



STATUTORY INSTRUMENTS.

S.I. No. 652 of 2010



INTOXICATING LIQUOR ACT 1988 (AGE CARD) REGULATIONS
2010

(Prn. A10/1943)

INTOXICATING LIQUOR ACT 1988 (AGE CARD) REGULATIONS
2010

I, DERMOT AHERN, Minister for Justice and Law Reform, in exercise of the powers conferred on me by section 40 of the Intoxicating Liquor Act 1988 (No. 16 of 1988) (as adapted by the Justice, Equality and Law Reform (Alteration of Name of Department and Title of Minister) Order 2010 (S.I. No. 216 of 2010)), hereby make the following Regulations:

Citation and Commencement

1. (1) These Regulations may be cited as the Intoxicating Liquor Act 1988 (Age Card) Regulations 2010.

(2) These Regulations shall come into operation on the 1st day of January 2011.

Definitions

2. In these Regulations:

“age card” means a card issued under these Regulations;

“age card voucher” means a voucher to be used for the purpose of paying such fee or fees as may from time to time be charged in respect of the issue of an age card or, as the case may be, a replacement age card under these Regulations;

“applicant” means a person who makes an application for an age card or, as the case may be, a replacement age card under these Regulations;

“Commissioner” means the Commissioner of the Garda Síochána;

“Garda Síochána Community Relations Section” means the Garda Síochána Community Relations Section situated at Harcourt Square, Dublin 2;

“issuing body” has the meaning assigned to it by Regulation 5(1);

“online application service” means the online application service that is operated by the issuing body for the purpose of enabling a person to make an application for an age card, or as the case may be, a replacement age card on the Internet website—

(a) which is operated by the issuing body for the purpose of enabling a person to make an online application for an age card or, as the case may be, a replacement age card, and

(b) to which access is readily available to members of the public;

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“Iris Oifigiúil” of 4th January, 2011.*

“original card” means an age card issued to a person under the Regulations of 2007 or these Regulations prior to the date of an application being made by that person for an age card or, as the case may be, a replacement age card under these Regulations;

“Regulations of 2007” means the Intoxicating Liquor Act 1988 (Age Card) Regulations 2007 (S.I. No. 159 of 2007);

“replacement age card” means an age card to be issued in accordance with the provisions of Regulation 6.

Application

3. (1) A person who has attained the age of 18 years may make an application to the issuing body for an age card or, as the case may be, a replacement age card.

(2) An application under paragraph (1) may be made by the person-

(a) by providing the information set out at paragraph (4) directly to the issuing body through the online application service, or

(b) by presenting himself or herself in person to a member of the Garda Síochána at the Garda Síochána Station for the area in which the person normally resides and providing the information set out in paragraph (4) to the member for forwarding by the Garda Síochána to the issuing body in accordance with paragraph (5).

(3) A fee in the amount of €10 shall be charged in respect of the issue of an age card or replacement age card, and such fee shall be payable—

(a) in the case of an application made in accordance with subparagraph (a) of paragraph (2) by debit card, credit card or age card voucher, or

(b) in the case of an application made in accordance with subparagraph (b) of paragraph (2), by age card voucher.

(4) (a) The following information concerning the person making an application under paragraph (1) is required to be provided in the case of an application made in accordance with subparagraph (a) of paragraph (2) to the issuing body and in the case of an application made in accordance with subparagraph (b) of paragraph (2) to the member—

(i) his or her first name,

(ii) his or her surname,

(iii) the address at which he or she normally resides, and

(iv) in respect of the fee which is to be paid in accordance with paragraph (3)—

- (I) in the case of an application made in accordance with subparagraph (a) of paragraph (2), details of the debit card, credit card or unique serial number of the age card voucher by which the payment will be made, or
 - (II) in the case of an application made in accordance with subparagraph (b) of paragraph (2), the unique serial number of the age card voucher by which the payment will be made.
- (b) In addition to the information required to be provided under subparagraph (a), an applicant may choose to provide any or all of the following information to the issuing body or the member, as appropriate, to be used by the issuing body or Garda Síochána for the sole purpose of contacting the applicant in connection with his or her application:
- (i) his or her mobile or home phone number; and
 - (ii) his or her email address.
- (5) In the case of an application made in accordance with subparagraph (b) of paragraph (2), the information provided shall be—
- (a) verified by the signature of the person making the application in the presence of the member, and
 - (b) forwarded by the Garda Síochána to the issuing body as soon as practicable, together with the age card voucher to which the unique serial number provided relates.
- (6) As soon as practicable after it has received the information which is required to be provided pursuant to paragraph (4) and, if applicable, the age card voucher under paragraph (5), the issuing body shall use that information to complete a document ("official application form") in the form specified in the Schedule to these Regulations.
- (7) As soon as practicable after it has been prepared, the official application form shall be sent by the issuing body to the applicant at the address given by the applicant under paragraph (4)(a)(iii).
- (8) The information in the official application form shall be authenticated in accordance with Regulation 4.
- (9) Where the information in the official application form is not authenticated in accordance with Regulation 4, arrangements shall be made for the return to the applicant of the fee paid by him or her in accordance with paragraph (3).

Authentication

4. (1) The applicant shall present in person the official application form provided to him or her by the issuing body under paragraph (7) of Regulation 3 to a member of the Garda Síochána at the Garda Síochána station for the area in

which the applicant normally resides, sign the form in the presence of the member and provide to the member—

- (a) his or her—
 - (i) birth certificate,
 - (ii) valid passport, or
 - (iii) Garda National Immigration Bureau card,
- (b) at least one other document which confirms his or her identity, and
- (c) a recent passport size photograph of his or her head and shoulders.

(2) Where the applicant's name as entered on the official application form differs from that on the document provided under subparagraph (a) of paragraph (1) (in this Regulation referred to as the "name difference"), the applicant shall provide evidence to the member that he or she is commonly known by the name on the official application form.

(3) The following shall be acceptable as evidence for the purposes of paragraph (2):

- (a) where the name difference arises by reason of the adoption of the applicant in accordance with the laws of the State, a certified true copy of the entry in the Adopted Children Register or the register of intercountry adoptions, as appropriate,
 - (b) where the name difference arises by reason of the applicant having changed his or her name by deed poll, the original deed poll or a copy of the deed poll certified by a solicitor to be a true copy of the original, and
 - (c) where the name difference arises by reason of marriage, a certified true copy of the civil marriage certificate.
- (4) (a) Where the name difference arises by reason of a circumstance other than one specified at subparagraphs (a) to (c) of paragraph (3), any 2 of the following documents shall be acceptable as evidence for the purposes of paragraph (2):
- (i) an original driver's licence;
 - (ii) an original document issued by the Revenue Commissioners;
 - (iii) an original bank statement; or
 - (iv) any other document which complies with subparagraph (b),
- where the name to which that document relates corresponds to that used in the official application form.

- (b) A document referred to at 4(a)(iv) shall be acceptable as evidence for the purposes of subparagraph (a) of paragraph (4) where the member to whom the official application form is presented has reasonable grounds to believe the document can be relied upon to confirm that the applicant has been commonly known by the name on the official application form for at least two years before the date on which he or she made his or her application in accordance with paragraph (2) of Regulation 3.

(5) If the member to whom the official application form is presented is satisfied that—

- (a) the applicant has attained the age of 18 years,
- (b) the identity of the applicant has been established,
- (c) where paragraph (2) applies, the applicant is commonly known by the name entered on the official application form, and
- (d) where the application relates to an age card which is not a replacement age card, that an age card has not previously been issued to the applicant,

the member shall authenticate the information in the official application form by—

- (i) countersigning the form, and
- (ii) stamping it with the official stamp of the Garda Síochána station concerned.

(6) If the member is not satisfied as to all of the matters specified at subparagraphs (a) to (d) of paragraph (5), the member shall make whatever other reasonable enquiries he or she considers necessary or shall request the applicant to provide such further information the member reasonably considers necessary, to satisfy himself or herself of the matters specified.

(7) Where the member is satisfied, on the basis of enquiries made or information provided under paragraph (6), in relation to all of the matters specified at subparagraphs (a) to (d) of paragraph (5), the member shall authenticate the information in the official application form in accordance with paragraph (5).

(8) When the member has authenticated the information in the official application form, he or she shall—

- (a) forward to the issuing body the countersigned official application form together with the photograph referred to at subparagraph (c) of paragraph (1), and
- (b) return to the applicant all documents provided in accordance with paragraph (1) and, if applicable, paragraphs (3), (4) and (6).

(9) Where, having made enquiries or requested information under paragraph (6), the member is not satisfied in relation to all of the matters specified at subparagraphs (a) to (d) of paragraph (5), the member shall—

- (a) refuse to authenticate the information in the official application form under paragraph (5), and
- (b) return to the applicant the official application form and all documents and photographs provided in accordance with paragraph (1) and, if applicable, paragraphs (3), (4) and (6).

Preparation and issue of age cards or, as the case may be, replacement age cards

5. (1) The Commissioner shall enter into an arrangement with a body, to be known as the issuing body, whereby that body shall, on behalf of the Garda Síochána, receive and deal with applications for age cards or, as the case may be, replacement age cards made in accordance with these Regulations, and in particular shall-

- (a) receive, hold, account for and remit all monies received in relation to the issue of age cards or, as the case may be, replacement age cards, in accordance with such agreements or directions as may be approved by the Commissioner from time to time,
- (b) prepare and issue official application forms in accordance with these Regulations,
- (c) receive and process official application forms the information in which has been authenticated in accordance with Regulation 4 in accordance with these Regulations, and
- (d) prepare and issue age cards or, as the case may be, replacement age cards in accordance with paragraphs (2) and (3).

(2) An age card or, as the case may be, a replacement age card prepared by the issuing body shall bear on its face the following:

- (a) the name of the applicant;
- (b) the date of birth of the applicant;
- (c) a photograph of the applicant;
- (d) a unique serial number; and
- (e) one or more than one security feature, including a hologram, approved by the Commissioner as being desirable to prevent forgery or alteration of or tampering with an age card or, as the case may be, a replacement age card.

(3) An age card or, as the case may be, a replacement age card shall have the following words printed on the reverse of the card:

“This card has been issued with the agreement of An Garda Síochána in accordance with Regulations made by the Minister for Justice and Law Reform under section 40 of the Intoxicating Liquor Act 1988, in order to confirm that the person to whom it has been issued has attained the legal age for the purchase of intoxicating liquor. It does not confer on the holder the right of entry to any licensed premises.

Eisíodh an t-aoischárta seo le comhaontú an Gharda Síochána de réir Rialachán arna ndéanamh ag an Aire Dlí agus Cirt agus Athchóirithe Dlí faoi alt 40 den Acht Deochanna Meisciúla 1988, d’fhonn a dhaingniú go bhfuil an aois dhlíthiúil chun deochanna meisciúla a cheannach slánaithe ag an duine ar eisíodh chuige nó chuici é. Ní thugann sé an ceart don sealbhóir dul isteach in aon áitreabh ceadúnaithe.”.

(4) As soon as practicable after an age card or, as the case may be, a replacement age card has been prepared, the issuing body shall—

- (a) issue the card to the applicant, and
- (b) send the official application form the information in which has been authenticated in accordance with Regulation 4 and the photograph to the Garda Síochána Community Relations Section.

(5) The Garda Community Relations Section shall retain the official application form the information in which has been authenticated in accordance with Regulation 4 and photograph sent to it in accordance with paragraph (4) as part of its records for a period of 3 years, after which time they shall be destroyed.

Application for replacement age card

6. (1) A person who was issued with an age card under these Regulations or the Regulations of 2007 may apply to the issuing body for a replacement age card where the original card has been lost, stolen or destroyed.

(2) An application to the issuing body for a replacement age card shall be made in accordance with Regulation 3.

- (3) (a) A person who applies for a replacement card in accordance with paragraph (1) shall report the loss, theft or destruction of the original age card to a member of the Garda Síochána at the Garda Síochána station for the area in which the applicant normally resides.
- (b) A report under subparagraph (a) shall be made either—
 - (i) before the applicant presents in person the official application form in accordance with paragraph (1) of Regulation 4, or
 - (ii) at the time the applicant presents in person the official application form in accordance with paragraph (1) of Regulation 4.
- (c) Where an applicant claims to have made a report referred to at subparagraph (a) in accordance with subparagraph (b)(i) the applicant shall

provide the member to whom he or she presents the official application form in accordance with paragraph (1) of Regulation 4 with whatever reasonable details of the report that the member considers reasonably necessary to satisfy himself or herself that the report has been made.

- (d) Where the member is unable to satisfy himself or herself in accordance with subparagraph (c) that a report has been made in accordance with subparagraph (b)(i) the applicant shall make a report to the member in accordance with subparagraph (b)(ii).

(4) Where the member to whom the official application form is presented is not satisfied that the original card has been lost, stolen or destroyed, the member shall make whatever reasonable enquiries he or she considers necessary or shall request the applicant to provide whatever reasonable information the member considers reasonably necessary to satisfy himself or herself of the loss, theft or destruction.

(5) Where the member is satisfied on the basis of enquiries made or information provided under paragraph (4) that the age card was lost, stolen or destroyed, the member shall authenticate the information in the official application form in accordance with Regulation 4.

(6) Where, having made enquiries and requested information under paragraph (4) the member is not satisfied as to the loss, theft or destruction of the original card, the member shall—

- (a) refuse to authenticate the information in the official application form, and
- (b) return to the applicant the official application form and all documents and photographs provided in accordance with paragraph (1) of Regulation 4 and, if applicable, paragraphs (3), (4) and (6) of Regulation 4 and paragraph (4).

Revocation and saver

7. (1) The Intoxicating Liquor Act 1988 (Age Card) Regulations 2007 (S.I. No. 159 of 2007) are revoked.

(2) Paragraph (1) shall not apply where a person has, before the date on which these Regulations come into operation, made an application for an age card or a replacement age card in accordance with the Intoxicating Liquor Act 1988 (Age Card) Regulations 2007.

SCHEDULE

Age Card Application Form

Applicant's name

Applicant's normal place of residence

Applicant's date of birth

Garda station for area in which applicant normally resides

Photograph maximum size 35 x 45 mm

To be completed at a Garda Station by the applicant

Applicant's signature

To be completed at a Garda Station by a member of the Garda Síochána

Method by which date of birth and identity of applicant was verified:

Birth certificate

GNIB card

Passport

Tick appropriate box

Second form of identification presented

Processing member's signature

Processing member's number

Garda station stamp



GIVEN under my Official Seal,
21 December 2010.

DERMOT AHERN,
Minister for Justice and Law Reform.

EXPLANATORY NOTE

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

These Regulations amend the voluntary Garda national age card scheme. The cards can be obtained by persons who have attained 18 years of age in order to confirm that they have attained the legal age for the purchase of intoxicating liquor.

BAILE ÁTHA CLIATH
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