - (i) the applicant, and
 - (ii) if the applicant is a body corporate or partnership, each director or partner, as the case may be, of the body corporate or partnership,
- and
- (f) the date of the hearing of the application by the Court (if known).

Provide that:

- (6) The Court shall not accept an application for new retail licences for wine off-licences, wine on-licences or holiday camps on commencement of this section.

Determination of application for court certificate for new retail licence.

Provide that:

21.__(1) Subject to *section 26*, the Court shall determine an application under *section 20(2)* for the grant of a court certificate under this subsection by -

- (a) subject to *paragraph (b)* and *subsection (3)* and upon payment of the prescribed fee (if any), granting to the applicant a certificate which entitles the applicant to be issued the new retail licence specified in the certificate if it is satisfied, on the basis of certification by a suitably qualified person or persons, that -
 - (i) permission for the development of the premises to which the application relates has, where required under the *Planning and Development Acts 2000 to 2021*, been obtained from the relevant planning authority,
 - (ii) the conditions (if any) attached to the permission by the planning authority have been, and are being, complied with, and
 - (iii) the fire safety standards under the Building Control Acts 1990 to 2014 have been, and are being, complied with,
- (b) refusing to so grant such certificate if it allows an objection to the application on any of the grounds of -

- (i) the character, misconduct or unfitness of the applicant, including, if the applicant is a body corporate or partnership, the character, misconduct or unfitness of any director or partner, as the case may be, of the body corporate or partnership,
- (ii) the unfitness or inconvenience of the premises,
- (iii) the unsuitability of the premises for the needs of the persons residing in the neighbourhood in which the premises are situated, or
- (iv) the adequacy of the existing number of licensed premises of the same character in such neighbourhood.

(2) The grant of a court certificate under *subsection (1)* to a person in respect of premises does not entitle the person to place, sell, expose for sale, or keep for sale, by retail, any alcohol except pursuant to, and in accordance with, a licence held by the person in respect of which those premises are the licensed premises.

(3) Where an application is made for a public house licence, a publican's hotel licence or an off-licence within three years of commencement of the Act, the Court shall not grant the certificate unless the applicant extinguishes an existing public house licence or off-licence.

(4) Where an application is made for an off-licence starting from the period of three years after commencement of the Act –

- (i) the Court shall not grant the certificate unless the applicant extinguishes an existing public house licence or off-licence,
- (ii) only public house licences in existence prior to enactment of this Act may be offered for extinguishment.

(5) *Subsection (3) and (4) shall not apply where the application under section 20(2) concerned for the grant of a court certificate under subsection (1) -*

- (a) arises from the expiration of a licence where the Revenue Commissioners have not received an application to renew the licence within 2 years from the licence lapsing,
- (b) arises from the expiration of a licence issued under *section 29* or *33*, or
- (c) arises from the expiration of a licence transferred under *section 34*.

Issue of new retail licence.

22.____(1) Subject to *section 15*, where -

- (a) an application is made to the Revenue Commissioners for the issue of a new retail licence by the person to whom a court certificate has been granted under *section 21(1)* in respect of the licence,
- (b) the application is accompanied by that certificate or the Revenue Commissioners have been provided with that certificate by the Courts Service, whether electronically or otherwise,
- (c) the Revenue Commissioners are satisfied that a tax clearance certificate as referred to in *section 13(1)* in relation to the person named in the certificate has been issued by them, and
- (d) the appropriate excise duty and prescribed fee (if any) in respect of the new retail licence have been paid to the Revenue Commissioners,

the Revenue Commissioners shall issue that licence to the applicant.

(2) Where *section 21(3) or (4)* applied to an application under *section 20(2)* for the grant of a court certificate under *section 21(1)*, then, on the issue under *subsection (1)* of the public house licence or off-licence concerned, the existing licence is thereupon extinguished.

Court certificate granted under *section 21(1)* and new retail licence not to be subject to conditions, etc.

23.____(1) The Court shall not grant a court certificate under *section 21(1)* subject to conditions which are not provided for in this Act.

(2) The Revenue Commissioners shall not issue a new retail licence subject to conditions.

(3) Where the Court grants a court certificate under *section 21(1)* in contravention of *subsection (1)*, the conditions the subject of the contravention shall, by virtue of this subsection, have no effect.

(4) Where the Revenue Commissioners issue a new retail licence in contravention of *subsection (2)*, the conditions the subject of the contravention shall, by virtue of this subsection, have no effect.

(5) In this section, “conditions” includes undertakings.

Chapter 3

Declaratory procedure for new retail licences

Application for court declaration for new retail licence.

24.____(1) Where a person proposes to acquire, construct or alter premises (or any combination thereof) which are not licensed premises and thereafter make an application to the Court for the grant of a court certificate under *section 21(1)* in respect of the premises, the person may make an application to the Court for the grant of a court declaration under *section 25(1)* in respect of the premises.

(2) The Court shall not entertain an application under *subsection (1)* for the grant of a court declaration under *section 25(1)* unless the applicant has first satisfied it that the applicant has -

- (a) not less than 28 days before the date of the hearing of the application by the Court, served a *section 24* notice, a map and a plan on -
 - (i) the Court clerk,
 - (ii) the fire authority
 - (iii) the officer in charge of the Garda Síochána,
 - (iv) the local authority, and
 - (v) the Executive.

- (b) published, not less than 28 days before the date of the hearing of the application by the Court, the information specified in the definition of “*section 24 notice*” in *subsection (5)* (except the information specified in *paragraph (e)* of that definition) in each of 2 newspapers circulating generally in the locality in which the premises to which the application relates are situated,
 - (c) subject to *subsection (3)*, displayed, for a period of not less than 14 consecutive days in the 28 days immediately preceding the date of the hearing of the application by the Court, the information specified in the definition of “*section 24 notice*” in *subsection (5)* (except the information specified in *paragraph (e)* of that definition) in a conspicuous place on or near the premises so as to be easily visible and legible by members of the public.
 - (d) a tax clearance certificate as referred to in *section 13(1)* issued in respect of him or her and such certificate is available for inspection by the court.
- (3) On the hearing of an application under *subsection (1)* -
 - (a) the fire authority, the officer in charge of the Garda Síochána, the local authority, the Executive or
 - (b) any person who has a substantial and bona fide interest in the matter and is resident in the neighbourhood

may object to the application and, for that purpose, may appear and give evidence.

(4) In this section, “*section 24 notice*”, in relation to an application under *subsection (1)* for the grant of a court declaration under *section 25(1)*, means a notice stating -

- (a) the applicant’s intention to apply to the Court for the grant of a court declaration that the premises to which the application relates are suitable to be licensed premises of the type referred to in *paragraph (d)* after, if applicable, the acquisition, construction or alteration (or any combination thereof) of the premises proposed by the applicant is carried out,
- (b) the name and address of the applicant and, if the applicant is a body corporate or partnership, the name and address of each of the directors or partners, as the case may be, of the body corporate or partnership,
- (c) the address of the premises to which the application relates,
- (d) the type of new retail licence for which the applicant intends to eventually make an application to the Court for the grant of a court certificate under *section 21(1)* which entitles the applicant to the issue of the licence from the Revenue Commissioners,
- (e) details of each retail licence (if any) currently or formerly held by -
 - (i) the applicant, and

(ii) if the applicant is a body corporate or partnership, each director or partner, as the case may be, of the body corporate or partnership,

and

(f) the date of the hearing of the application by the Court (if known).

Determination of application for court declaration for new retail licence.

25.____(1) The Court shall determine an application under *section 24(1)* for the grant of a court declaration under this subsection by -

(a) subject to *paragraph (b)* and upon payment of the prescribed fee (if any), granting to the applicant a declaration that the premises specified in the declaration will be, after being acquired, constructed or altered (or any combination thereof) as specified in the declaration, suitable to be licensed premises in respect of the type of new retail licence specified in the declaration if the Court is satisfied -

(i) on the basis of certification by a suitably qualified person or persons, that -

(I) permission for the development of the premises has, where required under the *Planning and Development Acts 2000 to 2021*, been obtained from the relevant planning authority, and

(II) a fire safety certificate has been granted in accordance with Part III of the Building Control Regulations 1997 (S.I. No. 496 of 1997) in respect of the premises,

(ii) that in any case in which it is proposed to acquire premises, the holder of the lowest estate or tenancy in the premises has agreed to convey such lowest estate or tenancy to the applicant

if and when the declaration is granted in relation to the premises, and

- (iii) that in any case in which it is proposed to construct premises, the applicant is the holder of the lowest estate or tenancy in the site on which it is proposed to construct the premises or, if that is not the case, that the holder of it has agreed to convey the lowest estate or tenancy in the site to the applicant if and when the declaration is granted in relation to the site,
- (b) refusing to so grant such declaration if it allows an objection to the application on any of the grounds of -
 - (i) the character, misconduct or unfitness of the applicant, including, if the applicant is a body corporate or partnership, the character, misconduct or unfitness of any director or partner, as the case may be, of the body corporate or partnership,
 - (ii) if the acquisition, construction or alteration (or any combination thereof) of the premises to which the application relates were already completed -
 - (I) the unfitness or inconvenience of the premises, or

(II) the unsuitability of the premises for the needs of the persons residing in the neighbourhood in which the premises are situated,

or

(iii) the adequacy of the existing number of licensed premises of the same character in such neighbourhood.

(2) Subject to *subsection (3)*, a court declaration granted under *subsection (1)* shall remain in force for -

- (a) subject to *paragraph (b)*, 3 years from the date on which it is granted,
- (b) such longer period as the Court may in any particular case think proper.

(3) The Court may, on application made to it by the person to whom a court declaration under *subsection (1)* was granted, extend by not more than 2 years the period for which the declaration shall remain in force under *subsection (2)*.

Modification of *section 21(1)* where court declaration for new retail licence is in force in respect of premises.

26.____(1) Subject to *subsection (2)*, where a court declaration granted under *section 25(1)* is in force in respect of premises, *section 21(1)* shall apply to the determination of an application under *section 20(2)* for the grant of a court certificate under *section 21(1)* in respect of the premises as if *subparagraphs (ii), (iii) and (iv) of section 21(1)(b)* were deleted.

(2) Where -

- (a) a court declaration granted under *section 25(1)* is in force in respect of premises, and
- (b) the person to whom the court declaration was granted makes an application under *section 20(2)* for the grant of a court certificate under *section 21(1)* which entitles the person to be issued with a new retail licence of the type specified in the declaration in respect of the premises,

subsection (1) shall not apply to the determination of that application unless the Court is first satisfied that the premises have been substantially acquired, constructed or altered (or any combination thereof) as specified in the declaration.

Chapter 4

New licence upon sale or assignment, etc. of licensed premises

Application to Court for temporary transfer of relevant retail licence upon sale or assignment, etc. of licensed premises.

Provide that:

27.__ (1) An application for the temporary transfer of a relevant retail licence may be made by an applicant to any sitting of the Court upon the sale or assignment by law or otherwise to the applicant of the licensed premises to which the application relates.

(2) The Court shall not entertain an application under *subsection (1)* unless the applicant has first satisfied it that—

(a) the applicant has, not less than 7 days before the date of the hearing of the application by the Court, served a *section 27* notice on—

(i) the District Court clerk, and

(ii) the officer in charge of the Garda Síochána,

and

(b) a tax clearance certificate as referred to in *section 13* in relation to the applicant has been issued by the Revenue Commissioners.

(3) On the hearing of an application under *subsection (1)*, the officer in charge of the Garda Síochána may object to the application and, for that purpose, may appear and give evidence.

(4) In this section—

“relevant retail licence” means a retail licence of the same type as the retail licence presently in force in respect of the licensed premises;

“*section 27* notice”, in relation to an application under *subsection (1)* for the temporary transfer of a relevant retail licence, means a notice stating—

- (a) the applicant’s intention to apply to the Court for the temporary transfer of a retail licence upon the sale or assignment by law or otherwise to the applicant of the licensed premises to which the application relates;
- (b) the name and address of the applicant and, if the applicant is a body corporate or partnership, the name and address of each director or partner, as the case may be, of the body corporate or partnership;
- (c) the address of the licensed premises to which the application relates, the type of the relevant retail licence, and the name and address of the present licensee under the licence.

- (d) details of each retail licence (if any) currently or formerly held by—
 - (i) the applicant, and
 - (ii) if the applicant is a body corporate or partnership, each director or partner, as the case may be, of the body corporate or partnership,
- and
- (e) the date of the hearing of the application by the Court (if known).

Determination of application for temporary transfer of relevant retail licence upon sale or assignment, etc. of licensed premises.

Provide that:

28.__ (1) The Court shall determine an application under *section 27(1)* for the temporary transfer of a relevant retail licence by—

- (a) subject to paragraph (b)—
 - (i) granting the transfer of the licence to the applicant as the transferee and endorsing the relevant retail licence, or a copy of the relevant retail licence (which may be provided by the Revenue Commissioners), with particulars of the transfer, and
 - (ii) causing a notice in writing of particulars of the transfer to be given to the Revenue Commissioners after granting the transfer as soon as is practicable but, in any case, not later than 14 days from granting the transfer,
- (b) refusing to so grant such transfer of the relevant retail licence if it allows an objection to the application on the ground of the character, misconduct or unfitness of the person, including, if the person is a body corporate or partnership, the character, misconduct or unfitness of any director or partner, as the case may be, of the body corporate or partnership.

(2) The transfer of a relevant retail licence under *subsection (1)(a)* entitles the person to whom the licence is transferred to operate the licensed premises to which the licence relates until 30 September next following after the expiration of 28 days from the date of that transfer.

Issue of new retail licence following grant of court certificate for sale or assignment, etc. of licensed premises.

Provide that:

29.__ (1) Where—

- (a) an application is made to the Revenue Commissioners for the issue of a new retail licence by the person to whom temporary transfer of a relevant retail licence has been granted under *section 28* in respect of the licence,
- (b) the notice referred to in *section 28(1)(a)(ii)* has been provided to the Revenue Commissioners by the Courts Service, whether electronically or otherwise,
- (c) the application is accompanied by information which shows that the sale or assignment by law or otherwise concerned has been effected, , and
- (d) the appropriate excise duty and prescribed fee (if any) in respect of the new retail licence have been paid to the Revenue Commissioners, the Revenue Commissioners shall issue that licence to the applicant.

(2) Where a retail licence (in this subsection referred to as “the retail licence concerned”) is issued under *subsection (1)* —

- (a) any other retail licence in force in respect of the licensed premises in respect of which the retail licence concerned was issued is thereupon extinguished, and
- (b) *section 36* applies to the retail licence concerned in the same way as it applies to any other retail licence.

Chapter 5

New licence upon change of control of company

Interpretation of *Chapter 5*.

30.__(1) In this Chapter -

“change of control”, in relation to a company, means -

- (a) where a person having control of the company ceases to have control of the company, or
- (b) where no person has control of the company, a person acquires control of the company;

“control of a company” has the meaning assigned to it by section 11 and 432 of the Taxes Consolidation Act 1997.

Application for court certificate for change of control of company.

31.____(1) An application for the grant of a court certificate under *section 32* may be made at any sitting of the Court.

(2) The Court shall not entertain an application under *subsection (1)* unless the applicant has first satisfied it that -

(a) the applicant has, not less than 7 days before the date of the hearing of the application by the Court, served a *section 31* notice on -

(i) the Court clerk, and

(ii) the officer in charge of the Garda Síochána,

and

(b) a tax clearance certificate as referred to in *section 13(1)* in relation to the applicant has been issued by the Revenue Commissioners and is available for inspection by the Court.

(3) On the hearing of an application under *subsection (1)*, the officer in charge of the Garda Síochána may object to the application and, for that purpose, may appear and give evidence.

(4) In this section, “*section 31* notice”, in relation to an application under *subsection (1)* for the grant of a court certificate under *section 32*, means a notice stating -

- (a) the applicant's intention to apply to the Court for the grant of a court certificate which will entitle the applicant to be issued a new retail licence by the Revenue Commissioners -
 - (i) upon or subsequent to the change of control of the company which is presently the licensee under the retail licence presently in force in respect of the licensed premises to which the application relates, and
 - (ii) of the same type as the retail licence presently in force in respect of the licensed premises,
- (b) the name and address of the applicant and, if the applicant is a body corporate or partnership, the name and address of each director or partner, as the case may be, of the body corporate or partnership,
- (c) the address of the licensed premises to which the application relates and the type of retail licence presently in force in respect of the premises,
- (d) details of each retail licence (if any) currently or formerly held by -
 - (i) the applicant, and
 - (ii) if the applicant is a body corporate or partnership, each director or partner, as the case may be, of the body corporate or partnership,

and

- (e) the date of the hearing of the application by the Court (if known).

Determination of application for court certificate for change of control of company.

32.____ The Court shall determine an application under *section 31(1)* for the grant of a court certificate under this section by -

- (a) subject to *paragraph (b)*, granting to the applicant a certificate which entitles the applicant to be issued with a new retail licence by the Revenue Commissioners -
 - (i) upon or subsequent to the change of control of the company which is presently the licensee under the retail licence presently in force in respect of the licensed premises to which the application relates, and
 - (ii) of the same type as the retail licence presently in force in respect of the licensed premises,
- (b) refusing to so grant such certificate if it allows an objection to the application on the ground of the character, misconduct or unfitness of the applicant, including, if the applicant is a body corporate or partnership, the character, misconduct or unfitness of any director or partner, as the case may be, of the body corporate or partnership.

Issue of new retail licence following grant of court certificate for change of control of company.

33.____(1) Where -

- (a) an application is made to the Revenue Commissioners for the issue of a new retail licence by the person to whom a court certificate has been granted under *section 32* in respect of the licence,
- (b) the application is accompanied by that certificate or the Revenue Commissioners have been provided with that certificate by the Courts Service, whether electronically or otherwise, and
- (c) the appropriate excise duty and prescribed fee (if any) in respect of the new retail licence have been paid to the Revenue Commissioners,

the Revenue Commissioners shall issue that licence to the applicant.

(2) Where a retail licence (in this subsection referred to as “the retail licence concerned”) is issued under *subsection (1)* -

- (a) any other retail licence in force in respect of the licensed premises in respect of which the retail licence concerned was issued is thereupon extinguished, and
- (b) *section 36* applies to the retail licence concerned in the same way as it applies to any other retail licence.

Chapter 6

Transfer of licence following death of licensee

Application to Court for temporary transfer of relevant retail licence.

34.__(1) An application for the temporary transfer of a relevant retail licence may be made -

- (a) by or on behalf of the executor or administrator of the deceased licensee or, if there is no such executor or administrator, a person interested in the premises in respect of which the relevant retail licence was issued, and
- (b) in the case of the first such application made in respect of the deceased licensee, at the sitting of the Court in the district court area in which the premises in respect of which the licence was issued are situated next held after the expiration of 28 days from the date of the death of the deceased licensee.

(2) The Court shall not entertain an application under *subsection (1)* unless the applicant has first satisfied it that the applicant has, not less than 7 days before the date of the hearing of the application by the Court, served a *section 34* notice on -

- (a) the Court clerk, and
- (b) the officer in charge of the Garda Síochána.

(3) On the hearing of an application under *subsection (1)*, the officer in charge of the Garda Síochána may object to the application and, for that purpose, may appear and give evidence.

(4) Applications under *subsection (1)* may be made from time to time in respect of a relevant retail licence, and irrespective of whether the same person is nominated as the transferee in the applications, but, in any case, not in respect of any period commencing on or after the second anniversary of 30 September next following the first such application made under that subsection in respect of that licence.

(5) In this section -

“relevant retail licence” means a retail licence in respect of which the licensee under the licence is deceased;

“*section 34* notice”, in relation to an application under *subsection (1)* for the temporary transfer of a relevant retail licence, means a notice stating -

- (a) the applicant’s intention to apply to the Court for the temporary transfer of a retail licence, in respect of which the licensee is deceased, to a person specified in the application,
- (b) the name and address of the applicant, of the deceased licensee and of the proposed transferee if different from the applicant,

- (c) if the proposed transferee is a body corporate or partnership, the name and address of each of director or partner, as the case may be, of the body corporate or partnership,
 - (d) the address of the licensed premises to which the application relates, and the type of the relevant retail licence,
 - (e) details of each retail licence (if any) currently or formerly held by -
 - (i) the applicant, and
 - (ii) if the applicant is a body corporate or partnership, each director or partner, as the case may be, of the body corporate or partnership,
- and
- (f) the date of the hearing of the application by the Court (if known).

Determination of application for temporary transfer of relevant retail licence.

35.__(1) The Court shall determine an application under *section 34(1)* for the temporary transfer of a relevant retail licence by -

- (a) *subject to paragraph (b)* -
 - (i) granting the transfer of the licence to the person nominated by the applicant (which may be the applicant) in the application as the transferee and endorsing the relevant retail licence, or a copy of the relevant retail licence (which may be provided by the Revenue Commissioners), with particulars of the transfer, and
 - (ii) causing a notice in writing of particulars of the transfer to be given to the Revenue Commissioners after granting the transfer as soon as is practicable but, in any case, not later than 14 days from granting the transfer,
- (b) refusing to so grant such transfer of the relevant retail licence if it allows an objection to the application on the ground of the character, misconduct or unfitness of the person, including, if the person is a body corporate or partnership, the character, misconduct or unfitness of any director or partner, as the case may be, of the body corporate or partnership.

(2) The transfer of a relevant retail licence under *subsection (1)(a)* entitles the person to whom the licence is transferred to operate the licensed premises to which the licence relates until 30 September next following after the expiration of 28 days from the date of that transfer.

(3) Notwithstanding *section 34(4)*, upon the issue of another retail licence in respect of the licensed premises to which a relevant retail licence as transferred under this section relates, the relevant retail licence is thereupon extinguished.

Chapter 7

Renewal of retail licences

Period of validity of retail licence.

36.____(1) Except as otherwise provided in this Act -

- (a) a retail licence shall lapse at midnight on 30 September next following the date of issue of the licence but may be renewed under this Act,
- (b) a retail licence which has been renewed shall lapse at midnight on 30 September next following the date of its last renewal.

(2) Subject to *section 38(3)*, a retail licence which has lapsed under *subsection (1)* shall, until it is renewed or extinguished under this Act, be treated for the purposes of this Act as if it were suspended under this Act.

Application for renewal of retail licence.

37.__(1) An application for the renewal of a retail licence shall be made to the Revenue Commissioners -

- (a) subject to *paragraph (b)*, not less than 28 days before the date on which the licence would lapse under *section 36(1)* but for the application,
 - (b) if *paragraph (b)* of *subsection (2)* is applicable, not before the date on which the court certificate concerned has been granted under *section 40(1)* in respect of the licence and not more than 28 days after that date.
- (2) An application under *subsection (1)* shall -
- (a) specify the type of retail licence to which the application relates,
 - (b) where the retail licence the subject of the application is the subject of an objection referred to in *section 39(1)*, be accompanied by a court certificate granted under *section 40(1)* in respect of the licence unless the Revenue Commissioners have been provided with that certificate by the Courts Service, whether electronically or otherwise,
 - (c) if the type of retail licence to which the application relates is a holiday camp licence, hotel licence or publican's hotel licence, be accompanied by information or other material which satisfies the Revenue Commissioners that the premises comprising the holiday

camp or hotel concerned, as the case may be, continues to be registered in the register of holiday camps or hotels, as the case may be, maintained by the National Tourism Development Authority under the Tourist Traffic Act 1939 to 2016, and

- (d) contain such other information as may reasonably be required by the Revenue Commissioners.

(3) An application for renewal of a retail licence for a holiday camp, wine on licence or wine off licence shall not be accepted unless a retail licence was in force in respect of these premises prior to commencement of this Act.

Provisions applicable to late application for renewal, etc.

38.____(1) Where an application under *section 37(1)* for the renewal of a retail licence is made, in circumstances where *paragraph (a)* of that section is applicable -

- (a) less than 28 days before the date referred to in that paragraph, or
- (b) on or after that date,

then, if the licence is renewed under *section 41 (1)*, there shall be paid to the Revenue Commissioners, in addition to the prescribed fee (if any) payable for the renewal of the licence, a charge of -

- (i) if *paragraph (a)* is applicable, €200, and
- (ii) if *paragraph (b)* is applicable, and without prejudice to the operation of *paragraph (i)*, €400.

(2) Where an application under *section 37(1)* for the renewal of a retail licence is made, in any circumstances where *paragraph (b)* of that section is applicable -

- (a) more than 28 days after the date referred to in that paragraph but less than 56 days after that date, or
- (b) on or after the expiration of 56 days from that date,

then, if the licence is renewed under *section 41 (1)*, there shall be paid to the Revenue Commissioners, in addition to the prescribed fee (if any) payable for the renewal of the licence, a charge of -

- (i) if *paragraph (a)* is applicable, €200, and
- (ii) if *paragraph (b)* is applicable and without prejudice to the operation of *paragraph (i)*, €400.

(3) Where an application under *section 37(1)* for the renewal of a retail licence has not been determined under *section 41(1)* before the date on which the licence would, but for this subsection, lapse under *section 36(1)*, then the licence shall, by virtue of this subsection, be deemed to continue in force with effect from that date until the determination under *section 41 (1)* of the application.

(4) Where an application under *section 37(1)* for the renewal of a retail licence has not been received by the Revenue Commissioners within 3 years from the lapse of the licence under *section 36(1)*, then -

- (a) the licence shall expire, and
- (b) the Revenue Commissioners shall not renew the licence.

(5) Where a licence has expired under *subsection (4)*, the Revenue Commissioners may issue a new retail licence in accordance with *sections 20, 21* (except *subsection (3) & (4)) and 24*.

Objection to renewal of retail licence.

Provide that:

39.____(1) Subject to *subsection (2)*, an objection to an application under *section 37(1)* for the renewal of a retail licence may be made to the Annual Licensing Court and, in any such case, the objector shall cause a copy of the objection to be given to the Revenue Commissioners and to the officer in charge of the Garda Síochána if that officer is not the objector.

(2) An objection referred to in *subsection (1)* to the renewal of a retail licence -

(a) may be made by -

(i) the fire authority,

(ii) the officer in charge of the Garda Síochána,

(iii) the local authority,

(iv) the Executive, or

(v) any person who has a substantial or bona fide interest in the matter and is resident in the neighbourhood,

(b) shall be made on one or more of the following grounds -

(i) the character, misconduct or unfitness of the licensee under the licence, including, if the applicant is a body corporate or

partnership, the character, misconduct or unfitness of any director or partner, as the case may be, of the body corporate or partnership,

(ii) the unfitness or inconvenience of the premises where structural alterations or material changes have been made or

(iii) the extent to which -

(I) the premises were not conducted in a peaceable and orderly manner,

(II) the premises were not operated in a manner which protects staff, patrons and performers from harassment, including sexual harassment or

(III) licensed business was not carried on in the licensed premises,

during the period since the issue or last renewal, as the case may be, of the licence,

(c) shall -

(i) be made in writing,

- (ii) subject to *subparagraph (iii)*, state in general terms the grounds referred to in *paragraph (b)* on which the renewal of the licence is opposed,
- (iii) where *paragraph (b)(ii)* is applicable, state particulars of the alleged unfitness or inconvenience of the licensed premises, and
- (iv) be served on the Court clerk and the licensee.

(3) An objection referred to in *subsection (1)* to the renewal of a retail licence on the ground referred to in *subsection (2)(b)(ii)* may only be made by the fire authority.

Grant of court certificate for renewal of licence.

40.____(1) At the hearing of an objection referred to in *section 39(1)* -

- (a) the Annual Licensing Court shall not entertain the objection unless the objector has first satisfied it that the objector has complied with *section 39(2)(b)* and *(c)*,
- (b) any person referred to in *section 39(2)(a)* (and whether or not the person is the objector) may support or oppose the objection and, for that purpose, may appear and give evidence,
- (c) all evidence shall be given on oath and in open court, and
- (d) unless the Annual Licensing Court allows the objection, it shall grant a certificate to the licensee under the retail licence concerned which entitles the licensee to renew the licence.

(2) Where at a hearing referred to in *subsection (1)* the Annual Licensing Court allows an objection referred to in *section 39(1)*, the Court clerk shall, as soon as is practicable, give notice in writing to the Revenue Commissioners and, if the allowance of the objection means that a holiday camp licence, hotel licence or publican's hotel licence will not be renewed, the National Tourism Development Authority, of the Court's decision.

Renewal of retail licence.

41.____(1) The Revenue Commissioners shall determine an application under *section 37(1)* for the renewal of a retail licence by -

- (a) renewing the licence -
 - (i) if the application complies with *section 37(1)* and (2), and
 - (ii) upon payment of -
 - (I) the appropriate excise duty and the prescribed fee (if any) in respect of the renewal, and
 - (II) if *section 38(1)* or (2) is applicable, the sum of the charges payable under that section,
 - (iii) if a tax clearance certificate in relation to the applicant has been issued;
- (b) in any other case, refusing to renew the licence.

(2) The Revenue Commissioners shall, before 31 December in each year, give notice in writing to the Garda Síochána of retail licences that -

- (a) have not been renewed by 30 November of that year., and
- (b) are not the subject of an appeal in relation to a tax clearance certificate.

(3) The Courts Service shall, before 31 December in each year, give notice in writing to the Garda Síochána of retail licences that have not been renewed by 30 November of that year due to -

- (a) an adjournment of the Annual Licensing Court, or
- (b) an appeal to the Circuit Court.

Chapter 8

Court permits for nightclubs

Application for court permit for nightclub.

42.__(1) A person -

- (a) who has made an application under *section 20(2)* for the grant of a court certificate under *section 21(1)* which entitles the person to be issued a publican's hotel licence or public house licence in respect of any premises, or
- (b) who is the licensee, under a publican's hotel licence, public house licence or wine on-licence, of licensed premises,

may make an application to the Court for the grant of a court permit in respect of those premises.

(2) The Court shall not entertain an application under *subsection (1)* unless the applicant has first satisfied it that -

- (a) the applicant has -
 - (i) not less than 28 days before the date of the hearing of the application by the Court, served a *section 42* notice, a map and a plan on -

- (I) the Court clerk,
 - (II) the fire authority,
 - (III) the officer in charge of the Garda Síochána, and
 - (IV) the local authority
- (ii) published, not less than 28 days before the date of the hearing of the application by the Court, the information specified in the definition of “*section 42 notice*” in *subsection (4)* (except the information specified in *paragraph (d)* of that definition) in each of 2 newspapers circulating generally in the locality in which the premises to which the application relates are situated, and
- (iii) displayed, for a period of not less than 14 consecutive days during the 28 days immediately preceding the date of the hearing of the application by the Court, the information specified in the definition of “*section 42 notice*” in *subsection (4)* (except the information specified in *paragraph (d)* of that definition) in a conspicuous place on or near the premises to which the application relates so as to be easily visible and legible by members of the public,
- and

- (b) the premises concerned are structurally adapted for use as a nightclub to which members of the public have access.

(3) On the hearing of an application under *subsection (1)* -

- (a) the fire authority, the officer in charge of the Garda Síochána, the local authority or
- (b) any person who has a substantial and bona fide interest in the matter and is resident in the neighbourhood, may object to the application and, for that purpose, may appear and give evidence.

(4) In this section -

“premises” excludes part of premises;

“*section 42* notice”, in relating to an application under *subsection (1)* for the grant of a court permit under *section 43(1)*, means a notice stating -

- (a) the applicant’s intention to apply to the Court for the grant of a court permit certifying that the premises specified in the permit are a nightclub for the purposes of this Act,
- (b) the name and address of the applicant and, if the applicant is a body corporate or partnership, the name and address of each director or partner, as the case may be, of the body corporate or partnership,
- (c) the address of the premises to which the application relates,

- (d) details of each retail licence (if any) currently or formerly held by -
 - (i) the applicant, and
 - (ii) if the applicant is a body corporate or partnership, each director or partner, as the case may be, of the body corporate or partnership,and
- (e) the date of the hearing of the application by the Court (if known).

Determination of application for court permit for nightclub.

43.____(1) Subject to *subsection (2)* and *section 52*, the Court shall determine an application under *section 42(1)* for the grant of a court permit under this subsection by -

- (a) subject to *paragraph (b)* and upon payment of the prescribed fee (if any), granting to the applicant, subject to the conditions referred to in *section 44*, a permit certifying that the premises specified in the permit are a nightclub for the purposes of this Act if it is satisfied, on the basis of certification by a suitably qualified person or persons, that -
 - (i) permission for use of the premises as a nightclub has, where required under the *Planning and Development Acts 2000 to 2021*, been obtained from the relevant planning authority,
 - (ii) the conditions (if any) attached to the permission by the planning authority have been and are being complied with,
 - (iii) the fire safety standards under the Building Control Acts 1990 to 2014 have been, and are being, complied with,
 - (iv) not less than 20 per cent of the gross public area of the premises is reserved for dancing, and
 - (v) the applicant has obtained adequate public liability insurance for the use of the premises as a nightclub,

- (b) refusing to so grant the such permit if it allows an objection to the application on any of the grounds of -
- (i) the character, misconduct or unfitness of the applicant, including, if the applicant is a body corporate or partnership, the character, misconduct or unfitness of any director or partner, as the case may be, of the body corporate or partnership,
 - (ii) the unfitness or inconvenience of the premises,
 - (iii) an undue threat to public order or public safety in the neighbourhood in which the premises are situated or,
 - (iv) notwithstanding that planning permission referred to in *paragraph (a)(i)* is not required for use of the premises as a nightclub, the unsuitability of the premises becoming the subject of such permit for persons residing in the neighbourhood in which the premises are situated.

(2) When granting a court permit under *subsection (1)*, the Court shall specify in the permit the maximum occupancy level for the premises, including, where appropriate, the maximum occupancy level for specific parts of the premises to which the permit relates.

(3) The holder of a court permit granted under *subsection (1)* who permits the maximum occupancy level specified in the permit to be exceeded is guilty of an offence and liable on summary conviction -

- (a) for a first offence, to a class C fine, or
- (b) for a second or subsequent offence, to a class A fine.

Conditions in relation to court permit for nightclub.

Provide that:

44.____(1) Notwithstanding anything contained in this Act but subject to *subsections (2)* and *(3)*, a court permit granted under *section 43(1)* shall operate to authorise the sale of alcohol in the nightclub during the period of a day specified by the Court in the permit.

(2) The period referred to in *subsection (1)* shall expire any day no later than 5.00 a.m.

(3) Nothing in this Act shall operate to prohibit a person from being on, or consuming, or permitting the consumption of, alcohol in a nightclub during the period of 60 minutes commencing at the beginning of a period during which the sale of alcohol on licensed premises is prohibited.

(4) When determining the period referred to in *subsection (1)*, the Court may have regard to the terms of any resolution adopted by a local authority.

(5) A nightclub must provide live entertainment. The Minister shall by regulations prescribe for live entertainment.

(6) A court permit granted under *section 43(1)* -

(a) shall, without prejudice to the generality of *paragraph (b)*, contain the following conditions in relation to the nightclub:

(i) that a closed circuit television system be in continuous operation in respect of the nightclub during the period

commencing not later than one hour before the nightclub is open for business as a nightclub on any day and ending not earlier the one hour after the nightclub ceases to open for business as a nightclub on any day; and

- (ii) that any person providing, in respect of the nightclub, a security service as a door supervisor, within the meaning of section 2(1) of the Private Security Services Act 2004, be the holder of a licence required under that Act to provide such service;

and

- (b) may contain such other conditions as the Court thinks proper.

(7) The licensee under a publican's hotel licence, public house licence or wine on-licence to whom a court permit has been granted under *section 43(1)* in respect of the licensed premises shall, while the conditions upon which it has been granted have been and are being complied with, be exempt during the hours specified in the permit from any penalty for a contravention of the provisions of this Act relating to prohibited hours in respect of the nightclub but not from any other penalty under this or any other Act.

Display of court permit for nightclub.

45.____(1) The holder of a court permit granted under *section 51(1)* shall cause the permit to be displayed in a conspicuous place in the nightclub.

(2) The holder of a court permit granted under *section 51(1)* who contravenes *subsection (1)* is guilty of an offence and liable on summary conviction to a class E fine.

Duration of court permit for nightclub.

46.____(1) Except as otherwise provided by this Act –

- (a) a court permit granted under *section 51(1)* shall, unless sooner revoked under *subsection (2)*, remain in force until midnight on 30 September next following the date of grant of the permit but may be renewed under this Act,
- (b) a court permit granted under *section 51(1)* which has been renewed shall, unless sooner revoked under *subsection (2)*, remain in force until midnight on 30 September next following the date of its last renewal.

(2) The Court may, on the application of the officer in charge of the Garda Síochána, at any time revoke a court permit granted under *section 51(1)* if it is satisfied, after hearing that officer and the holder of the permit, that -

- (a) the nightclub has ceased to be structurally adapted for use as a nightclub or to be *bona fide* or mainly used as a nightclub to which the public have access,
- (b) continued use of the premises as a nightclub constitutes an undue threat to public order or public safety, or
- (c) any condition applicable in relation to the nightclub by virtue of *section 44* has been contravened.

Application for renewal of court permit for nightclub.

47.____ An application for the renewal of a court permit granted under *section 49(1)* and which has not been revoked under *section 46(2)* may be made to the next Annual Licensing Court for the licensing area in which the premises specified in the permit are situated.

Court permit for nightclub continued in force pending determination under *section 49(1)*.

48.____ Where an application under *section 47* for the renewal of a court permit granted under *section 43(1)* has not been determined under *section 49(1)* before the date on which the permit would, but for this section, cease to be in force under *section 46(1)*, then the permit shall, by virtue of this section, be deemed to continue in force with effect from that date until

-

- (a) the determination under *section 49(1)* of the application, or
- (b) the revocation under *section 46(2)* of the permit,

whichever first occurs.

Renewal of court permit for nightclub.

49.____ (1) The Annual Licensing Court shall determine an application for the renewal of a court permit by –

(a) renewing the permit –

(i) if it is satisfied that the publican's hotel licence, public house licence or wine on-licence to which the permit relates has been renewed, and

(ii) upon payment of the prescribed fee (if any) in respect of the renewal,

(b) in any other case, refusing to renew the permit.

(2) The Annual Licensing Court may adjourn its determination of an application for the renewal of a court permit granted whilst awaiting the outcome of any proceedings relating to whether or not the publican's hotel licence, public house licence or wine on-licence to which the permit relates will be renewed.

Chapter 9

Declaratory procedure for nightclubs

Application for court declaration for nightclub.

50.____(1) A person -

- (a) who proposes to acquire, construct or alter premises (or any combination thereof) which are not licensed premises and thereafter -
 - (i) make an application to the Court for the grant of a court certificate under *section 21(1)* which entitles the person to be issued a publican's hotel licence or public house in respect of the premises, and
 - (ii) make an application to the Court for the grant of a court permit under *section 51(1)* in respect of the premises,or
- (b) who -
 - (i) is the licensee, under a publican's hotel licence, public house licence or wine on-licence, of licensed premises, and
 - (ii) proposes to alter the licensed premises and thereafter make an application to the Court for the grant of a court permit under *section 51(1)* in respect of the premises as so altered,

may make an application to the Court for the grant of a court declaration under *section 51(1)* in respect of those premises.

(2) The Court shall not entertain an application under *subsection (1)* unless the applicant has first satisfied it that the applicant has -

- (a) not less than 28 days before the date of the hearing of the application by the Court, served a *section 50* notice, a map and a plan on -
 - (i) the Court clerk, and
 - (ii) the fire authority and the officer in charge of the Garda Síochána,
- (b) published, not less than 28 days before the date of the hearing of the application by the Court, the information specified in the definition of “*section 50* notice” in *subsection (5)* (except the information specified in *paragraph (d)* of that definition) in each of 2 newspapers circulating generally in the locality in which the premises to which the application relates are situated, and
- (c) subject to *subsection (3)*, displayed, for a period of not less than 14 consecutive days in the 28 days immediately preceding the date of the hearing of the application by the Court, the information specified in the definition of “*section 50* notice” in *subsection (5)* (except the information specified in *paragraph (d)* of that definition) in a

conspicuous place on or near the premises to which the application relates so as to be easily visible and legible by members of the public.

(3) *Subsection (2)(c)* does not apply if the premises to which the application under *subsection (1)(a)* relates have not been acquired by the applicant.

(4) On the hearing of an application under *subsection (1)* -

- (a) the fire authority or the officer in charge of the Garda Síochána or the local authority, or
- (b) any person who has a substantial or bona fide interest in the matter and is resident in the neighbourhood,

may object to the application and, for that purpose, may appear and give evidence.

(5) In this section, “*section 50 notice*”, in relation to an application under *subsection (1)* for the grant of a court declaration under *section 51(1)*, means a notice stating -

- (a) the applicant’s intention to apply to the Court for the grant of a court declaration that the premises to which the application relates are suitable for use as a nightclub after -
 - (i) if *subsection (1)(a)* is applicable, the acquisition, construction or alteration (or any combination thereof) of the premises proposed by the applicant to be carried out,

- (ii) if *subsection (1)(b)* is applicable, the alteration of the premises proposed by the applicant is carried out,
 - (b) the name and address of the applicant and, if the applicant is a body corporate or partnership, the name and address of each director or partner, as the case may be, of the body corporate or partnership,
 - (c) the address of the premises to which the application relates,
 - (d) details of each retail licence (if any) currently or formerly held by -
 - (i) the applicant, and
 - (ii) if the applicant is a body corporate or partnership, each director or partner, as the case may be, of the body corporate or partnership,
- and
- (e) the date of the hearing of the application by the Court (if known).

Determination of application for court declaration for nightclub.

51.____(1) The Court shall determine an application under *section 50(1)* for the grant of a court declaration under this subsection by -

- (a) subject to *paragraph (b)* and upon payment of the prescribed fee (if any), granting to the applicant, on such terms as it may think fit to order, a declaration that the premises specified in the declaration are suitable for use as a nightclub if it is satisfied, on the basis of certification by a suitably qualified person or persons, that permission for use of the premises as a nightclub has, where required under the *Planning and Development Acts 2000 to 2021*, been obtained from the relevant planning authority,
- (b) refusing to so grant such declaration if it allows an objection to the application on any of the grounds of -
 - (i) the character, misconduct or unfitness of the applicant, including, if the applicant is a body corporate or partnership, the character, misconduct or unfitness of any director or partner, as the case may be, of the body corporate or partnership,
 - (ii) if *section 50(1)(a)* is applicable, if the acquisition, construction or alteration (or any combination thereof) proposed to be carried out by the applicant in respect of the premises to which the application relates were already completed and, if *section*

50(1)(b) is applicable, the alteration proposed to be carried out by the applicant in respect of the premises to which the application relates were already completed -

- (I) the unfitness or inconvenience of the premises,
- (II) an undue threat to public order or public safety in the neighbourhood in which the premises are situated, or
- (III) notwithstanding that planning permission referred to in *paragraph (a)* is not required for the use of the premises as a nightclub, the unsuitability of the premises becoming the subject of a court permit for persons residing in the neighbourhood in which the premises are situated.

(2) Subject to *subsection (3)*, a court declaration granted under *subsection (1)* shall remain in force for -

- (a) subject to *paragraph (b)*, 3 years from the date on which it is granted,
- (b) such longer period as the Court may in any particular case think proper.

(3) The Court may, on application made to it by the person to whom a court declaration under *subsection (1)* was granted, extend by not more than 2 years the period for which the declaration shall remain in force under *subsection (2)*.

Modification of *section 43(1)* where court declaration for nightclub is in force in respect of premises.

52.____(1) Subject to *subsection (2)*, where a court declaration granted under *section 51(1)* is in force in respect of premises, *section 43(1)* shall apply to the determination of an application under *section 42(1)* for the grant of a court permit under *section 51(1)* in respect of the premises as if -

- (a) *subparagraph (i)* of *section 43(1)(a)* were deleted, and
- (b) *subparagraphs (ii) to (iv)* of *section 43(1)(b)* were deleted.

(2) Where -

- (a) a court declaration granted under is in force in respect of premises, and
- (b) the person to whom the declaration was granted makes an application under *section 42(1)* for the grant of a court permit under *section 43(1)* in respect of the premises,

subsection (1) shall not apply to the determination of that application unless the Court is first satisfied that -

- (i) if *section 51(1)(a)* is applicable, the premises have been substantially acquired, constructed or altered (or any combination thereof) as specified in the declaration,
- (ii) if *section 51(1)(b)* is applicable, the premises have been substantially altered as specified in the declaration.

Chapter 10

Court permits for limited nightclubs

Application for court permit for limited nightclub.

53.____(1) A person -

- (a) who has made an application under *section 20(2)* for the grant of a court certificate under *section 21(1)* which entitles the person to be issued a publican's hotel licence or public house licence in respect of any premises, or
- (b) who is the licensee, under a publican's hotel licence, public house licence or wine on-licence, of licensed premises,

may make an application to the Court for the grant of a court permit under *section 54(1)* in respect of part of those premises.

(2) The Court shall not entertain an application under *subsection (1)* unless the applicant has first satisfied it that -

- (a) the applicant has -
 - (i) not less than 28 days before the date of the hearing of the application by the Court, served a *section 53* notice, a map and a plan on -
 - (I) the Court clerk,
 - (II) the fire authority,

- (III) the officer in charge of the Garda Síochána, and
 - (IV) the local authority.
- (ii) published, not less than 28 days before the date of the hearing of the application by the Court, the information specified in the definition of “*section 53 notice*” in *subsection (4)* (except the information specified in *paragraph (d)* of that definition) in each of 2 newspapers circulating generally in the locality in which the premises are situated, and
 - (iii) displayed, for a period of not less than 14 consecutive days during the 28 days immediately preceding the date of the hearing of the application by the Court, the information specified in the definition of “*section 53 notice*” in *subsection (4)* (except the information specified in *paragraph (d)* of that definition) in a conspicuous place on or near the premises to which the application relates so as to be easily visible and legible by members of the public,
- and
- (b) the part of the premises concerned are structurally adapted for use as a nightclub to which members of the public have access.
- (3) On the hearing of an application under *subsection (1)* -

- (a) the fire authority, the officer in charge of the Garda Síochána, the local authority, or
- (b) any person who has a substantial or bona fide interest in the matter and is resident in the neighbourhood,

may object to the application and, for that purpose, may appear and give evidence.

(4) In this section, “*section 53 notice*”, in relation to an application under *subsection (1)* for the grant of a court permit under *section 54(1)*, means a notice stating -

- (a) the applicant’s intention to apply to the Court for the grant of a court permit certifying that part of the premises specified in the permit is a nightclub for the purposes of this Act,
- (b) the name and address of the applicant and, if the applicant is a body corporate or partnership, the name and address of each director or partner, as the case may be, of the body corporate or partnership,
- (c) the address of the premises to which the application relates,
- (d) details of each retail licence (if any) currently or formerly held by -
 - (i) the applicant, and
 - (ii) if the applicant is a body corporate or partnership, each director or partner, as the case may be, of the body corporate or partnership,

and

- (e) the date of the hearing of the application by the Court (if known).

Determination of application for court permit for limited nightclub.

54.____(1) Subject to *subsection (2)* and *section 63*, the Court shall determine an application under *section 53(1)* for the grant of a court permit under this subsection by -

- (a) subject to *paragraph (b)* and upon payment of the prescribed fee (if any), granting to the applicant, subject to the conditions referred to in *section 55*, a permit certifying that the part of the premises specified in the permit are a nightclub for the purposes of this Act if it is satisfied, on the basis of certification by a suitably qualified person or persons, that -
 - (i) permission for use of that part as a nightclub has, where required under the *Planning and Development Acts 2000 to 2021*, been obtained from the relevant planning authority,
 - (ii) the conditions (if any) attached to the permission by the planning authority have been, and are being, complied with,
 - (iii) the fire safety standards under the Building Control Acts 1990 to 2014 have been and are being complied with,
 - (iv) not less than 20 per cent of the gross public area of that part is reserved for dancing,
 - (v) the applicant has obtained adequate public liability insurance for the use of the part of the premises as a nightclub, and

- (vi) there is public access to the part otherwise than through a bar,
- (b) refusing to so grant the such permit if it allows an objection to the application on any of the grounds of -
 - (i) the character, misconduct or unfitness of the applicant, including, if the applicant is a body corporate or partnership, the character, misconduct or unfitness of any director or partner, as the case may be, of the body corporate or partnership,
 - (ii) the unfitness or inconvenience of the premises,
 - (iii) an undue threat to public order or public safety in the neighbourhood in which the premises are situated, or
 - (iv) notwithstanding that planning permission referred to in *paragraph (a)(i)* is not required for use of the part of the premises as a nightclub, the unsuitability of the part of the premises becoming the subject of such permit for persons residing in the neighbourhood in which the premises are situated.

(2) When granting a court permit under *subsection (1)*, the Court shall specify in the permit the maximum occupancy level for the part of the premises concerned, including, where appropriate, the maximum occupancy level for specific areas of the part to which the permit relates.

(3) The holder of a court permit granted under *subsection (1)* who permits the maximum occupancy level specified in the permit to be exceeded is guilty of an offence and liable on summary conviction -

- (a) for a first offence, to a class C fine, or
- (b) for a second or subsequent offence, to a class A fine.

Conditions in relation to court permit for limited nightclub.

55.____(1) Notwithstanding anything contained in this Act but subject to *subsections (2) and (3)*, a court permit granted under *section 54(1)* shall operate to authorise the sale of alcohol in the nightclub during the period of a day specified by the Court in the permit.

(2) The period referred to in *subsection (1)* shall expire any day no later than 5.00a.m—

(3) Nothing in this Act shall operate to prohibit a person from being on, or consuming, or permitting the consumption of, alcohol in a nightclub during the period of 60 minutes commencing at the beginning of a period during which the sale of alcohol on licensed premises is prohibited.

(4) When determining the period referred to in *subsection (1)*, the Court may have regard to the terms of any resolution adopted by a local authority.

(5) A limited nightclub must provide live entertainment. The Minister shall by regulations prescribe for live entertainment.

(6) A court permit granted under *section 54(1)* -

(a) shall, without prejudice to the generality of *paragraph (b)*, contain the following conditions in relation to the nightclub:

(i) that a closed circuit television system be in continuous operation in respect of the nightclub during the period commencing not later than one hour before the nightclub is

open for business as a nightclub on any day and ending not earlier than one hour after the nightclub ceases to be open for business as a nightclub on any day; and

- (ii) that any person providing, in respect of the nightclub, a security service as a door supervisor, within the meaning of section 2(1) of the Private Security Services Act 2004, be the holder of a licence required under that Act to provide such service;

and

- (b) may contain such other conditions as the Court thinks proper.

(7) The licensee under a publican's hotel licence, public house licence or wine on-licence to whom a court permit has been granted under *section 54(1)* shall, while the conditions upon which it has been granted have been and are being complied with, be exempt during the hours specified in the permit from any penalty for a contravention of the provisions of this Act relating to prohibited hours in respect of the nightclub but not from any other penalty under this or any other Act.

Display of court permit for limited nightclub.

56.____(1) The holder of a court permit granted under *section 54(1)* shall cause the permit to be displayed in a conspicuous place in the nightclub.

(2) The holder of a limited nightclub permit who contravenes *subsection (1)* is guilty of an offence and liable on summary conviction to a class E fine.

Duration of validity of court permit for limited nightclub.

57.____(1) Except as otherwise provided by this Act –

- (a) a court permit granted under *section 53(1)* shall, unless sooner revoked under *subsection (2)*, remain in force until midnight on 30 September next following the date of grant of the permit but may be renewed under this Act,
- (b) a court permit granted under *section 53(1)* which has been renewed shall, unless sooner revoked under *subsection (2)*, remain in force until midnight on 30 September next following the date of its last renewal.

(2) The Court may, on the application of the officer in charge of the Garda Síochána, at any time revoke a court permit granted under *section 53(1)* if it is satisfied, after hearing that officer and the holder of the permit, that -

- (a) the nightclub has ceased to be structurally adapted for use as a nightclub or to be *bona fide* or mainly used as a nightclub to which the public have access,
- (b) continued use of the part of the premises concerned as a nightclub constitutes an undue threat to public order or public safety, or
- (c) any condition applicable in relation to the nightclub by virtue of *section 55* has been contravened.

Application for renewal of court permit for limited nightclub.

58.____ An application for the renewal of a court permit granted under *section 53(1)* and which has not been revoked under *section 57(2)* may be made to the next Annual Licensing Court for the licensing area in which the premises specified in the permit are situated.

Court permit for limited nightclub continued in force pending determination under section 60(1).

59.____ Where an application under *section 58* for the renewal of a court permit granted under *section 54(1)* has not been determined under *section 60(1)* before the date on which the permit would, but for this section, cease to be in force under *section 57(1)*, then the permit shall, by virtue of this section, be deemed to continue in force with effect from that date until

-

- (a) the determination under *section 60(1)* of the application, or
- (b) the revocation under *section 57(2)* of the permit,

whichever first occurs.

Renewal of court permit for limited nightclub.

60.____ (1) The Annual Licensing Court shall determine an application for the renewal of a court permit by -

(a) renewing the permit –

(i) if it is satisfied that the publican's hotel licence, public house licence or wine on-licence to which the permit relates has been renewed, and

(ii) upon payment of the prescribed fee (if any) in respect of the renewal

(b) in any other case, refusing to renew the permit.

(2) The Annual Licensing court may adjourn its determination of an application for the renewal of a court permit whilst awaiting the outcome of any proceedings relating to whether or not the publican's hotel licence, public house licence or wine on-licence to which the permit relates will be renewed.

Chapter 11

Declaratory procedure for limited nightclubs

Application for court declaration for limited nightclub.

61.____(1) A person -

- (a) who proposes to acquire, construct or alter premises (or any combination thereof) which are not licensed premises and thereafter -
 - (i) make an application to the Court for the grant of a court certificate under *section 21(1)* which entitles the person to be issued a publican's hotel licence, or public house licence in respect of the premises, and
 - (ii) make an application to the Court for the grant of a court permit under *section 54(1)* in respect of part of the premises,
- or
- (b) who -
 - (i) is the licensee, under a publican's hotel licence, public house licence or wine on-licence, of licensed premises, and
 - (ii) proposes to alter part of the licensed premises and thereafter make an application to the Court for the grant of a court permit under *section 54(1)* in respect of that part as so altered,

may make an application to the Court for the grant of a court declaration under *section 62(1)* in respect of that part.

(2) The Court shall not entertain an application under *subsection (1)* unless the applicant has first satisfied it that the applicant has -

- (a) not less than 28 days before the date of the hearing of the application by the Court, served a *section 61* notice, a map and a plan on -
 - (i) the Court clerk,
 - (ii) the fire authority
 - (iii) the officer in charge of the Garda Síochána, and
 - (iv) the local authority
- (b) published, not less than 28 days before the date of the hearing of the application by the Court, the information specified in the definition of “*section 61* notice” in *subsection (5)* (except the information specified in *paragraph (d)* of that definition) in each of 2 newspapers circulating generally in the locality in which the premises to which the application relates are situated, and
- (c) subject to *subsection (3)*, displayed, for a period of not less than 14 consecutive days in the 28 days immediately preceding the date of the hearing of the application by the Court, the information specified in the definition of “*section 61* notice” in *subsection (5)* (except the

information specified in *paragraph (d)* of that definition) in a conspicuous place on or near the premises to which the application relates so as to be easily visible and legible by members of the public.

(3) *Subsection (2)(c)* does not apply if the premises to which the application under *subsection (1)(a)* relates have not been acquired by the applicant.

(4) On the hearing of an application under *subsection (1)* -

(a) the fire authority, the officer in charge of the Garda Síochána, the local authority or

(b) any person who has a substantial or bona fide interest in the matter and is resident in the neighbourhood in which the premises to which the application relates are situated,

may object to the application and, for that purpose, may appear and give evidence.

(5) In this section, “*section 61 notice*” means a notice stating -

(a) the applicant’s intention to apply to the Court for the grant of a court declaration that the part of the premises to which the application relates is suitable for use as a nightclub after -

(i) if *subsection (1)(a)* is applicable, the acquisition, construction or alteration (or any combination thereof) of the premises proposed by the applicant to be carried out,

- (ii) if *subsection (1)(b)* is applicable, the alteration of that part proposed by the applicant is carried out,
- (b) the name and address of the applicant and, if the applicant is a body corporate or partnership, the name and address of each director or partner, as the case may be, of the body corporate or partnership,
- (c) the address of the premises to which the application relates,
- (d) details of each retail licence (if any) currently or formerly held by -
 - (i) the applicant, and
 - (ii) if the applicant is a body corporate or partnership, each director or partner, as the case may be, of the body corporate or partnership,
- and
- (e) the date of the hearing of the application by the Court (if known).

Determination of application for court declaration for limited nightclub.

62.____(1) The Court shall determine an application under *section 61(1)* for the grant of a court declaration under this subsection by -

- (a) subject to *paragraph (b)* and upon payment of the prescribed fee (if any), granting to the applicant, on such terms as it may think fit to order, a declaration that the part of the premises specified in the declaration will be suitable for use as a nightclub if it is satisfied, on the basis of certification by a suitably qualified person or persons, that permission for use of that part as a nightclub has, where required under the *Planning and Development Acts 2000 to 2021*, been obtained from the relevant planning authority,
- (b) refusing to so grant such declaration if it allows an objection to the application on any of the grounds of -
 - (i) the character, misconduct or unfitness of the applicant, including, if the applicant is a body corporate or partnership, the character, misconduct or unfitness of any director or partner, as the case may be, of the body corporate or partnership,
 - (ii) if *section 61(1)(a)* is applicable, if the acquisition, construction or alteration (or any combination thereof) proposed to be carried out by the applicant in respect of the premises to which the application relates were already completed and, if *section*

61(1)(b) is applicable, the alteration proposed to be carried out by the applicant in respect of the part of the premises to which the application relates were already completed -

- (I) the unfitness or inconvenience of the premises,
- (II) an undue threat to public order or public safety in the neighbourhood in which the premises are situated, or
- (III) notwithstanding that planning permission referred to in *paragraph (a)* is not required for the use of the part of the premises as a nightclub, the unsuitability of the part of the premises becoming the subject of a court permit granted under *section 54(1)* for persons residing in the neighbourhood in which the premises are situated.

(2) Subject to *subsection (3)*, a court declaration granted under *subsection (1)* shall remain in force for -

- (a) subject to *paragraph (b)*, 3 years from the date on which it is granted,
- (b) such longer period as the Court may in any particular case think proper.

(3) The Court may, on application made to it by the person to whom a court declaration under *subsection (1)* was granted, extend by not more than 2 years the period for which the declaration shall remain in force under *subsection (2)*.

Modification of *section 54(1)* where court declaration for limited nightclub is in force in respect of part of premises.

63.____(1) Subject to *subsection (2)*, where a court declaration granted under *section 62(1)* is in force in respect of part of premises, *section 54(1)* shall apply to the determination of an application under *section 53(1)* for the grant of a court permit under *section 54(1)* in respect of the part as if -

- (a) *subparagraph (i)* of *section 54(1)(a)* were deleted, and
- (b) *subparagraphs (ii) to (iv)* of *section 54(1)(b)* were deleted.

(2) Where -

- (a) a court declaration granted under *section 62(1)* is in force in respect of part of premises, and
- (b) the person to whom the declaration was granted makes an application under *section 53(1)* for a the grant of a court permit under *section 54(1)* in respect of the part,

subsection (1) shall not apply to the determination of that application unless the Court is first satisfied that -

- (i) if *section 61(1)(b)* is applicable, the premises to which the declaration relates have been substantially acquired, constructed or altered (or any combination thereof) as specified in the declaration,

- (ii) if *section 61(1)(b)* is applicable, the part has been substantially altered as specified in the declaration.

Chapter 12

Court permits for late bars

Application for court permit for a late bar.

Provide that:

64.__ (1) A person -

- (i) who has made an application for the grant of a court certificate which entitles the person to be issued a publican's hotel licence or public house licence in respect of any premises, or
- (ii) who is the licensee, under a publican's hotel licence, public house licence or wine on-licence, of licensed premises,

may make an application to the Court for the grant of a late bar permit in respect of those premises.

(2) The Court shall not entertain an application under this section unless and until satisfied that

(a) the applicant has--

- (i) not less than 28 days before the date of hearing of the application served notice of the application referred to in subsection (1) together with a plan and map upon the Court clerk, the fire authority, the officer in charge of the Garda Síochána and the local authority,

(ii) published, not less than 28 days before the hearing in each of two newspapers circulating in the locality in which the premises are situated,

(iii) displayed, for a period of not less than 14 consecutive days during the 28 days immediately preceding the date of the hearing of the application by the Court, a site notice containing the name and address of the applicant and the date of the hearing of the application for the permit for a period in a conspicuous place on or near the premises to which the application relates so as to be easily visible and legible by members of the public,

(3) On the hearing of an application under *subsection (1)* -

- (a) the fire authority, the officer in charge of the Garda Síochána, the local authority, or
- (b) any person who has a substantial or bona fide interest in the matter and is resident in the neighbourhood,

may object to the application and, for that purpose, may appear and give evidence.

(4) The Court shall determine an application under *subsection (1)* for the grant of a late bar permit in respect of any premises by -

- (a) upon payment of the prescribed fee (if any), granting to the applicant the permit if it is satisfied that -

- (i) the premises comply with the fire safety standards under the Building Control Acts 1990 to 2014 applicable to such premises.
- (5) The Court may allow an objection to the application on the ground of –
 - (i) the character, misconduct or unfitness of the applicant, including, if the applicant is a body corporate or partnership, the character, misconduct or unfitness of any director or partner, as the case may be, of the body corporate or partnership,
 - (ii) the unfitness or inconvenience of the premises, or
 - (iii) an undue risk of either public nuisance or a threat to public order or safety.
- (6) A late bar permit -
 - (a) shall contain the following conditions:
 - (i) that a closed circuit television system be in continuous operation in respect of the late bar during the period commencing not later than one hour before the late bar is open for business as a late bar on any day and ending not earlier than one hour after the late bar ceases to open for business as a late bar on any day; and

(ii) that any person providing, in respect of the late bar, a security service as a door supervisor, within the meaning of section 2(1) of the Private Security Services Act 2004, be the holder of a licence required under that Act to provide such service;

and

(b) may contain such other conditions as the Court thinks fit.

(7) A late bar permit shall expire any day at 2.30 a.m. unless the Court, for stated reasons, considers it expedient to grant the permit for a shorter period.

(8) The holder of a late bar permit shall cause the permit to be displayed in a conspicuous place in the late bar. The holder of a late bar permit who does not display the permit is guilty of an offence and liable on summary conviction to a class E fine.

(9) A late bar permit shall remain in force until midnight on 30 September next following the date of grant of the permit.

Chapter 13

Retail licence conditions

Name of licensee under retail licence to be affixed to licensed premises.

65.____ (1) The licensee under a retail licence shall cause a notice stating –

- (a) the name of the licensee, and
- (b) the type of licence held in respect of the licensed premises,

to be exhibited at all times in a conspicuous position on the exterior of the licensed premises so as to be easily visible and legible to members of the public,

(2) The licensee under a retail licence who contravenes *subsection (1)* is guilty of an offence and liable on summary conviction -

- (a) for a first offence, to a class C fine,
- (b) for a second or subsequent offence, to a class A fine.

Transfer of retail licence only permitted in certain cases, etc.

66.____ (1) A retail licence shall not be transferred to another person except in accordance with *section 27 and 34*.

(2) A licence –

- (a) does not confer any right over property,
- (b) may not be assigned except in accordance with this Act, and
- (c) may not be mortgaged, charged or otherwise encumbered.

(3) A contract, agreement or other arrangement, to the extent to which it contravenes or purports to contravene *subsection (1) or (2)*, is void.

PART 4

AMENITY LICENCES

Chapter 1

Sporting arena licences, racecourse licences and race track licences

Application for new sporting arena licence in respect of premises not already licensed

67.____ (1) The Revenue Commissioners shall not issue a new sporting arena licence in respect of any premises unless a court certificate has been granted in respect of the premises.

(2) An application for the grant of a court certificate shall be made to the Court by the owners of a designated national sporting arena.

(3) The Court shall not entertain an application under *subsection (2)* unless the amenity is a designated sporting arena.

(4) An objection to the licence may be made as set out in *section 82*.

(5) The Court shall determine an application by:

(a) granting to the applicant an approval in writing , if satisfied that-

(i) if such a licence was issued, the sale of alcohol would-

(I) only be ancillary to the sporting activities of the applicant connected with that arena, and

- (II) principally be for the convenience of persons attending an event or function in that arena;
 - (ii) evidence has been provided that the premises comply with the fire safety standards under the Building Control Acts 1990 to 2014 applicable to such premises;
 - (iii) the applicant is a fit and proper person to be the licensee under such licence,
 - (b) refusing to so grant a court certificate if it allows an objection to the application on any of the grounds set out in *section 82*.
 - (c) in any other case, refusing to so grant such approval and giving the applicant a notice in writing stating the reasons for the refusal.
- (6) Where -
- (a) an application is made to the Revenue Commissioners for the issue of a sporting arena licence in respect of a designated national sporting arena,
 - (b) the application is accompanied by the approval in writing granted under *subsection (5)* in respect of that arena, and

- (c) the appropriate excise duty and the prescribed fee (if any) in respect of the issue of the licence have been paid to the Revenue Commissioners,

the Revenue Commissioners shall issue that licence to the applicant.

(7) Notwithstanding anything contained in this Act, a sporting arena licence issued in respect of an approved national sporting arena shall operate to authorise the sale of alcohol -

- (a) to persons attending an event in the arena for consumption in prescribed areas of the arena during the period beginning at the time members of the public are permitted to attend the event (but not before 10.30 a.m.) and ending one hour after its conclusion or at 12.30 a.m. whichever is earlier, but during no other period, and
- (b) subject to prohibited hours, to persons attending a function in the arena for consumption in prescribed areas of the arena.

(8) Where an event or function lasts for more than one day, the part of such event or function, as the case may be, held on any one day shall be deemed, for the purposes of this section, to be a separate event or function, as the case may be.

(9) A sporting arena licence shall cease to have effect should the arena or stadium in respect of which it was issued cease, for whatsoever reason, to be an approved national sporting arena.

(10) The holder of a sporting arena licence may apply for an occasional late hours order.

(11) In this section -

“designated national sporting arena” means a defined arena or stadium which is designated as a national sporting arena in regulations made by the Minister under this section;

“event” means an event of a sporting or non-sporting nature which -

- (a) is held at a designated national sporting arena, and
- (b) involves the use of some or all of the playing area or pitch in the arena;

“function” means a conference, exhibition, seminar or reception which -

- (a) is held at a designated national sporting arena, and
- (b) does not involve the use of the playing area or pitch of the arena;

“Minister” means the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media;

“prescribed” means prescribed by regulations made by the Minister;

“sporting arena licence” means a licence issued in respect of an a designated national sporting arena specified in the licence and which authorises the sale and consumption of alcohol at the arena.

Application for new racecourse licence in respect of premises not already licensed.

68.____(1) The Revenue Commissioners shall not issue a new racecourse licence in respect of any premises unless a court certificate has been granted in respect of the premises.

(2) An application for the grant of a court certificate shall be made to the Court by the executive of an authorised racecourse.

(3) The Court shall not entertain an application under *subsection (2)* unless the racecourse is an authorised racecourse.

(4) An objection to the licence may be made as set out in *section 82*.

(5) The Court shall determine an application by:

(a) granting to the executive an approval in writing, if satisfied that-

(i) if such a licence was issued, the sale of alcohol would-

(I) only be ancillary to the sporting activities of the applicant connected with that authorised racecourse,
and

(II) principally be for the convenience of persons attending an event or function in that authorised racecourse.

- (ii) evidence has been provided that the premises comply with the fire safety standards under the Building Control Acts 1990 to 2014 applicable to such premises;
 - (iii) the applicant is a fit and proper person to be the licensee under such licence,
- (b) refusing to so grant a court certificate if it allows an objection to the application on any of the grounds set out in *section 82*.
 - (c) in any other case, refusing to so grant such approval and giving the applicant a notice in writing stating the reasons for the refusal.

(6) Where -

- (a) an application is made to the Revenue Commissioners by the executive of an authorised racecourse for the issue of a racecourse licence in respect of the racecourse,
- (b) the application is accompanied by the approval in writing granted under subsection (5) in respect of that authorised racecourse, and
- (c) the appropriate excise duty and the prescribed fee (if any) in respect of the racecourse licence have been paid to the Revenue Commissioners,

the Revenue Commissioners shall issue that licence to the executive.

(7) Notwithstanding anything contained in this Act, a racecourse licence issued in respect of an authorised racecourse shall operate to authorise the sale of alcohol to persons attending the race-fixture to which the licence relates, for consumption at the racecourse, during the period beginning from the time the race going public are permitted admission to the fixture (but not before 10.30 a.m.) and ending one hour after the conclusion of the last race of the fixture or at 12.30 a.m whichever is earlier, but during no other period.

(8) Where a racecourse licence is in force in respect of an authorised racecourse, any other licence issued under this Act in respect of the authorised racecourse shall cease to have effect during the hours during which the racecourse licence operates.

(9) Where a race meeting lasts for more than one day, the part of such race meeting held on any day shall be deemed, for the purposes of this section, to be a separate race meeting.

(10) A racecourse licence shall cease to have effect should the racecourse in respect of which it was issued cease, for whatsoever reason, to be an authorised racecourse.

(11) In this section -

“executive”, in relation to an authorised racecourse, means the person who owns or exercises control over the racecourse;

“racecourse licence” means a licence issued in respect of an authorised racecourse specified in the licence and which authorises the sale and consumption of alcohol at the racecourse;

“race-fixture” means the venue of a race-meeting;

“authorised racecourse” means a racecourse authorised under section 59 of the Irish Horseracing Industry Act 1994.

Authorised events at authorised racecourses.

69.____(1) An application for an authorised event order may be made -

- (a) by the licensee under the racecourse licence in respect of the authorised racecourse to which the application relates, and
- (b) to the Court district in which that authorised racecourse is situated.

(2) The Court shall not entertain an application under *subsection (1)* unless the applicant has first satisfied it that the applicant has, not less than 14 days before the date of the hearing of the application by the Court, served notice on -

- (a) the Court clerk, and
- (b) the officer in charge of the Garda Síochána for the licensing area in which the authorised racecourse to which the application relates is situated.

(3) On the hearing of an application under *subsection (1)*, the officer in charge of the Garda Síochána may object to the application and, for that purpose, may appear and give evidence.

(4) The Court shall determine an application under *subsection (1)* for an authorised event order by -

- (a) subject to *paragraph (b)*, granting the order,

(b) refusing to grant the order if it allows an objection to the application on any of the grounds of -

(i) undue inconvenience or nuisance to persons residing in the locality in which the authorised racecourse to which the application relates is situated, or

(ii) an undue threat to public order or public safety in that locality.

(5) Notwithstanding anything contained in this Act, a racecourse licence issued in respect of an authorised racecourse shall operate to authorise the sale and consumption of alcohol at the racecourse, on the occasion of an authorised event at the racecourse, during the period -

(a) beginning at the time at which the public are permitted admission to the authorised event (but not before 10.30 a.m.), and

(b) ending 30 minutes after the conclusion of the authorised event or proceedings on each day on which it takes place or at 12.30 a.m. whichever is earlier,

but during no other period.

(6) Not more than 15 authorised event orders may be granted in respect of any authorised racecourse in any period of 12 months.

(7) In this section -

“authorised event” means an event to which an authorised event order relates;

“authorised event order” means an order of the Court under *subsection (4)(a)*;

“event” means an event -

- (a) consisting of -
 - (i) a trade fair or show, including a fashion show,
 - (ii) an exhibition, including an exhibition of animals or livestock,
 - (iii) a concert,
 - (iv) television coverage of a sporting event or horse or greyhound race meeting being held contemporaneously elsewhere,
 - (v) an equestrian event other than a horse race, or
 - (vi) an auction or sale (but excluding common retail transactions),and
- (b) which takes place over not more than 7 consecutive days;

“notice”, in relation to an application under *subsection (1)* for an authorised event order, means a notice stating -

- (a) the applicant’s intention to apply for the order,
- (b) the applicant’s name and address,

- (c) details of the proposed event to which the application relates and the period for which the order is sought, and
- (d) the date of the hearing of the application by the Court (if known).

Application for new race track licence in respect of premises not already licensed.

70.____ (1) The Revenue Commissioners shall not issue a new racetrack licence in respect of any premises unless a court certificate has been granted in respect of the premises.

(2) An application for the grant of a court certificate shall be made to the Court by the holder of a greyhound race track licence.

(3) The Court shall not entertain an application under *subsection (2)* unless there is a greyhound race track licence attached to the premises.

(4) An objection to the licence may be made as set out in *section 82*.

(5) The Court shall determine an application by:

(a) granting to the holder an approval in writing, if satisfied that-

(i) if such a licence was issued, the sale of alcohol would-

(I) only be ancillary to the sporting activities of the holder connected with that authorised racetrack, and

(II) principally be for the convenience of persons attending an event in that authorised racetrack

(ii) evidence has been provided that the premises comply with the fire safety standards under the Building Control Acts 1990 to 2014 applicable to such premises;

(iii) the applicant is a fit and proper person to be the licensee under such licence,

(b) refusing to so grant a court certificate if it allows an objection to the application on any of the grounds set out in *section 82*.

(c) in any other case, refusing to so grant such approval and giving the applicant a notice in writing stating the reasons for the refusal.

(6) Where -

(a) an application is made to the Revenue Commissioners by the holder of a greyhound race track licence for the issue of a race track licence in respect of the greyhound race track to which the greyhound race track licence relates,

(b) the application is accompanied by the approval in writing granted under subsection (5) in respect of that racetrack, and

(c) the appropriate excise duty and the prescribed fee (if any) in respect of the issue of the race track licence have been paid to the Revenue Commissioners,

the Revenue Commissioners shall issue that race track licence to that holder.

(7) Notwithstanding anything contained in this Act, a race track licence issued in respect of a greyhound race track shall operate, during such time as the greyhound race track licence in relation to the track is in force, to authorise the sale and consumption of alcohol at the track, on the occasion of a greyhound race meeting, a greyhound sale, or greyhound trials at the track, during the period -

- (a) beginning from the time the public are permitted admission to the race meeting, sale or trials, as the case may be (but not before 10.30 a.m.),
and
- (b) ending 2 hours after the conclusion of the meeting, sale or trials, as the case may be or at 12.30a.m whichever is earlier

but during no other period.

(8) Where a greyhound race meeting, a greyhound sale, or greyhound trials, lasts or last for more than one day, the part of such race meeting, sale, or trials, as the case may be, held on any day shall be deemed, for the purposes of this section, to be a separate meeting or sale, or separate trials, as the case may be.

(9) A race track licence shall cease to have effect should the greyhound race track in respect of which it was issued cease, for whatsoever reason, to be a licensed track under the Greyhound Industry Act 1958.

(10) In this section -

“greyhound race track licence” means a licence under section 22 of the Greyhound Industry Act 1958;

“greyhound sales” do not include a sale held at a greyhound race track on the same day as but after a greyhound race meeting at the track;

“greyhound trials” do not include a trial held at a greyhound race track on the same day as but after a greyhound race meeting at the track;

“holder” means the holder of a greyhound race track licence;

“race track licence” means a licence issued in respect of a greyhound race track specified in the licence in respect of which a greyhound race track licence is in force and which authorises the sale and consumption of alcohol at the track.

Authorised events at race tracks.

71.____(1) An application for an authorised event order may be made -

- (a) by the licensee under a race track licence in respect of the greyhound race track to which the application relates, and
- (b) to the Court for the district in which that greyhound race track is situated.

(2) The Court shall not entertain an application under *subsection (1)* unless the applicant has first satisfied it that the applicant has, not less than 14 days before the date of the hearing of the application by the Court, served a notice on -

- (a) the Court clerk, and
- (b) the officer in charge of the Garda Síochána for the licensing area in which the greyhound race track to which the application relates is situated.

(3) On the hearing of an application under *subsection (1)*, the officer in charge of the Garda Síochána may object to the application and, for that purpose, may appear and give evidence.

(4) The Court shall determine an application under *subsection (1)* for an authorised event order by -

- (a) subject to *paragraph (b)*, granting the order,
- (b) refusing to grant the order if it allows an objection to the application on any of the grounds of -
 - (i) undue inconvenience or nuisance to persons residing in the locality in which the greyhound race track to which the application relates is situated, or
 - (ii) an undue threat to public order or public safety in that locality.

(5) Notwithstanding anything contained in this Act, a race track licence issued in respect of a greyhound race track specified in the licence shall operate to authorise the sale and consumption of alcohol at the track on the occasion of an authorised event at the track during the period -

- (a) beginning at the time at which the public are permitted admission to the authorised event (but not before 10.30 a.m.), and
- (b) ending 30 minutes after the conclusion of the authorised event or proceedings on each day on which it takes place or at 12.30a.m whichever is earlier,

but during no other period.

(6) Not more than 15 authorised event orders may be granted in respect of any greyhound race track in any period of 12 months.

(7) In this section -

“authorised event” means an event to which an authorised event order relates;

“authorised event order” means an order of the Court under *subsection (4)(a)*;

“event” means an event -

(a) consisting of -

- (i) a trade fair or show, including a fashion show,
- (ii) an exhibition, including an exhibition of animals or livestock,
- (iii) a concert,
- (iv) television coverage of a sporting event or horse or greyhound race meeting being held contemporaneously elsewhere,
- (v) an equestrian event other than a horse race, or
- (vi) an auction or sale (but excluding common retail transactions),

and

(b) which takes place over not more than 7 consecutive days;

“notice”, in relation to an application under *subsection (1)* for an authorised event order, means a notice stating -

- (a) the applicant's intention to apply for the order,
- (b) the applicant's name and address,
- (c) details of the proposed event to which the application relates and the period for which the order is sought, and
- (d) the date of the hearing of the application by the Court (if known).

Chapter 2

Cultural Venues

Cultural amenity licence

Provide that:

72.____ (1) In this section –

“cultural amenity licence” means a licence issued in respect of:

(1) a national cultural amenity, or

(2) a cultural amenity

which authorises the sale and consumption of alcohol at the amenity;

“ national cultural amenity” means the National Concert Hall or a defined area of a building or grounds, or both, which is part of the premises of an institution listed in the Second Schedule to the National Cultural Institutions Act 1997 where such premises are vested in the Minister or the Commissioner of Public Works in Ireland

“cultural amenity “ means an amenity approved as a cultural amenity by the Minister ;

“function” means a concert, conference, exhibition, seminar, reception or theatrical production -

- (a) which is held at an approved national cultural amenity or a cultural amenity, and

- (b) to which persons are admitted upon payment or by invitation or are present as of right;

“Minister” means the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media;

Application for a new cultural licence in respect of premises not already licensed

73.__ (1) The Revenue Commissioners shall not issue a new licence in respect of a national cultural amenity or a cultural amenity unless a court certificate has been granted in respect of the premises.

(2) An application for the grant of a court certificate shall be made to the Court by the owner or trustees of a national cultural amenity or a cultural amenity.

(3) The Court shall not entertain an application under *subsection (2)* unless the applicant has received an approval from the Minister or a body under that Department's aegis that the amenity is a cultural amenity.

(4) An objection to the licence may be made as set out in *section 82*.

(5) The Court shall determine an application by:

(a) granting to the applicant a court certificate, if satisfied that-

(i) if such a licence was issued, the sale of alcohol would-

(I) only be ancillary to the staging of cultural activities connected with that amenity, and

- (II) principally be for the convenience of persons attending a function in that amenity;
 - (ii) evidence has been provided that the premises comply with the fire safety standards under the Building Control Acts 1990 to 2014 applicable to such premises;
 - (iii) the applicant is a fit and proper person to be the licensee under such licence,
 - (b) refusing to so grant a court certificate if it allows an objection to the application on any of the grounds set out in *section 82*.
 - (c) in any other case, refusing to so grant such approval and giving the applicant a notice in writing stating the reasons for the refusal.
- (6) Where -
- (a) an application is made to the Revenue Commissioners for the issue of a cultural amenity licence in respect of a national cultural amenity or a cultural amenity,
 - (b) the application is accompanied by the approval in writing granted under *subsection (5)* in respect of that cultural amenity,

- (c) the appropriate excise duty and the prescribed fee (if any) in respect of the issue of the licence have been paid to the Revenue Commissioners, and
- (d) a tax clearance certificate has been provided,

the Revenue Commissioners shall issue that licence to the applicant.

(7) A cultural amenity licence shall cease to have effect should the building or grounds, or both, in respect of which it was issued cease, for whatever reason, to be an approved national or cultural amenity.

(8) Notwithstanding anything contained in this Act, a cultural amenity licence shall operate to authorise the sale and consumption of alcohol in the amenity-

- (i) to persons attending cultural activities in the amenity concerned during the period beginning at the time members of the public are permitted to attend the cultural activities (but not before 10.30 a.m.) and ending one hour after its conclusion or 12.30 a.m, but during no other period, and
- (ii) to persons attending a function in the cultural amenity concerned during the period beginning at the time members of the public are permitted to attend the function (but not before 10.30 a.m.) and ending one hour after the conclusion of the function or 12.30 a.m, whichever is earlier.

(9) The holder of a cultural amenity licence may apply for an occasional late hours order.

National Conference Centre

Provide that:

74.__ (1) The Revenue Commissioners shall, on application to them being made in that behalf by the operator of the Convention Centre or a person nominated by such operator, issue a licence for the sale of alcohol products at the Convention Centre.

(2) A licence issued or renewed under this section shall operate to authorise—

(a) the sale of alcohol products to persons attending or taking part in a convention event in an area of the Convention Centre for consumption in such area during the period beginning one hour before the commencement of the event, but not earlier than 10.30 a.m., and ending—

(i) one hour after the conclusion of the event or midnight, whichever is the earlier, or

(ii) where the convention event is a reception, dinner, banquet or stage show which is held as part of a conference, congress, convention, seminar or symposium, one hour after the conclusion of the event or 2.00 a.m., whichever is the earlier,

and

- (b) subject to section 89 [prohibited hours] and section 101 [occasional late hours order] , the sale of alcohol products to persons attending or taking part in a non-convention event in an area of the Convention Centre for consumption in such area.

(3) The Minister shall by regulations prescribe an area of the Convention Centre—

- (a) for the purposes of convention events, and
- (b) for the purposes of non-convention events.

(4) In paragraph (a) of *subsection (2)*, a reference to an area shall be construed as an area prescribed pursuant to *subsection (3)(a)* for the purposes of convention events.

(5) In paragraph (b) of *subsection (2)*, a reference to an area shall be construed as an area prescribed pursuant to *subsection (3)(b)* for the purposes of non-convention events.

(6) A licence issued under this section is an on-licence for the purposes of *section 101*.

(7) Regulations made by the Minister under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

(8) A licence shall not be issued or renewed by the Revenue Commissioners under this section unless a tax clearance certificate pursuant to section 1094 of the Taxes Consolidation Act 1997 has been issued and is in force in relation to the operator of the Convention Centre

and where application is made for the licence or renewal by a person nominated by the operator by such person also.

(9) In this section—

“Convention Centre” means the National Conference Centre known as The Convention Centre, Dublin, situated at Spencer Dock, North Wall Quay, in the City of Dublin;

“convention event” means a conference, congress, convention, seminar or symposium, held in and involving the use of some or all of the conference facilities of the Convention Centre, and includes a reception, dinner, banquet or stage show held as part of such an event involving the use of some or all of the facilities of the Convention Centre;

“Minister” means the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media;

“non-convention event” means a trade fair, live sporting event, reception, dinner, banquet or stage show, held in and involving the use of some or all of the facilities of the Convention Centre, and which event is not held as part of a conference, congress, convention, seminar or symposium;

“prescribed” means prescribed by regulations made by the Minister.

Chapter 3

Aerodromes and passenger aircraft

Interpretation of *Chapter 3*.

75.____ In this Chapter -

“Act of 1936” means the Air Navigation and Transport Act 1936;

“Act of 1998” means the Air Navigation and Transport (Amendment) Act 1998;

“Act of 1965” means Air Navigation And Transport Act, 1965;

“aerodrome licence” means a licence issued in respect of the aerodrome premises of an approved aerodrome specified in the licence and which authorises the sale and consumption of alcohol at those premises;

“aerodrome premises” means all the buildings for the time being erected in an approved aerodrome irrespective of the purpose for which the buildings are used;

“air transport concern” means a person entitled to operate an air service;

“aircraft” has the meaning assigned to it by the Act of 1998;

“approved aerodrome” means an aerodrome (within the meaning of the Act of 1936) which is -

(a) either -

(i) licensed by the Minister for Transport in pursuance of an order made under Part II of the Act of 1936, or

(ii) controlled and operated by the Minister or by the Minister for Defence,

and

(b) used for the arrival and departure of aircraft operated as part of an authorised air transport service;

“air service” means a flight or flights by one or more aircraft carrying passengers, cargo or mail, within the meaning of section 1(1) of the Act of 1965.

“Minister” means the Minister for Transport;

“passenger aircraft licence” means a licence issued in respect of the aircraft specified in the licence and which authorises the sale of alcohol to passengers on the aircraft for consumption whilst the aircraft is in flight.

Application for new aerodrome licence in respect of premises not already licensed

76.__ (1) The Revenue Commissioners shall not issue a new aerodrome licence in respect of the whole or a particular part of any particular aerodrome premises unless a court certificate has been granted in respect of the relevant premises.

(2) An application for the grant of a court certificate shall be made to the Court by the owner of the premises.

(3) The Court shall not entertain an application under *subsection (2)* unless the amenity is an approved aerodrome.

(4) An objection to the licence may be made as set out in *section 82*.

(5) The Court shall determine an application by:

(a) granting to the applicant an approval in writing , if satisfied that-

(i) if such a licence was issued, the sale of alcohol would-

(I) only be ancillary to the transport activities carried on in the approved aerodrome, and

(II) principally be for the convenience of persons engaged in those transport activities;

(ii) evidence has been provided that the premises comply with the fire safety standards under the Building Control Acts 1990 to 2014 applicable to such premises;

(iii) the applicant is a fit and proper person to be the licensee under such licence,

(b) refusing to so grant a court certificate if it allows an objection to the application on any of the grounds set out in *section 82*.

(c) in any other case, refusing to so grant such approval and giving the applicant a notice in writing stating the reasons for the refusal.

(6) Where -

(a) an application is made to the Revenue Commissioners for the issue of an aerodrome licence in respect of the whole or a particular part of aerodrome premises in an approved aerodrome,

(b) the application is accompanied by the approval in writing granted under *subsection (5)* in respect of the whole or that part, as the case may be, of those premises, and

(c) the appropriate excise duty and the prescribed fee (if any) in respect of the issue of the aerodrome licence have been paid to the Revenue Commissioners,

the Revenue Commissioners shall issue that licence to the aerodrome operator or, as the case requires, the nominee of the operator specified in that approval.

(7) Notwithstanding anything contained in this Act, an aerodrome licence issued in respect of the aerodrome premises of an approved aerodrome specified in the licence shall operate to authorise the sale of alcohol at any time in the approved aerodrome in respect of which it was issued to, and to permit alcohol so sold to be consumed there by, any persons-

(a) who have arrived as passengers at the aerodrome in an aircraft engaged in an authorised air transport service,

(b) who are awaiting such passengers at the aerodrome, or

(c) who intend to travel from the aerodrome as passengers in an aircraft engaged in an authorised air transport service.

(8) An aerodrome licence shall cease to have effect should the aerodrome in respect of which it was issued cease, for whatsoever reason, to be an approved aerodrome.

Application for new passenger aircraft licence in respect of aircraft not already licensed

77.__ (1) The Revenue Commissioners shall not issue a new passenger aircraft licence in respect of any aircraft unless a court certificate has been granted in respect of the aircraft.

(2) An application for the grant of a court certificate shall be made to the Court by the air transport concern.

(3) The Court shall determine an application by:

(a) granting to the applicant an approval in writing , if satisfied that-

(i) if such a licence was issued, the sale of alcohol would-

(I) only be ancillary to the transport activities carried on in the aircraft, and

(II) principally be for the convenience of persons on the aircraft whilst the aircraft is in flight;

(4) Where -

(a) an application by an air transport concern is made to the Revenue Commissioners for the issue of a passenger aircraft licence in respect of an aircraft owned or hired by the air transport concern,

- (b) the application is accompanied by the approval in writing granted under subsection (3), and
- (c) the appropriate excise duty and the prescribed fee (if any) in respect of the issue of the passenger aircraft licence have been paid to the Revenue Commissioners,

the Revenue Commissioners shall issue that licence to the air transport concern.

(5) Notwithstanding anything contained in this Act, a passenger aircraft licence issued in respect of the aircraft specified in the licence shall operate to authorise the sale of alcohol to passengers on the aircraft for consumption whilst the aircraft is in flight.

Chapter 4

Other transport related licences

Station licence - Application for new station licence in respect of premises not already licensed

78.__ (1) The Revenue Commissioners shall not issue a new station licence in respect of any premises unless a court certificate has been granted in respect of the premises.

(2) An application for the grant of a court certificate shall be made to the Court by the operator of the premises..

(3) An objection to the licence may be made as set out in *section 82*.

(4) The Court shall determine an application by:

(a) granting to the applicant an approval in writing , if satisfied that-

(i) if such a licence was issued, the sale of alcohol would-

(I) only be ancillary to the transport activities carried on in the approved aerodrome, and

(II) principally be for the convenience of persons engaged in those transport activities;

- (ii) evidence has been provided that the premises comply with the fire safety standards under the Building Control Acts 1990 to 2014 applicable to such premises;
 - (iii) the applicant is a fit and proper person to be the licensee under such licence,
 - (b) refusing to so grant a court certificate if it allows an objection to the application on any of the grounds set out in *section 82*.
 - (c) in any other case, refusing to so grant such approval and giving the applicant a notice in writing stating the reasons for the refusal.
- (5) Where -
- (a) an application is made to the Revenue Commissioners for the issue of a station licence in respect of that station,
 - (b) the application is accompanied by the approval in writing granted under *subsection (4)* which identifies that part of the station to which the approval relates, and
 - (c) the appropriate excise duty and the prescribed fee (if any) in respect of the issue of the station licence have been paid to the Revenue Commissioners,
- the Revenue Commissioners shall issue that licence in respect of that part to the operator.

(6) Subject to prohibited hours, a station licence issued in respect of the premises of a shall operate to authorise the sale of alcohol in the premises and the consumption there of such alcohol by persons who have arrived at the station as passengers, or persons who intend to travel from the station as passengers, on a bona fide transport service available for use by members of the public.

(7) In this section –

“Minister” means the Minister for Transport;

“station” means a bus station or railway station;

“station licence” means a licence issued in respect of the station specified in the licence and which authorises the sale and consumption of alcohol at the station.

Railway restaurant car licence.

Application for new restaurant car licence

79.__ (1) The Revenue Commissioners shall not issue a new restaurant car licence in respect of any railway restaurant car unless a court certificate has been granted in respect of the railway restaurant car.

(2) An application for the grant of a court certificate shall be made to the Court by the company.

(3) The Court shall determine an application by:

(a) granting to the applicant an approval in writing , if satisfied that-

(i) if such a licence was issued, the sale of alcohol would-

(I) only be ancillary to the transport activities carried on in the railway restaurant car, and

(II) principally be for the convenience of persons in the railway restaurant car at any time during which the train of which it forms a part is in service.

(4) Where -

- (a) an application is made by the company to the Revenue Commissioners for the issue of a railway restaurant car licence in respect of a railway restaurant car owned or hired by the company, and
- (b) the application is accompanied by the approval in writing granted under subsection (3), and
- (c) the appropriate excise duty and the prescribed fee (if any) in respect of the issue of the railway restaurant car licence have been paid to the Revenue Commissioners,

the Revenue Commissioners shall issue that licence to the company in respect of that railway restaurant car.

(5) Subject to prohibited hours, a railway restaurant car licence issued in respect of the railway restaurant car specified in the licence shall operate to authorise the sale of alcohol to passengers in the car, for consumption there, when the train is in service.

(6) A railway restaurant car licence shall cease to have effect if, for whatever reason, the railway restaurant car in respect of which it was issued ceases to be owned or hired by the company.

(7) In this section -

“company” means -

- (a) Córas Iompair Éireann, or
- (b) any company designated by regulations made by the Minister for Transport.

“railway restaurant car” means a restaurant car which is principally used for the supply and consumption of meals by passengers;

“railway restaurant car licence” means a licence issued in respect of the railway restaurant car specified in the licence and which authorises -

- (a) the sale of alcohol to passengers in the car, and
- (b) the consumption in the car of alcohol so sold,

when the train of which the car is a part is in service.

Passenger vessel licence - Application for new passenger vessel licence in respect of premises not already licensed

80.__ (1) The Revenue Commissioners shall not issue a new passenger vessel licence in respect of any passenger vessel, or prescribed parts of the passenger vessel unless a court certificate has been granted in respect of the vessel.

(2) An application for the grant of a court certificate shall be made to the Court by the holder of a passenger ship certificate or passenger boat licence.

(3) The Court shall not entertain an application under *subsection (2)* unless a relevant passenger ship certificate or passenger boat licence is held by the applicant.

(4) The Court shall determine an application by:

(a) granting to the applicant an approval in writing , if satisfied that-

(i) if such a licence was issued, the sale of alcohol would-

(I) only be ancillary to the transport activities carried on by the applicant in connection with the vessel, and

(II) principally be for the convenience of passengers carried on the vessel;

(ii) the applicant is a fit and proper person to be the licensee under such licence,

(b) in any other case, refusing to so grant such approval and giving the applicant a notice in writing stating the reasons for the refusal.

(5) Where -

(a) an application is made to the Revenue Commissioners by the holder of a passenger ship certificate or passenger boat licence for the issue of a passenger vessel licence in respect of the passenger vessel to which the certificate or licence, as the case may be, relates,

(b) the application is accompanied by the approval granted under *subsection (4)* in respect of the passenger vessel, and

(c) the appropriate excise duty and the prescribed fee (if any) in respect of the issue of the licence have been paid to the Revenue Commissioners,

the Revenue Commissioners shall issue the passenger vessel licence to the applicant.

(6) Notwithstanding anything contained in this Act, a passenger vessel licence issued in respect of the passenger vessel specified in the licence shall operate to authorise, in prescribed parts of the vessel, the sale and consumption of alcohol by passengers while the vessel is in service for the carriage of passengers.

(7) A passenger vessel licence shall cease to have effect should the passenger vessel in respect of which it was issued cease, for whatsoever reason, to be the subject of a passenger ship certificate or a passenger boat licence.

(8) In this section -

“Minister” means the Minister for Transport;

“passenger” means every person other than the master and members of the crew or other persons employed or engaged in any capacity on board a ship on the business of the ship;

“passenger boat licence” means a licence issued under section 15 of the Merchant Shipping Act 1992;

“passenger ship certificate” means a certificate issued under -

(a) section 20 of the Merchant Shipping (Safety Convention) Act 1952 (general safety certificate), or

(b) section 8 of the Merchant Shipping Act 1992 (passenger ship certificate);

“passenger vessel” means a vessel of any description employed for the carriage and conveyance of passengers which goes from a place in the State to the same or another place in the State, or goes to or from the State;

“passenger vessel licence” means a licence issued in respect of the passenger vessel specified in the licence and which authorises the sale and consumption of alcohol on the vessel;

Chapter 5

Non-application of certain provisions

Non-application of sections 120 and 121.

81.____(1) *Sections 120 and 121* shall not apply to premises in respect of which an amenity licence has been issued.

Chapter 6

Objections to new amenity licences

Objections to a new amenity licence in respect of premises not already licensed

82.____(1) An objection to an application for a new amenity licence may be made to the Court.

(2) An objection to the new amenity licence –

(a) may be made by –

(i) the fire authority or the officer in charge of the Garda Síochána,

(ii) the local authority,

(iii) the Executive, or

(iv) any person who has a substantial and bona fide interest in the matter and is resident in the neighbourhood,

(b) shall be made on one of the following grounds –

(i) the character, misconduct or unfitness of the licensee under the licence, including, if the applicant is a body corporate or partnership, the character, misconduct or unfitness of any director or partner, as the case may be, of the body corporate or partnership,

- (ii) the unfitness or inconvenience of the premises,
- (iii) the unsuitability of the premises for the needs of the persons residing in the neighbourhood in which the premises are situated, or
- (iv) the adequacy of the existing number of licensed premises of the same character in such neighbourhood.

Chapter 7

Renewal of amenity licences

Period of validity of amenity licence.

83.____(1) Except as otherwise provided in this Act -

- (a) an amenity licence shall lapse at midnight on 30 September next following the date of issue of the licence but may be renewed under this Act,
- (b) an amenity licence which has been renewed shall lapse at midnight on 30 September next following the date of its last renewal.

Application for renewal of amenity licence.

84.____(1) An application for the renewal of an amenity licence shall be made -

- (a) to the Revenue Commissioners, and
- (b) not more than 28 days before the date in which the licence would lapse under *section 83(1)* but for the application.

(2) Where the amenity licence is the subject of an objection referred to in *section 86 (1)*, the application shall be accompanied by a court certificate granted under *section 87(1)* in respect of the licence unless the Revenue Commissioners have been provided with that certificate by the Courts Service, whether electronically or otherwise.

Provisions applicable to late application for renewal, etc.

85.__(1) Where an application under *section 84(1)* for the renewal of a an amenity licence is made -

- (a) less than 28 days before the licence lapses under *section 83(1)*, or
- (b) on or after the licence lapses under *section 83(1)*,

then, if the licence is renewed under *section 88(1)*, there shall be paid to the Revenue Commissioners, in addition to the prescribed fee (if any) payable under this Act for the renewal of the licence, a charge of -

- (i) if *paragraph (a)* is applicable, €200, and
- (ii) if *paragraph (b)* is applicable, and without prejudice to the operation of *paragraph (i)*, €400.

(2) Where an application under *section 84(1)* for the renewal of an amenity licence has not been determined under *section 88(1)* before the date on which the licence would, but for this subsection, lapse, then the licence shall, by virtue of this subsection, be deemed to continue in force with effect from that date until -

- (a) the determination under *section 88(1)* of the application, or
- (b) the revocation or suspension under this Act of the licence,

whichever first occurs.

(3) Where an application under *section 84(1)* for the renewal of an amenity licence has not been received by the Revenue Commissioners within 2 years from the lapse of the licence under *section 88(1)*, then -

- (a) the licence shall expire, and
- (b) the Revenue Commissioners shall not renew the licence.

86. Objection to renewal of amenity licence

(1) An objection to an application for the renewal of an amenity licence may be made to the Annual Licensing Court and, in any such case, the objector shall cause a copy of the objection to be given to the Revenue Commissioners and to the officer in charge of the Garda Síochána if that officer is not the objector.

(2) An objection to the renewal of an amenity licence –

(a) may be made by –

- (i) the fire authority,
- (ii) the officer in charge of the Garda Síochána,
- (iii) the local authority,
- (iv) the Executive, or
- (v) any person who has a substantial and bona fide interest in the matter and is resident in the neighbourhood,

(b) shall be made on one of the following grounds –

- (i) the character, misconduct or unfitness of the licensee under the licence, including, if the applicant is a body corporate or partnership, the

character, misconduct or unfitness of any director or partner, as the case may be, of the body corporate or partnership,

(ii) the sale of alcohol authorised by the licence is not, or has ceased to be -

(I) only ancillary to the activities of the licensee connected with the amenity in respect of which the licence was issued, or

(II) principally for the convenience of persons attending an event or function in that amenity,

(iii) the unfitness or inconvenience of the premises where structural alterations or material changes have been made or

(iv) the extent to which -

(I) the premises were not conducted in a peaceable and orderly manner,

(II) the premises were not operated in a manner which protects staff, patrons and performers from harassment, including sexual harassment or

during the period since the issue or last renewal, as the case may be, of the licence,

(c) shall -

(i) be made in writing,

- (ii) state in general terms the grounds referred to in *paragraph (b)* on which the renewal of the licence is opposed,
- (iii) where *paragraph (b)(iii)* is applicable, state particulars of the alleged unfitness or inconvenience of the licensed premises, and
- (iv) be served on the Court clerk and the licensee.

(3) An objection referred to in *subsection (1)* to the renewal of an amenity licence on the ground referred to in *subsection (2)(b)(iii)* may only be made by the fire authority.

Grant of court certificate for renewal of licence

87.__ (1) At the hearing of an objection referred to in *section 86 (1)* –

(a) the Annual licensing Court shall not entertain the objection unless the objector has first satisfied it that the objector has complied with *section 86 (2) (b)* and *(c)*,

(b) any person referred to in *section 86 (2) (a)* (and whether or not the person is the objector) may support or oppose the objection and, for that purpose, may appear and give evidence,

(c) all evidence shall be given under oath and in open court, and

(d) unless the Annual Licensing Court allows the objection, it shall grant a certificate to the licensee under the retail licence concerned which entitles the licensee to renew the licence.

(2) Where at a hearing referred to in subsection (1) the Annual Licensing Court allows an objection referred to in *section 86 (1)*, the Court clerk shall, as soon as is practicable, give notice in writing to the Revenue Commissioners and, if the allowance of the objection means a cultural amenity licence will not be renewed, the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media.

Renewal of amenity licence.

88.____(1) Subject to *subsection (2)*, the Revenue Commissioners shall determine an application under *section 84(1)* for the renewal of an amenity licence by -

- (a) renewing the licence -
 - (i) if it is satisfied that the application and the applicant are in compliance with *section 84*, and
 - (ii) upon payment of -
 - (I) the appropriate excise duty and the prescribed fee (if any) in respect of the renewal, and
 - (II) if *section 85(1)* is applicable, the sum of the charges payable under that section,
 - (iii) if a tax clearance certificate in relation to the applicant has been issued;
- (b) in any other case, refusing to renew the licence.

(2) The Revenue Commissioners shall, before 31 December in each year, give notice in writing to the Garda Síochána of amenity licences that -

- (a) have not been renewed by 30 November of that year, and
- (b) are not the subject of an appeal in relation to a tax clearance certificate.

PART 5

PROHIBITED HOURS AND EXEMPTIONS

Chapter 1

Prohibited hours

Prohibited hours generally.

89.____(1) Except as otherwise provided by this Act, a person shall not sell or expose for sale any alcohol, or open or keep open any premises for the sale of alcohol, or permit any alcohol to be consumed on licensed premises at any time on Christmas Day.

(2) Subject to *subsections (1), (4) and (5)*, and except as otherwise provided by this Act, a person shall not sell or expose for sale any alcohol, or open or keep open any premises for the sale of alcohol, or permit any alcohol to be consumed on licensed premises, on any day specified hereunder except between the times specified in respect of that day -

(a) Christmas Eve between 10.30 a.m. and 11.30 p.m.,

(b) any other day between 10.30 a.m. and 12.30 a.m. on the following day.

(3) The hours specified in *subsection (2)* in respect of any day specified in that subsection are in addition to the period between midnight and 12.30 a.m. on that day where that period is included in the hours so specified in respect of the eve of that day.

(4) Without prejudice to *subsection (1)*, a person shall not sell any alcohol, for consumption off the licensed premises concerned, on any day, except between the times 10.30 a.m and 10.00 p.m.

(5) A person shall not sell any alcohol, for consumption off the premises concerned, being premises the subject of a general exemption order, on any day during the period -

- (a) beginning on that day on which it is lawful, pursuant to such order, to sell alcohol for consumption on the premises and
- (b) ending at 10.30 a.m. on that day.

(6) A person who contravenes *subsection (1), (2), (4) or (5)* is guilty of an offence and liable on summary conviction to a fine not exceeding -

- (a) for a first offence, to a class C fine, or
- (b) for a second or subsequent offence, to a class A fine.

(7) Every reference in this Act (excluding all the provisions of *Part 10* except *section 158(1)(b)*) to the provisions of this Act relating to prohibited hours shall be construed and have effect as a reference to the provisions of this section, and all references in this Act to prohibited hours or to times or hours in which the sale of alcohol is prohibited by this Act shall be construed as references to the hours during which the sale of alcohol is not permitted by this section.

(8) This section shall not apply to -

- (a) premises in respect of which an amenity licence has been issued and is in force,

- (b) a registered club,
- (c) the sale of alcohol by pursuant to a wholesaler's licence, or
- (d) the lawful sale of -
 - (i) medicated or methylated spirits, or
 - (ii) spirits made up in medicine.

Opening hours not obligatory.

90.____ Nothing in this Act shall be taken to require licensed premises to be open for the sale of alcohol during all of the period permitted by this Act except that licensed business must be carried on in compliance with any conditions attached to the licence.

Time for consumption of alcohol supplied during permitted hours.

91.____(1) Nothing in this Act shall operate to prohibit a person from being on, or consuming, or permitting the consumption of, alcohol on licensed premises in respect of which an on-licence is in force during the period of 30 minutes commencing at the beginning of a period during which the sale of alcohol on licensed premises is prohibited.

(2) For the purposes of *subsection (1)*, a period during which the sale of alcohol in licensed premises is permitted by or under any provision of this Act (other than *sections [44, 55, 64, 89 and 101]*) shall be deemed to be a period during which such sale is prohibited on such premises.

Presumption of existence of licence.

92.____ In a prosecution for an offence under this Act in relation to prohibited hours in respect of premises -

- (a) it shall be presumed, until the contrary is proved, that a licence of the character and subject to the conditions (if any) alleged by the prosecution is in force in respect of the premises, and
- (b) if the defendant proves that at the time at which the defendant is alleged to have committed the offence concerned a licence was not in force in respect of the premises -
 - (i) the court before which the prosecution is heard shall treat the charge as a charge of an offence contrary to *section 7*, and
 - (ii) a conviction under *section 7* shall not be reversed merely on the ground that a licence in respect of the premises is subsequently obtained by the defendant.

Offences in relation to prohibited hours.

93.____(1) Subject to *subsections* (2), (3) and (6), a person who is found on any licensed premises during any time in which the sale or consumption of alcohol on the premises is prohibited by this Act is guilty of an offence and liable on summary conviction to a class E fine.

(2) *Subsection (1)* does not apply to a person who is -

- (a) the licensee under the licence concerned, or the owner, of the premises,
- (b) in the employment of such licensee or owner and is on the premises in the ordinary course of such employment,
- (c) residing permanently or temporarily on the premises,
- (d) a person to whom alcohol may lawfully be sold on the premises at the time concerned,
- (e) carrying out construction, decorative, repair, replacement or maintenance work in relation to the premises or any of the fittings or equipment there, or
- (f) a member of the Garda Síochána or an officer of the Revenue Commissioners in the course of his or her duty.

(3) Subject to *subsection (4)*, a person who consumes alcohol on any licensed premises during any time in which the sale of alcohol on the premises is prohibited by this Act is, unless he or she is a person in respect of whom the relevant requirements of this Act

for the lawful sale of alcohol on those premises at that time are satisfied, is guilty of an offence and liable on summary conviction to a class E fine.

(4) A person shall not be convicted of an offence under both *subsections (1) and (3)* in respect of the same occasion.

(5) The licensee under a licence who permits a person to be on the licensed premises contrary to a provision of this section is guilty of an offence and liable on summary conviction to a class C fine.

(6) Where -

(a) any business other than the sale of alcohol (in this subsection referred to as “non-licensed business”) is carried on in any licensed premises,
and

(b) the part of the premises in which the non-licensed business is carried on is not structurally separated from the remainder of the premises,

then *subsection (1)* shall not apply in relation to the premises during any time in which the premises are lawfully and *bona fide* open for the carrying on of the non-licensed business.

Fixed charge offences for the purposes of *section 93(1), (3) and 96(1)*.

Provide that:

94.____(1) A member of the Garda Síochána who has reasonable grounds for believing that a person is committing, or has committed, an offence under *section 93(1),(3) or 96(1)* (in this section referred to as a “fixed charge offence”) may serve on the person personally or by post the notice referred to in *subsection (5)* or cause it to be so served.

(2) A member of the Garda Síochána may, for the purposes of *subsection (1)* -

- (a) request the person concerned to give his or her name and address and to verify the information given, and
- (b) if not satisfied with the name and address or any verification given, request that the person accompany the member to a Garda Síochána station for the purpose of confirming the person's name and address.

(3) A person who -

- (a) does not give his or her name and address when requested to do so under *subsection (2)(a)* or gives a name or address that is false or misleading in a material particular, or
- (b) does not comply with a request by a member of the Garda Síochána under *subsection (2)(b)*,

is guilty of an offence and is liable on summary conviction to a class D fine.

(4) A member of the Garda Síochána who is of the opinion that a person is committing, or has committed, an offence under *subsection (3)* may arrest the person without warrant.

(5) The notice referred to in *subsection (1)* shall be in the form prescribed in regulations made under *section 190* and shall state -

- (a) that the person on whom it is served is alleged to have committed the fixed charge offence concerned,
- (b) when and where it is alleged to have been committed,
- (c) may specify the person to whom, and the place where, the payment is to be made and whether the payment is to be accompanied by the notice, duly completed
- (d) that a prosecution for it will not be instituted if a person or the person to whom the notice applies, during the period specified in the notice and in accordance with the notice, makes a payment specified in the notice,
- (e) that, although the person is not obliged to make such payment, if the person does not make such payment, the person will be prosecuted for the alleged offence,
- (f) if the person is served with a summons in respect of the alleged offence the person may, not later than 7 days before the day specified

in the summons on which the person is required to appear in court, make a payment of a fixed charge as specified in the notice served with the summons of an amount 100 per cent greater than the prescribed amount referred to in the notice and, if the person pays such amount proceedings in respect of the alleged offence will be discontinued.

(6) A payment referred to in *subsection (5)* shall be accompanied by the notice referred to in that subsection.

(7) Where a notice is served under *subsection (1)* -

- (a) a person to whom the notice applies may make a payment in accordance with *subsections (5)(c)* and *(6)*,
- (b) the payment shall be received in accordance with the notice and the person receiving the payment shall issue a receipt for it,
- (c) a payment so received shall not be recoverable by the person who made it, and
- (d) a prosecution in respect of the alleged fixed charge offence to which the notice relates shall not be instituted during the period specified in the notice or, if a payment so specified is made during the period so specified in accordance with the notice, in relation to the payment, at all,

- (e) a person who is served with a summons in respect of the alleged offence may, not later than 7 days before the day specified in the summons on which the person is required to appear in court, make a payment of a fixed charge of an amount 100 per cent greater than the prescribed amount specified in the notice and
 - (f) if the person pays the fixed charge no proceedings in respect of the alleged offence will be continued and the person need not attend the court on the day specified in the summons.
- (8) In a prosecution for a fixed charge offence, it shall be presumed, until the contrary is shown, that -
 - (a) the relevant notice under this section has been served or caused to be served, and
 - (b) a payment pursuant to the relevant notice under this section accompanied by the notice, duly completed (unless the notice provides for payment without the notice accompanying the payment) has not been made.
- (9) Payments so made shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance directs.
- (10) In this section, “person” means a person of not less than 18 years of age.

Exemptions for hotels, holiday camps and restaurants.

95.__(1) Where licensed premises are for the time being -

- (a) a hotel or holiday camp, then nothing in this Act shall operate to prohibit or restrict the licensee under the licence concerned from selling alcohol at any time on the premises to a person then resident on the premises, or from permitting alcohol to be consumed on the premises.
- (b) a hotel, holiday camp or restaurant, then nothing in this Act shall operate to prohibit or restrict the licensee under the licence concerned from selling alcohol to any person on the premises, or from permitting alcohol to be consumed on the premises -
 - (i) on Christmas Day: between 12.00 midday and 10.00 p.m.,

if the alcohol is consumed by that person as an ancillary to a substantial meal consumed by the person on the premises,

False pretence of being resident.

Provide that:

96.____ (1) A person who by falsely representing himself or herself to be resident, whether permanently or overnight, in any licensed premises buys or obtains, or who attempts by false representation to buy or obtain, on the premises any alcohol during a period in which the sale of alcohol on the premises is prohibited by this Act is guilty of an offence and liable on summary conviction to a class E fine.

(2) A licensee who falsely represents a person to be resident in any licensed premises for the purposes of buying or obtaining any alcohol during a period in which the sale of alcohol on the premises is prohibited by this Act is guilty of an offence and liable on summary conviction to a class D fine.

Exemption from prohibited hours.

97.__Nothing in this Act shall operate to prohibit or restrict the supply at any time of alcohol on licensed premises to members of the family or friends of the licensee under the licence concerned *bona fide* entertained by the licensee at his or her own expense in any part of the premises other than the part in which the sale of alcohol generally takes place.

Mixed trading.

Provide that:

98.____(1) Subject to *subsection (2)*, where non-licensed business is carried on in any licensed premises and the part of the premises in which the non-licensed business is carried on is not structurally separated from the remainder of the premises -

- (a) the opening or keeping open of the premises for the purpose of carrying on the non-licensed business shall be permitted at any time, and
- (b) the licensee shall cause a notice setting out the times during which alcohol may be sold under this Act in respect of that premises to be displayed at all times in a conspicuous place in the premises.

(2) In the case of licensed premises referred to in *subsection (1)* to which an on-licence is attached, physical access to intoxicating liquor on those premises shall be securely prevented at all times during which alcohol may not be sold under this Act in respect of the premises.

(3) The licensee who contravenes *subsection (1)(b) or (2)* is guilty of an offence and liable on summary conviction to a Class A fine.

Distance Sales

Provide that:

- 99.__(1) Where alcohol is sold for consumption off licensed premises—
- (a) it shall be purchased and paid for at the licensed premises on collection by, or prior to delivery to, as the case may be, the purchaser;
 - (b) it shall be supplied or delivered only in an unopened bottle or can, or a similar sealed container;
 - (c) in the case of delivery, it shall be delivered direct to a fixed dwelling.
- (2) A person who makes a delivery must verify that the person receiving the delivery of alcohol is of or over the age of 18 years.
- (3) A licensee who contravenes *subsection 1(a), (b) or (c) or (2)* is guilty of an offence and liable on summary conviction to a Class A fine.

Vending machine sales

Provide that:

100.__ (1) The sale of alcohol from a vending machine is prohibited.

(2) A member of An Garda Síochána may seize, detain and remove, without warrant, any bottle or container which the member suspects came from a vending machine.

(3) A person who contravenes *subsection (1)* is guilty of an offence and liable on summary conviction to a Class A fine.

Chapter 2

Exemptions

Occasional late hours order.

101.__(1) The licensee under an on-licence may make an application to the Court for the grant of an occasional late hours order.

(2) The Court shall not entertain an application under *subsection (2)* unless the applicant has first satisfied it that the applicant has, not less than 7 days before making the application, served a *section 101* notice on -

(a) the Court clerk, and

(b) the officer in charge of the Garda Síochána.

(3) On the hearing of an application under *subsection (2)*, the officer in charge of the Garda Síochána may object to the application and, for that purpose, may appear and give evidence.

(4) On the hearing of an application under *subsection (2)*, the Court may have regard to the terms of any relevant resolution adopted by a local authority pursuant to *subsection (8)* in relation to the expiry time of the occasional late hours order sought by the application.

(5) The Court shall determine an application under *subsection (1)* for the grant of an occasional late hours order in respect of any premises by -

- (a) upon payment of the prescribed fee (if any), granting to the applicant the order if it is satisfied that -
 - (i) the premises comply with the fire safety standards under the Building Control Acts 1990 to 2014 applicable to such premises, and
 - (ii) the special occasion to which the application relates will be conducted in a manner that will not -
 - (I) cause undue inconvenience or nuisance to persons residing in the locality to which the application relates, or
 - (II) create an undue threat to public order or public safety in the locality,
 - (b) in any other case, refusing to so grant the order.
- (6) An occasional late hours order -
- (a) shall contain the following conditions:
 - (i) that alcohol shall not be sold at the event or function to which the order relates during the hours specified in the order to persons other than those attending the event;

- (ii) that members of the public, other than persons so attending, shall not be admitted to the part of the premises in which alcohol is being supplied or consumed pursuant to the order;
- (iii) that the event or function is held in compliance with the relevant provisions of the definition of “special occasion” in *subsection (14)*;
- (iv) that, in the case of a special occasion which does not fall within *paragraph (a)(ii)* of the definition of “special occasion” in *subsection (14)*, a closed circuit television system be in operation on the premises concerned during the course of the special occasion;
- (v) if *subparagraph (iv)* is applicable but the premises concerned do not have a closed circuit television system installed in them, that a closed circuit television system be installed in them for the purposes of that subparagraph; and
- (vi) that any person providing, in respect of the event or function, a security service as a door supervisor, within the meaning of section 2(1) of the Private Security Services Act 2004, be the holder of a licence required under that Act to provide such service;

and

(b) may contain such other conditions as the Court thinks fit.

(7) An occasional late hours order shall expire at 2.30 a.m. unless the Court, for stated reasons, considers it expedient to grant the order for a shorter period.

(8) A local authority may adopt a resolution concerning the expiry times referred to in *subsection (7)* in respect of the whole or a specified part of its administrative area and may by resolution amend or rescind the resolution.

(9) A resolution referred to in *subsection (8)* shall not have effect unless -

(a) at least 28 days' notice of the intention to propose the resolution and of the expiry times to be included in it has been given in writing to each member of the local authority,

(b) the notice and expiry times have been published in at least 2 newspapers circulating generally in the area to which the proposed resolution relates, and

(c) the notice invites interested parties to submit their views on the proposed resolution.

(10) Before a resolution referred to in *subsection (8)* is adopted, the local authority shall consult with the officer in charge of the Garda Síochána and consider any views submitted by the officer and any other persons, including views in relation to any health aspects of the making of an occasional late hours order.

(11) The local authority shall -

- (a) cause notice of the adoption of a resolution referred to in *subsection (8)* to be published in at least 2 newspapers circulating generally in the area to which the resolution relates, and
- (b) send a copy of the resolution to the court clerk for the district court area in which is situated the area to which the resolution relates.

(12) In any proceedings under this Act evidence of the passing of a resolution referred to in *subsection (8)* may be given by the production of -

- (a) a copy of a newspaper containing the notice referred to in *subsection (11)*, or
- (b) a certificate to that effect purporting to be under the seal of the local authority concerned.

(13) The holder of an occasional late hours order shall, if and so long as the holder complies with the conditions upon which the order has been granted, be exempt during the hours and on the special occasion specified in the order from any penalty for a contravention of the provisions of this Act relating to prohibited hours in respect of the licensed premises to which the order relates but not from any other penalty under this or any other Act.

(14) In this section -

“*section 101 notice*”, in relation to an application under *subsection (1)* for the grant of an occasional late hours order, means a notice stating -

- (a) the applicant’s intention to apply to the Court for the order,

- (b) the name and address of the applicant,
- (c) the special occasion, premises and hours in relation to which the order is sought, and
- (d) the date of the hearing of the application by the Court (if known);

“occasional late hours order” means an order of the Court exempting the licensee under an on-licence from the provisions of this Act relating to prohibited hours in respect of licensed premises during the hours and on the special occasion specified in the order;

“special occasion” means either -

- (a) the occasion of a special event that is organised for the entertainment of the members of a particular association, organisation or other like group, or
- (b) the occasion of a private function,

in the licensed premises in relation to which an occasional late hours order is sought and at which a substantial meal (the price (if any) of which is included in the price (if any) of admission to the event) is served to the persons attending the event.

General exemption orders.

102.____(1) No general exemption order shall be granted -

- (a) in respect of premises unless a general exemption order was in force in respect of the premises on 30 May 2008, or
- (b) for any time on any Sunday or Christmas Day.

(2) Subject to *subsection (1)* the licensee under an on-licence may make an application to the Court for the grant of a general exemption order.

(3) The Court shall not entertain an application under *subsection (2)* unless the applicant has first satisfied it that the applicant has, not less than 28 days before the date of the hearing of the application by the Court, served a *section 102* notice on -

- (a) the Court clerk, and
- (b) the officer in charge of the Garda Síochána.

(4) On the hearing of an application under *subsection (2)* -

- (a) the officer in charge of the Garda Síochána, and
- (b) any person who resides in the neighbourhood in which the licensed premises to which the application relates are situated,

may object to the application and, for that purpose, may appear and give evidence.

(5) Subject to the other provisions of this section and *section 103*, the Court shall determine an application under *subsection (2)* for the grant of a general exemption order by -

- (a) subject to *paragraph (b)* and upon payment of the prescribed fee (if any), granting to the applicant the order if it is satisfied that it is necessary or desirable to do so for the accommodation of persons attending the public market or fair, or engaged in the lawful trade or employment, to which the application relates,
- (b) refusing to so grant the order if it is satisfied that -
 - (i) there will be an adequate number of licensed premises providing food at reasonable prices to any of the persons mentioned in *paragraph (a)* on the dates, and the times on those dates, for which the order is sought, or
 - (ii) granting the order would -
 - (I) cause undue inconvenience or nuisance to persons residing in the locality in which the licensed premises to which the application relates are situated, or
 - (II) create an undue threat to public order or public safety in the locality.

(6) A general exemption order shall contain a condition that the holder of it shall during every period of exemption supply on the licensed premises to which the order relates food and non-alcoholic drink at reasonable prices to any person requesting the same.

(7) The holder of a general exemption order shall, if and so long as the holder complies with the conditions upon which the order has been granted, be exempt during every period of exemption from any penalty for a contravention of the provisions of this Act relating to prohibited hours in respect of the licensed premises to which the order relates but not from any other penalty under this or any other Act.

(8) The holder of a general exemption order shall during every period of exemption keep affixed in a conspicuous place on the outside of the licensed premises to which the order relates a notice in a form prescribed in rules of court stating the periods of exemption specified in the order.

(9) The holder of a general exemption order who contravenes *subsection (8)* is guilty of an offence and liable on summary conviction to a class E fine.

(10) A person who affixes or keeps affixed to licensed premises any notice falsely representing that a general exemption order has been granted in respect of the premises, or falsely stating the periods of exemption under such an order, is guilty of an offence and liable on summary conviction to a class C fine.

(11) The Court may at any time it thinks fit to do so, after hearing the officer in charge of the Garda Síochána and the holder of a general exemption order, withdraw or alter the order -

- (a) subject to *paragraph (b)*, on the ground that it is no longer satisfied as referred to in *subsection (5)(a)* or on any of the grounds referred to in *subsection (5)(b)(i)* or *(ii)*, and

- (b) in a manner that does not render any person liable to a penalty for anything done under the order before the withdrawal or alteration, as the case may be, of the order.

(12) A general exemption order shall, unless withdrawn under *subsection (11)* or expressed to expire sooner, remain in force until the Annual Licensing Court for the area in which the premises to which the order relates are situated next following the granting of the order is held.

(13) Without prejudice to the operation of *subsection (1)*, the preceding provisions of this section shall not of themselves affect the validity of general exemption orders granted before the commencement of this section under any Act repealed by this Act, but those provisions shall apply in relation to the renewal of such orders.

(14) In this section -

“general exemption order” means an order of the Court exempting the licensee under an on-licence from the provisions of this Act relating to prohibited hours in respect of the licensed premises -

- (a) where the licensed premises are situated in the vicinity of -
 - (i) a public market or fair attended by a considerable number of persons, or
 - (ii) a place where a considerable number of persons are employed in a lawful trade or employment,

and

- (b) during the hours specified in the order;

“period of exemption”, in relation to a general exemption order, means any time during which the holder of the order is exempted by the order from the provisions of this Act relating to prohibited hours;

“*section 102* notice”, in relation to an application under *subsection (1)* for the grant of a general exemption order, means a notice stating -

- (a) the applicant’s intention to apply to the Court for the grant of the order,
- (b) the name and address of the applicant,
- (c) the dates, and the times on those dates, for which the order is sought,
and
- (d) the date of the hearing of the application by the Court (if known).

Restriction on period of exemption under general exemption order.

103.__A general exemption order shall not be granted -

- (a) for any period beginning before 5.00 a.m. if the order is for the accommodation of persons attending a public market or fair,
- (b) for any period beginning before 7.00 a.m. if the order is for the accommodation of persons engaged in any lawful trade or employment (other than fishing in tidal waters),
- (c) for any period not ending at 10.30 a.m.

Area exemption order.

Provide that:

104.____(1) The relevant licensees, or a person on behalf of the relevant licensees, may make an application to the Court for the grant of an area exemption order in respect of a special event specified in the application.

(2) The Court shall not entertain an application under *subsection (1)* unless the applicant has first satisfied it that the applicant has -

(a) not less than 28 days before the date of the hearing of the application by the Court, served a *section 104* notice on -

(i) the clerk of the Court and

(ii) the officer in charge of the Garda Síochána,

and

(b) published, not less than 28 days before the date of the hearing of the application by the Court, the *section 104* notice in each of 2 newspapers circulating generally in the licensing area concerned.

(3) On the hearing of an application under *subsection (1)* -

(a) the officer in charge of the Garda Síochána,

(b) the local authority, and

- (c) any person appearing to the Court to have a *bona fide* interest in the matter,

may object to the application and, for that purpose, may appear and give evidence.

(4) The Court shall determine an application under *subsection (1)* for the grant of an area exemption order by -

- (a) subject to *paragraph (b)* and upon payment of the prescribed fee (if any), granting to the applicant the order -
 - (i) if it is satisfied that it is necessary or desirable to do so for the accommodation of the persons likely to be attracted to the area concerned, and
 - (ii) subject to such conditions (if any) as are specified in the order,
- (b) in any other case, refusing to so grant the order.

(5) An area exemption order shall expire at 2.30 a.m. unless the Court, for stated reasons, considers it expedient to grant the order for a shorter period.

(6) A person shall not provide, in respect of the special event, a security service as a door supervisor or security guard, within the meaning of section 2(1) of the Private Security Services Act 2004, unless he or she is the holder of a licence required under that Act to provide such service.

(7) Where 2 or more area exemption orders are granted in respect of an area in a particular year, the orders shall relate to consecutive days not exceeding 12 in all in that year.

(8) Each licensee of relevant premises to which an area exemption order relates shall, if and so long as the licensee complies with the conditions upon which the order has been granted, be exempt at the times specified in the order from any penalty for a contravention of the provisions of this Act relating to prohibited hours in respect of the relevant premises but not from any other penalty under this or any other Act.

(9) Each licensee of relevant premises to which an area exemption order relates shall, during the relevant periods, keep affixed in a conspicuous place on the outside of the relevant premises in a form prescribed in rules of court stating the periods of exemption specified in the order.

(10) The licensee of relevant premises to which an area exemption order relates who contravenes *subsection (7)* is guilty of an offence and liable on summary conviction to a Class E fine.

(11) A person who affixes or keeps affixed to premises any notice falsely representing that an area exemption order has been granted in respect of the premises, or falsely stating the periods of exemption under such an order, is guilty of an offence and liable on summary conviction to a Class E fine.

(12) An area exemption order may relate to more than one special event, and the provisions of this section shall be construed accordingly.

(13) In this section –

“area” means a licensing area, or part of a licensing area;

“relevant licensees”, in relation to a special event, means licensees who are holders of on-licences in respect of licensed premises that are situated within an area and who apply for an order under *subsection (1)* or on whose behalf an application is made under *subsection (1)*;

“relevant period”, in relation to a special event, means the period during which the special event occurs;

“relevant premises”, in relation to a special event, means the licensed premises of relevant licensees that are within the area at which the special event is to take place or is taking place ;

“*section 104* notice”, in relation to an application under *subsection (1)* for the grant of an area exemption order, means a notice stating -

- (a) the applicant’s intention to apply to the Court for the grant of the order,
- (b) details of the special event to which the application relates,
- (c) the relevant period,
- (d) the licensing area,
- (e) the names of the relevant licensees and the addresses of the relevant premises which are the relevant premises of the relevant licensees, and

- (f) the date of the hearing of the application by the Court (if known);

“special event” means one or more than one event -

- (a) to take place or taking place in a licensing area (other than the Dublin Metropolitan Area), and
- (b) that is infrequent and exceptional in character, and
- (c) likely to attract a considerable number of people to that area during the relevant period;

“area exemption order”, in relation to a special event, means an order by the Court exempting relevant licensees identified in the order from the provisions of this Act relating to prohibited hours-

- (a) in respect of the relevant premises, and
- (b) at such times and on such days during the relevant period as are specified in the order.

Occasional permit.

Provide that:

105.____(1) The licensee under a relevant licence may make an application to the Court for the grant of an occasional permit in respect of the relevant place specified in the application.

(2) The Court shall not entertain an application under *subsection (1)* unless the applicant has first satisfied it that the applicant has, not less than 14 days before the date of the hearing of the application by the Court, served *section 105* notice on -

- (a) the Court clerk,
- (b) the officer in charge of the Garda Síochána,
- (c) the fire authority, and
- (d) the local authority.

(3) On the hearing of an application under *subsection (1)*, the officer in charge of the Garda Síochána, the fire authority or the local authority may object to the application and, for that purpose, may appear and give evidence.

(4) The Court shall determine an application under *subsection (1)* for the grant of an occasional permit by -

- (a) subject to *paragraph (b)* and *subsection (5)* and upon payment of the prescribed fee (if any), granting to the applicant the permit subject to such conditions as it thinks fit and specified in the permit,

- (b) refusing to so grant the permit if it is satisfied that granting the permit would create an undue threat to public order or public safety in the locality in which the relevant place is situated.
- (5) An occasional permit shall be granted -
 - (a) for an event at which a substantial meal will be served,
 - (b) for an event which is organised for the entertainment of the members of a particular association, organisation or other such group,
 - (c) for an event at which entertainment for members of the public may be admitted to on production of a ticket whether or not that ticket is paid for or not ,
 - (d) where an event is held wholly or partly on a day that, in the opinion of the Court, is a day of special festivity generally or in the locality in which the relevant place is situated,
- (6) where *paragraph 5 (d)* is applicable, an occasional permit shall not be granted for any place in respect of more than 6 different days in a year,
- (7) An occasional permit shall not be granted for Christmas Day.
- (8) An occasional permit shall permit the sale of alcohol within normal prohibited hours.

(9) A relevant place specified in an occasional permit shall be regarded, on the days and during the times specified in it, as the licensed premises of the licensee under the licence for the purposes of any offences under this Act.

(10) In this section –

“event” includes an event under the Planning and Development Act 2000 and where held outside the relevant event planning permissions must be obtained;

“occasional permit”, in relation to a relevant place, means a permit granted by the Court to the licensee under a relevant licence entitling the licensee to sell alcohol at the place on such days (not exceeding 6), and during such times, falling within the relevant period as are specified in the permit;

“relevant licence” means a public house licence, publican’s hotel licence, restaurant licence or wine on-licence;

“relevant period”, in relation to a relevant place, means the period during which the special event referred to in *paragraph (b)* of the definition of “relevant place” occurs;

“relevant place” means a place -

- (a) which is not licensed premises, and
- (b) at which a special event is to occur which is likely to attract a considerable number of people to the place during the relevant period;

“*section 105* notice”, in relation to an application under *subsection (1)* for the grant of an occasional permit in respect of a relevant place, means a notice stating -

- (a) the applicant’s intention to apply to the Court for the grant of an occasional permit which will entitle the applicant to sell alcohol at that place,
- (b) the name and address of the applicant,
- (c) the address of that place and a description of the special event that is to occur at that place,
- (d) the relevant period for which the occasional permit is required,
- (e) proof of the relevant event planning permissions are provided where required, and
- (f) the date of the hearing of the application by the Court (if known).

Festival clubs.

106.____(1) Where on an application under *section 101* or *105* the Court is satisfied that -

- (a) a festival consisting wholly or mainly of the presentation of performances of music, dancing or plays or showings of films, or any combination thereof, is being held,
- (b) a *bona fide* club has been formed by the organisers of the festival,
- (c) the members of the club are -
 - (i) persons performing at the festival, or
 - (ii) persons paying a single subscription the payment of which entitles them to attend each event of the festival or each event of a particular class, being a class constituting a significant part of the festival, or one event, at least, on each of 5 or more consecutive days,
- (d) a social function is being held by the members of the club at a place that -
 - (i) is not licensed premises, or
 - (ii) is a hotel or restaurant,

- (e) the social function takes place during the period of the festival or begins on the last day of the festival and ends on that day or on the day following that day, and
- (f) the organisers of the festival support the application being dealt with under this section,

then the Court may, notwithstanding anything contained in *section 101* or *105* but subject to *subsection (3)*, and irrespective of whether or not a substantial meal is to be served to persons attending the function, grant, upon such conditions as it thinks fit, an occasional late hours order or occasional permit, as may be appropriate, authorising the applicant to sell alcohol at the place at which the function is being held, during such times and subject to *section 101(7)* or *101(5)(d)*, as the case may be, on such day or days as may be specified in the order or permit, as the case may be.

(2) It shall be a condition of an occasional late hours order or occasional permit granted in relation to a social function by virtue of this section that -

- (a) the sale of alcohol under the order or permit, as the case may be, be confined to -
 - (i) the members of the club by whom the function is being held, and
 - (ii) to persons holding an invitation to the function (being a written invitation stating the name of the person invited issued not later than 24 hours before the commencement of the function) from

the organisers of the festival during which the function is being held,

(b) a list of the names of the members of the club and the persons invited to the function -

(i) be kept by the organisers of the festival, and

(ii) be open to inspection by any member of the Garda Síochána,

and

(c) the function be held in compliance with the relevant provisions of *section 101* or *105* and of this section.

(3) An application shall not be granted by virtue of this section in respect of more than one social function on any day in relation to any festival.

PART 6

CONDUCT ON OR NEAR LICENCED PREMISES

Chapter 1

General provisions

Drunken persons.

107.____(1) The licensee under a licence shall not, on the licensed premises -

- (a) supply, or permit any person to supply, alcohol -
 - (i) to a drunken person, or
 - (ii) to any person for consumption by a drunken person,
- (b) permit a drunken person to consume alcohol,
- (c) permit drunkenness to take place in a bar, or
- (d) admit any drunken person to a bar.

(2) The licensee under a licence who contravenes *subsection (1)* is guilty of an offence and liable on summary conviction to a fine not exceeding -

- (a) for a first offence, to a class B fine, or
- (b) for a second or subsequent offence, to a class A fine.

(3) A person who is drunk on leaving a bar of licensed premises is presumed, until the contrary is proved, to have been drunk while in that bar.

(4) In a prosecution for an offence under *subsection (1)(c)*, it is a defence to prove that the licensee concerned took reasonable steps to prevent the drunkenness concerned taking place.

Supply of alcohol to drunken persons by non-licensees.

108.____(1) A person (not being the licensee under the licence concerned) shall not -

(a) purchase alcohol for supply to, or consumption by, a drunken person on licensed premises, or

(b) supply alcohol to a drunken person on licensed premises.

(2) A person who contravenes *subsection (1)* is guilty of an offence and liable on summary conviction to a fine not exceeding -

(a) for a first offence, to a class C fine, or

(b) for a second or subsequent offence, to a class A fine.

Offences by drunken persons.

109.____(1) A drunken person shall leave licensed premises on being requested to do so by the licensee under the licence concerned or a member of the Garda Síochána.

(2) A drunken person shall not seek entry to a bar of licensed premises.

(3) A person who contravenes *subsection (1) or (2)* is guilty of an offence and liable on summary conviction to a class E fine.

(4) A member of the Garda Síochána may arrest without warrant any person committing an offence under this section or whom the member, with reasonable cause, suspects of being guilty of such an offence.

Duty of licensee to preserve order.

110.____(1) The licensee under a licence shall not permit disorderly conduct to take place on the licensed premises.

(2) The licensee under a licence who contravenes *subsection (1)* is guilty of an offence and liable on summary conviction to a fine not exceeding -

(a) for a first offence, to a class C fine, or

(b) for a second or subsequent offence, to a class A fine.

(3) In a prosecution for an offence under this section, it is a defence to prove that the licensee concerned took reasonable steps to prevent the disorderly conduct concerned.

Disorderly conduct.

111.__ (1) A person shall not engage in disorderly conduct on licensed premises.

(2) A person who engages in disorderly conduct on licensed premises -

(a) shall leave the licensed premises concerned on being requested to do so by the licensee under the licence concerned or a member of the Garda Síochána, and

(b) shall not re-enter the bar of the licensed premises within a period of 24 hours after leaving the premises pursuant to a request under *paragraph (a)*.

(3) A person who contravenes *subsection (1)* or *(2)* is guilty of an offence and liable on summary conviction to a class E fine.

(4) A member of the Garda Síochána may arrest without warrant any person committing an offence under this section or whom the member, with reasonable cause, suspects of being guilty of such an offence.

(5) It shall not be unlawful for the licensee under a licence to refuse admission to the licensed premises to any person convicted of an offence under this section where, having regard to the obligations of the licensee under this Act, admission could reasonably be regarded as involving a substantial risk that the person would engage in disorderly conduct.

Supplying alcohol to member of Garda Síochána.

112.____(1) The licensee under a licence shall not, on the licensed premises, supply, or permit any person to supply, alcohol to a member of the Garda Síochána while the member is on duty.

(2) The licensee under a licence who contravenes *subsection (1)* is guilty of an offence and liable on summary conviction to a fine not exceeding -

(a) for a first offence, to a class D fine, or

(b) for a second or subsequent offence, to a class C fine.

(3) In a prosecution for an offence under this section, it is a defence to prove that the licensee concerned had reasonable grounds for believing that the person in respect of whom the offence is alleged to have been committed was not a member of the Garda Síochána on duty.

Gaming on licensed premises.

113.____(1) Subject to *subsection (3)*, the licensee under a licence shall not permit gaming, within the meaning of section 2 of the Gaming and Lotteries Act 1956, on the licensed premises.

(2) The licensee under a licence who contravenes *subsection (1)* is guilty of an offence and liable on summary conviction to a fine not exceeding -

- (a) for a first offence, to a class C fine, or
- (b) for a second or subsequent offence, to a class A fine.

(3) This section shall not -

- (a) prohibit the licensee under a licence or his or her family or friends from playing cards for stakes in a part of the premises other than that in which the sale of alcohol generally takes place if such persons are being entertained by him or her at his or her own expense, or
- (b) apply to the playing of a game where no stake is hazarded by the players other than a charge for the right to take part in the game, provided that -
 - (i) only one such charge is made in respect of the day on which the game is played,
 - (ii) the charge is of the same amount for all the players, and

- (iii) the promoter (if any) derives no personal profit from the promotion of the game.

Betting on licensed premises.

114.____(1) The licensee under a licence shall not permit betting on the licensed premises.

(2) The licensee under a licence who contravenes *subsection (1)* is guilty of an offence and liable on summary conviction to a fine not exceeding -

- (a) for a first offence, to a class C fine, or
- (b) for a second or subsequent offence, to a class A fine.

Consumption of alcohol in off-licence.

115.____(1) The licensee under an off-licence shall not permit alcohol purchased from the licensee to be consumed on the licensed premises.

(2) The licensee under an off-licence who contravenes *subsection (1)* is guilty of an offence and liable on summary conviction to a fine not exceeding -

(a) for a first offence, to a class C fine, or

(b) for a second or subsequent offence, to a class A fine.

(3) A person shall not consume alcohol purchased from the licensee under an off-licence on the licensed premises.

(4) A person who contravenes *subsection (3)* is guilty of an offence and liable on summary conviction to a class E fine.

Consumption of alcohol near licensed premises.

116.____(1) Where the licensee under a licence has supplied alcohol to a person in an bottle or container, whether unopened or open, for consumption off the licensed premises -

- (a) the licensee shall not consent to the consumption of the alcohol in a place which is within 100 metres of the licensed premises,
- (b) that person shall not, and any other person who knows that the alcohol was so supplied shall not, consume the alcohol in a place which is within 100 metres of the licensed premises.

(2) The licensee under a licence who contravenes *subsection (1)(a)* is guilty of an offence and liable on summary conviction to a fine not exceeding -

- (a) for a first offence, to a class C fine, and
- (b) for a second or subsequent offence, to a class A fine.

(3) A person who contravenes *subsection (1)(b)* is guilty of an offence and liable on summary conviction to a class E fine.

(4) In this section, “place” means -

- (a) and premises owned or controlled by the licensee under a licence, or used with the licensee’s permission, other than the licensed premises,
and
- (b) any public place.

[Chapter 2]

Prohibited conduct

The existing provisions which provide that cases involving discriminatory refusal of entry to a licensed premises are governed by section 19 of the Intoxicating Liquor Act 2003 rather than by the Equal Status Acts 2000 to 2015 will be examined in the context of the planned Review of the Equal Status Acts 2000 to 2015.

PART 7

PROVISIONS RELATING TO PERSONS UNDER AGE OF 21 YEARS

Sale of alcohol to persons under age of 18 years.

117.____(1) Subject to *subsection (2)*, the licensee under a licence shall not -

- (a) sell, deliver or permit any person to sell or deliver alcohol to a person under the age of 18 years,
- (b) sell, deliver or permit any person to sell or deliver alcohol to any person for consumption on the licensed premises by a person under the age of 18 years,
- (c) permit a person under the age of 18 years to consume alcohol on the licensed premises, or
- (d) permit any person to supply a person under the age of 18 years with alcohol on the licensed premises.

(2) The licensee under a licence shall not sell, deliver or permit any person to sell or deliver alcohol to any person for consumption off the licensed premises by a person under the age of 18 years in any place except with the explicit consent of the person's parent in a private residence in which he or she is present as of right or with permission.

(3) The licensee under a licence who contravenes *subsection (1)* or *(2)* is guilty of an offence and liable on summary conviction to a fine not exceeding -

- (a) for a first offence, to a class B fine, or
- (b) for a second or subsequent offence, to a class A fine.

(4) In a prosecution of the licensee under a licence for an offence under *subsection (3)*, it shall be a defence -

- (a) for the licensee to prove that -
 - (i) the person in respect of whom the charge concerned is brought produced to him or her an age document relating to that person, and
 - (ii) the age document purported to show that the person was at least 18 years of age at the time of the alleged offence, or
- (b) if the licensee is charged with permitting another person to sell or deliver alcohol contrary to *subsection (1)* or *(2)*, for the licensee to prove that -
 - (i) an age document relating to the person to whom the alcohol was sold or delivered was produced by that person to that other person, and
 - (ii) the age document purported to show that the person was at least 18 years of age at the time of the alleged offence.

Provision of alcohol for persons under age of 18 years.

118.____(1) Subject to *subsection (2)*, a person (other than the licensee under a licence) shall not -

- (a) purchase alcohol for delivery to, or consumption by, a person under the age of 18 years, or
- (b) deliver alcohol to a person under the age of 18 years.

(2) It shall not be unlawful for a person (other than the licensee under a licence) to purchase or deliver alcohol for consumption by a person under the age of 18 years in a private residence with the explicit consent of that person's parent.

(3) Subject to *section 128(2)*, a person shall not send a person under the age of 18 years to any place where alcohol is sold, delivered or distributed for the purpose of obtaining alcohol.

(4) A person who contravenes *subsection (1)* or *(3)* is guilty of an offence and liable on summary conviction to a fine not exceeding -

- (a) for a first offence, to a class C fine, or
- (b) for a second or subsequent offence, to a class A fine.

Offences by persons under age of 18 years.

119.____(1) A person under the age of 18 years shall not -

- (a) subject to *section 128(3)*, purchase alcohol,
- (b) consume alcohol in any place, except with the explicit consent of the person's parent in a private residence in which he or she is present as of right or with permission, or
- (c) subject to *section 128(3)*, represent himself or herself for the purpose of obtaining, or being permitted to consume, alcohol, to be over the age of 18 years.

(2) Subject to *subsection (3)*, a young person shall not be in a bar of licensed premises -

- (a) subject to *paragraph (b)*, after 9.00 p.m. and before 10.30 a.m. on the following day
- (b) in respect of the period commencing from and including 1 May and ending on and including 30 September, after 10.00 p.m. and before 10.30 a.m. on the following day

(3) It shall not be unlawful for a young person to be in a bar of licensed premises on the occasion of a private function at which a substantial meal is served to persons attending the function.

(4) A person who contravenes *subsection (1)* or (2) is guilty of an offence and liable on summary conviction to a class E fine.

Restriction on presence in bars of persons under age of 18 years.

120.____(1) Subject to *subsections (2) to (6)*, the licensee under a licence shall not allow a person under the age of 18 years to be in a bar of the licensed premises at any time.

(2) Subject to *subsection (3)*, it shall not be unlawful for the licensee under a licence to allow a child who is accompanied by his or her parent to be in a bar of the licensed premises between -

- (a) subject to *paragraph (b)*, 10.30 a.m. and 9.00 p.m.,
- (b) in respect of the period commencing from and including 1 May and ending on and including 30 September, 10.30 a.m. and 10.00 p.m.

(3) *Subsection (2)* does not apply in relation to a child where it appears to the licensee concerned that the child's presence in the bar could reasonably be regarded as injurious to his or her health, safety or welfare.

(4) It shall not be unlawful for the licensee under a licence to allow a young person to be in a bar of the licensed premises between -

- (a) subject to *paragraph (b)*, 10.30 a.m. and 9.00 p.m.,
- (b) in respect of the period commencing on and including 1 May and ending on and including 30 September, 10.30 a.m. and 10.00 p.m.

(5) It shall not be unlawful for the licensee under a licence to allow a child who is accompanied by his or her parent, or a young person, to be in the bar of a licensed premises

on the occasion of a private function at which a substantial meal is served to persons attending the function.

(6) *Subsection (1)* does not apply in relation to a person under the age of 18 years who -

- (a) is a son or daughter of the licensee,
- (b) resides in the licensed premises
- (c) is passing through the bar solely for the purpose of entering or leaving another part of the premises, or
- (d) is employed in the licensed premises in accordance with *section 129* of this Act.

(7) Subject to *subsection (9)*, the licensee under a licence who contravenes *subsection (1)* is guilty of an offence and liable on summary conviction to a fine not exceeding –

- (a) for a first offence, to a class D fine, or
- (b) for a second or subsequent offence, to a class C fine.

(8) Where a child is present in a bar of licensed premises at a time or in circumstances where the child's presence is not allowed under *subsection (1)*, the parent of the child is guilty of an offence and liable on summary conviction to a class E fine, unless he or she establishes that the child was present -

- (a) without his or her knowledge or consent, or
 - (b) in the circumstances specified in *subsection (6)*.
- (9) In a prosecution of the licensee under a licence for an offence under *subsection (7)* it shall be a defence for the licensee to prove -
 - (a) that the licensee exercised all due diligence to prevent the person in respect of whom the charge concerned in brought from being admitted to or remaining in the bar concerned of the licensed premises, or
 - (b) that -
 - (i) the person in respect of whom the charge concerned is brought produced to the licensee an age document relating to the person, and
 - (ii) the age document purported to show that the person was at least 18 years of age at the time of the alleged offence.

Production of evidence of age by persons between 18 and 21 years.

121.____(1) Subject to *subsection (2)*, the licensee under a licence shall not allow a person who is aged at least 18 years but under the age of 21 years to be in a bar of the licensed premises between -

- (a) subject to *paragraph (b)*, 9.00 p.m. and 10.30 a.m. on the following day if the person does not produce an age document to the licensee that purports to show that the person is at least 18 years of age,
- (b) in respect of the period commencing from and including 1 May and ending on and including 30 September, 10.00 p.m. and 10.30 a.m. on the following day if the person does not produce an age document to the licensee that purports to show that the person is at least 18 years of age.

(2) A person who is aged at least 18 years but under the age of 21 years shall not be in a bar of licensed premises between the times referred to in *subsection (1)* while not having in his or her possession an age document.

(3) The licensee under a licence who contravenes *subsection (1)* is guilty of an offence and liable on summary conviction to a fine not exceeding -

- (a) for a first offence, to a class D fine, or
- (b) for a second or subsequent offence, to a class C fine.

(4) A person who contravenes *subsection (2)* is guilty of an offence and liable on summary conviction to a class E fine.

Provisions supplementary to sections 119, 120 and 121.

122.____(1) For the purposes of *section 120*, it shall not be unlawful for the licensee under a licence to allow a person under the age of 18 years to be on the licensed premises or any part of those premises at a time when -

- (a) alcohol is not being sold or consumed on the premises or that part, as the case may be, and
- (b) physical access to alcohol on those premises or that part, as the case may be, is securely prevented.

(2) For the purposes of *section 120*, it shall not be unlawful for the licensee under a licence to allow a young person who has not produced an age document to the licensee to be on the licensed premises or any part of those premises in the circumstances referred to in *subsection (1)*.

(3) For the purposes of *sections 119 and 120*, it shall not be unlawful for a person under the age of 18 years to be on licensed premises or any part of those premises in the circumstances referred to in *subsection (1)*.

(4) For the purposes of *section 121*, it shall not be unlawful for a person who is aged at least 18 years but under the age of 21 years and who does not have an age document with him or her to be on licensed premises or any part of those premises in the circumstances referred to in *subsection (1)*.

(5) In a prosecution of a person for an offence under *section 119, 120 or 121*, it shall be a defence for the person to prove that, at the time of the alleged offence, alcohol was

not being sold or consumed on the licensed premises concerned or the part concerned of those premises, as the case may be, and that any bar counter thereon was closed.

Restriction on presence of persons under age of 18 years during extended hours.

123.____(1) Subject to *subsection (2)*, the licensee under a licence shall not allow a person who is under the age of 18 years to be on that part of the licensed premises which is used on foot of a relevant exemption at any time during the period in respect of which the relevant exemption was granted except such a person whose employment in the licensed premises is not prohibited under *section 129*.

(2) It shall not be unlawful for the licensee under a licence to allow a child who is accompanied by his or her parent, or a young person, to be on that part of the licensed premises which is used on foot of a relevant exemption on the occasion of a private function at which a substantial meal is served to persons attending the function.

(3) Subject to *subsection (4)*, where a person who is under the age of 18 years (other than whose employment in the licensed premises is not prohibited under *section 129*) is present on that part of the licensed premises which is used on foot of a relevant exemption at any time during the period in respect of which the relevant exemption was granted -

- (a) the person is guilty of an offence and liable on summary conviction to a class E fine,
- (b) the parent of the person is guilty of an offence and liable on summary conviction to a class E fine unless the parent proves that the person was so present without the parent's knowledge or consent.

(4) It shall not be unlawful for a child who is accompanied by his or her parent, or a young person, to be on that part of the licensed premises which is used on foot of a relevant

exemption on the occasion of a private function at which a substantial meal is served to persons attending the function.

(5) The licensee under a licence who has been granted a relevant exemption shall, while the relevant exemption is in force, display in a conspicuous place in the part of the licensed premises to which it relates a notice stating that it is an offence for a person who is under the age of 18 years to be on that part of the premises at any time during the period in respect of which the relevant exemption was granted unless the person is attending a private function at which a substantial meal is served.

(6) Subject to *subsection (8)*, the licensee under a licence who contravenes *subsection (1)* is guilty of an offence and liable on summary conviction to a fine not exceeding -

- (a) for a first offence, to a class D fine, or
- (b) for a second or subsequent offence, to a class C fine.

(7) The licensee under a licence who contravenes *subsection (5)* is guilty of an offence and liable on summary conviction to a class E fine.

(8) In a prosecution of the licensee under a licence for an offence under *subsection (6)*, it shall be a defence for the licensee to prove that -

- (a) he or she exercised all due diligence to prevent the person under the age of 18 years in respect of whom the charge concerned is brought from being admitted to that part of the licensed premises which was

used on foot of a relevant exemption during the period in respect of which the relevant exemption was granted, or

- (b) the person in respect of whom the charge concerned is brought produced to him or her an age document relating to that person and that the age document purported to show that the person was at least 18 years of age at the time of the alleged offence.

(9) In this section, “relevant exemption” means -

- (a) an occasional late hours order,
- (b) a general exemption order,
- (c) an area exemption order, or
- (d) an occasional permit.

Restriction on presence of persons under age of 18 years on premises used for sale of alcohol for consumption off premises.

124.____(1) Where licensed premises, or any part of licensed premises which is structurally separate from the remainder of the premises, are or is, as the case may be, used exclusively or mainly for the sale of alcohol for consumption off the premises, the licensee under the licence concerned shall not permit a person who is under the age of 18 years and who is not accompanied by his or her parent (other than whose employment in the licensed premises is not prohibited under *section 129*) to be at any time on the premises or the part of the premises, as the case may be.

(2) A person who is under the age of 18 years and who is not accompanied by his or her parent (other than whose employment in the licensed premises is not prohibited under *section 129*) shall not be at any time on licensed premises, or on any part of the licensed premises which is structurally separate from the remainder of the premises, where the premises or the part of the premises, as the case may be, are or is, as the case may be, used exclusively or mainly for the sale of alcohol for consumption off the premises.

(3) Where licensed premises, or any part of licensed premises which is structurally separate from the remainder of the premises, are or is, as the case may be, used exclusively or mainly for the sale of alcohol for consumption off the premises, the licensee under the licence concerned shall display in a conspicuous place in the premises or part of the premises, as the case may be, a notice stating that it is an offence for a person who is under the age of 18 years and who is not accompanied by his or her parent to be on the premises or the part of the premises, as the case may be.

(4) The licensee under a licence who contravenes *subsection (1)* is guilty of an offence and liable on summary conviction to a fine not exceeding -

(a) for a first offence, to a class D fine, or

(b) for a second or subsequent offence, to a class C fine.

(5) A person who contravenes *subsection (2)* is guilty of an offence and liable on summary conviction to a class E fine.

(6) The licensee under a licence who contravenes *subsection (3)* is guilty of an offence and liable on summary conviction to a class E fine.

(7) In a prosecution of the licensee under a licence for an offence under *subsection (4)*, it shall be a defence for the licensee to prove that -

(a) he or she exercised all due diligence to prevent the person under the age of 18 years in respect of whom the charge concerned is brought from being admitted to the premises or any part of the premises which is used exclusively or mainly for the sale of alcohol for consumption off the premises, or

(b) the person in respect of whom the charge concerned is brought produced to him or her an age document relating to that person and that the age document purported to show that the person was at least 18 years of age at the time of the alleged offence.

Powers of Garda Síochána in relation to certain offences.

125.____(1) Where a member of the Garda Síochána suspects, with reasonable cause, that an offence under *section 117, 118 or 119* is being or has been committed, the member may seize, detain and remove, without warrant, any bottle or container which -

(a) is in the possession of a person by or in respect of whom the member suspects the offence to have been committed and who appears to the member to be under the age of 18 years in a place that is not a private residence in which the person is present either as of right or with permission, and

(b) the member suspects, with reasonable cause, contains alcohol.

(2) Where a member of the Garda Síochána suspects, with reasonable cause, that an offence under this Part has been committed, the member may -

(a) in -

(i) the case of an offence under *section 120*, request the person by whom, or in respect of whom, the offence was committed, if the person appears to the member to be under the age of 18 years, to provide the member with his or her name, address and age, or

(ii) any other case, request the person by whom, or in respect of whom, the member suspects the offence to have been

committed to provide the member with his or her name, address
and age,

or

- (b) request the parent of the person by or in respect of whom the offence was committed to provide the name, address and age of that person.

(3) Where -

- (a) a person fails or refuses to comply with a request made by a member of the Garda Síochána under *subsection (2)*, or
- (b) a member of the Garda Síochána has reasonable grounds for believing that the name, address or age provided to the member, in compliance with or purported compliance with a request made by the member under *subsection (2)*, is false or misleading,

the member may arrest such person without warrant.

(4) A person who -

- (a) fails or refuses to comply with a request made by a member of the Garda Síochána under *subsection (2)*, or
- (b) in purported compliance with a request made by a member of the Garda Síochána under *paragraph (a)(i) or (ii) or (b) of subsection (2)*, provides a name, address or age which is false or misleading,

is guilty of an offence and liable on summary conviction to a class E fine.

(5) Where a member of the Garda Síochána has seized, detained and removed a bottle or container pursuant to this section, the member shall -

- (a) dispose of the bottle or container in such manner as he or she considers appropriate, and
- (b) make and retain, or cause to be made and retained, a record in writing of the manner, date and place of such disposal.

(6) For the purposes of this section, a member of the Garda Síochána may enter without warrant a place (other than a private dwelling) that is not a public place.

(7) Nothing in this section shall prejudice the operation of the other provisions of this Act or of the Criminal Justice (Public Order) Acts 1994 and 2003.

Power to seize alcohol in possession of person under age of 18 years, etc.

126.____(1) This section applies where a member of the Garda Síochána believes, with reasonable cause, that -

- (a) a person under the age of 18 years is in a relevant place alone or accompanied by another person,
- (b) a bottle or container which contains alcohol is in the possession of the relevant person or the accompanying person, and
- (c) such alcohol (whether in whole or in part) has been, is being, or is intended to be, consumed by the relevant person in such relevant place or another relevant place.

(2) Where this section applies, the member may -

- (a) seek an explanation from the relevant person or, as appropriate, the accompanying person, as to all or any of the matters to which the relevant belief relates, and
- (b) do one or more of the following, if such person fails or refuses to give such an explanation or if such an explanation is given, and in either case the member remains of the relevant belief:
 - (i) request such person in possession of the bottle or container to immediately give it to the member (or to another member of the Garda Síochána accompanying the member) and at the same

time as the request is made give to such person a warning in ordinary language that a failure or refusal to comply with the request may lead to the seizure of the bottle or container or to his or her arrest or to both (or words to the like effect);

- (ii) if such person fails or refuses to comply with the request, seize, detain and remove, without warrant, the bottle or container with the use, if necessary, of such force as is reasonable in the circumstances;
- (iii) request the relevant person to provide the member with his or her name, address and age.

(3) Where -

- (a) a person fails or refuses to comply with a request made by the member under *subsection (2)*, or
- (b) the member has reasonable grounds for believing that the name, address or age provided to the member, in compliance with a request made by the member under *subsection (2)*, is false or misleading,

the member may arrest such person without warrant.

(4) A person who -

- (a) fails or refuses to comply with a request made by the member under *subsection (2)*, or

- (b) in purported compliance with a request made by the member under *subsection (2)*, provides to the member a name, address or age which is false or misleading,

is guilty of an offence and liable on summary conviction to a class E fine.

(5) Where the member or another member of the Garda Síochána has been given, or has seized, detained and removed, a bottle or container pursuant to this section, the member shall -

- (a) dispose of the bottle or container in such manner as he or she considers appropriate, and
- (b) make and retain, or cause to be made and retained, a record in writing of the manner, date and place of such disposal.

(6) Nothing in this section shall prejudice the operation of the other provisions of this Act or of the Criminal Justice (Public Order) Acts 1994 to 2014.

(7) In this section -

“relevant belief”, in relation to a member of the Garda Síochána, means the belief referred to in *subsection (1)* of the member;

“relevant person” means the person first-mentioned in *paragraph (a)* of *subsection (1)*;

“relevant place” means a place other than a place used as a private dwelling.

Power of entry for purposes of *section 126*.

127.____A member of the Garda Síochána may enter without warrant a place other than a place used as a private dwelling if the member has reasonable grounds for believing that -

- (a) the matters specified in *section 126(1)(a), (b) and (c)* are occurring in such place, or
- (b) the matters specified in *section 8A(1)(a), (b) and (c)* (inserted by section 19 of the Intoxicating Liquor Act 2008) of the Criminal Justice (Public Order) Act 1994 are occurring in such place.

Test purchasing of alcohol.

128.____(1) A member of the Garda Síochána may, in the course of his or her duty as such member and in accordance with guidelines issued under *subsection (4)*, send a young person into licensed premises for the purpose of the person purchasing alcohol therein if but only if -

- (a) the parent of the person has consented, in writing, to him or her being sent into those premises for that purpose, and
- (b) the member is satisfied that all reasonable steps have been or will be taken to avoid harm to the welfare of the person.

(2) *Section 118(3)* shall not apply to a member of the Garda Síochána in any case where the member sends a young person into licensed premises in accordance with *subsection (1)*.

(3) *Paragraphs (a) and (c) of section 119(1)* shall not apply to a young person in any case where a member of the Garda Síochána sends the person into licensed premises in accordance with *subsection (1)* and the person, whilst in those premises -

- (a) purchases alcohol, or
- (b) represents himself or herself for the purpose of obtaining, or being permitted to consume, alcohol, to be over the age of 18 years,

as the case requires.

(4) The Minister shall, after consulting with the Commissioner of the Garda Síochána and the Minister for Health, from time to time issue guidelines in respect of the

procedures to be followed with respect to the practical operation of this section, including guidelines as to -

- (a) prohibiting any active instigation of a contravention of this Act, such as a false representation, whether made orally or by means of the production of any document, that a person is over the age of 18 years, and
- (b) the basis on which licensed premises will be selected for the purposes of the application of this section, whether by reference to the location of the premises, complaints received by the Garda Síochána concerning the premises, the number and kind of contraventions (if any) of this Act or of any Acts repealed by this Act relating to the premises, or the clientele attracted to the premises, or any combination thereof.

Employment of persons under age of 18 years.

129.____(1) The licensee under a licence shall not -

- (a) employ a prescribed person to sell alcohol for consumption on or off the licensed premises, or
- (b) permit a prescribed person to engage in any such sale in the licensed premises.

(2) The licensee under a licence who contravenes *subsection (1)* is guilty of an offence and liable on summary conviction to a class E fine.

(3) For the purposes of *paragraph (d)* of the definition of “prescribed person” in *subsection (4)*, a person under the age of 18 years but not under the age of 16 years who is engaged in general duties (including taking orders for alcohol and serving it at tables but excluding supplying it from behind a bar counter) in licensed premises the subject of an on-licence is not engaged in the sale of alcohol.

(4) In this section “prescribed person”, in relation to the licensee under a licence, means -

- (a) any person being the licensee’s sister, step-sister, daughter, step-daughter or sister-in-law who resides with him or her and is under the age of 16 years,

- (b) any person being the licensee's brother, step-brother, son, step-son or brother-in-law who resides with him or her and is under the age of 16 years,
- (c) any person being a person who is apprenticed to the licensee and is under the age of 16 years, or
- (d) subject to *subsection (3)*, any person under the age of 18 years other than a person referred to in *paragraph (a), (b) or (c)* who is over the age of the 16 years.

Proof of age in prosecution.

130.____(1) Where in any prosecution for an offence under any of *sections 117 to 120* or *123 to 125* or under *section 129* -

- (a) it is alleged that the person by whom, or in respect of whom, the offence was committed was a person under the age of 18 years, and
- (b) the person appears to the Court to have been, at the date of the commission of the offence, a person under that age,

then the person shall, for the purposes of this Part, be presumed to have been under the age of 18 years at that date, unless the contrary is proved.

(2) Where in a prosecution for an offence under *section 121*

- (a) it is alleged that the person by whom the offence was committed was under the age of 21 years, and
- (b) the person appears to the Court to have been, at the date of the commission of the offence, under the age of 21 years,

then the person shall, for the purposes of this Part, be presumed to have been a person under the age of 21 years at that date, unless the contrary is proved.

Age cards.

131.____(1) The Minister may by regulations provide for the issue to a person of or over the age of 18 years, if so requested by the person and subject to his compliance with the regulations, of a card (in this Act referred to as “an age card”) specifying the age of the person.

(2) Without prejudice to the generality of *subsection (1)*, regulations under this section may make provision in relation to all or any of the following -

- (a) the information as to his or her age and any other matters specified in the regulations to be furnished by a person applying for the issue of an age card,
- (b) a form of application for an age card,
- (c) the charging and payment of fees in respect of the issue or replacement of an age card,
- (d) the form of an age card and the particulars (which may include a photograph of the holder thereof) to be specified in an age card,
- (e) the period of validity of an age card,
- (f) the person by whom an age card shall be issued,
- (g) any other matter in relation to which it is, in the opinion of the Minister, necessary or expedient to make provision.

Forgery or alteration of age cards.

132.____(1) A person shall not, with intent to deceive, forge a document purporting to be an age card or alter an age card.

(2) A person who contravenes this section is guilty of an offence and liable on summary conviction to a class A fine, or imprisonment for a term not exceeding 12 months or both.

Display of notice.

133.____(1) The licensee under a licence shall display in a conspicuous place in the licensed premises a notice referring to the offences provided for in *sections 120 and 123*.

(2) A notice mentioned in *subsection (1)* shall contain such details and be in a form or forms prescribed by regulations made under *section 190*.

(3) The licensee under a licence who contravenes *subsection (1)* is guilty of an offence and liable on summary conviction to a class E fine.

PART 8

ENFORCEMENT PROVISIONS AND SANCTIONS

Chapter 1

Garda powers

Entry, inspection, etc. of licensed premises by member of Garda Síochána.

Provide that:

134.__ (1) A member of the Garda Síochána, whether in uniform or not, may at any time enter without a warrant any—

- (a) licensed premises, or
- (b) premises in respect of which an occasional licence is in force,

and there make such inspection, examination, observation and inquiry as he or she may think proper for—

- (i) the prevention, detection or investigation of an offence under this Act,
- (ii) the purpose of giving a direction under *subsection (2)*,

- (iii) an assessment of compliance with a direction referred to in paragraph (ii).

(2) A member of the Garda Síochána who suspects, with reasonable cause, that a licensee is contravening or has contravened *section 107 or 120*, may, for the purposes of ensuring compliance with those provisions, direct the licensee to take such steps as the member considers necessary to comply with it.

(3) Any person who -

- (a) prevents or attempts to prevent a member of the Garda Síochána from exercising the power conferred by *subsection (1) and (2)*,
- (b) obstructs or attempts to obstruct any such member in the exercise of the power, or
- (c) fails to reasonably assist any such member in exercising the power,

is guilty of an offence and liable on summary conviction to a fine not exceeding -

- (i) for a first offence, to a class D fine, or
- (ii) for a second or subsequent offence, to a class C fine.

(4) A member of the Garda Síochána may arrest without warrant any person -

- (a) committing an offence under this section, or

(b) whom the member, with reasonable cause, suspects of being guilty of such an offence.

(5) A statement or admission made by a person pursuant to an examination or inquiry referred to in *subsection (1)* shall not be admissible as evidence in proceedings brought against the person for an offence (other than an offence under *subsection (2)*).

Compliance notice

135.__ (1) A member of the Garda Síochána not below the rank of superintendent may, where a licensee fails or refuses to comply with a direction given in respect of a relevant premises, issue a notice (in this Act referred to as a “compliance notice”) in writing to the licensee setting out the matters specified in *subsection (3)*.

(2) A compliance notice shall be issued within 5 days from the giving of the direction concerned.

(3) A compliance notice shall—

- (a) identify the relevant provision of the Act that has not been or is not being complied with in respect of the relevant premises,
- (b) state the grounds upon which any direction, given to any person in respect of the premises prior to the issuing of the notice, was made,
- (c) require the licensee to comply with any such direction given to any person in respect of the premises, and
- (d) inform the licensee that, if he or she continues to fail or refuse to comply with any such direction given, an application may be made,

without further notice to him or her, to the District Court for a temporary closure order under *section 138*.

(4) A compliance notice shall take effect immediately upon service on the licensee.

(5) A licensee may appeal against the compliance notice to the District Court not later than 7 days from the date on which the compliance notice was served but the lodging of an appeal shall not, pending the outcome of the appeal, affect the operation of the notice.

Application to District Court for temporary closure order for failure or refusal to comply with compliance notice

136.__ (1) A member of the Garda Síochána not below the rank of superintendent may apply to the District Court for an order under *section 138* for the temporary closure of a relevant premises where he or she is of the opinion that—

(a) there has been a failure to comply with a compliance notice, and

(b) that such failure to comply is continuing or is likely to recur.

(2) An application under *subsection (1)* shall be made on not less than 5 days' notice to the licensee of the relevant premises.

(3) The District Court shall give such priority to an application under *subsection (1)* as is necessary in the circumstances and may give such directions with regard to the hearing of the application as it considers appropriate in the circumstances.

Power of entry and inspection by member of Garda Síochána who suspects alcohol is being unlawfully sold, etc.

137.____(1) A member of the Garda Síochána, whether in uniform or not, who suspect , with reasonable cause, suspects that alcohol is being unlawfully sold or kept for sale at any premises may, for the purposes of preventing, detecting or investigating an offence under this Act or of otherwise enabling the member to exercise his or her functions under this Act -

- (a) subject to *subsection (3)*, at all reasonable times enter, inspect, examine and search any premises where the member has reasonable cause to believe that alcohol is being sold or kept for sale contrary to this Act,
- (b) seize any alcohol being unlawfully sold or kept for sale in any such premises and the vessels containing it,
- (c) make such inspection, examination, observation and inquiry as may be necessary to establish whether the relevant provisions of this Act, or of any regulations made under it, are being complied with,
- (d) require the production of any records, books or accounts (whether kept in manual form or otherwise) or any other documents or information which it is necessary for the member to see for those purposes and inspect, examine and copy them or require that a copy of them or of any entries in them be provided to him or her,
- (e) require any person to afford him or her such facilities and assistance within the person's control or responsibilities as are reasonably

necessary to enable the member to perform any of his or her functions under this section.

(2) A member of the Garda Síochána may arrest without warrant any person whom he or she finds selling or assisting in the sale of alcohol which he or she, with reasonable cause, believes to be contrary to this Act.

(3) A member of the Garda Síochána shall not, other than with the consent of the occupier, enter a private dwelling unless he or she has obtained a warrant under *subsection (4)* authorising the entry.

(4) The Court, if satisfied on the sworn information of a member of the Garda Síochána that -

- (a) there are reasonable grounds for suspecting that alcohol is being sold or kept for sale on any premises contrary to this Act, or
- (b) a member of the Garda Síochána in the exercise of his or her powers under this section has been prevented from entering the premises or a part of a premises,

may issue a warrant authorising the member, accompanied if necessary by another or other members of the Garda Síochána, at any time or times within one month from the date of issue of the warrant and on production if so requested of the warrant, to enter, if need be by reasonable force, the premises concerned and exercise all or any of his or her powers by *subsection (1)*.

(5) A person who -

- (a) withholds, destroys, conceals or refuses to furnish any information or thing required for the purposes of an investigation by a member of the Garda Síochána,
- (b) fails or refuses to comply with any requirement of a member under this section, or
- (c) otherwise obstructs or impedes him or her in the performance of his or her duties under this Act,

is guilty of an offence and liable on summary conviction to a class C fine or imprisonment for a term not exceeding 6 months or both.

(6) Where a member of the Garda Síochána is obstructed or impeded in entering any premises (or any part thereof, including a house or place or any room, closet, cellar, yard, stable, outhouse, shed, or any other place belonging or in any manner appertaining to such a house or place) in the performance of his or her functions under this section and if any alcohol is found there it shall be assumed, until the contrary is proved, that the premises were being used for the unlawful sale of alcohol.

(7) Any person who, on being requested to give his or her name and address by a member of the Garda Síochána pursuant to any provision of this section, fails to give them or gives a name or address which is false or misleading in a material particular is guilty of an offence and liable on summary conviction to a class E fine.

(8) A member of the Garda Síochána may arrest without warrant any person who -

- (a) fails to comply with a request under *subsection (7)*, or
- (b) in compliance or purported compliance with a request under *subsection (7)*, gives a name or address which the member has reasonable grounds for believing is false or misleading in a material particular.

(9) A statement of admission made by a person pursuant to an examination or inquiry referred to in *subsection (1)(c)* or a requirement referred to in *subsection (1)(e)* shall not be admissible as evidence in proceedings brought against the person for an offence (other than an offence under *subsection (5)* or *(7)*).

(10) In this section, “records, books or accounts” includes any form in which data are held, any form (including machine-readable form) or thing in which information is held or stored manually, mechanically or electronically and anything that is a part or copy, in any form, of any of, or any combination of, the foregoing.

Chapter 2

Temporary closure of premises

Temporary closure of premises.

138.____(1) This section applies to an offence (in this section referred to as a “relevant offence”) under *section 107, 110, 116, 117, 120, 121, 123 or 124*.

(2) Subject to *subsections (3) and (4)*, where the licensee under a licence is convicted by the Court of a relevant offence, the Court shall, in addition to any penalty imposed, make an order (in this Act referred to as a “temporary closure order”) for the closure of the premises concerned or any part of it for -

- (a) not less than 2 days and not more than 7 days in respect of a first relevant offence, or
- (b) not less than 7 days and not more than 30 days in respect of a second or subsequent relevant offence.

(3) Where the licensee under a licence is convicted of 2 or more relevant offences and all the relevant offences were committed on the same occasion, only one temporary closure order may be made in respect of the offences.

(4) In determining the duration of a temporary closure order, the Court may seek from a member of the Garda Síochána involved in the investigation of the relevant offence or offences concerned a report on the circumstances in which it was or they were committed and

any other information which the Court may consider to be of assistance to it in dealing with the case.

(5) Subject to *subsection (6)*, the period of closure specified in a temporary closure order in respect of the licensed premises to which the order relates -

(a) shall commence -

- (i) if no appeal is made against the conviction or period of closure concerned, on the 30th day after the order is made, or
- (ii) if such an appeal is made and the conviction or period of closure is affirmed, on the 30th day after the conviction or such period is affirmed, as the case may be,

and

(b) shall end -

- (i) if no appeal is made against the conviction or period of closure, on the expiration of the period specified in the order,
- (ii) if such an appeal is made and the conviction or period of closure is affirmed, on the expiration of the period so specified,
- (iii) if on appeal the period of closure is varied, on the expiration of the period as so varied.

(6) Where the licensed premises to which a temporary closure order relates are not ordinarily open on a day in the ordinary course of the business conducted on the premises pursuant to the licence concerned, that day shall be discounted in calculating the period of closure specified in the order.

(7) A temporary closure order which is in force in respect of any premises shall have effect for the purposes of this Act as if the premises were not licensed for the sale of alcohol during the period of closure referred to in *subsection (5)*.

(8) Where on appeal to the Circuit Court a conviction for a relevant offence is reversed, the temporary closure order concerned shall there and then cease to have effect.

(9) While licensed premises are closed in compliance with a temporary closure order, the licensee concerned shall affix to the exterior of the premises, in a conspicuous place, by the licensee under the licence concerned, a notice specifying the period of closure and stating that the closure is in compliance with the order.

(10) The licensee under a licence who contravenes *subsection (9)* is guilty of an offence and liable on summary conviction to a class E fine.

(11) No employee who is working in the licensed premises to which a temporary closure order relates shall be disadvantaged in his or her employment by reason of the order during the period of closure under it.

(12) A temporary closure order shall have effect notwithstanding any -

(a) sale or assignment of the licensed premises, or

- (b) transfer of the licence in respect of the licensed premises to which the order relates,

prior to the commencement of the period of closure specified in the order or during such period of closure.

(13) For the purposes of *subsection (11)*, “employee” -

- (a) means any person who works under a contract of employment with an employer,
- (b) includes a part-time employee within the meaning of the Protection of Employees (Part-Time Work) Act 2001.

PART 9

APPEALS

Chapter 1

Appeals - general

Appeal to Circuit Court against relevant decision.

139.____(1) The relevant applicant may, within 14 days from the date of the relevant decision, appeal to the Circuit Court against the decision.

(2) Where an order of the Court allowing an objection to an application under this Act states the ground or grounds on which the application was refused, no other ground for refusing the application shall be considered by the Circuit Court.

(3) Where an order of the Court allowing an objection to an application under this Act fails to state the ground or grounds on which the application was refused, the Circuit Court may hear the appeal notwithstanding the failure.

(4) Where an order of the Court allowing an objection to the grant of a relevant court certificate is reversed on appeal, the Revenue Commissioners shall, subject to receipt of the appropriate tax clearance certificate referred to in *section 13* the payment of the appropriate excise duty and the payment of the prescribed fee (if any), issue the licence concerned to the relevant applicant or renew the licence of the relevant applicant, as the case requires.

(5) In this section -

“relevant applicant”, in relation to a relevant decision, means the person who made the application under this Act to which the decision relates;

“relevant court certificate” means a court certificate under *section 21(1), 40(1), 67, 68, 72, 76, 77, 78, 79 or 80* ;

“relevant decision” means a decision under this Act by the Court to -

- (a) refuse an application made under this Act, or
- (b) attach conditions to the grant of an application under this Act where the conditions are permitted by this Act to be so attached but are not mandatory.

Continuance in force of licence pending appeal to Circuit Court.

140.____(1) Where -

- (a) the Court refuses an application for a temporary transfer of a retail licence under *section 34* or for a court certificate under *section 40(1)* which entitles the applicant to renew a retail licence or *section 87* which entitles the applicant to renew an amenity licence.
- (b) the applicant appeals against the refusal to the Circuit Court and prosecutes the appeal with due diligence,

then, subject to *subsections (2) and (3)*, the licence shall, by virtue of this subsection, continue in full force and effect until -

- (i) subject to *paragraph (ii)*, the first opportunity on which the appeal could be heard by the Circuit Court, and
- (ii) if the Circuit Court shall so direct, for such further time as shall elapse before the final determination of the appeal.

(2) A licence shall not continue in force under *subsection (1)* after the expiration of the term for which it was issued unless, on or before the expiration, the appellant deposits with the Revenue Commissioners the amount of the excise duty chargeable on the renewal of the licence.

(3) Excise duty deposited with the Revenue Commissioners under *subsection (2)* shall -

- (a) if the refusal which is the subject of the appeal is confirmed by the Circuit Court, be repaid on such confirmation to the appellant by whom the duty was deposited less such part of the duty as bears to the whole of the duty so deposited the same proportion as the time during which the licence concerned has been continued in force by virtue of *subsection (1)* bears to one year,
- (b) if the refusal which is the subject of the appeal is reversed by the Circuit Court, be applied in or towards the discharge of the excise duty payable in respect of the licence concerned.

Chapter 2

Appeals - exemptions

Appeal to Circuit Court against relevant decision.

141.____(1) The relevant applicant may, within 14 days from the date of the relevant decision, appeal to the Circuit Court against the decision.

(2) Where an order of the Court allowing an objection to an application under this Act states the ground or grounds on which the application was refused, no other ground for refusing the application shall be considered by the Circuit Court.

(3) Where an order of the Court allowing an objection to an application under this Act fails to state the ground or grounds on which the application was refused, the Circuit Court may hear the appeal notwithstanding the failure.

(4) In this section -

“relevant applicant”, in relation to a relevant decision, means the person who made the application under Chapter 2 of Part 5 to which the decision relates;

“relevant decision” means a decision under this Act by the Court to -

- (a) refuse an application made under *Chapter 2 of Part 5*, or
- (b) attach conditions to the grant of an application under that Chapter where the conditions are permitted by this Act to be so attached but are not mandatory.

Chapter 3

Appeals - temporary closure orders

Appeal to Circuit Court against conviction which gave rise to temporary closure order, etc.

142.____(1) Subject to *subsection (2)*, the Circuit Court may vary the period of closure specified in a temporary closure order -

- (a) in the case of an appeal against the conviction for an offence to which *section 138* applies, if it affirms the conviction,
- (b) in determining an appeal against the period of closure specified in the order.

(2) The Circuit Court may not reduce the period of closure specified in a temporary closure order to less than 2 days.

Chapter 4

Appeals - miscellaneous

Jurisdiction of Circuit Court.

143.____ The jurisdiction of the Circuit Court under this Part shall be exercised by the judge for the time being assigned to -

- (a) if the application concerned under this Part relates to premises which are situated, the circuit in which the premises are situated,
- (b) in any other application, the circuit in which the applicant resides or carries on the business or proposed business to which the application relates.

Appeal to High Court.

144.____As soon as reasonably practicable but no later than 3 months from the date on which an appeal under this Act to the Circuit Court is determined by that Court, any party to the appeal may appeal to the High Court on any question of law arising from the determination.

PART 10

REGISTERED CLUBS

Chapter 1

Interpretation, club rules and Register of Clubs

Interpretation of *Part 10*.

145.___In this Part -

“applicant”, in relation to an application under *section 148(1)*, means the secretary of the club to which the application relates;

“club” means a voluntary association of not less than 150 persons who are members for sporting or social purposes;

“club certificate” means a certificate granted under *section 150(1)(a)*;

“Court” means -

- (a) subject to *paragraph (b)*, the District Court,
- (b) in relation to an application under *section 150(1)*, the District Court for the court area within which the premises of the club to which the application relates are situated;

“prohibited hours (club)” shall be construed in accordance with *section 158(3)*;

“registered club” means a club holding a current club certificate;

“registered premises”, in relation to a registered club, means the premises of the registered club specified in its club certificate;

“Register of Clubs” has the meaning assigned to it by *section 147(1)*;

“secretary”, in relation to a club, means any officer of the club performing the duties of a secretary.

Rules applicable to registered clubs.

146.___A club shall not be granted a club certificate unless its rules specify -

- (a) that the business and affairs of the club shall be under the management of a committee or governing body elected for not less than one year by the general body of members and subject in whole or in a specified proportion to annual re-election,
- (b) that no member of the committee or governing body, and no manager or other person employed in the club, shall have any personal interest in the sale of alcohol in the club, or in the profits arising from the sale,
- (c) that the committee or governing body shall hold at least 4 meetings in each calendar year and an annual general meeting of the general body of members,
- (d) that a defined annual membership subscription shall be payable in advance by the members,
- (e) that proper accounts and books shall be kept showing the financial affairs and receipts and disbursements of the club and shall be presented at an annual general meeting of the general body of members,
- (f) that no persons shall be allowed to become honorary or temporary members of the club or be relieved of payment of the annual

membership subscription (or regular entrance fee (if any)) except in accordance with conditions set out in the rules,

- (g) that a guest shall not be supplied with alcohol in the club premises unless on the invitation and in the company of a member, and that the member shall, upon admission of the guest to the premises, or immediately on his or her being supplied with alcohol, enter his or her own name and the name and the name and address of the guest in a book which shall be kept for the purpose and which shall show the date of each visit,
- (h) that no alcohol shall be sold for consumption outside the club's premises except to members of the club between 10.30 a.m. and 10.00 p.m.,
- (i) that no alcohol shall be sold in the club premises to any person under the age of 18 years,
- (j) that no person under the age of 18 years shall be admitted as a member of the club unless the club is one primarily devoted to some athletic purpose, and
- (k) the prohibited hours (club).

Register of Clubs.

147.____(1) The Court Service shall -

- (a) keep and maintain a register (in this Act referred to as the “Register of Clubs”) containing the following particulars of each registered club -
 - (i) the name and address of the club,
 - (ii) the name and address of each of the club’s officials or members of the committee of management or governing body, as the case may be,
 - (iii) the object of the club, and
 - (iv) such other particulars as may be prescribed by rules of court,and
- (b) keep a copy of the rules of the club.

(2) The secretary of a registered club shall cause the Court clerk to be given notice in writing of any change to any of the particulars referred to in *subsection (1)* which relate to the club, and of any amendment to the club’s rules (including a copy of the amendment), not later than 28 days after the date on which the change occurs, or the amendment is passed, as the case may be.

(3) The secretary of a registered club who, without reasonable excuse, contravenes *subsection (2)* is guilty of an offence and liable on summary conviction to a fine not exceeding -

- (a) in the case of a first offence, to a class D fine,
- (b) in the case of a second or subsequent offence, to a class C fine.

(4) A person may, upon payment to the Court clerk of the prescribed fee (if any), at any reasonable time inspect -

- (a) the Register of Clubs, or
- (b) the rules of a club,

kept by the Court clerk.

(5) In any legal proceedings, a document -

- (a) purporting to be a copy of, or extract from, an entry in the Register of Clubs, and
- (b) purporting to be certified by the Court clerk to be a true copy of, or extract from, as the case may be, the entry,

shall, without proof of the signature of such clerk, or that he or she was such clerk, be received in evidence and shall, until the contrary is proved, be deemed to be a true copy of or extract from the entry and to be evidence of the matters stated in it.

Chapter 2

Issue and display of club certificates

Application for registration of club.

148.____(1) An application for the grant of a club certificate shall be made to the Court.

(2) The Court shall not entertain an application under *subsection (1)* unless the applicant has first satisfied it that -

(a) the applicant has -

(i) not less than 28 days before the date of hearing of the application by the Court, served -

(I) a *section 148* notice,

(II) a copy of the club's rules,

(III) a plan of the club's premises, and

(IV) a map of the club's location,

on the Court clerk, the fire authority, the officer in charge of the Garda Síochána, the local authority and the Executive,

(ii) published, not less than 28 days before the date of the hearing of the application by the Court, the information specified in the definition of "*section 148* notice" in *subsection (4)* (except the

addresses of the officials or members of the committee of management or governing body of the club) in each of 2 newspapers circulating generally in the locality in which the premises to which the application relates are situated, and

- (iii) displayed, for a period of not less than 14 consecutive days during the 28 days immediately preceding the date of the hearing of the application by the Court, the information specified in the definition of “*section 148 notice*” in *subsection (4)* (except the addresses of the officials or members of the committee of management or governing body of the club) in a conspicuous place on or near the premises to which the application relates so as to be easily visible and legible by members of the public,

and

- (b) a tax clearance certificate as referred to in *section 13* in relation to the applicant has been issued by the Revenue Commissioners.

(3) On the hearing of an application under *subsection (2)* -

- (a) the fire authority,
- (b) the officer in charge of the Garda Síochána,
- (c) the local authority,

- (d) the Executive, or
- (e) any person who resides in the neighbourhood in which the premises to which the application relates are situated,

may object to the application and, for that purpose, may appear and give evidence.

(4) In this section, “*section 148 notice*”, in relation to an application under *subsection (1)* for the grant of a club certificate, means a notice stating -

- (a) the applicant’s intention to apply to the Court for the grant of a club certificate which will entitle the applicant to sell and supply alcohol, in accordance with the provisions of this Part, at the club specified in the certificate,
 - (b) the name of the club, its object and the address of its premises,
 - (c) the name and address of -
 - (i) the applicant, and
 - (ii) each of the officials or members of the committee of management or governing body, as the case may be, of the club,
- and
- (d) the date of the hearing of the application by the Court (if known).

Application by company.

149.____(1) An application under *section 148(1)* for the grant of a club certificate may be made by a company whose only shareholders are the members of the club concerned and in such case the directors of the company shall be regarded as the governing body of the club and the provisions of this Part shall apply to the club and the directors accordingly.

(2) Without prejudice to the generality of any other provisions of this Part, the Court shall not entertain an application referred to in *subsection (1)* made by a company unless it is satisfied that the company owns the premises to which the application relates or the owner of the premises, or the owner's representative, has consented in writing to the making of the application.

Determination of application for club certificate.

150.____(1) The Court shall determine an application under *section 148(1)* for the grant of a club certificate by -

(a) subject to *paragraph (b)* and upon payment of the appropriate excise duty and the prescribed fee (if any), granting to the applicant a certificate which entitles the applicant to sell and supply alcohol, in accordance with the provisions of this Part, at the club specified in the certificate if it is satisfied -

(i) that -

(I) the premises to which the application relates are owned by the club to which the application relates, or

(II) the owner of the premises, or the owner's representative, has consented in writing to the making of the application,

and

(ii) on the basis of certification by a suitably qualified person or persons, that -

(I) permission for the development of the premises has, where required under the *Planning and Development*

Acts 2000 to 2021, been obtained from the relevant planning authority,

(II) the conditions (if any) attached to the permission by the planning authority have been, and are being, complied with, and

(III) the fire safety standards under the Building Control Acts 1990 to 2014 have been, and are being, complied with,

(b) refusing to so grant the club certificate if it allows an objection to the application on any of the grounds of -

(i) the character, misconduct or unfitness of the secretary or any official or member of the committee of management or governing body, as the case may be, of the club

(ii) the unfitness or inconvenience of the club's premises,

(iii) that the number of registered clubs of the character of the club to which the application relates (and having premises in the same locality as the club's premises) is sufficient to meet the needs of the locality,

- (iv) that the club's premises are likely to be used mainly for the purpose of supplying alcohol to members of the club and their guests,
- (v) that the club's premises are likely to cause undue inconvenience or nuisance to persons residing in the locality in which the premises are situated,
- (vi) that the club's premises are likely to create an undue threat to public order or public safety in the locality in which the premises are situated,
- (vii) that the rules for admission of honorary or temporary members are in the opinion of the Court unsatisfactory or unsuitable,
- (viii) that the application is not in conformity with the provisions of this Act,
- (ix) that the number of members is less than 150,
- (x) that the rules of the club are not in conformity with the provisions of this Act, or
- (xi) notwithstanding that planning permission referred to in *paragraph (a)(ii)(I)* is not required, the unsuitability of the club's premises for the needs of the persons residing in the neighbourhood in which the premises are situated.

(2) The registration of a club under this Part shall not constitute the club licensed premises or authorise any sale of alcohol in the club's premises that would otherwise be illegal.

Display of club certificate.

151.____(1) Subject to *subsection (2)*, a registered club shall display its club certificate in a conspicuous place in the registered premises.

(2) *Subsection (1)* shall not apply where the club certificate concerned is required under this Act to be produced before the Court.

(3) A club that contravenes *subsection (1)* is guilty of an offence and liable on summary conviction to a class E fine.

Chapter 3

Declaratory procedure for clubs

Application for court declaration for club.

152.____(1) Where a relevant person proposes to acquire, construct or alter premises (or any combination thereof) which are not registered premises and thereafter make an application to the Court for the grant of a club certificate in respect of a club for which those premises are proposed to be the registered premises, the person may make an application to the Court for the grant of a declaration under *section 153(1)* in respect of the premises.

(2) The Court shall not entertain an application under *subsection (1)* for the grant of a court declaration unless the applicant has first satisfied it that -

(a) the applicant has -

(i) not less than 28 days before the date of hearing of the application by the Court, served -

(I) a *section 152* notice,

(II) a plan of the club's premises, and

(III) a map showing the club's location,

on the Court clerk, the fire authority, the officer in charge of the Garda Síochána, the local authority and the Executive,

- (ii) published, not less than 28 days before the date of the hearing of the application by the Court, the information specified in the definition of “*section 152 notice*” in *subsection (5)* in each of 2 newspapers circulating generally in the locality in which the premises to which the application relates are situated, and
- (iii) subject to *subsection (3)*, displayed, for a period of not less than 14 consecutive days during the 28 days immediately preceding the date of the hearing of the application by the Court, the information specified in the definition of “*section 152 notice*” in *subsection (5)* in a conspicuous place on or near the premises to which the application relates so as to be easily visible and legible by members of the public,

and

- (b) a tax clearance certificate as referred to in *section 13* in relation to the applicant has been issued by the Revenue Commissioners.

(3) *Subsection (2)(a)(iii)* does not apply if the premises to which an application under *subsection (1)* relates have not been acquired by the applicant.

(4) On the hearing of an application under *subsection (1)* -

- (a) the fire authority
- (b) the officer in charge of the Garda Síochána,

- (c) the local authority
- (d) the Executive, or
- (e) any person with a substantial and bona fide interest in the matter and is resident in the neighbourhood,

may object to the application and, for that purpose, may appear and give evidence.

(5) In this section -

“relevant person”, in relation to an application under *subsection (1)* for the grant of a court declaration under *section 153(1)*, means the secretary of the club acting on behalf of the committee of management or governing body of the club to which the application relates;

“*section 152* notice”, in relation to an application under *subsection (1)* for the grant of a court declaration under *section 153(1)*, means a notice stating -

- (a) the applicant’s intention to apply to the Court for a declaration that the premises to which the application relates are suitable to be the registered premises of a club with the object referred to in *paragraph (d)* after, if applicable, the acquisition, construction or alteration (or any combination thereof) of the premises proposed by the applicant is carried out,
- (b) the name and address of the applicant,
- (c) the address of the premises to which the application relates,

- (d) the object of the club for which the applicant intends to eventually make an application to the Court for a club certificate, and
- (e) the date of the hearing of the application by the Court (if known).

Determination of application for court declaration for club.

153.__(1) The Court shall determine an application under *section 152(1)* for the grant of a court declaration under this subsection by -

- (a) subject to *paragraph (b)* and upon payment of the prescribed fee (if any), granting to the applicant a declaration that the premises specified in the declaration are, after being acquired, constructed or altered (or any combination thereof) as specified in the declaration, suitable to be the registered premises of a club with the object specified in the declaration if the Court is satisfied, on the basis of certification by a suitably qualified person or persons, that permission for the development of the premises to which the application relates has, where required under the *Planning and Development Acts 2000 to 2021*, been obtained from the relevant planning authority,
- (b) refusing to so grant such declaration if it allows an objection to the application on any of the grounds of -
 - (i) if the acquisition, construction or alteration (or any combination thereof) proposed to be carried out by the applicant in respect of the premises to which the application relates were already completed -
 - (I) the unfitness or inconvenience of the premises, or

(II) notwithstanding that planning permission referred to in *paragraph (a)* is not required, the unsuitability of the premises for the needs of the persons residing in the neighbourhood in which the premises are situated,

or

(ii) that the number of registered clubs of the character of the proposed club to which the application relates (and having premises in the same locality as the premises to which the application relates) is sufficient to meet the needs of the locality.

(2) Subject to *subsection (3)*, a court declaration granted under *subsection (1)* shall remain in force for -

- (a) subject to *paragraph (b)*, 3 years from the date on which it is granted,
- (b) such longer period as the Court may in any particular case think proper.

(3) The Court may, on application made to it by the person to whom a court declaration under *subsection (1)* was granted, extend by not more than 2 years the period for which the declaration shall remain in force under *subsection (2)*.

Modification of *section 150* where court declaration for club is in force in respect of premises.

154.____(1) Subject to *subsection (2)*, where a court declaration granted under *section 153(1)* is in force in respect of premises, *section 150(1)* shall apply to the determination of an application under *section 148(1)* for a club certificate in respect of a club for which those premises are proposed to be the registered premises as if *paragraph (b)(ii), (iii) and (xi) of section 150(1)* were deleted.

(2) Where -

- (a) a court declaration granted under *section 153(1)* is in force in respect of premises, and
- (b) the person to whom the court declaration was granted makes an application under *section 148(1)* for a club certificate in respect of the premises,

subsection (1) shall not apply to the determination of that application unless the Court is satisfied that the premises have been substantially acquired, constructed or altered (or any combination thereof) as specified in the declaration.

Chapter 4

Renewal of cancellation of club certificates

Period of validity of club certificate.

155.____(1) Except as otherwise provided in this Act -

- (a) a club certificate shall lapse at midnight on 30 September next following the date on which it was granted but may be renewed under this Act,
- (b) a club certificate which has been renewed shall lapse at midnight on 30 September next following the date of its last renewal.

(2) Subject to *section 156(9)*, a club certificate which has lapsed under *subsection (1)* shall, until it is renewed or extinguished under this Act, be treated for the purposes of this Act as if it were suspended under this Act.

Application for renewal of club certificate.

156.____(1) An application for the renewal of a club certificate shall be made to the Court not less than 28 days before the date on which the certificate would lapse under *section 155(1)* but for the application.

(2) Where an application under *subsection (1)* for the renewal of a club certificate is made -

- (a) less than 28 days before the certificate lapses, under *section 155(1)*, or
- (b) on or after the certificate lapses under *section 155(1)*,

then, if the certificate is renewed under *subsection (4)*, there shall be paid to the Court, in addition to any fee payable under this Act for the renewal of the certificate, a charge of -

- (i) if *paragraph (a)* is applicable, €200, and
- (ii) if *paragraph (b)* is applicable and without prejudice to the operation of *paragraph (i)*, €400.

(3) The Court shall not entertain an application under *subsection (1)* unless the applicant has first satisfied it that the applicant has, not less than 28 days before the date of the hearing of the application by the Court, served a *section 156* notice on the Court clerk, the fire authority, the officer in charge of the Garda Síochána, the local authority and the Executive.

(4) Subject to *subsections (6)* and *(8)*, on the hearing of an application under *subsection (1)* -

- (a) the fire authority,
- (b) the officer in charge of the Garda Síochána,
- (c) the local authority,
- (d) the Executive, or
- (e) any person with a substantial and bona fide interest in the matter and is resident in the neighbourhood,

may object to the application and, for that purpose, may appear and give evidence.

(5) The Court shall determine an application under *subsection (1)* for the renewal of a club certificate by -

- (a) subject to *paragraph (b)* and upon payment of the appropriate excise duty and the prescribed fee (if any) for the renewal, renewing the club certificate,
- (b) refusing to renew the club certificate if it allows an objection to the application on any of the grounds of -
 - (i) the character, misconduct or unfitness of the secretary or any official or member of the committee of management or governing body, as the case may be, of the club,
 - (ii) the unfitness or inconvenience of the club's premises where the objection concerned is made by the fire authority,

- (iii) that the number of members has fallen below 150, or that the club has ceased to exist,
- (iv) that the club is not conducted *bona fide* as a club, or that it is kept or habitually used for an unlawful purpose, or mainly for the sale of alcohol,
- (v) that illegal sales of alcohol or other offences under this Act have taken place on the premises,
- (vi) that persons who are not members are habitually admitted to the premises for the purpose of obtaining alcohol,
- (vii) that the premises have been conducted in a disorderly manner,
- (viii) that the supply of alcohol is not under the control of the members, or the committee of management or governing body elected by the members,
- (ix) that the club's rules are no longer in conformity with the provisions of *section 146*, or
- (x) that excise duty or other amounts due to the Revenue Commissioners is or are unpaid.

(6) Subject to *subsection (7)*, the Court shall not entertain an objection to the renewal of a club certificate, or receive any evidence with respect to an objection to the renewal of a club certificate, unless a notice in writing stating in general terms the grounds on

which the renewal is to be opposed has been served within the time limit prescribed in rules of court on the person who, at the time of serving the notice, is the secretary of the club.

(7) An objection to the renewal of a licence on the ground mentioned in *subsection (5)(b)(ii)* shall not be entertained by the Court unless notice in writing of the intention to make the objection together with particulars in writing of the alleged unfitness or inconvenience has been served by the fire authority within the time limits prescribed in rules of court on the person who, at the time of serving the notice, is the secretary of the club.

(8) The Court shall not accept any evidence with respect to the renewal of a club certificate which is not given on oath in open court.

(9) Where an application under *subsection (1)* for the renewal of a club certificate has not been determined under *subsection (5)* before the date on which the certificate would, but for this subsection, lapse, then the certificate shall, by virtue of this subsection continue in force with effect from that date until -

- (a) the determination under *subsection (4)* of the application, or
- (b) the cancellation or suspension under this Act of the certificate,

whichever first occurs.

(10) In this section, “*section 156 notice*”, in relation to an application under *subsection (1)* for the renewal of a club certificate, means a notice stating -

- (a) the applicant’s intention to apply to the Court for the renewal of the club certificate,

- (b) the name of the club, its object and the address of its premises,
- (c) the name and address of -
 - (i) the applicant, and
 - (ii) each of the officials or members of the committee of management or governing body, as the case may be, of the club,
- (d) details of any material alterations made to the club's premises subsequent to the grant or last renewal, as the case may be, of the club's current club certificate, and
- (e) the date of the hearing of the application by the Court (if known).

Cancellation of club certificate.

157.____(1) The Court may -

- (a) on the application of the officer in charge of the Garda Síochána, at any time cancel the club certificate of a registered club if it is satisfied, after hearing the officer and the secretary of the club, that the club is being so managed or carried on as to constitute a ground of objection to the renewal of the club certificate,
- (b) on the application of the fire authority, at any time cancel the club certificate of a registered club if it is satisfied, after hearing the authority and the secretary of the club, of the unfitness or inconvenience of the club's premises.

(2) Where the club certificate of a club has been cancelled under *subsection (1)*, the secretary may apply for the renewal of the club certificate at the date at which it would have been competent to do so had the club certificate not been so cancelled.

Chapter 5

Prohibited hours and conduct

Prohibited hours in registered clubs.

158.____(1) Without prejudice to the generality of *section 146* but subject to *subsection (2)*, the Court shall not grant a club certificate to a club unless the rules of the club provide that no alcohol shall be supplied for consumption on the club premises to any person (other than a member of the club lodging in the club premises) or be consumed on the premises by any person (other than such a member) -

- (a) at any time on Christmas Day, or
- (b) on any other day, during the prohibited hours as construed in accordance with *section 89*.

(2) Nothing in this Act, or contained, by virtue only of the operation of *subsection (1)*, in the rules of a registered club shall operate to prohibit the supplying for consumption on the club premises of alcohol to any person or the consumption of alcohol on the premises by any person on Christmas Day, between 12.00 midday and 10.00 p.m. if the alcohol is

- (i) ordered by or on behalf of that person at the same time as a substantial meal is so ordered, and
- (ii) consumed by that person during the meal or after the meal has ended.

(3) Every reference in this Act to the provisions of this Act relating to prohibited hours (club) shall be construed and have effect as a reference to the provisions of this section, and all references in this Act to prohibited hours (club) or to time or hours in which the sale of alcohol in a club is prohibited by this Act shall be construed as references to the hours during which the sale of alcohol in a club is not permitted by this section.

Time for consumption of alcohol supplied during permitted hours.

159.____(1) Nothing in this Part shall operate to prohibit a person from being on, or consuming, or permitting the consumption of, alcohol on the premises of a registered club during the period of 30 minutes commencing at the beginning of a period during which the supply of alcohol on such premises is prohibited.

(2) For the purposes of *subsection (1)*, a period during which the supply of alcohol on the premises of a registered club is permitted by or under any provision of this Part (other than *sections 158 and 160* shall be deemed to be a period during which such supply is prohibited on such premises.

Supply of alcohol in registered clubs on special occasions.

160.____(1) The secretary of a registered club may make an application to the Court for the grant of an authorisation under *subsection (5)* in respect of a special occasion specified in the application.

(2) The Court shall not entertain an application under *subsection (1)* unless the applicant has first satisfied it that the applicant has, not less than 7 days before making the application, served a *section 160* notice on -

- (a) the Court clerk, and
- (b) the officer in charge of the Garda Síochána.

(3) On the hearing of an application under *subsection (1)*, the officer in charge of the Garda Síochána may object to the application and, for that purpose, may appear and give evidence.

(4) On the hearing of an application under *subsection (1)*, the Court shall have regard to the terms of any relevant resolution adopted by a local authority pursuant to *section 101(8)* in relation to the expiry time of the authorisation referred to in that subsection sought by the application.

(5) Subject to *subsection (7)*, the Court shall determine an application under *subsection (1)* for the grant of an authorisation under this subsection by -

- (a) upon payment of the prescribed fee (if any), granting to the applicant an authorisation which entitles the registered club concerned to sell

alcohol to members of the club, guests of members, and if *section 161(2)(a)* is applicable, members of the public during the period of the special occasion specified in the authorisation (not ending later than 2.30 p.m.) if it is satisfied that the special occasion will be conducted in a manner that will not -

- (i) cause undue inconvenience or nuisance to the persons residing in the locality in which the club is situated, or
- (ii) create an undue threat to public order or public safety in the locality,

(b) the premises comply with the fire safety standards under the Building Control Acts 1990 to 2014 applicable to such premises;

- (c) in any other case, refusing to so grant such authorisation.

(6) The supply of alcohol in a registered club to the persons referred to in *subsection (5)* during any period covered by an authorisation granted under that subsection shall be lawful and shall be deemed not to be a breach of the rules of the club.

(7) Not more than 15 authorisations shall be granted by the Court under *subsection (5)* to any registered club during the currency of its club certificate.

(8) In this section, “*section 160 notice*”, in relation to an application under *subsection (1)* by the secretary of a registered club for the grant of an authorisation under *subsection (5)*, means a notice stating -

- (a) the applicant's intention to apply to the Court for the grant of an authorisation for the sale of alcohol during a special occasion,
- (b) the date on which and the times for which such authorisation is sought,
- (c) the nature of the special occasion,
- (d) the name of the club, its object and the address of the premises, and
- (e) the date of the hearing of the application by the Court (if known).

Special events in sports clubs.

161.____(1) The secretary of a registered club which has as its main object the promotion of any outdoor pastime, sport, game or recreation among its members may make an application to the Court for the grant of an authorisation under *subsection (2)* in respect of a special event in the club.

(2) Subject to *subsection (3)*, the Court shall determine an application under *subsection (1)* for the grant of an authorisation under this subsection by -

(a) upon payment of the prescribed fee (if any), granting to the applicant an authorisation which entitles -

(i) the sale of alcohol by or with the consent of the club to any person for consumption in the registered premises of the club, and

(ii) the consumption of alcohol so sold in the registered premises of the club by any person,

at such times as may be specified in the authorisation on the occasion of a special event in the club that, in the opinion of the Court, is likely to attract a considerable number of people to the club.

(b) in any other case, refusing to so grant such authorisation.

(3) An authorisation under *subsection (2)* in respect of a registered club shall not -

(a) be granted -

(i) in relation to more than one event in a year, and

(ii) for any period exceeding 5 consecutive days,

and

(b) authorise the sale or consumption of alcohol on any day during that period on which the special event to which the authorisation relates is not taking place.

(4) The sale and consumption of alcohol in the buildings or grounds of a registered club pursuant to an authorisation granted under *subsection (2)* shall be lawful and shall be deemed not to be a breach of the rules of the club.

Breach of club rules relating to prohibited hours (club).

162.____(1) Where any alcohol -

- (a) is sold for consumption on the premises of a registered club, or
- (b) is consumed on the premises of a registered club by any person,

in contravention of the rules of the club relating to the sale and consumption of alcohol on the club's premises, then the club is guilty of an offence and liable on summary conviction to a fine not exceeding -

- (i) in the case of a first offence, to a class D fine,
- (ii) in the case of a second or subsequent offence, to a class C fine.

(2) A prosecution for an offence under *subsection (1)* may be brought against a registered club in the name under which it is registered under this Act and -

- (a) any summons or other document required to be served on the club for the purpose or in the course of the prosecution may be served on the secretary of the club, and
- (b) any warrant for the recovery of the amount of a fine imposed on the club for the offence may be executed against the goods and chattels of the club.

Selling alcohol in unregistered club.

163.____(1) Where any alcohol is sold to a member or other person on the premises of an unregistered club, any person -

- (a) selling the alcohol,
- (b) paying for the alcohol, or
- (c) authorising the sale of the alcohol,

is guilty of an offence and shall be liable - –

(a) on summary conviction, to a class A fine, or imprisonment for a term not exceeding 6 months, or both, or

(b) on conviction on indictment, to a fine not exceeding €250,000 or imprisonment for a term not exceeding 3 years, or both

(2) In this section, “club” means a voluntary association of persons who are members for sporting or social purposes, irrespective of the number of members of the association.

Selling alcohol for consumption outside registered club.

164.____(1) Where any alcohol is sold in a registered club for consumption outside the premises of the club otherwise than as specified in *section 146(h)*, then any person -

- (a) selling the alcohol,
- (b) paying for the alcohol, or
- (c) authorising the sale of the alcohol,

is guilty of an offence and liable on summary conviction to a fine not exceeding -

- (i) in the case of a first offence, to a class D fine,
- (ii) in the case of a second or any subsequent offence, to a class C fine.

(2) In a prosecution of a person for an offence under *subsection (1)*, it shall be a defence for the person to prove that he or she did not know, and had no reason to believe, that the alcohol concerned was sold for consumption outside the premises of the registered club concerned otherwise than as specified in *section 146(h)*.

Functions in registered clubs.

165.____(1) Subject to *subsection (2)*, a registered club shall not hold any function in its premises unless -

(a) the function is -

(i) for the benefit of the club as a whole,

(ii) related to the club's objects, and

(iii) organised by the club,

and

(b) only members of the club and their guests, and employees of the club acting in their respective capacities as such employees, are present at it.

(2) *Subsection (1)* does not apply to -

(a) any function where the whole proceeds, after deducting the expenses of the function, are devoted to community, charitable or benevolent purposes, or

(b) any function which is organised by a registered club for a member (or a member of his or her family), and at which only the member and his or her guests, and employees of the club acting in their respective capacities as such employees, are present.

(3) Subject to *subsection (4)*, where there is a contravention of *subsection (1)* -

- (a) the registered club, and
- (b) every person entered in the Register of Clubs as an official or member of the committee of management or governing body, as the case may be, of the club at the time of the contravention,

is guilty of an offence and liable on summary conviction to a fine not exceeding -

- (i) in the case of a first offence, to a class D fine,
- (ii) in the case of a second or subsequent offence, to a class C fine.

(4) In a prosecution of a person for an offence under *subsection (3)*, it shall be a defence for the person to prove that he or she exercised all due diligence to prevent the commission of the offence.

Groups visiting registered clubs.

166.____(1) Where members of a group are visiting a registered club for the purpose of -

- (a) taking part in any pastime, sport, game or recreation there, or
- (b) organising or taking part in the organisation of, or arrangements for, any such activity,

alcohol may be supplied to them at the request and in the presence of a member of the registered club on the occasion of the visit.

(2) Where a registered club is being visited as referred to in *subsection (1)*, the club shall ensure that an official of the club enters the name of the group concerned, and the number of persons in it, in the book required to be kept pursuant to *section 146(g)*.

(3) A registered club which contravenes *subsection (2)* is guilty of an offence and liable on summary conviction to a fine not exceeding -

- (a) for a first offence, to a class D fine, or
- (b) for a second offence, to a class C fine.

(4) This section shall have effect notwithstanding anything in *section 146(i)* or any rule required to be made by a registered club under it.

(5) In this section, “group” means a club (whether registered or unregistered), society or organisation.

Restrictions on advertisements relating to functions in clubs.

167.____(1) Subject to *subsection (2)*, a person shall not publish, or cause to be published, any advertisement drawing attention to any function to be held on the premises of a registered club.

(2) *Subsection (1)* does not apply to -

- (a) the publication of a notice inside the premises of the registered club in which the function is to be held,
- (b) any advertisement in so far as it relates to a function involving any sport, game or physical recreation which does not take place within the hours during which alcohol may be supplied or consumed on the club premises in accordance with the rules of the club,
- (c) any circular issued by a registered club to its members, or
- (d) any advertisement in so far as it relates to a function at which alcohol will not be served or a function which falls within *section 165(2)(a)*.
- (e) any advertisement with falls within *section 161*.

(3) Subject to *subsection (4)*, where there is a contravention of *subsection (1)*,
then -

- (a) the registered club,

- (b) every person entered in the Register of Clubs as an official or member of the committee of management or governing body, as the case may be, of the club at the time the advertisement is published, and
- (c) any person who published the advertisement or caused it to be published,

is guilty of an offence and liable on summary conviction to a class E fine.

(4) In a prosecution for an offence under *subsection (3)* -

- (a) it shall be a defence for a person referred to in *subsection (3)(b)* to prove that the advertisement to which the prosecution relates was issued without his or her consent or connivance or that he or she exercised all due diligence to prevent the publication of the advertisement, and
- (b) it shall be a defence for a person referred to in *subsection (3)(c)* to prove that he or she is a person whose business it is to publish or arrange for the publication of advertisements and that he or she received the advertisement to which the prosecution relates for publication in the ordinary course of business and did not know and had no reason to suspect that its publication would constitute an offence under *subsection (3)*.

(5) For the purposes of this section, an advertisement published by displaying or exhibiting it shall be treated as published on every day on which it is displayed or exhibited.

(6) In this section, “advertisement” includes every form of advertising, “ and, without prejudice to the generality of the foregoing, includes advertising—

- (a) by electronic means including by phone or on the internet,
- (b) in a newspaper,
- (c) on television,
- (d) on radio, or
- (e) by display of a notice;

Chapter 6

Penalties

Penalties for officials of registered clubs.

168.____(1) Where the club certificate of a registered club is cancelled by the Court under *section 157(1)* where the ground of objection concerned falls within *section 156(5)(b)(iv)*, *(vi)* or *(vii)*, then every person entered in the Register of Clubs as an official or member of the committee of management or governing body, as the case may be, of the club is guilty of an offence and liable on summary conviction to a class E fine.

(2) In a prosecution of a person for an offence under *subsection (1)*, it shall be a defence for the person to prove that he or she exercised all due diligence to prevent the registered club concerned from being so managed or carried on as to constitute a ground of objection to the renewal of its club certificate.

Chapter 7

Application of other provisions of this Act to registered clubs and appeals

Application of provisions to registered clubs.

169.____*Sections 65, 107 to 112 inclusive, 117 to 123 inclusive, 128, 133, 134, 135, 136, 138 and 139 shall, with all necessary modifications, apply in relation to a registered club as if any references in those sections to a licence (howsoever described), the licensee under a licence and licensed premises were references to the club certificate of the club, the secretary of the club and the registered premises of the club respectively.*

Appeal to Circuit Court.

170.____(1) Where the Court refuses an application for a club certificate or the renewal of a club certificate, the applicant may, within 14 days of the date of the Court's decision, appeal to the Circuit Court against the refusal, and the provisions of *sections 139, 140, 143 and 144* shall, with all necessary modifications, apply to the appeal accordingly.

(2) Where the Court refuses an application under *section 160(1)* for the grant of an authorisation under *section 160(5)*, or an application under *section 161(1)* for the grant of an authorisation under *section 161(2)*, the applicant may, within 14 days of the Court's decision, appeal to the Circuit Court against the refusal, and the provisions of *sections 141, 143 and 144* shall, with all necessary modifications, apply to the appeal accordingly.

PART 11

PRODUCER'S LICENCES, WHOLESALER'S LICENCES AND METHYLATED SPIRITS LICENCES

Producer's licence.

171.____(1) Where -

- (a) an application is made by a person to the Revenue Commissioners for the issue of a producer's licence in respect of the premises specified in the application,
- (b) the appropriate excise duty and the prescribed fee (if any) in respect of the licence have been paid to the Revenue Commissioners, and
- (c) a tax clearance certificate as referred to in *section 13* in relation to the applicant has been issued by the Revenue Commissioners,

the Revenue Commissioners shall issue that licence to the applicant.

(2) A producer's licence issued in respect of the premises specified in the licence shall authorise the licensee under the licence -

- (a) to produce the alcohol products specified in the licence at the premises specified in the licence, and
- (b) to supply by wholesale such alcohol products which are the produce of the licensee.

(3) A producer's licence is not required where -

- (a) an individual produces wine, beer or other fermented beverage in private premises for consumption by the individual or by his or her family or friends and such wine, beer or other fermented beverage is neither sold nor produced for sale, and
- (b) alcohol products tax has been paid at the appropriate rate on all alcohol products used in the production of an alcohol product, and the amount of alcohol products tax paid on all alcohol products so used is not less than the amount chargeable on the product produced.

Producer's retail licence.

Provide that:

172.— (1) Where a person who holds a producer's licence (in this section referred to as "the applicant") duly gives notice of his or her intention to apply for a licence under this section in respect of a relevant premises and, at the proceedings in relation to the application, the applicant shows to the satisfaction of the Court that—

- (a) a producer's licence is in force in respect of the premises, and
- (b) an appropriate mechanism is in place to restrict the sale pursuant to a licence granted under this section of alcohol products on the premises to persons who have completed a guided tour of the premises,

the Court shall cause a certificate to be granted to the applicant entitling him or her to receive a licence in respect of the relevant premises (in this section referred to as a "producer's retail licence"), unless the Court prohibits the issuing of the licence on the grounds of—

- (i) the character, misconduct or unfitness of the applicant,
- (ii) the unfitness or inconvenience of the premises, or
- (iii) the unsuitability of the premises for the needs of persons residing in the neighbourhood.

(2) The Court shall not entertain an application under *subsection (1)* unless the applicant has first satisfied it that—

(a) he or she has not less than 28 days before the date of the hearing of the application by the Court, served a *section 172* notice, a map and a plan on—

- (i) the Court clerk,
- (ii) the officer in charge of the Garda Síochána,
- (iii) the fire authority,
- (iv) the local authority, and
- (v) the Executive.

(b) displayed, for a period of not less than 14 consecutive days during the 28 days immediately preceding the date of the hearing of the application by the Court, the information specified in the definition of “*section 172* notice” in *subsection (9)* (except the information specified in paragraph (d) of that definition) in a conspicuous place on or near the premises to which the application relates so as to be easily visible and legible by members of the public,

(3) On the hearing of an application under *subsection (1)* —

(a) the fire authority

- (b) the officer in charge of the Garda Síochána,
- (c) the local authority
- (d) the Executive, or
- (e) any person with a substantial and bona fide interest in the matter and is resident in the neighbourhood,

may object to the application and, for that purpose, may appear and give evidence.

(4) The Revenue Commissioners shall, on application to them being made in that behalf by an applicant and on presentation of a certificate granted under *subsection (1)*, issue a producer's retail licence in respect of the relevant premises concerned.

(5) On the issue of a producer's retail licence in respect of a premises, any other licence issued under this Act attached to the premises, other than a producer's licence, shall be extinguished.

(6) Notwithstanding anything contained in this Act, a licence issued or renewed under this section shall operate to authorise the sale on the premises to which the licence is attached of alcohol products manufactured in accordance with a producer's licence on the premises—

(a) between the hours of 10.00 a.m. and 7.00 p.m. each day other than Christmas Day, for consumption on or off the premises, as the case may be, to persons who have completed a guided tour of the premises,

(b) between the hours of 10.00 a.m. and 7.00 p.m. each day other than Christmas Day, for consumption off the premises, to persons who have not completed a guided tour of the premises.

(7) A person who sells alcohol products, or who permits the sale of alcohol products, for the sale of which he or she is required to take out a licence under this section, without taking out such a licence, shall be guilty of an offence and shall be liable on summary conviction to a Class A fine.

(8) A person who holds a licence issued under this section and who contravenes the terms of the licence or who sells alcohol products, or who permits the sale of alcohol products, otherwise than he or she is authorised by the licence shall be guilty of an offence and shall be liable on summary conviction to a Class A fine.

(9) In this section—
“guided tour”, in relation to a relevant premises, means a tour of the premises that—

(a) includes an explanation of, or information relating to, the process whereby the alcohol products are manufactured on the premises in accordance with a producer’s licence,

- (b) is carried out in person, whether the tour is guided by another person or not, and
- (c) requires a ticket to be issued to the person participating in the tour, whether a fee is paid or not.

“relevant premises” means a premises to which a producer’s licence is attached.

“*section 172* notice”, in relation to an application under *subsection (1)* for the grant of a producer’s retail licence, means a notice stating—

- (a) the applicant’s intention to apply to the Court for the grant of a court certificate which will entitle the applicant to be issued with a producer’s retail licence by the Revenue Commissioners,
- (b) the name and address of the applicant and, if the applicant is a body corporate or partnership, the name and address of each of the directors or partners, as the case may be, of the body corporate or partnership,
- (c) the address of the premises to which the application relates,
- (d) details of each retail licence (if any) currently or formerly held by—
 - (i) the applicant, and

- (ii) if the applicant is a body corporate or partnership, each director or partner, as the case may be, of the body corporate or partnership,
 - (e) an indication as to whether sale for consumption of alcohol products on the premises or sale for consumption off the premises only, is intended,
- and
- (f) the date of the hearing of the application by the Court (if known).

Wholesaler's licence.

173.____(1) Where -

- (a) an application is made to the Revenue Commissioners by a person for the issue of a wholesaler's licence in respect of the premises specified in the application,
- (b) the appropriate excise duty and the prescribed fee (if any) in respect of the licence have been paid to the Revenue Commissioners, and
- (c) a tax clearance certificate as referred to in *section 13* in relation to the applicant has been issued by the Revenue Commissioners,

the Revenue Commissioners shall issue that licence to the applicant.

(2) A wholesaler's licence issued in respect of the premises specified in the licence shall authorise the licensee under the licence to supply by wholesale alcohol products from the premises.

Methylated spirits licence.

174.____(1) Where -

- (a) an application is made to the Revenue Commissioners by a person for a methylated spirits licence in respect of the premises specified in the application,
- (b) the appropriate excise duty and the prescribed fee (if any) respect of the licence have been paid to the Revenue Commissioners,
- (c) a tax clearance certificate as referred to in *section 13* in relation to the applicant has been issued by the Revenue Commissioners,

the Revenue Commissioners shall issue that licence to the applicant.

(2) A methylated spirits licence issued in respect of the premises specified in the licence shall authorise the licensee under the licence -

- (a) to produce methylated spirits at the premises, or
- (b) to supply by wholesale or retail methylated spirits at the premises.

Period of validity of licence issued under this Part.

175.____(1) Except as otherwise provided in this Act -

(a) a licence issued under this Part shall lapse at midnight on 30 September next following the date of issue of the licence but may be renewed under this Act,

(b) a licence issued under this Part which has been renewed shall lapse at midnight on 30 September next following the date of its last renewal.

(2) Subject to *section 177(2)*, a licence issued under this Part which has lapsed shall, until it is renewed or extinguished under this Act, be treated for the purposes of this Act as if it were suspended under this Act.

Application for renewal of licence issued under this Part.

176.___An application for the renewal of a licence issued under this Part shall be.

- (a) made -
 - (i) to the Revenue Commissioners, and
 - (ii) not less than 28 days before the date on which the licence would lapse under *section 175(1)* but for that application, and.
- (b) accompanied by a tax clearance certificate as referred to in certificate *section 13* issued by the Revenue Commissioners in relation to the applicant.

Provisions applicable to late application for renewal, etc.

177.____(1) Where an application under *section 176* for the renewal of a licence issued under this Part is made -

- (a) less than 28 days before the licence lapses under *section 175(1)*, or
- (b) on or after the licence lapses under *section 175(1)*,

then, if the licence is renewed under *section 178(1)*, there shall be paid to the Revenue Commissioners, in addition to the prescribed fee (if any) payable under this Act for the renewal of the licence, a charge of -

- (i) if *paragraph (a)* is applicable, €200, and
- (ii) if *paragraph (b)* is applicable, and without prejudice to the operation of *paragraph (i)*, €400.

(2) Where an application under *section 176* for the renewal of a licence issued under this Part has not been determined under *section 178(1)* before the date on which the licence would, but for this subsection, lapse, then the licence shall, by virtue of this subsection, be deemed to continue in force with effect from that date until -

- (a) the determination under *section 178(1)* of the application, or
- (b) the revocation or suspension under this Act of the licence,

whichever first occurs.

(3) Where an application under *section 176* for the renewal of a licence issued under this Part has not been received by the Revenue Commissioners within 2 years from the lapse of the licence under *section 175(1)*, then -

- (a) the licence shall expire, and
- (b) the Revenue Commissioners shall not renew the licence.

Renewal of licence issued under this Part.

178.____(1) Subject to *subsection (2)*, the Revenue Commissioners shall determine an application under *section 176* for the renewal of a licence issued under this Part by -

- (a) renewing the licence -
 - (i) if it is satisfied that the application and the applicant are in compliance with *section 176*, and
 - (ii) upon payment of -
 - (I) the appropriate excise duty and the prescribed fee (if any) for the renewal, and
 - (II) if *section 177(1)* is applicable, the sum of all charges payable under that section,
- (b) in any other case, refusing to renew the licence.

(2) The Revenue Commissioners shall, before 31 December in each year, give notice in writing to the Garda Síochána of licences issued under this Part that -

- (a) have been renewed by 30 November of that year, and
- (b) are not the subject of an appeal in relation to a tax clearance certificate within the meaning of section 1095 (inserted by section 127(b) of the Finance Act 2002) of the Taxes Consolidation Act 1997.

PART 12

OFFENCES - GENERAL

Vicarious liability of licensee.

179.____(1) Any relevant act done by a relevant employee of the licensee under a licence in the course of his or her employment shall, in any proceedings brought under this Act, be treated for the purposes of this Act as done also by the licensee, whether or not it was done with the licensee's knowledge or approval.

(2) Any relevant act done by a person as agent for the licensee under a licence in the licensee's capacity as a licensee, with the authority (whether express or implied and whether precedent or subsequent) of the licensee shall, in any proceedings brought under this Act, be treated for the purposes of this Act as done also by the licensee.

(3) In any proceedings brought under this Act against the licensee under a licence in respect of any relevant act alleged to have been done by a relevant employee of the licensee, it shall be a defence for the licensee to prove that the licensee took such steps as were reasonably practicable to prevent the employee -

(a) from doing that act, or

(b) from doing in the course of his or her employment acts of that description.

(4) In this section -

“relevant act” means any breach under Part 5, Part 6 and Part 7 (except section 134).

“relevant employee”, in relation to the licensee under a licence, means an employee of the licensee to the extent that the employee works for the licensee in the licensee’s capacity as a licensee.

False or misleading information.

180.____(1) A person who, in connection with any procedures relating to obtaining the grant or issue of a relevant document for the person or another person, and whether or not the relevant document is in fact granted or issued, intentionally or recklessly provides information which is false or misleading in a material particular, whether orally or in writing, to the Court, the Revenue Commissioners or a relevant Minister is guilty of an offence and liable on summary conviction to a class B fine or imprisonment for a term not exceeding 6 months or both.

(2) In this section, “relevant document” means any certificate, licence, permit, order, approval, authorisation or declaration which may be granted or issued under a provision of this Act by the Court, the Revenue Commissioners or a relevant Minister.

Offences by bodies corporate.

181.____(1) Where -

- (a) an offence under this Act is committed by a body corporate, and
- (b) the offence is proved to have been committed with the consent, connivance or approval of, or to have been attributable to any neglect on the part of, a person who was either -
 - (i) a director, manager, secretary or other similar officer of the body corporate, or
 - (ii) a person purporting to act in any such capacity,

that person is also guilty of an offence and liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(2) Where the affairs of a body corporate are managed by its members, *subsection (1)* shall apply in relation to the acts or defaults of a member in connection with the member's functions of management as if he or she were a director or manager of the body corporate.

(3) *Subsections (1) and (2)* shall apply, with all necessary modifications, in relation to offences under this Act committed by an unincorporated body.

Excise fines.

182.____(1) A person who produces an alcohol product for the production of which the person is required to take out a licence, without taking out such a licence, or who contravenes the terms of such a licence, is guilty of an offence and liable on summary conviction in respect of each offence to class C fine.

(2) A person who supplies an alcohol product by wholesale for the wholesale of which the person is required to take out a licence, without taking out such a licence, or who contravenes the terms of such a licence, is guilty of an offence and liable on summary conviction in respect of each offence to a class C fine.

(3) A person who sells alcohol by retail for the retail sale of which the person is required to take out a licence, without taking out such a licence, or who contravenes the terms of such a licence, is guilty of an offence and liable on summary conviction in respect of each offence to a class C fine.

(4) A licensee who contravenes any provision applicable to a licence held by the licensee is guilty of an offence and liable on summary conviction in respect of each offence to an a class C fine.

Conviction after 5 years not to increase penalty.

183.____(1) A conviction for an offence under this Act shall not, after 5 years from the date of the conviction, be admitted in evidence against any person for the purpose of imposing a greater penalty for a second or subsequent offence under this Act.

Evidence of sale or consumption of alcohol.

184.____(1) In proving the sale or consumption of alcohol for the purposes of any prosecution for an offence under this Act, it shall not be necessary to show that any money or money's worth, whether directly or indirectly, actually passed or any alcohol was actually consumed if the Court is satisfied that a transaction in the nature of a sale actually took place or that any consumption of alcohol was about to take place.

(2) Proof of consumption or intended consumption of alcohol on licensed premises by a person other than the licensee under the licence concerned shall be evidence that such alcohol was sold by the licensee to the person consuming or about to consume it.

PART 13

MISCELLANEOUS

Sale of alcohol to be by standard measure.

185.____(1) The licensee under a licence shall not sell alcohol by retail under this Act, other than where it is sold as a pre-packed product, unless it is by a quantity which has been ascertained by means of a measuring instrument marked in accordance with the Metrology Act 1996.

(2) The licensee under a licence who contravenes *subsection (1)* is guilty of an offence and liable on summary conviction to a fine not exceeding -

(a) for a first offence, to a class D fine, or

(b) for a second or subsequent offence, to a class C fine.

(3) In this section -

“pre-packed product” means a product of a predetermined quantity that has been supplied in a sealed container on which the quantity contained in it is marked;

“measuring instrument” means any device used to determine or reproduce the value of a quantity;

“sell” does not include supply.

Closure of licensed premises by order of Court.

186.____(1) Where the Court is satisfied on the application of a relevant person that in the interests of public peace and order it is expedient that the sale of alcohol should immediately cease, or not be permitted on a specified day or days, in a specified part of a licensing area, the Court may make an order to give effect to the application either in whole or in part.

(2) Where an order is made under this section, every licensee under the licences concerned in the specified part of the licensing area to which the order relates shall, upon the same being communicated verbally or in writing to the licensee by a member of the Garda Síochána, close the licensed premises in accordance with the order and keep it closed during the time mentioned in the order, and any person who fails or refuses to comply with the terms of the order is guilty of an offence and liable on summary conviction to a class E fine.

(3) Where an order is made under this section and a licensee under a licence fails or refuses to comply with the order, any member of the Garda Síochána may use such force as may be reasonably necessary for ensuring compliance with the order.

(4) In this section, “relevant person” means -

- (a) a Superintendent or Inspector of the Garda Síochána, or
- (b) a local authority.

Sale of confectionery.

187.____Nothing in this Act (other than this section) or in any enactment requiring an excise licence for the sale of alcohol shall have effect in relation to alcohol that is in confectionery if the confectionery -

- (a) does not contain alcohol in a proportion greater than 200 millilitres of alcohol (of a strength not exceeding 57 per cent) per kilogram of the confectionery, and
- (b) consists of separate pieces each of which weighs not more than 50 grammes or is designed to be broken into such pieces for the purposes of consumption.

Security at licensed premises.

188.____(1) Without prejudice to the operation of *sections 44, 55, 64 or 101* when granting a court certificate, club certificate, court permit, court order or court authorisation under a provision of this Act, the Court may specify such conditions relating to security at the premises concerned as the Court thinks proper, including, as appropriate -

- (a) that a closed circuit television system be in operation on the premises during such times as are specified in the certificate, permit, order or authorisation, as the case may be,
- (b) if *paragraph (a)* is applicable but the premises do not have a closed circuit television system installed in them, that a closed circuit television system be installed in them for the purposes of that paragraph.

(2) Where there is a failure by a person to comply with a condition referred to in *subsection (1)*, such failure shall relate to the good character of the person for the purposes of an application under this Act for the grant or renewal, by or on behalf of the person, of a court certificate, club certificate, court permit, court order or court authorisation, under a provision of this Act, by the Court.

Fees.

189.____(1) The Minister may make regulations providing for -

- (a) the payment of fees and recovery of fees in relation to any application under this Act for -
 - (i) a court certificate, authorisation, permit or order, or,
 - (ii) the amendment or renewal of a licence, authorisation or permit,and
- (b) different fees, exemption from the payment of fees, the payment of fees by instalments and the waiver, remission or refund (in whole or in part) of fees -
 - (i) in relation to any licence, authorisation or permit or any such amendment or renewal,and
 - (ii) in different circumstances or classes of circumstances or for different cases or classes of cases.

(2) Without prejudice to the generality of *subsection (1)*, the Minister may have regard to any of the following in making regulations under that subsection -

- (a) the size of any premises that are or are to be licensed premises;
- (b) whether a new licence -

- (i) arises from the non-renewal of a licence for 2 consecutive years due to the death or illness of the licensee,
- (ii) relates to premises extended to include an area previously attached to or adjoining licensed premises, or premises which replace licensed premises in the immediate vicinity of the new premises, and are more suitable for carrying on licensed business,
- (iii) relates to premises replacing licensed premises in the immediate vicinity of new premises which were burnt down, or otherwise destroyed, or rendered uninhabitable by fire or other unavoidable cause or accident not more than 2 years before the date on which notice of the applicant's intention to apply to the Court for a certificate was served,
- (iv) relates to premises replacing licensed premises that have been or are being demolished by or by the direction of a local authority.

Regulations - general.

190.____(1) The Minister may by regulations provide under this section for any matter referred to in this Act.

(2) Regulations made by the Minister or another Minister of the Government under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister or the other Minister of the Government, as the case may be, to be necessary or expedient for the purposes of giving this Act full effect.

Court to give reasons for decisions.

191.____(1) Where the Court decides to grant or refuse to grant a court certificate, permit , a temporary transfer of relevant retail licence, or to make or refuse to make an exemption order under this Act -

- (a) subject to *paragraph (b)*, the Court may, if it thinks fit to do so, give its reasons for the decision,
- (b) the Court shall, if it is requested to do so, by any of the parties to the

Amendment of section 24 of Fire Services Act 1981.

192.____Section 24 of Fire Services Act 1981 (as amended by the First Schedule to the Courts (No. 2) Act 1986) is amended -

- (a) in *subsection (1)*, by deleting paragraphs (a) (b) and (c) (i), and
- (b) by deleting *subsection (2)*.

PART 14

TRANSITIONAL AND SAVINGS PROVISIONS

Chapter 1

Interpretation

Interpretation of *Part 14*.

193.___In this Part -

“deemed club certificate” shall be construed in accordance with *section 205(1)(a)*;

“deemed equivalent licence” shall be construed in accordance with *section 195(1)(a)*;

“existing Acts” means the Acts referred to in *section 6(1)*;

“existing age card” means an age card within the meaning of the existing Acts;

“existing authorisation (club)” means -

(a) an authorisation under section 21 of the Intoxicating Liquor (General)
Act 1924,

(b) an authorisation under section 14 of the Intoxicating Liquor Act 1962;

“existing club” means a club holding an existing club certificate;

“existing club certificate” means a certificate of registration -

(a) issued by the Court under the existing Acts in respect of a club, and

- (b) which is in force (and whether or not the certificate is for the time being suspended under the existing Acts);

“existing club premises” -

- (a) in relation to an existing club certificate, means the premises specified in the certificate on which the business the subject of the certificate may be carried on,
- (b) in relation to an existing club, means the premises so specified in the existing club certificate held by the existing club;

“existing general exemption order” means a general exemption order within the meaning of the existing Acts;

“existing licence” means a licence -

- (a) issued by the Revenue Commissioners under the existing Acts, and
- (b) which is in force (and whether or not the licence is for the time being suspended under the existing Acts);

“existing licensee” means the holder of an existing licence;

“existing licensed premises”, in relation to an existing licence, means the premises specified in the licence on which the business the subject of the licence may be carried out;

“existing occasional licence” means an occasional licence within the meaning of the existing Acts;

“existing area exemption order” means an order under section 10 of the Intoxicating Liquor Act 1962;

“existing occasional late hours order” means an occasional late hours order within the meaning of the existing Acts;

“existing temporary closure order (club)” means a temporary closure order made by the Court, under the existing Acts, where either -

- (a) the period of closure of the existing club premises to which the order relates has begun to run, but has not been completed, before the second relevant date, or
- (b) the period of closure of the existing club premises to which the order relates has not begun to run before the second relevant date;

“existing temporary closure order (licence)” means a temporary closure order made by the Court, under the existing Acts, where either -

- (a) the period of closure of the existing licensed premises to which the order relates has begun to run, but has not been completed, before the second relevant date, or
- (b) the period of closure of the existing licensed premises to which the order has not begun to run before the second relevant date;

“first relevant date” means the date of commencement of this Part;

“grant” includes issue;

“holder”, in relation to an existing club certificate, includes the secretary of the existing club concerned;

“issue” includes grant;

“second relevant date” means the date of commencement of *section 6*;

“type of existing club certificate” means a certificate of registration which may be issued by the Court under the existing Acts or, before the first relevant date, renewed by the Court under the existing Acts, in respect of a club;

“type of existing licence” means a licence of a type which may be issued or, before the first relevant date, renewed under the existing Acts.

Chapter 2

Application of this Act to existing licences, etc.

Prohibition against renewing existing licence under existing Acts.

194.____The Revenue Commissioners shall not, on and from the first relevant date, renew an existing licence under the existing Acts.

Renewal of existing licence under this Act.

195.____Subject to *subsection (2)*, the existing licensee under an existing licence may, on and from the first relevant date, make an application under this Act for the renewal of an equivalent licence and, for the purposes of any such application -

- (a) the existing licence shall, with all necessary modifications, be deemed to be the equivalent licence (in this Part referred to as the “deemed equivalent licence”) that the existing licensee is seeking to renew,
- (b) the existing licensee shall be deemed to be the licensee under the deemed equivalent licence, and
- (c) the provisions of this Act shall, with all necessary modifications, apply to the old licence, the existing licensee and the application accordingly.

Suspension of existing licence not completed before second relevant date.

196.____(1) Where -

- (a) a period of suspension imposed under the Licencing (Combating Drug Abuse) Act 1997 on an existing licence has begun to run but has not been completed before the second relevant date, and
- (b) the existing licensee under the existing licence has made an application under this Act as read with *section 195(1)* to renew the deemed equivalent licence,

then the unexpired period of suspension left to be completed shall apply to the deemed equivalent licence as continued in force or renewed under this Act.

(2) Where -

- (a) a period of suspension imposed under the Licencing (Combating Drug Abuse) Act 1997 on an existing licence has not begun to run before the second relevant date, and
- (b) the existing licensee under an existing licence has made an application under this Act as read with *section 195(1)* to renew the deemed equivalent licence,

then the period of suspension is hereby imposed on the deemed equivalent licence as continued in force or renewed under this Act such that the full period of such suspension is completed.

Period of closure under existing temporary closure order (licence) not completed before second relevant date.

197.____(1) Where -

- (a) the existing licensee under an existing licence has made an application under this Act as read with *section 195(1)* to renew the deemed equivalent licence, and
- (b) the existing licensed premises are the subject of an existing temporary closure order (licence),

then, if *paragraph (a)* of the definition of “existing temporary closure order (licence)” in *section 193* is applicable, the existing licensed premises shall, notwithstanding any other provisions of this Act or the continuation in force or renewal under this Act of the deemed equivalent licence, continue to remain closed until the period of closure concerned has been completed.

(2) Where -

- (a) the existing licensee under an existing licence has made an application under this Act as read with *section 195(1)* to renew the deemed equivalent licence, and
- (b) the existing licence premises are the subject of an existing temporary closure order (licence),

then, if *paragraph (b)* of the definition of “existing temporary closure order (licence)” in *section 193* is applicable, the existing licensed premises shall, notwithstanding any other

provision of this Act or the continuation in force or renewal under this Act of the deemed equivalent licence, be closed in accordance with the terms of the existing temporary closure order (licence) until the period of closure concerned has been completed.

Applications under existing Acts which have not been determined, etc. before second relevant date.

198.____(1) Where -

- (a) a person has made an application to the Court, under the existing Acts, for the grant of a certificate which, if granted, would entitle the person to be issued a type of existing licence, or
- (b) the application has not been determined or, in the case of any appeal or judicial review arising from the determination of the application, has not been finally determined, before the second relevant date,

then the application shall, with all necessary modifications, be deemed to be an application under this Act to the Court by that person for the grant of that type of court certificate which, if granted, would entitle the person to be issued the equivalent licence, and the provisions of this Act shall, with all necessary modifications, apply to the application and the person accordingly.

(2) Where -

- (a) a person has made an application to the Court, under the existing Acts, for the grant of a certificate which, if granted, would entitle the person to have an existing licence, under which the person is the existing licensee, renewed, and

- (b) the application has not been determined or, in the case of any appeal or judicial review arising from the determination of the application, has not been finally determined, before the second relevant date,

then, the application shall, with all necessary modifications, be deemed to be an application under this Act to the Court by that person for the grant of that type of court certificate which, if granted, would entitle the person to renew the equivalent licence, and the provisions of this Act shall, with all necessary modifications, apply to the application and the person accordingly.

(3) Where -

- (a) a person has made an application to the Revenue Commissioners under the existing Acts (whether with or without a certificate referred to in *subsection (1)(a)* or *(2)(a)* or a certificate, permit or other authority referred to in *subsection (3)(a)*) for the issue of a type of existing licence, and
- (b) the application has not been determined or, in the case of any appeal or judicial review arising from the determination of the application, has not been finally determined, before the second relevant date,

then the application shall, with all necessary modifications, be deemed to be an application under this Act to the Revenue Commissioners by that person for the issue of the equivalent licence, and the provisions of this Act shall, with all necessary modifications, apply to the application and the person accordingly.

(4) Where -

- (a) a person has made an application to the Revenue Commissioners under the existing Acts (whether with or without a certificate referred to in *subsection (1)(a)* or *(2)(a)* or a certificate, permit or other authority referred to in *subsection (3)(a)*) for the issue of a type of existing licence, and
- (b) the application has not been determined or, in the case of any appeal or judicial review arising from the determination of the application, has not been finally determined, before the second relevant date,

then *section 195* shall, with all necessary modifications, apply to the person and the application as if the application were an application under this Act for the renewal of the equivalent licence.

(5) Where -

- (a) a person has made an application to the Court, under the existing Acts, for the grant of a declaration as to the fitness and convenience of proposed licensed premises,

and
- (b) the application has not been determined or, in the case of any appeal or judicial review arising from the determination of the application, has not been finally determined, before the second relevant date,

then the application shall, with all necessary modifications, be deemed to be an application under *section 24(1)*, and the provisions of this Act shall, with all necessary modifications, apply to the application and the person accordingly.

Grant of certificate, etc. under existing Acts but no application to Revenue Commissioners before second relevant date.

199.____(1) Where -

- (a) a person has been granted a certificate by the Court, under the existing Acts, which entitles the person to the issue of a type of existing licence,
- (b) the person has not, before the second relevant date, made an application to the Revenue Commissioners, under the existing Acts, for the issue of the type of existing licence concerned, and
- (c) the period of validity of the certificate has not expired before the second relevant date,

then the person may, before the expiration of the remaining period of validity of the certificate, make an application to the Revenue Commissioners for the issue of the equivalent licence and, in any such case, the certificate shall, with all necessary modifications, be deemed to be a court certificate which entitles the person to be issued the equivalent licence.

(2) Where -

- (a) either -
 - (i) a person has been granted a certificate by the Court, under the existing Acts, which entitles the person to the renewal of an existing licence under which the person is the existing licensee,
 - or

- (ii) a person has been granted a certificate or permit under the existing Acts, which entitles the person to the renewal of an existing licence under which the person is the existing licensee,
- (b) the person has not, before the second relevant date, made an application to the Revenue Commissioners, under the existing Acts, for the existing licence concerned, and
- (c) the period of validity of the certificate referred to in *paragraph (a)(i)*, or the period of validity the certificate or permit referred to in *paragraph (a)(ii)*, as the case may be, has not expired before the second relevant date,

then the person may, before the expiration of the remaining period of validity of the certificate referred to in *paragraph (a)(i)*, or before the expiration of the remaining period of validity of the certificate or permit referred to in *paragraph (a)(ii)*, as the case may be, make an application to the Revenue Commissioners for the renewal of the equivalent licence and, in the case of any such application, *section 195* shall, with all necessary modifications, apply to the application accordingly.

(3) Where -

- (a) a person has been granted a declaration by the Court, under the existing Acts, as to the fitness and convenience of proposed licensed premises,

- (b) the person has not, before the second relevant date, made an application to the Court, under the existing Acts, in reliance upon that declaration, for the issue, under the existing Acts, of the certificate to which the declaration relates, and
- (c) the period of validity of the declaration has not expired before the second relevant date,

then the person may, before the expiration of the remaining period of validity of the declaration, make an application to the Court under this Act in reliance upon that declaration as if the declaration were a declaration under *section 25(1)* in the case of a declaration which falls within *paragraph (a)* and the provision of this Act shall, with all necessary modifications, apply to the declaration and the person accordingly.

Application of existing Acts to wholesaler's licence issued before second relevant date.

200.____Where -

- (a) the existing licensee under an existing licence of any type known as “Wholesaler Dealer” makes an application under this Act as read with *section 195(1)* to renew the deemed equivalent licence, and
- (b) a wholesaler's licence is issued to the existing licensee, pursuant to the determination of the application referred to in *paragraph (a)*, before the second relevant date,

then -

- (i) except as otherwise provided in this Act, that wholesaler's licence shall lapse at midnight on 30 September of the year immediately following the year in which the second relevant date falls, and
- (ii) that wholesaler's licence shall, for the period commencing on the date of its issue and ending on the second relevant date and with all necessary modifications, be deemed to be an existing licence of the type concerned referred to in *paragraph (a)*, and the provisions of the existing Acts shall apply to the wholesaler's licence and the licensee under the wholesaler's licence accordingly.

Existing orders, etc. which are still in force.

201.____(1) Where, immediately before the second relevant date, any order of a type specified in sub section (2) had any force or effect which would, but for the repeal of the existing Acts on that date, have continued on, or have continued on and from, that date, then, to the extent that the order would have had any such force or effect, it shall be deemed, with all necessary modifications, to be an order within the meaning of this Act, and the provisions of this Act relating to such orders shall, with all necessary modifications, apply to the order accordingly.

(2) *Subsection (1)* shall, with all necessary modifications, apply to -

- (a) an existing general exemption order, a general exemption order within the meaning of this Act and the provisions of this Act relating to general exemption orders,
- (b) an existing area exemption order , an area exemption order within the meaning of this Act and the provisions of this Act relating to area exemption orders,
- (c) an existing occasional licence, an occasional permit within the meaning of this Act and the provisions of this Act relating to occasional permits, and
- (d) an existing special exemption order, an occasional late hours order within the meaning of this Act and the provisions of this Act relating to occasional late hours orders.

Application under existing Acts for existing orders, etc. which have not been determined before second relevant date.

202.____(1) Where -

- (a) a person has made an application to the Court, under the existing Acts, for the grant of an order of a type specified in sub section (2) and
- (b) the application has not been determined or, in the case of any appeal or judicial review arising from the determination of the application, has not been finally determined, before the second relevant date,

then the application shall, with all necessary modifications, be deemed to be an application under this Act to the Court by that person for the grant of an order of a type specified in sub section (2) within the meaning of this Act, and the provisions of this Act relating to the grant of such orders shall apply to the person and the application accordingly.

(2) *Subsection (1)* shall, with all necessary modifications, apply to -

- (a) an application for an existing general exemption order, a general exemption order within the meaning of this Act and the provisions of this Act relating to the grant of general exemption orders,
- (b) an application for an existing area exemption order, an area exemption order within the meaning of this Act and the provisions of this Act relating to area exemption orders,

- (c) an application for an existing occasional licence, an occasional permit within the meaning of this Act and the provisions of this Act relating to occasional permits, and
- (d) an application for an existing special exemption order, an occasional late hours order within the meaning of this Act and the provisions of this Act relating to occasional late hours orders.

Existing age card.

203.____(1) An existing age card shall, on and from the second relevant date, be deemed to be an age card within the meaning of this Act, and the provisions of this Act relating to age cards shall apply to the existing age card accordingly.

Chapter 3

Application of this Act to clubs

Prohibition against renewing existing club certificate under existing Acts.

204.____The Court shall not, on and from the first relevant date, renew an existing club certificate under the existing Acts.

Renewal of existing club certificate under this Act.

205.____(1) The holder of an existing club certificate may, on and from the first relevant date, make an application under this Act for the renewal of a club certificate and, for the purposes of any such application -

- (a) the existing club certificate shall, with all necessary modifications, be deemed to be a club certificate (in this Part referred to as a “deemed club certificate”) within the meaning of this Act,
- (b) the holder of the existing club certificate shall be deemed to be the holder of the deemed club certificate, and
- (c) the provisions of this Act relating to the renewal of club certificates shall, with all necessary modifications, apply to the existing club certificate and the holder of the existing club certificate accordingly.

(2) Where a deemed club certificate is renewed under this Act, the club certificate arising therefrom shall be treated as if were issued rather than renewed, and *sections 148-151* shall apply to the club certificate accordingly.

Application under existing Acts for grant or renewal of existing club certificate not determined before second relevant date.

206.____(1) Where -

- (a) a person has made an application to the Court, under the existing Acts, for the grant of a type of a club certificate, and
- (b) the application has not been determined or, in the case of any appeal or judicial review arising from the determination of the application, has not been finally determined, before the second relevant date,

then the application shall, with all necessary modifications, be deemed to be an application under this Act to the Court by that person for the grant of a club certificate within the meaning of this Act, and the provisions of this Act relating to the grant of club certificates shall apply to the application and the person accordingly.

(2) Where -

- (a) a person has made an application to the Court, under the existing Acts, for the renewal of an existing club certificate , and
- (b) the application has not been determined or, in the case of any appeal or judicial review arising from the determination of the application, has not been finally determined, before the second relevant date,

then the application shall, with all necessary modifications, be deemed to be an application for the renewal of a club certificate, and the provisions of *section 205* shall apply to the application and the person accordingly.

(3) Where -

- (a) a person has made an application to the Court, under the existing Acts, for a declaration as to suitability of proposed registered club premises, and
- (b) the application has not been determined or, in the case of any appeal or judicial review arising from the determination of the application, has not been finally determined, before the second relevant date,

then the application shall, with all necessary modifications, be deemed to be an application under *section 152(1)*, and the provisions of this Act shall, with all necessary modifications, apply to the application and the person accordingly.

Period of closure under existing temporary closure (club) order not completed before second relevant date.

207.____(1) Where -

- (a) the holder of an existing club certificate has made an application under this Act as read with *section 205* to renew the deemed club certificate, and
- (b) the existing club premises are the subject of an existing temporary closure order (club),

then, if *paragraph (a)* of the definition of “existing temporary closure order (club)” in *section 193* is applicable, the existing club premises shall, notwithstanding any other provision of this Act or the continuation in force or renewal of the deemed club certificate, continue to remain closed until the period of closure concerned has been completed.

(2) Where -

- (a) the holder of an existing club certificate has made an application under this Act as read with *section 205* to renew the deemed club certificate, and
- (b) the existing club premises are the subject of an existing temporary closure order (club),

then, if *paragraph (b)* of the definition of “existing temporary closure order (club)” in *section 193* is applicable, the existing club premises shall, notwithstanding any other provision of this Act or the continuation in force or renewal of the deemed club certificate, be closed in

accordance with the terms of the existing temporary closure (club) until the period of closure concerned has been completed.

Application of this Act to certain declarations granted under existing Acts.

208.____Where -

- (a) a club has been granted a declaration by the Court, under the existing Acts, as to the suitability of proposed registered club premises,
- (b) the club has not, before the second relevant date, made an application to the Court, under the existing Acts, in reliance upon that declaration, for the grant, under the existing Acts, of the certificate of registration to which the declaration relates, and
- (c) the period of validity of the declaration has not expired before the second relevant date,

then the club may, before the expiration of the remaining period of validity of the declaration, make an application to the Court under this Act in reliance upon that declaration as if the declaration were a declaration under *section 153(1)*, and the provisions of this Act shall, with all necessary modifications, apply to the declaration and the person accordingly.

Existing authorisations (club) which are still in force.

209.____ Where, immediately before the second relevant date, an existing authorisation (club) had any force or effect which would, but for the repeal of the existing Acts on that date, have continued on, or have continued on and from, that date, then, to the extent that the authorisation would have had any such force or effect, it shall be deemed, with all necessary modifications, to be -

- (a) if *paragraph (a)* of the definition of “existing authorisation (club)” in *section 193* is applicable, an authorisation granted under *section 160*,
- (b) if *paragraph (b)* of that definition is applicable, an authorisation granted under *section 161*,

and the provisions of this Act relating to an authorisation granted under *section 160* or *161*, as the case may be, shall, with all necessary modifications, apply to the authorisation accordingly.

Applications under existing Acts for existing authorisations (club) which have not been determined before second relevant date.

210.___Where -

- (a) a club has made an application to the Court, under the existing Acts, for the grant of an existing authorisation (club), and
- (b) the application has not been determined or, in the case of any appeal or judicial review arising from the determination of the application, has not been finally determined, before the second relevant date,

then the application shall, with all necessary modifications, be deemed to be an application under this Act to the Court by that club for the grant of -

- (i) if *paragraph (a)* of the definition of “existing authorisation” in *section 193* is applicable, an authorisation under *section 160*,
- (c) if *paragraph (b)* of that definition is applicable, an authorisation under *section 161*,

and the provisions of this Act relating to the grant of an authorisation under *section 160* or *161*, as the case may be, shall, with all necessary modifications, apply to the club and the application accordingly.

SCHEDULE 1

REPEALS AND REVOCATIONS

I

REPEALS

Chapter & Session or Number & Year (1)	Short Title (2)	Extent of Repeal (3)
55 Geo. 3, c. 19	Intoxicating Liquors (Ireland) Act 1815	Sections 64, 65, 67 and 68
55 Geo. 3, c. 104	Spirits (Ireland) No.2 Act 1815	Section 15
58 Geo. 3, c. 57	Licensed Grocers (Ireland) Act 1818	Section 2
5 Geo. 4, c.102	Dublin Justices Act 1824	Sections 16, 17 18, 19 and 30
6 Geo. 4, c. 81	Excise Licences Act 1825	The whole Act
7 & 8 Geo. 4, c. 53	Excise Management Act 1827	Section 128
1 & 2 Wm. 4, c.55	Illicit Distillation (Ireland) Act 1831	The whole Act
2 & 3 Wm. 4, c. 16	Excise Permit Act 1832	[Revenue will repeal in FA 2005]
3 & 4 Wm. 4, c. 68	Licensing (Ireland) Act 1833	The whole Act
5 & 6 Wm. 4, c. 39	Excise Act 1835	Sections 6 and 7 [also 3, 4 and 5 possibly]
6 & 7 Wm. 4, c. 38	Licensing (Ireland) Act 1836	The whole Act
4 & 5 Vict., c. 20	Excise Management Act 1841	Sections 24

5 & 6 Vict., c. 24	Dublin Police Act 1842	Sections 7, 20, 21, 22, 25 and [36?]
8 & 9 Vict., c. 64	Spirits (Ireland) Act 1845	The whole Act
9 & 10 Vict., c. 90	Still Licences Act 1846	The whole Act
17 & 18 Vict., c. 89	Spirits (Ireland) Act 1854	Sections 2, 4, 5, 7, 8, 9, 10 and 12
18 & 19 Vict., c. 62	Licensing (Ireland) Act 1855	The whole Act
18 & 19 Vict., c. 103	Spirits (Ireland) Act 1855	The whole Act
18 & 19 Vict., c. 114	Public House (Ireland) Act 1855	The whole Act
20 & 21 Vict., c. 40	Illicit Distillation (Ireland) Act 1857	The whole Act
23 & 24 Vict., c. 35	Licensing (Ireland) Act 1860	The whole Act
23 & 24 Vict., c. 107	Refreshment Houses (Ireland) Act 1860	The whole Act
24 & 25 Vict., c. 49	Petty Sessions (Ireland) Amendment Act 1861	The whole Act
24 & 25 Vict., c. 91	Revenue (No. 2) Act 1861	Sections 8, 19 21 and 23
26 & 27 Vict., c. 96	Petty Sessions (Ireland) Amendment Act 1863	Section 1
26 & 27 Vict., c. 33	Revenue Act 1863	Sections 3, 15 and 21
27 & 28 Vict., c. 35	Beerhouses (Ireland) Act 1864	The whole Act
30 & 31 Vict., c. 90	Revenue Act 1867	Section 17

31 & 32 Vict., c. 33	Cork Improvement Act 1868	Sections 172 to 179
34 & 35 Vict., c. 111	Beerhouses (Ireland) Act (1864) Amendment Act 1871	The whole Act
34 & 35 Vict., c. 112	Prevention of Crime Act 1871	Section 10
35 & 36 Vict., c. 94	Licensing Act 1872	The whole Act
37 & 38 Vict., c. 69	Licensing (Ireland) Act 1874	The whole Act
40 & 41 Vict., c. 4	Beer Licences (Ireland Act 1877	The whole Act
42 & 43 Vict., c. 19	Habitual Drunkards Act 1879	The whole Act
43 & 44 Vict., c. 24	Spirits Act 1880	Sections 3, 100, 102 and 104 [Revenue to repeal and replace section 140 in FA 2005]
47 & 48 Vict., c. 70	Municipal Elections (Corrupt and Illegal Practices) Act 1884	Sections 16 and 17
51 & 52 Vict., c. 19	Inebriates Act 1888	The whole Act
52 & 53 Vict., c. 42	Revenue Act 1889	Section 27
53 & 54 Vict., c. 8	Customs and Inland Revenue Act 1890	Section 9
53 & 54 Vict., c. 21	Inland Revenue Regulation Act 1890	Leave unchanged for present
61 & 62 Vict., c. 10	Finance Act 1898	section 4 repealed
61 & 62 Vict., c. 46	Revenue Act 1898	Section 16 [Revenue to check 14 and 15]
61 & 62 Vict., c. 60	Inebriates Act 1898	The whole Act

63 & 64 Vict., c. 30	Beer Retailers' and Spirit Grocers' Retail Licences Act 1900	The whole Act
2 Edw. 7, c. 18	Licensing (Ireland) Act 1902	The whole Act
4 Edw. 7, c. 9	Registration of Clubs (Ireland) Act 1904	The whole Act
10 Edw. 7, c. 8	Finance (1909 - 1910) Act 1910	Sections 43, 48, 49, 50, 51, 52, 92, 93, 94, 96 and First Schedule
1 & 2 Geo. 5, c. 48	Finance Act 1911	Sections 6, 7 and 8
5 Geo. 5, c. 7	Finance Act 1914	[Revenue will repeal section 8 in FA 2005]
5 & 6 Geo. 5, c. 62	Finance Act 1915	Section 3
6 Geo. 5, c. 11	Finance (New Duties) Act 1916	[Revenue will repeal section 6 in FA 2005]
7 & 8 Geo. 5, c. 31	Finance Act 1917	Section 8
No. 10 of 1924	The Courts of Justice Act 1924	Sections 77, 78, 79 and 87.
No. 24 of 1924	Dublin Reconstruction (Emergency Provisions) Act 1924	Section 10
No. 62 of 1924	Intoxicating Liquor (General) Act 1924	The whole Act apart from Part IV [Revenue will repeal and replace sections 26 and 27 in FA 2005]
No. 15 of 1927	Intoxicating Liquor Act 1927	The whole Act
No. 14 of 1929	Intoxicating Liquor Act 1927	The whole Act

No. 20 of 1929	Intoxicating Liquor (Amendment) (No. 2) Act 1929	The whole Act
No. 35 of 1930	Portuguese Treaty Act 1930	The whole Act
No. 6 of 1932	Intoxicating Liquor (Occasional Licences) Act 1932	The whole Act
No. 7 of 1932	Eucharistic Congress (Miscellaneous Provisions) Act 1932	Sections 8, 9, 10, 11 and 12
No. 48 of 1936	Courts of Justice Act 1936	Section 59
No. 14 of 1940	Finance Act 1940	Subsections (3), (4) and (6) of section 10
No. 7 of 1943	Intoxicating Liquor Act 1943	The whole Act
No. 33 of 1946	Intoxicating Liquor Act 1946	The whole Act
No. 15 of 1952	Tourist Traffic Act 1952	Part VI
No. 30 of 1953	Intoxicating Liquor Act 1953	The whole Act
No. 2 of 1956	Gaming and Lotteries Act 1956	Section 9
No. 18 of 1960	Intoxicating Liquor Act 1960	The whole Act apart from section 22 [Revenue will repeal and replace section 22 in FA 2005]
No. 39 of 1961	Courts (Supplemental Provisions) Act 1961	Section 24 and part of section 33
No. 21 of 1962	Intoxicating Liquor Act 1962	The whole Act

No. 8 of 1977	Intoxicating Liquor Act 1977	The whole Act
No. 5 of 1981	Intoxicating Liquor Act 1981	The whole Act
No. 34 of 1983	Intoxicating Liquor (National Concert Hall) Act 1983	The whole Act
No. 26 of 1986	Courts (No.2) Act 1986	Section 4, 6, 9 and 10(3) and (4) [Sch?]
No. 16 of 1988	Intoxicating Liquor Act 1988	The whole Act
No. 10 of 1989	Finance Act 1989	Section 48 and 50
No. 9 of 1992	Finance Act 1992	Sections 154, 155 and 161
No. 13 of 1993	Finance Act 1993	Section 77
No. 18 of 1994	Irish Horseracing Industry Act 1994	Part IX
No. 33 of 1995	Intoxicating Liquor Act 1995	The whole Act
No. 11 of 1997	National Cultural Institutions Act 1997	Section 62 and Second Schedule
No. 32 of 1999	Intoxicating Liquor Act 1999	The whole Act
No. 24 of 1999	Horse and Greyhound Racing (Betting Charges and Levies) Act 1999	Section 15
No. 17 of 2000	Intoxicating Liquor Act 2000	The whole Act
No. 31 of 2003	Intoxicating Liquor Act 2003	The whole Act except section 25

No. 34 of 2004	Intoxicating Liquor Act 2004	The whole Act
No. 17 of 2008	Intoxicating Liquor Act 2008	Part 2 and Schedule 1
	Intoxicating Liquor (National Conference Centre) Act 2010	The whole Act
No. 1 of 2018	Intoxicating Liquor (Breweries and Distilleries) Act 2018	The whole Act

II

REVOCATION

Number and year (1)	Subject matter or citation (2)	Extent of revocation (3)
S.I. No.442 of 2003	Intoxicating Liquor Act 1962 (Section 9) Order 2003	The whole Order

