



Number 31 of 2003

INTOXICATING LIQUOR ACT 2003

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title, collective citations, construction and commencement.
2. Interpretation.
3. Repeals.

PART 2

CONDUCT ON LICENSED PREMISES

4. Drunken persons.
5. Supply of intoxicating liquor to drunken persons by non-licensees.
6. Offences by drunken persons.
7. Duty of licensee to preserve order.
8. Disorderly conduct.
9. Temporary closure of premises.

PART 3

OTHER AMENDMENTS OF INTOXICATING LIQUOR ACTS

10. Amendment of prohibited hours on Thursdays.
11. Special exemption orders.
12. Prohibition of entertainment during drinking-up time.
13. Provision of intoxicating liquor for persons under 18 years.

[No. 31.] *Intoxicating Liquor Act 2003.* [2003.]

Section

14. Restrictions on presence in bars of persons under 18 years.
15. Production of evidence of age by persons between 18 and 21 years.
16. Further amendments of Act of 1988.
17. Consumption of intoxicating liquor near licensed premises or in an off-licence.
18. Entry, inspection, etc. of licensed premises by member of Garda Síochána.

PART 4

MISCELLANEOUS

19. Jurisdiction of District Court in cases of prohibited conduct on licensed premises.
 20. Prohibition on supply of intoxicating liquor at reduced price.
 21. Licences to national sporting arenas.
 22. Regulations.
 23. Application of this Act to registered clubs.
 24. Exercise of jurisdiction.
 25. Amendment of section 15 of Equal Status Act 2000.
-

[2003.] *Intoxicating Liquor Act 2003.* [No. 31.]

ACTS REFERRED TO

Courts (No. 2) Act 1986	1986, No. 26
Equal Status Act 2000	2000, No. 8
Fire Services Act 1981	1981, No. 30
Firearms Acts 1925 to 2000	
Intoxicating Liquor Act 1927	1927, No. 15
Intoxicating Liquor Act 1962	1962, No. 21
Intoxicating Liquor Act 1988	1988, No. 16
Intoxicating Liquor Act 2000	2000, No. 17
Intoxicating Liquor (General) Act 1924	1924, No. 62
Licensing Act 1872	1872, c. 94
Licensing Acts 1833 to 2003	
Non-Fatal Offences Against the Person Act 1997	1997, No. 26
Protection of Employees (Part-Time Work) Act 2001	2001, No. 45
Public Dance Halls Act 1935	1935, No. 2
Public Dance Halls Acts 1935 to 2003	
Refreshment Houses (Ireland) Act 1860	1860, c. 107
Registration of Clubs Acts 1904 to 2003	
Taxes Consolidation Act 1997	1997, No. 39



Number 31 of 2003

INTOXICATING LIQUOR ACT 2003

AN ACT TO AMEND AND EXTEND THE LICENSING ACTS 1833 TO 2003, THE REGISTRATION OF CLUBS ACTS 1904 TO 2003 AND THE EQUAL STATUS ACT 2000 AND TO PROVIDE FOR RELATED MATTERS. [14th July, 2003]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

1.—(1) This Act may be cited as the Intoxicating Liquor Act 2003. Short title, collective citations, construction and commencement.

(2) The Acts and this Act, in so far it amends and extends the Acts, may be cited together as the Licensing Acts 1833 to 2003 and shall be construed together as one.

(3) The Registration of Clubs Acts 1904 to 2003 and this Act, in so far as it amends and extends those Acts, may be cited together as the Registration of Clubs Acts 1904 to 2003 and shall be construed together as one.

(4) The Equal Status Act 2000 and *section 25* may be cited together as the Equal Status Acts 2000 and 2003 and shall be construed together as one.

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

2.—(1) In this Act, unless the context otherwise requires— Interpretation.

“Act of 1924” means the Intoxicating Liquor (General) Act 1924;

“Act of 1927” means the Intoxicating Liquor Act 1927;

“Act of 1962” means the Intoxicating Liquor Act 1962;

“Act of 1988” means the Intoxicating Liquor Act 1988;

[No. 31.] *Intoxicating Liquor Act* 2003. [2003.]

Pt.1 S.2

“Act of 2000” means the Intoxicating Liquor Act 2000;

“Acts” means the *Licensing Acts 1833 to 2003*;

“bar” means any open bar or any part of licensed premises exclusively or mainly used for the sale and consumption of intoxicating liquor and includes any counter or barrier across which drink is or can be served to the public;

“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 2000 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 or omission,
- (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;

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

“licence” means a licence for the sale of intoxicating liquor, whether granted on production or without production of a certificate of the Circuit Court or District Court;

“licensed premises” means premises in respect of which a licence is in force and, in relation to a licensee, means the licensed premises of the licensee;

“licensee” means the holder of a licence;

“Minister” means the Minister for Justice, Equality and Law Reform.

(2) In this Act, unless the context otherwise requires—

- (a) a reference to a Part or section is to a Part or section of this Act,
- (b) a reference to a subsection is a reference to a subsection of the section in which the reference occurs, and

[2003.] *Intoxicating Liquor Act 2003.* [No. 31.]

- (c) references to any enactment are references to that enactment as amended by any subsequent enactment, including this Act. Pt.1 S.2

3.—The following enactments are repealed: Repeals.

- (a) sections 31 and 42 of the Refreshment Houses (Ireland) Act 1860;
- (b) sections 13 and 18 of the Licensing Act 1872;
- (c) section 13 of the Intoxicating Liquor (General) Act 1924;
- (d) subsection (2), as inserted by section 5(2) of the Act of 2000, of section 4 of the Public Dance Halls Act 1935;
- (e) section 17 of the Act of 2000.

PART 2

CONDUCT ON LICENSED PREMISES

4.—(1) A licensee shall not, on the licensed premises— Drunken persons.

- (a) supply, or permit any person to supply, intoxicating liquor—
 - (i) to a drunken person, or
 - (ii) to any person for consumption by a drunken person;
- (b) permit a drunken person to consume intoxicating liquor;
- (c) permit drunkenness to take place in the bar; or
- (d) admit any drunken person to the bar.

(2) A licensee who contravenes *subsection (1)* is guilty of an offence under this section and liable on summary conviction to a fine not exceeding—

- (a) for a first offence, €1,500, or
- (b) for a second or any subsequent offence, €2,000.

(3) A person who is drunk on leaving licensed premises is presumed, until the contrary is proved, to have been drunk while on those premises.

(4) In a prosecution for an offence under *subsection (1)(c)* it is a defence to prove that the licensee took reasonable steps to prevent the drunkenness concerned taking place.

5.—(1) A person (not being a licensee) shall not—

- (a) purchase intoxicating liquor for supply to, or consumption by, a drunken person on licensed premises, or
- (b) supply intoxicating liquor to a drunken person on any such premises.

Supply of
intoxicating liquor
to drunken persons
by non-licensees.

[No. 31.] *Intoxicating Liquor Act 2003.* [2003.]

Pt.2 S.5

(2) A person who contravenes *subsection (1)* is guilty of an offence under this section and liable on summary conviction to a fine not exceeding—

(a) for a first offence, €1,500, or

(b) for a second or any subsequent offence, €2,000.

Offences by
drunken persons.

6.—(1) A drunken person shall leave licensed premises on being requested to do so by the licensee or a member of the Garda Síochána.

(2) A drunken person shall not seek entry to the bar of licensed premises.

(3) A person who contravenes *subsection (1)* or (2) is guilty of an offence under this section and liable on summary conviction to a fine not exceeding—

(a) for a first offence, €300, or

(b) for a second or any subsequent offence, €500.

(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.

7.—(1) A licensee shall not permit disorderly conduct to take place on the licensed premises.

(2) A licensee who contravenes *subsection (1)* is guilty of an offence under this section and liable on summary conviction to a fine not exceeding—

(a) for a first offence, €1,500, or

(b) for a second or any subsequent offence, €2,000.

Disorderly conduct.

8.—(1) A person shall not engage in disorderly conduct on licensed premises.

(2) A person who engages in such disorderly conduct—

(a) shall leave the licensed premises concerned on being requested to do so by the licensee 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 so acting.

(3) A person who contravenes *subsection (1)* or (2) is guilty of an offence under this section and liable on summary conviction to a fine not exceeding—

(a) for a first offence, €300, or

(b) for a second or any subsequent offence, €500.

[2003.] *Intoxicating Liquor Act 2003.* [No. 31.]

(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. Pt.2 S.8

(5) It shall not be unlawful for a licensee 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 the Acts and this Act, admission could reasonably be regarded as involving a substantial risk that the person would engage in disorderly conduct.

9.—(1) This section applies to an offence under *sections 4, 7 and 17* and section 34A (as inserted by *section 15*) of the Act of 1988 and to an offence under regulations made by the Minister under *section 22*. Temporary closure of premises.

(2) Subject to *subsection (3)*, where a licensee is convicted by the District Court of an offence to which this section applies, the Court shall, in addition to any penalty imposed, make an order (in this section referred to as a “temporary closure order”) for the closure of the premises concerned or any part thereof for a period—

- (a) not exceeding 7 days for a first such offence, or
- (b) of not less than 7 and not more than 30 days for a second or any subsequent such offence.

(3) Where a licensee—

- (a) is convicted of more than one offence to which this section applies, and
- (b) all the 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 offence a report on the circumstances in which it was committed and any other information which the Court may consider to be of assistance to it in dealing with the case.

(5) The period of closure specified in a temporary closure order shall commence—

- (a) if no appeal is made against the conviction or period of closure concerned, on the 30th day after the order is made, or
- (b) 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,

and 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,

[No. 31.] *Intoxicating Liquor Act* 2003. [2003.]

Pt.2 S.9

(ii) if such an appeal is made and the conviction or period of closure is affirmed, on the expiration of the period so specified, or

(iii) if on appeal the period of closure is varied, on the expiration of the period as so varied.

(6) A temporary closure order which is in force in respect of any premises or part thereof shall have effect for the purposes of the Acts and this Act as if the premises or that part were not licensed for the sale of intoxicating liquor during the period of closure mentioned in *subsection (5)*.

(7) If on appeal a conviction for an offence to which this section applies is reversed, the temporary closure order concerned shall thereupon cease to have effect.

(8) While licensed premises or any part thereof are closed in compliance with a temporary closure order, the licensee shall affix to the exterior of the premises, in a conspicuous place, a notice specifying the period of closure and stating that the closure is in compliance with the order.

(9) A licensee who contravenes *subsection (8)* is guilty of an offence and liable on summary conviction to a fine not exceeding—

(a) for a first offence, €300, or

(b) for a second or subsequent offence, €500.

(10) No employee who is working in the premises to which a temporary closure order applies shall be disadvantaged in his or her employment by reason of the order during the period of closure under it.

(11) For the purposes of *subsection (10)*, “employee” means any person who works under a contract of employment with an employer, and includes a part-time employee within the meaning of the Protection of Employees (Part-Time Work) Act 2001.

(12) Nothing in the Acts shall prohibit the Court from ordering that a conviction for an offence to which this section applies be recorded on the licence held by the person so convicted, and accordingly, where the Court so orders, the offence concerned shall be deemed for the purposes of Part III (endorsement of licences) of the Act of 1927 to be an offence to which that Part of that Act applies.

(13) If—

(a) the conviction for an offence to which this section applies is affirmed by the Circuit Court on appeal, or

(b) the appeal relates to the period of closure specified in the temporary closure order,

the Court may vary the period of closure specified in the relevant temporary closure order.

PART 3

OTHER AMENDMENTS OF INTOXICATING LIQUOR ACTS

10.—Section 2 (as amended by section 3 of the Act of 2000) of the Act of 1927 is amended in subsection (1)(b) by the substitution of the following subparagraphs for subparagraphs (vi) and (vii):

Amendment of prohibited hours on Thursdays.

“(vi) any other Monday, Tuesday, Wednesday or Thursday: between 10.30 a.m. and 11.30 p.m.; and

(vii) any other Friday or Saturday: between 10.30 a.m. and 12.30 a.m. on the following day.”.

11.—The Act of 1927 is amended by the substitution of the following section for section 5 (special exemption orders), as amended by section 5 of the Act of 2000:

Special exemption orders.

“5.—(1) In this section—

‘local authority’ means a county council, city council or town council;

‘special exemption order’ means an order of the District Court exempting the holder of an on-licence from the provisions of this Act relating to prohibited hours in respect of licensed premises during the hours and on the occasion specified in the order;

‘special occasion’ means—

(a) (i) 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

(ii) the occasion of a private function,

in the premises in relation to which the special exemption 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,

(b) the occasion of a dance that is held in a ballroom licensed under the Public Dance Halls Acts 1935 to 2003 and forming part of the premises in relation to which the special exemption order is sought, or

(c) the occasion of a dance that is held in such a ballroom on a day that, in the opinion of the Court, is a day of special festivity generally or in the locality in which the premises are situated.

(2) A special exemption order shall not be granted unless the applicant therefor has, not less than forty-eight hours before making the application, served upon the officer in charge of the Garda Síochána for the licensing area concerned a notice of intention to apply for the order, setting out the applicant’s name and address and the special occasion, premises and hours in relation to which the order is sought.

(3) The District Court may make a special exemption order if it thinks fit to do so, having heard the officer in charge of the Garda Síochána for the licensing area concerned and having

[No. 31.] *Intoxicating Liquor Act 2003.* [2003.]

Pt.3 S.11

had regard to the terms of any resolution adopted by a local authority pursuant to subsection (7) of this section in relation to the expiry times of such orders.

(4) A special exemption order—

(a) shall contain the following conditions:

- (i) that intoxicating liquor shall not be sold at the event, function or dance 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 intoxicating liquor is being supplied or consumed pursuant to the order, and
- (iii) that the event, function or dance is held in compliance with the relevant provisions of the definition of special occasion in subsection (1) of this section,

and

(b) may contain such other conditions as the Court thinks proper, including, as appropriate, a requirement to install a closed circuit television system.

(5) A special exemption order shall expire—

(a) in case it extends to any Monday that is not a public holiday, at 1.00 a.m., or

(b) in any other case, at 2.30 a.m.,

unless the Court, for stated reasons, considers it expedient to grant the order for a shorter period.

(6) The Court shall not grant a special exemption order in respect of any premises unless it is satisfied that the special occasion will be conducted in a manner that will not cause undue inconvenience or nuisance to persons residing in the locality or create an undue risk to public order therein.

(7) (a) A local authority may adopt a resolution concerning the expiry times referred to in subsection (5) of this section in respect of the whole or a specified part of its administrative area and may by resolution amend or rescind such a resolution.

(b) Such a resolution shall not have effect unless—

- (i) at least one month's notice of 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,
- (ii) the notice and expiry times have been published in at least two newspapers circulating in the

[2003.] *Intoxicating Liquor Act 2003.* [No. 31.]

area to which the proposed resolution relates, Pt.3 S.11
and

- (iii) the notice invites interested parties to submit their views on the proposed resolution.
- (c) Before any such resolution is adopted the local authority shall consult with the officer in charge of the Garda Síochána for the licensing area concerned and consider any views submitted by that officer and any other persons, including views in relation to any health aspects of the making of a special exemption order.
- (d) The local authority shall cause notice of the adoption of such a resolution to be published in at least two newspapers circulating in the area to which the resolution relates and send a copy of the resolution to the district court clerk for the district court district in which is situated the area to which the resolution relates.
- (e) In any proceedings evidence of the passing of such a resolution may be given by the production of a copy of a newspaper containing the notice referred to in paragraph (d) of this subsection or by the production of a certificate to that effect purporting to be under the seal of the local authority concerned.

(8) Any person to whom a special exemption order has been granted shall, if and so long as the person complies with the conditions upon which it has been granted, be exempt during the hours and on the special occasion specified in the order from any penalty for contravention of the provisions of this Act relating to prohibited hours in respect of the premises to which the order relates but not from any other penalty under this or any other Act.

(9) Special exemption orders shall not be made in respect of more than twelve days in a year for any dance referred to in paragraph (c) of the definition of “special occasion” in subsection (1).”.

12.—(1) Section 7 (drinking-up time) of the Act of 1962 is amended by the insertion of the following subsections:

Prohibition of
entertainment
during drinking-up
time.

“(3) A licensee shall not provide or permit entertainment to be provided during the period of thirty minutes referred to in subsections (1) and (2).

(4) Any licensee who contravenes subsection (3) is guilty of an offence under this section and liable on summary conviction to a fine not exceeding—

(a) for a first offence, €1,500, or

(b) for a second or any subsequent offence, €2,000.”.

(2) The reference in *subsection (1)* to section 7 of the Intoxicating Liquor Act 1962 is to that section as amended by section 27 of the Intoxicating Liquor Act 1988 and section 8 of the Intoxicating Liquor Act 2000.

[No. 31.] *Intoxicating Liquor Act 2003.* [2003.]

Pt.3

Provision of
intoxicating liquor
for persons under
18 years.

13.—The Act of 1988 is amended by the substitution of the following section for section 32:

“Provision of
intoxicating liquor
for persons under
the age of 18 years.

32.—(1) Subject to subsection (2) of this section, a person (other than the holder of a licence of licensed premises) shall not—

(a) purchase intoxicating liquor for delivery to, or consumption by, a person under the age of 18 years, or

(b) deliver intoxicating liquor to such a person.

(2) It shall not be unlawful for a person (other than the holder of a licence of licensed premises) to purchase or deliver intoxicating liquor for consumption by a person under the age of 18 years in a private residence with the explicit consent of that person’s parent or guardian.

(3) A person shall not send a person under the age of 18 years to any place where intoxicating liquor is sold, delivered or distributed for the purpose of obtaining intoxicating liquor.

(4) A person who contravenes subsection (1) or (3) of this section is guilty of an offence and liable on summary conviction to a fine not exceeding—

(a) for a first offence, €1,500, or

(b) for a second or any subsequent offence, €2,000.”.

Restrictions on
presence in bars of
persons under 18
years.

14.—The Act of 1988 is amended by the substitution of the following section for section 34:

“Restriction on
presence in bars of
persons under 18
years.

34.—(1) The holder of a licence of licensed premises shall not, subject to subsections (2) to (4) of this section, allow a person under the age of 18 years to be in the bar of the licensed premises at any time.

(2) (a) It shall not be unlawful for such a holder to allow a child who is accompanied by his or her parent or guardian to be in the bar of the licensed premises between 10.30 a.m. (12.30 p.m. on a Sunday) and 9.00 p.m.

(b) Paragraph (a) of this subsection does not apply in relation to a child where it appears to the holder that the child’s presence in the bar could reasonably be

[2003.]

Intoxicating Liquor Act 2003.

[No. 31.]

regarded as injurious to his or her health, safety or welfare. Pt.3 S.14

(3) It shall not be unlawful for such a holder to allow a person who is aged at least 15 years but under the age of 18 years to be in the bar between 10.30 a.m. (12.30 p.m. on Sundays) and 9.00 p.m.

(4) It shall not be unlawful for such a holder to allow a child who is accompanied by his or her parent or guardian or a person who is aged at least 15 years but under the age of 18 years to be in the bar on the occasion of a private function at which a substantial meal is served to persons attending the function.

(5) Subsection (1) of this section 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 38 of this Act.

(6) A person who contravenes subsection (1) of this section or causes or procures or attempts to cause or procure a person to go to or to be in the bar of licensed premises in contravention of that subsection is guilty of an offence under this section and liable on summary conviction to a fine not exceeding—

- (a) for a first offence, €300, or
- (b) for a second or any subsequent offence, €500.

(7) If a child is present in a bar at a time or in circumstances where the child's presence is not allowed under subsection (1) of this section, the parent or guardian of the child is guilty of an offence and liable on summary conviction to a fine not exceeding €300, unless he or she establishes that the child was so present—

- (a) without his or her knowledge or consent, or
- (b) in the circumstances specified in subsection (5).

(8) In any proceedings against the holder of a licence of licensed premises for a contravention of subsection (1) of this section it shall be a defence to prove that the holder used all due diligence to prevent the person concerned from being admitted to or remaining in the bar.”.

Production of evidence of age by persons between 18 and 21 years.

15.—The Act of 1988 is amended by inserting the following section after section 34:

“Production of evidence of age by persons between 18 and 21 years.

34A.—(1) The holder of a licence of any licensed premises shall not allow a person who is aged at least 18 years but under the age of 21 years to be in the bar of those premises between 9.00 p.m. and 10.30 a.m. on the following day (12.30 p.m. if the following day is a Sunday) if the person does not produce an age document to the holder.

(2) For the purposes of subsection (1) of this section ‘age document’ means a document containing a photograph of the person in respect of whom it was issued and information that enables the age of the person to be determined and being one of the following documents relating to a person referred to in that subsection:

- (a) an age card referred to in section 40 of this Act,
- (b) a passport,
- (c) an identity card issued by a member state of the European Communities,
- (d) a driver licence, or
- (e) a document issued by a body, and in a form, prescribed by regulations made by the Minister.

(3) A person referred to in subsection (1) of this section shall not be in the bar of licensed premises between the times referred to in that subsection while not having with him or her an age document.

(4) A person who contravenes subsection (1) of this section is guilty of an offence under this section and liable on summary conviction to a fine not exceeding—

- (a) for a first offence, €1,500, or
- (b) for a second or any subsequent offence, €2,000.

(5) A person who contravenes subsection (3) of this section is guilty of an offence and liable on summary conviction to a fine not exceeding €300.”.

16.—The Act of 1988 is amended—

Pt.3

Further
amendments of Act
of 1988.

(a) in section 31(2), by the substitution, for “other than a private residence”, of “except with the explicit consent of the person’s parent or guardian in a private residence in which he or she is present either as of right or with permission”,

(b) in section 33,

(i) by the substitution of the following paragraph for paragraph (b) of subsection (1):

“(b) consume intoxicating liquor in any place, except with the explicit consent of the person’s parent or guardian in a private residence in which he or she is present either as of right or with permission, or”,

and

(ii) by the substitution of the following subsections for subsection (2):

“(1A) Subject to subsection (1B), a person who is aged at least 15 years but under the age of 18 years shall not be in the bar of licensed premises after 9.00 p.m. and before 10.30 a.m. on the following day (12.30 p.m. if the following day is a Sunday).

(1B) It shall not be unlawful for a person who is aged at least 15 years but under the age of 18 years to be in the bar of licensed premises on the occasion of a private function at which a substantial meal is served to persons attending the function.

(2) A person who contravenes subsection (1) or (1A) of this section is guilty of an offence and liable on summary conviction to a fine not exceeding €100.”,

and

(c) in section 36A (inserted by section 13 of the Act of 2000), by the insertion of the following subsection after subsection (8):

“(8A) The holder of a licence who contravenes subsection (8) is guilty of an offence and liable on summary conviction to a fine not exceeding—

(a) for a first offence, €300, or

(b) for a second or any subsequent offence, €500.”.

17.—(1) In this section “place” means—

Consumption of
intoxicating liquor
near licensed
premises or in an
off-licence.

(a) any premises (other than the licensed premises of a licensee) owned or controlled by the licensee or used with the licensee’s permission, and

(b) any public place.

[No. 31.] *Intoxicating Liquor Act 2003.* [2003.]

PT.3 S.17

(2) A licensee is guilty of an offence if, with the licensee's privity or consent, intoxicating liquor supplied by the licensee in a closed container for consumption off the premises is consumed in a place which is within 100 metres of those premises.

(3) A licensee is guilty of an offence if, with intent to evade the conditions of the licence, the licensee—

(a) takes intoxicating liquor 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) permits any person so to take intoxicating liquor.

(4) On summary conviction of an offence under *subsection (2)* or (3) a licensee is liable—

(a) for a first offence, to a fine not exceeding €1,500, and

(b) for any subsequent offence, €2,000.

(5) Any person who consumes any intoxicating liquor supplied by the licensee in a closed container for consumption off the licensed premises in a place which is within 100 metres of those premises is guilty of an offence and liable on summary conviction to a fine not exceeding €300.

(6) If in any proceedings for an offence under *subsection (3)* it is proved that the premises to which the intoxicating liquor was taken were owned or controlled by the licensee or used with the licensee's permission the burden of proving that the licensee did not intend to evade the conditions of the licence shall lie on the licensee.

(7) (a) References in this subsection to a licence are to a licence which authorises the sale of intoxicating liquor only for consumption off the licensed premises.

(b) A holder of any such licence who permits intoxicating liquor purchased from the licensee to be consumed on the licensed premises is guilty of an offence and liable on summary conviction to a fine not exceeding—

(i) for a first offence, €1,500, or

(ii) for a second or any subsequent offence, €2,000.

(c) Any person who consumes on such licensed premises intoxicating liquor purchased from the licensee is guilty of an offence and liable on summary conviction to a fine not exceeding €300.

Entry, inspection, etc. of licensed premises by member of Garda Síochána.

18.—(1) Any member of the Garda Síochána, whether in uniform or not, may enter without a warrant any licensed premises at any time and there make such inspection, examination, observation and enquiry as he or she may think proper for the prevention or detection of offences under the Acts or this Act.

(2) Any person who—

(a) prevents or attempts to prevent a member of the Garda Síochána from exercising the power conferred by *subsection (1)*, or

[2003.] *Intoxicating Liquor Act* 2003. [No. 31.]

- (b) obstructs or attempts to obstruct any such member in the exercise of that power, Pt.3 S.18

is guilty of an offence and liable on summary conviction to a fine not exceeding—

- (i) for a first offence, €1,500, or
(ii) for a second or any subsequent offence, €2,000.

PART 4

MISCELLANEOUS

19.—(1) In this section—

“Act of 2000” means the Equal Status Act 2000;

“Authority” means the Equality Authority;

“Court” means the District Court;

“discrimination” means discrimination within the meaning of the Act of 2000, but does not include discrimination in relation to—

- (a) the provision of accommodation or any services or amenities related to accommodation, or
(b) ceasing to provide accommodation or any such services or amenities;

“prohibited conduct” means discrimination against, or sexual harassment or harassment of, or permitting the sexual harassment or harassment of a person in contravention of Part II (Discrimination and Related Activities) of the Act of 2000 on, or at the point of entry to, licensed premises.

(2) A person who claims that prohibited conduct has been directed against him or her on, or at the point of entry to, licensed premises may apply to the District Court for redress.

(3) On such an application the Court may, if satisfied that the applicant is entitled to redress, make such order as it considers appropriate in the circumstances, including one or more of the following orders:

- (a) an order for compensation for the effects of the prohibited conduct to be paid to the applicant by the licensee,
(b) an order that the licensee of the licensed premises concerned take a course of action specified in the order,
(c) an order for temporary closure of the premises in accordance with *section 9*, which section shall have effect, with the necessary modifications, in relation to the order.

(4) The maximum amount which may be ordered under *subsection (3)(a)* by way of compensation is the maximum amount that can be awarded by the District Court in civil cases in contract.

(5) An order under this section may, if the Court thinks fit, include a statement of the reasons for its decision and shall, if any of the parties so requests, include such a statement.

Jurisdiction of District Court in cases of prohibited conduct on licensed premises.

[No. 31.] *Intoxicating Liquor Act* 2003. [2003.]

PT.4 S.19

(6) (a) Where it appears to the Authority that prohibited conduct—

(i) is being generally directed against persons, or

(ii) has been directed against a person who has not applied to the District Court for redress and who could not reasonably be expected to do so,

the Authority may apply to the Court for redress in respect of the prohibited conduct concerned.

(b) The Court shall deal with any such application in the same manner and to the same extent as if—

(i) it had been made under *subsection (2)*, and

(ii) the Authority were the applicant and the person alleged to have engaged in the prohibited conduct were the respondent.

(c) Any order for compensation made by the Court on the application shall not be made in favour of the Authority.

(7) (a) A person who considers that prohibited conduct has been directed against him or her on, or at the point of entry to, licensed premises may request the Authority for assistance in applying to the Court for redress.

(b) Where—

(i) the Authority is satisfied that the case to which the request relates raises an important matter of principle, or

(ii) it appears to it that it is not reasonable to expect the person making the request adequately to present the case before the Court without assistance,

the Authority may, and at any stage, provide such assistance to the person in such form as it thinks fit.

(c) Any function of the Authority under this section may be exercised by an officer of the Authority to whom the function is delegated and any such delegation may specify criteria or other guidelines by reference to which the Authority considers that the delegated function should be exercised.

(8) An appeal to the High Court shall lie from an order of the Circuit Court on an appeal against the District Court's decision on an application for redress, but only on a point of law.

(9) (a) Anything done in the course of a person's employment shall, in any proceedings under this section, be treated for the purposes of this section as done also by the person's employer, whether or not it was done with the employer's knowledge or approval.

(b) Anything done by a person as agent for another person, with the authority (whether express or implied and whether precedent or subsequent) of that other person

shall, in any such proceedings, be treated for the purposes of this section as done also by that other person. Pt.4 S.19

- (c) In any such proceedings against an employer in respect of an act alleged to have been done by an employee of the employer it shall be a defence for the employer to prove that the employer took such steps as were reasonably practicable to prevent the employee—
- (i) from doing the act, or
 - (ii) from doing in the course of the employment acts of that description.

(10) Where an order has been made under *subsection (3)*, any person may make an objection, related to the prohibited conduct concerned, to the renewal of the licence of the licensed premises, and section 4 of the Courts (No. 2) Act 1986 is to be construed accordingly.

- (11) (a) The Act of 2000 shall cease to apply in relation to prohibited conduct occurring on, or at the point of entry to, licensed premises on or after the commencement of this section.
- (b) Claims relating to prohibited conduct so occurring before such commencement shall be dealt with as if this Act had not been passed.

20.—(1) A licensee shall not supply intoxicating liquor on the licensed premises at a reduced price during a limited period on any day. Prohibition on supply of intoxicating liquor at reduced price.

(2) In *subsection (1)*, “reduced price” means a price less than that regularly being charged for the intoxicating liquor during an earlier period after 10.30 a.m. (12.30 p.m. on a Sunday) on the day concerned.

(3) A person who contravenes *subsection (1)* is guilty of an offence under this section and liable on summary conviction to a fine not exceeding—

- (a) for a first offence, €1,500, or
- (b) for a second or any subsequent offence, €2,000.

21.—(1) In this section—

Licences to national sporting arenas.

“designated national sporting arena” means a major arena or stadium used primarily for sport which is designated as a national sporting arena in regulations made by the Minister under this section;

“event” means an event, whether of a sporting or non-sporting nature, which is held at a designated national sporting arena and 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 is held at a designated national sporting arena but does not involve the use of the playing area or pitch;

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

[No. 31.] *Intoxicating Liquor Act 2003.* [2003.]

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

(2) The Minister may issue to the owner or owners of a designated national sporting arena a certificate approving of the issue of a licence in respect of the arena.

(3) The Revenue Commissioners shall, subject to *subsections (5) and (6)*—

(a) on presentation of the certificate, issue a licence for the sale of intoxicating liquor in respect of the designated national sporting arena concerned, and

(b) renew a licence so issued.

(4) Notwithstanding anything contained in the Acts, a licence issued or renewed under this section shall operate to authorise the sale of intoxicating liquor—

(a) to persons attending an event in the designated national sporting arena concerned 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 and ending one hour after its conclusion, and

(b) subject to section 2 of the Act of 1927, to persons attending a function in such an arena for consumption in prescribed areas thereof.

(5) There shall be charged, levied and paid on every licence issued pursuant to this section, and on its due renewal, a duty of excise of €250.

(6) A licence shall not be issued or renewed by the Revenue Commissioners under this section unless a tax clearance certificate has been issued in relation to the licence or its renewal in accordance with section 1094 of the Taxes Consolidation Act 1997.

(7) (a) The definition of “licence” in section 1094(1), as amended, of the said Act of 1997 is further amended—

(i) by the substitution of “1992,” for “1992, and” in paragraph (m) and of “1910, and” for “1910;” in paragraph (n), and

(ii) by insertion of the following paragraph after paragraph (n):

“(o) section 21 of the *Intoxicating Liquor Act 2003*;”.

(b) The definition of “specified date” in the said section 1094(1) is amended by the substitution of “(o)” for “(n)”.

(8) 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.

(9) The reference in *subsection (4)(b)* to section 2 of the Act of 1927 is to that section as amended by section 3 of the Act of 2000 and *section 10*.

[2003.] *Intoxicating Liquor Act 2003.* [No. 31.]

22.—(1) Without prejudice to *section 20*, regulations made by the Minister may make provision in relation to the following matters: Pt.4 Regulations.

- (a) prohibiting or restricting a licensee from doing or permitting, for the purposes of promoting the licensee's business or any event or activity taking place on the licensed premises, anything that is intended or likely to encourage persons on those premises to consume intoxicating liquor to an excessive extent, and
- (b) particulars, to be affixed to any container in which intoxicating liquor is sold for consumption off licensed premises, which are adequate to enable the licensee and licensed premises concerned to be identified.

(2) The regulations may provide that any licensee who contravenes any of their provisions is guilty of an offence and liable on summary conviction to a fine not exceeding—

- (a) for a first offence, €1,500, or
- (b) for a second or subsequent offence, €2,000.

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

23.—(1) *Part 2, sections 12, 18, 19 and 22 and section 34A* (inserted by *section 15*) of the Act of 1988 shall apply in relation to a club registered under the *Registration of Clubs Acts 1904 to 2003*, as if references in those provisions to a licensee and to licensed premises were references to the secretary of such a club and to that club's premises and with any other necessary modifications. Application of this Act to registered clubs.

(2) When considering the grant of an authorisation under section 21 (authorisation for extension of club hours) of the Act of 1924, as amended by section 8 of the Act of 1962, the District Court shall have regard to the terms of any resolution adopted by a local authority under subsection (7) of section 5 (as substituted by *section 11*) of the Act of 1927.

24.—The jurisdiction of the District Court and Circuit Court under *section 9 or 19* shall be exercised by the judge for the time being assigned— Exercise of jurisdiction.

- (a) in the case of the District Court, to the district court district, and
- (b) in the case of the Circuit Court, to the circuit,

in which the relevant licensed premises are situated.

25.—Section 15 of the Equal Status Act 2000 is amended by the addition of the following subsections: Amendment of section 15 of Equal Status Act 2000.

“(3) (a) This subsection applies to the option given under subsection (2), (3) or (4) of section 34 of the Intoxicating Liquor Act 1988 to the holder of a licence of any

[No. 31.] *Intoxicating Liquor Act 2003.* [2003.]

licensed premises to allow a person under 18 to be in the bar of those premises at the times, or in the circumstances, specified in those subsections.

- (b) The non-exercise of the option to which this subsection applies shall not of itself constitute discrimination.
- (c) The reference in paragraph (a) to section 34 is to that section as substituted by *section 14* of the *Intoxicating Liquor Act 2003*.

(4) If—

- (a) the holder of a licence or other authorisation which permits the sale of intoxicating liquor adopts a policy of refusing to supply intoxicating liquor to any person below a specified age which exceeds 18 years,
- (b) a notice setting out the policy is displayed in a conspicuous place in or on the exterior of the premises, and
- (c) the policy is implemented in good faith,

a refusal to serve intoxicating liquor to such a person shall not constitute discrimination on the age ground.

(5) Subsections (3) and (4) are without prejudice to subsections (1) and (2).”.



[Click here for Act](#)

INTOXICATING LIQUOR ACT 2003

EXPLANATORY MEMORANDUM

[This memorandum is not part of the Act and does not purport to be a legal interpretation.]

General

The primary purpose of the Act is to amend the Licensing Acts 1833 to 2003 in order to respond to certain recommendations of the Commission on Liquor Licensing set out in the Report on Admission and Service in Licensed Premises (December 2002) and the Final Report (April 2003), and to concerns outlined in the Interim Report of the Strategic Task Force on Alcohol (May 2002). Also relevant in this context is the special initiative on tackling alcohol misuse set out in chapter 2 of *Sustaining Progress* (Social Partnership Agreement 2003-2005).

The Commission on Liquor Licensing, which was established in late 2000 and completed its work in March 2003, was charged with reviewing the liquor licensing system. It submitted four reports containing over 130 recommendations:

- (a) Interim Report on Off-Licensing (May 2001);
- (b) Second Interim Report (July 2002);
- (c) Report on Admission and Service in Licensed Premises (December 2002);
- (d) Final Report (April 2003).

This Act is mainly concerned with combating drunkenness and disorderly conduct as well as addressing the problems of underage and binge drinking. This package of urgent reforms is intended to improve compliance with, and enforcement of, the intoxicating liquor code. Other reforms recommended by the Commission on Liquor Licensing, including far-reaching structural reform of the licensing system, will be addressed in the codification of the entire liquor licensing code which has also been recommended by the Commission. It is intended that an outline of the codification Bill will be available by mid-2004.

The main provisions of the Act are as follows:

- *Sections 4 to 6*: Provisions relating to the sale and supply of intoxicating liquor to drunken persons and drunkenness on licensed premises.

- *Sections 7 and 8:* Duty on licensees to preserve order and prevention of disorderly conduct on licensed premises.
- *Section 9:* Temporary closure of premises in relation to certain offences.
- *Section 10:* Amendment of prohibited hours on Thursdays.
- *Section 11:* Revised provisions relating to special exemption orders, including a role for local authorities in determining the duration of such orders in their areas.
- *Section 12:* Prohibition of entertainment during drinking-up time.
- *Sections 13 to 16:* Provision of intoxicating liquor to persons under 18; restrictions on persons under 18 in bars of licensed premises; production of evidence of age by persons between 18 and 21; further consequential amendments of the Intoxicating Liquor Act 1988.
- *Section 17:* Consumption of intoxicating liquor in the vicinity of licensed premises or in an off-licence.
- *Section 18:* Entry, inspection, etc., of licensed premises by members of Garda Síochána.
- *Section 19:* Jurisdiction of the District Court in cases of prohibited conduct on licensed premises. This involves a transfer of jurisdiction from the Equality Tribunal (ODEI) in such cases.
- *Section 20:* Prohibition on supply of intoxicating liquor at reduced price.
- *Section 21:* Licences to national sporting areas. This provides that the Minister for Arts, Sport and Tourism may issue certificates to national sporting arenas, designated by regulations, to obtain an intoxicating liquor licence, subject to certain conditions.
- *Section 22:* Provision for ministerial regulations in relation to prohibiting or restricting practices likely to encourage excessive consumption of alcohol, and the particulars to be affixed to containers in which intoxicating liquor is sold for consumption off the premises.
- *Section 23:* Application of the Act to registered clubs.
- *Section 24:* Exercise of jurisdiction (determined by location of the licensed premises).
- *Section 25:* Amendment of section 15 of Equal Status Act 2000.

Preliminary and general

Section 1 contains the short title, collective citations, construction and commencement provisions. These are standard provisions in legislation of this type.

Section 2 contains relevant definitions. The definition of “bar” is similar to that in the Intoxicating Liquor Act 1988. The definition is important because a distinction is made in sections of the Act between licensed premises and the bar of licensed premises. Where

admission to the bar is prohibited, access to other parts of the premises is not affected, e.g. in certain cases a dining room.

The section also contains important definitions of “drunken person” and “disorderly conduct”. The former is similar to that in section 4(1) of the Criminal Justice (Public Order) Act 1994 which provides that it shall be an offence for any person to be present in any public place while intoxicated to such an extent as would give rise to a reasonable apprehension that the person might endanger themselves or any other person in the vicinity. The definition of “disorderly conduct” takes account of recommendations of the Commission on Liquor Licensing in its Report on Admission and Service in Licensed Premises.

Section 3 repeals a number of provisions that are replaced in the Act.

Conduct on licensed premises

The provisions set out in *Part 2* of the Act update the law in relation to conduct on licensed premises. *Sections 4, 5* and *6* deal with drunken persons and drunkenness, while *sections 7* and *8* deal with disorderly conduct. They replace provisions in the Refreshment Houses (Ireland) Act 1860 and the Licensing Act 1872.

Section 4 prohibits the supply of intoxicating liquor to drunken persons by licensees, as well as drunkenness in the bar of licensed premises. It provides that a licensee shall not admit a drunken person to the bar, and that where a person is drunk on leaving licensed premises, it shall be presumed that the person was drunk while on the premises until the contrary is proved. This section replaces and expands on provisions in sections 13 and 18 of the Licensing Act 1872 which are repealed.

Section 5 prohibits the supply of intoxicating liquor to drunken persons in licensed premises by a person other than the licensee.

Offences by drunken persons are set out in *section 6*. A drunken person shall leave licensed premises on being requested to do so by the licensee or by a Garda. Moreover, such a person shall not seek entry to the bar of any licensed premises (access to a restaurant or other facilities within a hotel will not be affected). A Garda power of arrest is also included.

Section 7 places a duty on licensees to preserve order on licensed premises, while *section 8* prohibits disorderly conduct on such premises. A person engaging in disorderly conduct must leave the premises on being requested to do so by the licensee or a member of the Gardaí and shall not re-enter the bar of the premises within a period of 24 hours. A Garda power of arrest is included. The section also provides that a licensee may refuse admission to a person convicted of an offence under the section where such admission could reasonably be regarded as involving a substantial risk that the person would engage in disorderly conduct.

Section 9 extends the temporary closure of premises penalty to include offences under several sections, including *section 4* (supplying intoxicating liquor to drunken persons and permitting drunkenness) and *section 7* (duty of licensee to preserve order). While temporary closure will be mandatory in cases of conviction, the District Court will retain a margin of discretion with regard to the duration of the closure period. This penalty is confined under existing legislative provisions to convictions for underage drinking.

Other amendments of Intoxicating Liquor Acts

Part 3 contains amendments to existing legislative provisions, including those relating to persons under the age of 18 years set out in Part IV of the Intoxicating Liquor Act 1988.

Section 10 provides that Thursday night closing time will revert to 11.30 p.m. (instead of 12.30 a.m.). The Commission on Liquor Licensing has recommended this change and it is also in line with the recommendations of the Strategic Task Force on Alcohol.

Section 11 replaces section 5 of the Act of 1927 which makes provision for the grant of special exemption orders. It provides for a local authority role in determining the duration of special exemption orders in its administrative area. The District Court will retain discretion in granting such orders but shall have regard to any resolution adopted by a local authority in the area in which the premises are located. The local authority must consult with the Gardai and consider the views submitted by the Gardai and any other person, including views on health aspects, in advance of adopting any resolution. The grounds on which objections to the grant of such orders may be made are extended to include undue inconvenience or nuisance to persons residing in the locality or an undue risk to public order in the locality. These changes are in line with the views of the Commission on Liquor Licensing and the Strategic Task Force on Alcohol.

Section 12 prohibits the provision of entertainment during the 30 minutes drinking-up time that is permitted under existing provisions. Section 4(2) of the Public Dance Halls Act 1935 which permits dancing during the 30 minute period following expiry of a special exemption order is repealed. The Commission on Liquor Licensing has recommended this change in order to ensure that the original purpose of allowing an orderly clearing of premises is not defeated.

Section 13 substitutes a new section for section 32 of the 1988 Act. It prohibits the purchase of alcohol for, or delivery to, persons under the age of 18 by persons other than licensees. The law in relation to licensees is set out in section 31 of the 1988 Act. However, the purchase or delivery of intoxicating liquor for consumption by a person under 18 in a private residence where a parent or guardian has given explicit consent shall not be unlawful.

Section 14 substitutes a new section for section 34 of the 1988 Act. It prohibits persons under 18 from bars of licensed premises. Under subsection (2), a licensee may, however, permit a child (under 15) to be in the bar if accompanied by a parent or guardian but not after 9.00 p.m. This discretion does not apply where it appears to the licensee that the child's presence in the bar could reasonably be regarded as injurious to the child's health, safety or welfare. Under subsection (3), a licensee may permit a person aged 15 to 17 to be in the bar unaccompanied by a parent or guardian but not after 9.00 p.m. Subsection (4) permits a licensee to allow a child accompanied by a parent or guardian or a person aged 15 to 17 to be in the bar after 9.00 p.m. on the occasion of a private function at which a substantial meal is served to persons attending the function, e.g. a wedding reception. The existing provision in section 35 of the 1988 Act which prohibits persons under 18 from being in the bar where an exemption order is in force remains unchanged. Subsection (5) contains a number of exemptions to the general prohibition. The remaining subsections are broadly similar to existing provisions in section 34 of the 1988 Act.

Section 15 introduces an entirely new provision and inserts a new section in the 1988 Act (a new section 34A). It requires that persons aged 18 to 20 carry an “age document” in order to be in the bar of licensed premises after 9.00 p.m. An age document may be one of the following: a Garda age card; passport; identity card of a member state of the European Communities; driver’s licence; a document prescribed in regulations to be made by the Minister. An age document is not required in order to gain access to other parts of the premises. This new obligation to produce an age document in order to gain admission to bars is intended to assist licensees in complying with provisions relating to underage consumption of alcohol and to assist Gardaí in enforcing the law.

Arising from the preceding changes, *section 16* contains a number of further amendments to the 1988 Act. It amends sections 31(2) and 33(1) to make it clear that the consumption of intoxicating liquor by a person under 18 in a private residence is conditional on the explicit consent of that person’s parent or guardian. Secondly, it makes it an offence for persons aged 15 to 17 to be in bars of licensed premises after 9.00 p.m. unless attending a private function at which a substantial meal is served to persons attending the function. Finally, it amends the existing temporary closure order provision (section 36A of the 1988 Act as inserted by the Intoxicating Liquor Act 2000) in order to make it an offence not to affix a conspicuous notice giving details of the closure order as required by that provision.

Section 17 contains provisions dealing with the consumption of intoxicating liquor purchased for consumption off the premises and, for this purpose, updates and replaces section 13 of the Intoxicating Liquor (General) Act 1924.

This section provides that a licensee shall be guilty of an offence if, with the licensee’s privity or consent, intoxicating liquor supplied by the licensee in a closed container for consumption off the premises is consumed in another premises owned or controlled by the licensee or in a public place within 100 metres of the licensed premises (this limit of 100 metres is also referred to in the Criminal Justice (Public Order) Act 2003). The person who consumes such intoxicating liquor shall also be guilty of an offence. The section also restates the existing prohibition on the consumption of intoxicating liquor in an off-licence.

Section 18 is intended to permit any member of the Gardaí, whether in uniform or not, to enforce the licensing laws. This has been recommended by the Commission on Liquor Licensing.

Miscellaneous

Part 4 deals with a number of miscellaneous matters, including a transfer of jurisdiction from the Equality Tribunal to the District Court and a prohibition on the supply of intoxicating liquor at reduced prices.

Section 19 provides that a person who claims that prohibited conduct has been directed against him or her on, or at the point of entry to, licensed premises may seek redress before the District Court. For this purpose, prohibited conduct is defined as discrimination against, or sexual harassment or harassment, of a person contrary to Part II of the Equal Status Act 2000 on, or at the point of entry to, licensed premises. The means of redress currently available under the Equal Status Act are extended to include temporary closure of the premises concerned. Where the District Court is satisfied that a person is entitled to redress and makes such an order, a person may object to the renewal of the licence of the premises concerned.

Provision is made in section 19 for the Equality Authority to apply to the District Court for redress in certain cases (subsection (6)), and the Authority may also provide assistance to persons applying to the courts for redress (subsection (7)).

Section 20 prohibits the supply of intoxicating liquor at a reduced price during a limited period after 10.30 a.m. on any day, e.g. “happy hours”. This is intended to discourage practices which may lead to excessive consumption of intoxicating liquor. It is not intended to prohibit retail practices such as “sales” or product promotions over a number of days.

Section 21 will allow limited and controlled sale of alcohol at both sporting and non-sporting events in designated areas of national sporting arenas and will regularise the licensing position of these arenas. The Minister for Arts, Sport and Tourism may designate by means of regulation certain national sporting arenas. Such designated venues may then apply to the Minister for a certificate which will enable them to secure a licence for the sale and consumption of intoxicating liquor in designated areas of the arena.

Section 22 provides for the making of regulations to prohibit or restrict licensees from engaging in promotional practices that are intended or likely to encourage persons to consume alcohol to an excessive extent and, secondly, to specify particulars to be affixed to any container in which intoxicating liquor is sold for consumption off the premises which enable the licensee and the licensed premises concerned to be identified.

As regards the former, the Commission on Liquor Licensing recommended that promotional practices that are conducive to or likely to result in excessive consumption of alcohol should be prohibited by law. This view is supported by the Strategic Task Force on Alcohol.

As regards labelling requirements, section 17 of the Intoxicating Liquor Act 2000 provides that the name of the owner, and the address, of premises shall be clearly indicated on a label to be affixed to any container in which intoxicating liquor is sold for consumption off the premises. This section has not been commenced and is now repealed.

Implementation of these provisions by means of regulations is intended to avoid any later challenge to the legislation on the grounds that proper procedures had not been followed. It is intended to notify the European Commission of proposed regulations under this section in accordance with the so-called Technical Standards or Transparency Directives (Directives 98/34/EC and 98/48/EC). These Directives are intended to enable the European Commission and the member states to examine in advance proposed national technical rules in the interests of transparency and the smooth functioning of the internal market.

Section 23 deals with the application of the Act’s provisions to registered clubs. Sections that amend, or replace, existing sections in the Intoxicating Liquor Act 1988 already apply to registered clubs by virtue of section 16 of the Intoxicating Liquor Act 2000.

Section 24 determines the exercise of jurisdiction by the courts in relation to *sections 9* and *19*.

Section 25 contains two amendments to the Equal Status Act 2000. The first amendment safeguards the discretion of licensees in relation

to the presence of persons under the age of 18 in bars of licensed premises (section 34 of the Intoxicating Liquor Act 1988 as substituted by *section 14* of this Act). This is in line with recommendations of the Commission on Liquor Licensing and the Strategic Task Force on Alcohol. The second amendment provides that a licensee may set a minimum age for the sale and consumption of alcohol which is above the statutory minimum of 18 as long as the policy is publicly displayed and is implemented in a non-discriminatory manner.

*An Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí,
Iúil, 2003.*