



STATUTORY INSTRUMENTS.

S.I. No. 566 of 2018



DISTRICT COURT (INTOXICATING LIQUOR) RULES 2018

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DISTRICT COURT (INTOXICATING LIQUOR) RULES 2018

1. (1) These Rules, which shall come into operation on the 9th day of January 2019, may be cited as the District Court (Intoxicating Liquor) Rules 2018.

(2) These Rules shall be construed together with the District Court Rules 1997 (S.I. No. 93 of 1997) and all other District Court Rules.

(3) The District Court Rules as amended by these Rules may be cited as the District Court Rules 1997 to 2018.

2. The District Court Rules 1997 (S.I. No. 93 of 1997) are amended:

(i) by the substitution for Order 68 of the Order set out in Schedule 1;

(ii) by the substitution for rule 2 of Order 72 and the notes following that rule of the following rule and notes respectively:

“[Prohibited premises and days]

†2. A general exemption order shall not be granted in respect of premises unless a general exemption order was in force in respect of the premises on 30 May 2008, or for any time on any Sunday, St. Patrick’s Day or Christmas Day.

*Intoxicating Liquor Act 1960 [Sec. 10].

†Intoxicating Liquor Act 1927 (Sec. 4(7) as amended by Intoxicating Liquor Act 2008 [Sec. 5] and Intoxicating Liquor (Amendment) Act 2018 [Sec. 2(c)]”, and

(iii) by the substitution for rule 3 of Order 76 and the note to that rule of the following rule and note respectively:

“[Prohibited days]

†3. An occasional licence shall not be granted in respect of Christmas Day.” and

“†Intoxicating Liquor Act 1962 (s. 11(5) as amended by Intoxicating Liquor Act 2000 (s. 10) and Intoxicating Liquor (Amendment) Act 2018 (s. 4(a)).”

3. The forms numbered 68.5A and 68.11 in Schedule 2 shall be inserted into Schedule C to the District Court Rules 1997 (S.I. No. 93 of 1997), respectively, immediately following Form 68.5 and immediately following Form 68.10.

Schedule 1

“Order 68

Licensing Acts 1833 to 2018

— Certificates for spirit retailers’ licences, beer retailers’ licences, wine retailers’ licences, wholesale beer licences, producer’s retail licences;

— Declarations of fitness under section 15 of the Intoxicating Liquor Act 1960

[Venue — Off-licence applications]

1. (1) An application for the grant of a certificate entitling the applicant to receive an excise licence for the sale of intoxicating liquor for consumption off the premises or for a declaration as to the fitness and convenience of proposed licensed premises may be made at any sitting of the Court for the court area in which the premises or proposed premises for which the certificate or declaration is sought are situate.

[Forms of notice]

(2) Every such application shall be preceded by the issue and service of a notice in one of the Forms 68.1 to 68.5A, Schedule C, as the case may be, signed by the applicant or solicitor for the applicant.

[Service of notice]

(3) Such notice shall be served upon the Superintendent of the Garda Síochána within whose district the premises or proposed premises are situate at least 21 days before the date of hearing of the application.

[Newspaper notice for spirit, beer or wine retailer’s or producer’s application]

(4) Where the application is for the grant of a certificate entitling the applicant to receive a spirit retailer’s licence, a beer retailer’s licence, a wine retailer’s licence or a producer’s retail licence, the applicant shall, at least 21 days before the date of the hearing of the application, cause a notice of the intended application to be published in a newspaper circulating in the place in which the premises concerned are situate.

[Newspaper notice of application for declaration]

(5) Where the application is for a declaration that the premises would be fit and convenient to be licensed the applicant shall cause a notice of the intended application to be published at least 21 days before the date of the hearing of the application in a newspaper circulating in the place in which the premises concerned are situate.

[Lodgment of notice, newspaper, etc.]

(6) When service of the notice of application has been effected, the original of the notice, together with a statutory declaration as to service thereof, a copy of the newspaper (where required) and a plan of the premises shall be lodged with the Clerk at least ten days before the date of hearing of the application.

[Order of Court]

(7) Where the application is granted, the certificate or declaration shall be in accordance with one of the Forms 68.6 to 68.11, Schedule C, as the case may be.”

Schedule 2

SCHEDULE C

O.68, r.1(2)

No. 68.5A

INTOXICATING LIQUOR (BREWERIES AND DISTILLERIES) ACT
2018, Section 1

Notice of Application for a Certificate for a Producer’s Retail Off-Licence

District Court Area of

District No.

..... Applicant

TAKE NOTICE that of, being the holder of a relevant licence (within the meaning of section 1(11) of the Intoxicating Liquor (Breweries and Distilleries) Act 2018), namely a licence, issued on the ... day of 20... and remaining in force until the ... day of20..., and having in place in respect of the premises particularised below an appropriate mechanism in place to permit the sale of intoxicating liquor to persons who have completed a guided tour (within the meaning of section 1(11) of the said Act of 2018) of the said premises, namely, intends to apply to the Court at on the day of 20... at.....*a.m/*p.m. for a certificate, in respect of the premises situate at in court area and district afore-said, to hold a producer’s retail licence authorising the sale of intoxicating liquor for consumption off the said premises only.

Dated this day of 20....

Signed

Applicant or Solicitor for Applicant

To the Superintendent of the Garda Síochána,

At

To the District Court Clerk at

SCHEDULE C
O.68, r.1(7)

No. 68.11

INTOXICATING LIQUOR (BREWERIES AND DISTILLERIES) ACT
2018, Section 1

Certificate for a Producer’s Retail Off-Licence

District Court Area of

District No.

..... Applicant

THE COURT HEREBY GRANTS to of
..... this certificate to hold a PRODUCER’S RETAIL OFF-
LICENCE in respect of the premises situate at in court
area and district aforesaid, authorising the sale of intoxicating liquor for con-
sumption off the said premises only,

AND CERTIFIES AS FOLLOWS:—

1. To the character, conduct and fitness of the said
2. To the fitness and convenience of the said premises.
3. To the suitability of the said premises for the needs of persons residing in the neighbourhood.

Dated this day of 20....

Signed

Judge of the District Court

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Rules amend Order 68 of the District Court Rules to facilitate the operation of the Intoxicating Liquor (Breweries and Distilleries) Act 2018 and make amendments to rule 2 of Order 72 and rule 3 of Order 76 arising from the provisions of the Intoxicating Liquor (Amendment) Act 2018.

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