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INTOXICATING LIQUOR ACT, 2000

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Acts Referred to

Beer Licences Regulation (Ireland) Act, 1877	40 & 41 Vic. c. 4
Companies Act, 1963	1963, No. 33
Courts (No. 2) Act, 1986	1986, No. 26
Finance (1909-10) Act, 1910	1910, c. 5 & 8
Intoxicating Liquor Act, 1927	1927, No. 15
Intoxicating Liquor Act, 1943	1943, No. 7
Intoxicating Liquor Act, 1960	1960, No. 18
Intoxicating Liquor Act, 1962	1962, No. 21
Intoxicating Liquor Act, 1988	1988, No. 16
Intoxicating Liquor Act, 1995	1995, No. 33
Intoxicating Liquor (General) Act, 1924	1924, No. 28
Licensing Act (Ireland), 1874	1874, c. 69
Licensing (Ireland) Act, 1833	1833, c. 68
Licensing (Ireland) Act, 1902	1902, c. 18
Licensing Acts, 1833 to 1999	
Organisation of Working Time Act, 1997	1997, No. 20
Public Dance Halls Act, 1935	1935, No. 2
Public Houses (Ireland) Act, 1855	1855, c. 62
Registration of Business Names Act, 1963	1963, No. 30
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Revenue Act, 1898	1898, c. 46
Worker Protection (Regular Part-Time Employees) Act, 1991	1991, No. 5



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INTOXICATING LIQUOR ACT, 2000

AN ACT TO AMEND THE TIMES AT WHICH IT IS LAWFUL TO SELL OR EXPOSE FOR SALE ANY INTOXICATING LIQUOR; TO PROVIDE FOR THE TEMPORARY CLOSURE OF LICENSED PREMISES WHERE THE LICENCEHOLDER IS CONVICTED OF CERTAIN OFFENCES RELATED TO THE PRESENCE OF PERSONS UNDER 18 ON THOSE PREMISES; TO MAKE FURTHER PROVISION IN RELATION TO THE ISSUE, UPGRADING AND TRANSFER OF INTOXICATING LIQUOR LICENCES; TO PROVIDE FOR THE ISSUE OF LICENCES IN RESPECT OF CERTAIN AUTHORISED EVENTS AT GREYHOUND RACE TRACKS AND RACECOURSES; TO INCREASE THE MAXIMUM FINES FOR CERTAIN OFFENCES; TO AMEND IN OTHER RESPECTS THE LICENSING ACTS, 1833 TO 1999, AND THE REGISTRATION OF CLUBS ACTS, 1904 TO 1999; AND TO PROVIDE FOR CONNECTED MATTERS. [30th June, 2000]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

Preliminary

1.—(1) This Act may be cited as the Intoxicating Liquor Act, 2000.

Short title, collective citation, construction and commencement.

(2) The Acts and this Act, in so far as this Act amends and extends the Acts, may be cited together as the Licensing Acts, 1833 to 2000, and shall be construed together as one.

(3) The Registration of Clubs Acts, 1904 to 1999, and this Act, in so far as this Act amends and extends those Acts, may be cited together as the Registration of Clubs Acts, 1904 to 2000, and shall be construed together as one.

(4) 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 provision.

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

Interpretation.

“Act of 1902” means the Licensing (Ireland) Act, 1902;

“Act of 1904” means the Registration of Clubs (Ireland) Act, 1904;

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“Act of 1910” means the Finance (1909-10) Act, 1910;

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

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

“Act of 1960” means the Intoxicating Liquor Act, 1960;

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

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

“Act of 1995” means the Intoxicating Liquor Act, 1995;

“Acts” mean the Licensing Acts, 1833 to 1999;

“Court” means, in relation to proceedings in respect of the grant of an on-licence, the Circuit Court and, in relation to proceedings in respect of the grant of an off-licence, the District Court;

“full licence” means a publican’s licence within the meaning of Part II of the Act of 1910 which is neither a six-day licence nor an early-closing licence;

“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 the District Court;

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

“Saint Patrick’s Day” includes a Saint Patrick’s Day which falls on a Sunday, and accordingly the definition of that expression in section 1 of the Act of 1927 shall cease to have effect;

“weekday” and “Sunday” have the meanings assigned to them by that section of the Act of 1927.

(2) In this Act—

(a) a reference to a subsection or paragraph is to a subsection or paragraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended;

(b) references in this Act to any enactment shall, save where the context otherwise requires, be construed as references to that enactment as amended by any subsequent enactment including this Act.

PART 2

Amendment of Prohibited Hours

Amendment of
section 2
(prohibited hours)
of Act of 1927.

3.—Section 2 (as substituted by section 25 of the Act of 1988 and amended by section 2 of the Act of 1995) of the Act of 1927 is amended by the substitution of the following subsections for subsection (1):

“(1) Save as otherwise provided by this Act, it shall not be lawful for any person to sell or expose for sale any intoxicating liquor, or to open or keep open any premises for the sale of

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intoxicating liquor, or to permit any intoxicating liquor to be consumed on licensed premises— Pt.2 S.3

- (a) at any time on Christmas Day or Good Friday;
- (b) on any other day, as specified hereunder, outside the times so specified in respect of it—
 - (i) Saint Patrick's Day: between 12.30 p.m. and 12.30 a.m. on the following day;
 - (ii) the 23rd December: if it falls on a Sunday, between 10.30 a.m. and 11.30 p.m.;
 - (iii) Christmas Eve and the eve of Good Friday: between 10.30 a.m. and 11.30 p.m.;
 - (iv) the eve of any public holiday (other than Christmas Eve):
 - (I) if the eve falls on a weekday, between 10.30 a.m. and 12.30 a.m. on the following day, or
 - (II) if it falls on a Sunday, between 12.30 p.m. and 12.30 a.m. on the following day;
 - (v) any other Sunday (except a Saint Patrick's Day which falls on a Sunday): between 12.30 p.m. and 11.00 p.m.;
 - (vi) any other Monday, Tuesday or Wednesday: between 10.30 a.m. and 11.30 p.m.; and
 - (vii) any other Thursday, Friday or Saturday: between 10.30 a.m. and 12.30 a.m. on the following day.

(1A) The hours specified in paragraph (b) of subsection (1) in respect of any day specified in that paragraph 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.

(1B) In subsection (1), 'public holiday' has the meaning given to it by the Organisation of Working Time Act, 1997."

4.—Section 3 of the Act of 1927 is amended—

Amendment of section 3 (mixed trading) of Act of 1927.

- (a) by the substitution of the following for subsection (1) (as substituted by section 8 of the Act of 1960 and as amended by section 3 of the Act of 1962 and section 3 of the Act of 1995):

“(1) Where any business other than the sale of intoxicating liquor (in this section referred to as ‘non-licensed business’) is carried on in any premises to which an on-licence or an off-licence is attached, the opening or keeping open of the premises for the purpose of carrying on the non-licensed business shall be permitted at any time.”,

- (b) by the insertion of the following after the said subsection (1):

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“(2) Notwithstanding anything in the Acts or this Act, it shall not be unlawful for a premises to which an on-licence or an off-licence is attached and which is concurrently engaged in non-licensed business, to open for the sale for consumption off the premises only of intoxicating liquor between 7.30 a.m. and 10.30 a.m. on weekdays and on a Sunday that falls on 23rd or 24th December in any year.”,

and

(c) by the deletion of subsection (3).

Amendment of section 5 (special exemption orders) of Act of 1927 and section 4 of the Public Dance Halls Act, 1935.

5.—(1) Section 5 of the Act of 1927 is amended—

(a) in subsection (1) (as amended by section 6 of the Intoxicating Liquor Act, 1943), by the deletion of “for premises which are an hotel or a restaurant”,

(b) by the substitution of the following for subsection (3) (as substituted by section 29 of the Act of 1988):

“(3) 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.”,

(c) in subsection (5) (as inserted by section 11 of the Act of 1960 and substituted by section 12 of the Act of 1962), by the deletion in paragraph (b) of the words “being a dance at which a substantial meal (the price (if any) of which is included in the price (if any) of admission to the dance) is served to the persons attending the dance”,

(d) in subsection (6) (as inserted by section 12 of the Act of 1962), by the substitution of “twelve” for “six”,

(e) by the deletion of subsection (8) (as so inserted),

(f) by the insertion of the following subsection after subsection (9) (as so inserted):

“(10) A court shall not grant a special exemption order in respect of any premises unless it is satisfied that the special occasion mentioned in subsection (5) of this section will be conducted in a manner which will not cause undue inconvenience to persons residing in the vicinity of those premises.”.

(2) Section 4 of the Public Dance Halls Act, 1935, is amended by the insertion of the following subsection:

“(2) Notwithstanding anything contained in subsection (1) of this section, a public dancing licence granted by virtue of this Act shall be deemed to be a licence that permits public dancing in the place to which the licence applies for a period not exceeding thirty minutes after any period in respect of which a special exception order (within the meaning of the *Licensing Acts, 1833 to 2000*) is in force in respect of that place.”.

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6.—The Act of 1927 is amended by the substitution of the following for section 13 (as substituted by section 28 of the Act of 1988 and amended by section 4 of the Act of 1995):

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Amendment of
section 13
(exemptions for
hotels and
restaurants) of Act
of 1927.

“13.—Nothing in this Act shall operate to prohibit the holder of an on-licence in respect of premises which are for the time being an hotel or a restaurant from supplying intoxicating liquor to any person on the premises or from permitting intoxicating liquor to be consumed on the premises—

(a) on Christmas Day, between 12.00 midday and 10.00 p.m., or

(b) on any other day, for one hour after the expiration of any period in respect of that day during which it is lawful, by virtue of section 2(1)(b) (as substituted by section 3 of the *Intoxicating Liquor Act, 2000*) of this Act, to sell intoxicating liquor on licensed premises,

if in each case the intoxicating liquor 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.”.

7.—The Act of 1927 is amended by the substitution of the following for section 56 (as substituted by section 26 of the Act of 1988 and amended by section 5 of the Act of 1995):

Amendment of
section 56
(prohibited hours in
clubs) of Act of
1927.

“56.—(1) In order that a club may be eligible to be registered under the Registration of Clubs Acts, 1904 to 1999, the rules of the club shall (in addition to the matters mentioned in section 4 of the Registration of Clubs (Ireland) Act, 1904) provide that, subject to the exceptions specified in subsections (2) and (3) of this section, no excisable liquor 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 those premises by any person (other than such a member)—

(a) at any time on Christmas Day or Good Friday, or

(b) on any other day, outside the hours specified in respect of that day in section 2(1)(b) (as substituted by section 3 of the *Intoxicating Liquor Act, 2000*) of this Act.

(2) Nothing in the Registration of Clubs Acts, 1904 to 1999, or contained, by virtue only of the operation of subsection (1) of this section, in the rules of a club registered under those Acts shall operate to prohibit the supplying for consumption on the club premises of excisable liquor to any person or the consumption of excisable liquor on those premises by any person—

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- (a) on Christmas Day, between 12.00 midday and 10.00 p.m., or
- (b) on any other day, for one hour after the expiration of any period in respect of that day during which it is lawful for the club, by virtue of subsection (1)(b), to supply any excisable liquor for consumption on the club premises,

if in each case the excisable liquor 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) (a) For the purposes of the Registration of Clubs Acts, 1904 to 1999, the rules of a club which at the commencement of *section 7* of the *Intoxicating Liquor Act, 2000*, is registered under those Acts, shall, during the transitional period, be deemed to be in conformity with this section.
- (b) In this subsection, ‘transitional period’ means the period beginning at such commencement and ending—
- (i) when the certificate of registration of the club which is in force two months after that date expires, or
 - (ii) when the rules of the club are brought into conformity with this section,
- whichever first occurs.”.

Amendment of section 7 (drinking-up time) of Act of 1962.

8.—Section 7 (drinking-up time) of the Act of 1962 is amended by the substitution—

- (a) in subsection (1)(b), of “(other than sections 2 and 5 of the Act of 1927)” for “(other than section 2 of the Act of 1927)”, and
- (b) in subsection (2)(b), of “(other than section 21 of the Act of 1924 and subsection (1) of section 56 of the Act of 1927)” for “(other than subsection (1) of section 56 of the Act of 1927)”.

Amendment of section 10 (area exemption orders) of Act of 1962.

9.—Section 10 of the Act of 1962 is amended—

- (a) in subsection (1), by the substitution of “twelve days” for “nine days”, wherever it occurs, and “(not exceeding six)” for “(not exceeding three)”, and
- (b) by the substitution of the following for subsection (4):

“(4) Not more than six orders under this section having effect in any particular year shall be made in respect of any particular locality and, where more such orders than one are made, the orders shall relate to consecutive days, not exceeding twelve in all in that year.”.

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10.—Section 11 of the Act of 1962 is amended in subsection (5) by the deletion of “any Sunday,”.

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Amendment of
section 11
(occasional licences)
of Act of 1962.

11.—Section 15 (general exemption orders) of the Act of 1962 is amended by the substitution of the following subsection for subsections (1) and (2):

Amendment of
section 15 (general
exemption orders)
of Act of 1962.

“(1) A general exemption order shall not be granted for any period beginning—

- (a) in case the order is for the accommodation of persons attending a public market or fair, before 5.00 a.m.,
or
- (b) in case the order is for the accommodation of persons following any lawful trade or calling (other than fishing in tidal waters), before 7.00 a.m.,

and ending, in either case, later than the latest time at which it would otherwise be lawful for the applicant for the order to sell intoxicating liquor on the licensed premises concerned.”.

12.—Section 14 of the Act of 1988 (as amended by section 6 of the Act of 1995) is amended by the substitution of the following subsections for subsection (1):

Amendment of
section 14
(exemptions for
premises having
special restaurant
licences) of Act of
1988.

“(1) It shall not be lawful for any person, in any premises to which a special restaurant licence is attached, to—

- (a) sell or expose for sale, or
- (b) open or keep open the premises for the sale of, or
- (c) permit the consumption on the premises of,

any intoxicating liquor at any time on Good Friday or outside the hours specified hereunder in respect of the following days—

- (i) Christmas Day: between 12.00 midday and 10.00 p.m.;
- (ii) any other day: between 12.30 p.m. and one hour after the expiration of any period during which it is lawful, by virtue of section 2(1)(b) of the Act of 1927, to sell intoxicating liquor on licensed premises on the evening of that day or, as the case may be, on the morning of the following day.

(1A) References in subsection (1)(ii) to section 2(1)(b) of the Act of 1927 are to that provision as substituted by *section 3* of the *Intoxicating Liquor Act, 2000.*”.

PART 3

Provisions Relating to Under-Age Persons

Amendment of Act of 1988 (temporary closure of premises).

13.—The Act of 1988 is amended by the insertion of the following section after section 36:

“Temporary closure of premises.

36A.—(1) This section applies to an offence under subsection (1) or (2) of section 31, subsection (1) of section 35 or subsection (1) of section 36 of this Act.

(2) Subject to subsection (3), where the holder of any licence for the sale of intoxicating liquor by retail in any premises 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 in respect of a first such offence, or
 - (b) of not less than 7 and not more than 30 days in respect of a second or any subsequent such offence.
- (3) Where a licence holder—
- (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 in respect of a licensed premises or any part thereof 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,
- (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 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 a licensed premises or any part of it is closed in compliance with a temporary closure order, there shall be affixed to the exterior of the premises, in a conspicuous place, by the holder of the licence a notice specifying the period of closure and stating that the closure is in compliance with the order.

(9) 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.

(10) For the purposes of subsection (9), 'employee' means any person who works under a contract of employment with an employer or is a regular part-time employee as defined in section 1 of the Worker Protection (Regular Part-Time Employees) Act, 1991.

(11) Nothing in the Acts shall prohibit the Court from ordering that a conviction for an offence to which this section applies shall 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.

(12) 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.

(13) The jurisdiction of the District Court and Circuit Court under this section shall be exercised by the judge for the time being assigned—

- (a) in the case of the District Court, to the district court district in which the relevant licensed premises are situated, and
- (b) in the case of the Circuit Court, to the circuit in which the courthouse in which the temporary closure order was made is situated.”.

Amendment of sections 31, 35 and 36 (provisions relating to under-age persons) of Act of 1988.

14—(1) Section 31 (sale of intoxicating liquor to under-age persons) of the Act of 1988 is amended—

- (a) in subsection (3), by the deletion of “, and the offence shall be deemed for the purposes of Part III (which relates to the endorsement of licences) of the Act of 1927 to be an offence to which that Part of the Act applies”, and
- (b) by the substitution of the following for subsection (4)—

“(4) In any proceedings for a contravention of subsection (1) or (2) of this section, it shall be a defence for the defendant to prove that the person in respect of whom the charge is brought produced to him or her an age card relating to that person or, if the defendant is charged with permitting another person to sell or deliver intoxicating liquor contrary to either of those subsections, to prove that an age card relating to the person to whom the intoxicating liquor was sold or delivered was produced by that person to that other person.”.

(2) Section 35 (restriction on under-age persons being on licensed premises during extended hours) of the Act of 1988 is amended—

- (a) in subsection (4), by the deletion of “, and the offence shall be deemed for the purposes of Part III (which relates to the endorsement of licences) of the Act of 1927 to be an offence to which that Part of the Act applies”, and
- (b) by the substitution of the following for subsection (7)—

“(7) In any proceedings for a contravention of subsection (1) of this section, it shall be a defence for the defendant to prove that he or she used all due diligence to prevent the person under the age of 18 years in respect of whom the charge is brought from being admitted to the part of the licensed premises which is used on foot of an exemption order as aforesaid for the sale or consumption of intoxicating liquor during the period in respect of which the exemption was granted or that the person

produced to him or her an age card relating to that person.” Pt.3 S.14

(3) Section 36 (restriction on under-age persons being on premises used for sale of intoxicating liquor for consumption off the premises) of the Act of 1988 is amended—

(a) in subsection (4), by the deletion of “, and the offence shall be deemed for the purposes of Part III (which relates to the endorsement of licences) of the Act of 1927 to be an offence to which that Part of the Act applies”, and

(b) by the substitution of the following for subsection (7)—

“(7) In any proceedings against a person for a contravention of subsection (1) of this section, it shall be a defence for the defendant to prove that he or she used all due diligence to prevent the person under the age of 18 years in respect of whom the charge is brought from being admitted to the premises or any part of the premises which is used exclusively or mainly for the sale of intoxicating liquor for consumption off the premises or that the person produced to him or her an age card relating to that person.”.

(4) Section 38 (employment of persons under 18) of the Act of 1988 is amended by the insertion of the following subsection after subsection (2):

“(3) (a) For the purposes of paragraph (d) of subsection (1), a person under the age of 18 years but not under the age of 16 years who is engaged in general duties in licensed premises to which an on-licence is attached is not engaged in the sale of intoxicating liquor.

(b) In paragraph (a) of this subsection, ‘general duties’ includes taking orders for intoxicating liquor and serving it at tables, but not supplying it from behind the bar counter in the premises mentioned in that paragraph.”.

15.—Part IV of the Act of 1988 is amended by the insertion of the following section after section 41: Further amendment of Act of 1988.

“Display of notice.

41A.—(1) The holder of a licence in respect of licensed premises and the secretary of a club registered under the *Registration of Clubs Acts, 1904 to 2000*, shall display in a conspicuous place in the licensed premises or club premises concerned a notice containing a statement of the offences provided for in this Part.

(2) The notice shall be in a form or forms prescribed by regulations made by the Minister.

(3) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding—

(a) £250 in the case of a first offence, or

(b) £500 in the case of a second or any subsequent offence.

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(4) Regulations under this section shall be laid before each House of the Oireachtas as soon as practicable after they are made and, if a resolution annulling the regulations is passed by either such House within the next 21 days on which that House has sat after the regulations are laid before it, the regulations shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(5) The provisions (relating to the display of notices) of subsections (4) and (6) of section 34 and subsections (3) and (6) of sections 35 and 36 are repealed.

(6) This section shall come into operation on such day as the Minister may by order appoint.”.

Application to registered clubs of provisions of Act of 1988 relating to under-age persons.

16.—Sections 31, 32, 33, 34, 35 and 36A (inserted by this Act) of the Act of 1988 shall apply in relation to a club registered under the *Registration of Clubs Acts, 1904 to 2000*, as if any references in those provisions to the holder of a licence 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.

Supplier to be identified when intoxicating liquor sold for consumption off premises.

17.—(1) The name of the owner, and the address, of premises to which an on-licence or an off-licence is attached shall be clearly indicated on a label affixed to any container in which intoxicating liquor is sold for consumption off the premises.

(2) A licensee who sells intoxicating liquor, or who permits it to be sold, in contravention of *subsection (1)* is guilty of an offence and liable on summary conviction to a fine not exceeding—

- (a) in the case of a first offence, €250, or
- (b) in the case of a second or any subsequent offence, €500.

PART 4

Issue, Upgrading and Transfer of Licences

New licences.

18.—(1) Where a person (in this section referred to as “the applicant”) duly gives notice of his or her intention to apply for a licence (in this section referred to as a “new licence”) in respect of premises to which a full licence was never attached and, at the proceedings in relation to the application, the applicant shows to the satisfaction of the Court that—

- (a) a licence (in this section referred to as “an existing licence”) is in force in respect of other premises,
- (b) either—
 - (i) the applicant is the holder of the existing licence, or
 - (ii) the holder of the existing licence will consent to its extinguishment if and when a new licence is granted to the applicant under this section,

- (c) the existing licence is a full licence or a licence of the same character as the new licence,

the Court shall, notwithstanding anything contained in the Act of 1902, cause a certificate to be given to the applicant entitling him or her to receive a licence in respect of the new premises, unless the Court prohibits the issuing of the licence on the ground of—

- (i) the character, misconduct or unfitness of the applicant,
- (ii) the unfitness or inconvenience of the new premises,
- (iii) their unsuitability for the needs of persons residing in the neighbourhood, or
- (iv) the adequacy of the existing number of licensed premises of the same character in the neighbourhood.

(2) On the grant of the new licence—

- (a) the existing licence shall be extinguished;
- (b) any conviction which became recorded on the existing licence under section 25 of the Act of 1927 when the applicant was the holder of the licence and which is still recorded thereon at the time of the grant of the new licence by the Revenue Commissioners shall be deemed to be recorded on the new licence under that section and to have been so recorded on the date when it became recorded on the existing licence;
- (c) the premises to which the existing licence was attached shall, for the purposes of the Act of 1902, be deemed never to have been licensed.

(3) Sections 15 (declaration as to fitness and convenience of proposed licensed premises) and 17 (certification of premises the subject of such a declaration) of the Act of 1960 shall have effect, with any necessary modifications, in relation to premises which a person proposes to acquire, construct or alter and in respect of which the person proposes to apply under this section to the Circuit Court or the District Court, as may be appropriate, for the grant of a certificate entitling him or her to receive a licence.

(4) Sections 3 and 4 of the Act of 1902 and section 13 of the Act of 1960 (which provisions relate to the grant of new licences in certain circumstances) are repealed.

(5) *Subsection (4)* shall not have effect in respect of—

- (a) an application for a declaration in respect of proposed licensed premises under section 15(1) of the Act of 1960—
 - (i) of which notice was given pursuant to rules of court to the appropriate county registrar or district court clerk before the commencement of this section, and
 - (ii) in relation to which such a declaration was made (whether before or after such commencement),

or

- (b) an application for the grant of a certificate entitling the applicant to receive a licence under section 3 or 4 of the Act of 1902 or section 13 of the Act of 1960—
 - (i) of which notice was given pursuant to rules of court to the appropriate county registrar or district court clerk before the commencement of this section, or
 - (ii) on the hearing of which it is shown to the satisfaction of the Court that a declaration was made by the Court under section 15(1) of the Act of 1960 before such commencement in respect of the premises concerned.

Upgrading of
restricted licences.

19.—(1) In this section—

“relative” means a spouse, father, mother, sister, brother, aunt, uncle, grandfather or grandmother;

“restricted licence” means—

- (a) a publican’s licence which is not a full licence, or
- (b) a beerhouse licence within the meaning of Part II of the Act of 1910.

(2) Notwithstanding anything contained in the Acts or this Act, the Revenue Commissioners shall, on application within one year after the commencement of this section by a person who holds a restricted licence in respect of any premises and subject to the conditions set out in *subsection (4)*, issue to that person a full licence in respect of the premises.

(3) On the issue under *subsection (2)* of a full licence in respect of any premises, its restricted licence shall be extinguished.

(4) The conditions referred to in *subsection (2)* are that the person referred to in that subsection—

- (a) pays £2,500 to the Revenue Commissioners,
 - (b) establishes to their satisfaction that—
 - (i) he or she held the restricted licence for the whole of the period of 5 years immediately preceding the commencement of this section, or
 - (ii) if not, he or she—
 - (I) inherited the premises,
 - (II) was given the premises by a relative,
 - (III) was a tenant of the premises, or
 - (IV) purchased the premises as a going concern,
- within that period,

and

(c) undertakes—

- (i) not to dispose of the premises as a licensed premises,
- (ii) not to transfer the full licence, or
- (iii) consent to its extinguishment,

for reward within the period of 5 years after the date of the first issue of the full licence.

(5) The sum payable under *subsection (4)(a)* is in addition to and not in substitution for any sum payable on the licence under section 43 of the Act of 1910.

(6) In the register kept by district court clerks of licences in respect of premises situated within their court area there shall be entered a statement, in relation to any licence issued under this section in respect of any such premises, to the effect that, subject to *subsection (7)*, the premises may not be disposed of, or the full licence transferred, or consent given to its extinguishment, for reward within the period of 5 years after the date of the first issue of the full licence.

(7) Notwithstanding *paragraph (c) of subsection (4)*, the District Court may waive or modify compliance with the undertaking mentioned in that paragraph if compliance with it would cause hardship to the licensee.

20.—(1) This section applies to premises which were first licensed under section 2(2) of the Act of 1902 on or before 4 July, 1960. Upgrading of certain other licences.

(2) Where, in respect of premises to which this section applies—

- (a) no order under section 19 (public bars in hotels in certain cases) of the Act of 1960 was made,
- (b) the District Court, on application to it by a person who or whose predecessor in title was the holder of a licence in respect of the premises, is satisfied that, at any time within the period of 5 years immediately before the commencement of this section, the person or his or her predecessor in title carried on business in the premises as if the premises were an hotel, and

(c) the Court by order declares that it is so satisfied,

the licence shall thereupon be deemed, for all the purposes of the Acts, to be a licence in respect of which an order under the said section 19 was made, and the Revenue Commissioners shall renew the licence accordingly.

(3) Where—

- (a) the District Court, on application to it by a person who or whose predecessor in title was the holder of a licence (other than a full licence) in respect of premises to which this section applies, is satisfied that, at any time within the period of 5 years immediately before the commencement of this section, the person or his or her predecessor

in title carried on business in the premises at that time as if the licence were a full licence, and

(b) the Court by order declares that it is so satisfied,

the licence shall thereupon be deemed, for all the purposes of the Acts, to be a full licence, and the Revenue Commissioners shall renew the licence accordingly, subject to the conditions set out in *subsection (4)*.

(4) The conditions referred to in *subsection (3)* are that the person referred to in that subsection—

(a) pays £2,500 to the Revenue Commissioners,

(b) undertakes—

(i) not to dispose of the premises as a licensed premises,

(ii) not to transfer the full licence, or

(iii) consent to its extinguishment,

for reward within the period of 5 years after the date of the first issue of the licence as a full licence.

(5) The sum payable under *subsection (4)(a)* is in addition to and not in substitution for any sum payable on the licence under section 43 of the Act of 1910.

(6) In the register kept by district court clerks of licences in respect of premises situated within their court area there shall be entered a statement, in relation to any licence issued under this section in respect of any such premises, to the effect that, subject to *subsection (7)*, the premises may not be disposed of, or the full licence transferred, or consent given to its extinguishment, for reward within the period of 5 years after the date of the first issue of the licence as a full licence.

(7) Notwithstanding *paragraph (b) of subsection (4)*, the District Court may waive or modify compliance with the undertaking mentioned in that paragraph if compliance with it would cause hardship to the licensee.

Transfer of licences.

21.—An application under section 1 of the Public Houses (Ireland) Act, 1855, for a transfer of a licence shall be refused unless it is established to the satisfaction of the District Court that the applicant is a fit person, and for that purpose the application shall be treated as if it were an application for the grant of a certificate entitling the applicant to receive a licence.

Description of premises by reference to map.

22.—Premises may be described in a declaration or certificate under any of the preceding sections of this Part of this Act by reference to a map attached thereto.

PART 5

Miscellaneous

23.—(1) In this section, “authorised event” means—

- (a) a trade fair or show, including a fashion show,
- (b) an exhibition, including an exhibition of animals or livestock,
- (c) a concert,
- (d) television coverage of a horse or greyhound race meeting being held contemporaneously elsewhere,
- (e) in relation to a racecourse, an equestrian event other than a horse race, or
- (f) an auction or sale,

Licensing of authorised events at racecourses and greyhound race tracks.

which takes place over not more than 7 consecutive days and is authorised by an order of the District Court under *subsection (3)*.

(2) Notwithstanding anything contained in the Acts or this Act, a licence under the Acts for the sale of intoxicating liquor at an authorised racecourse or a greyhound race track for consumption at the racecourse or race track shall operate, while the licence is in force, to authorise—

- (a) the sale and consumption of intoxicating liquor,
- (b) the keeping open of premises for such sale, and
- (c) the permitting of such consumption,

on the occasion of an authorised event at the racecourse or race track during the period—

- (i) beginning at the time at which the public are permitted admission to the authorised event (but not before 10.30 a.m.), and
- (ii) ending thirty minutes after the conclusion of the authorised event or, as the case may be, 30 minutes after the conclusion of the proceedings on each day on which it takes place,

but during no other period.

(3) The District Court may, on application by the holder of the licence concerned and after hearing the officer in charge of the Garda Síochána for the licensing area in which the racecourse or race track concerned is situated, grant an order (in this section referred to as an “authorised event order”) for the holding of an authorised event at the racecourse or race track concerned.

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

(5) An authorised event order shall not be granted unless the holder of the licence has, not less than four working days before applying for the order, served on the officer in charge referred to in

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subsection (3) a notice of his or her intention so to apply, stating his or her name and address and the place, authorised event and period for which the order is sought.

(6) The jurisdiction of the District Court under this section may be exercised by the judge of the District Court for the time being assigned to the district court district in which the racecourse or race track concerned is situated.

Further amendment of Act of 1962.

24.—The Act of 1962 is amended by the insertion of the following section after section 18:

“Search of greyhound race track by member of Garda Síochána.

18A.—(1) If a member of the Garda Síochána is of the opinion that there are reasonable grounds for supposing, or a complaint has been made to such a member, that the holder of a licence granted under section 18 of this Act is not complying with the provisions of that section, the member may, without warrant, enter into and search the greyhound race track concerned and request and take the names and addresses of any persons found therein in connection with the non-compliance.

(2) A person shall not—

(a) refuse to give his or her name or address,
or

(b) give a false name or address,

when so requested under subsection (1).

(3) A person shall not by himself or herself, or by any person in his or her employment or acting by his or her direction or with his or her consent, refuse or fail to admit any member of the Garda Síochána in the execution of his or her duty requiring to enter a race track (or any part thereof) in pursuance of this section.”.

Increase of fines.

25.—Each provision mentioned in *column (2)* of the *Schedule* to this Act of an enactment mentioned in *column (1)* of the *Schedule* opposite the mention of that provision is amended as specified in *column (3)* of that *Schedule* opposite the mention of that provision.

Sale of beer in restaurants.

26.—(1) A person (in this section referred to as a “licensee”) who is the holder of a wine retailer’s on-licence (within the meaning of the Act of 1910) attaching to a restaurant may, subject to the conditions specified in *subsection (2)*, offer beer for sale for consumption on the premises.

(2) The conditions referred to in *subsection (1)* are—

(a) that the beer is consumed at the same time as and with a meal and paid for at the same time as the meal is paid for,

(b) that the restaurant does not contain a bar.

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(3) A licensee who offers beer for sale in contravention of a condition specified in *subsection (2)* is guilty of an offence and is liable on summary conviction to a fine not exceeding— Pt.5 S.26

(a) for a first such offence, £1,000, or

(b) for a second or any subsequent such offence, £1,500.

(4) In this section, “restaurant” means any premises in respect of which a restaurant certificate has been granted under subsection (1A) (inserted by section 8 of the Act of 1943) of section 12 of the Act of 1927.

27.—The Act of 1988 is amended—

Other amendments
of Part II (special
restaurant licences)
of Act of 1988.

(a) in section 6 (interpretation)—

(i) by the deletion of—

“(i) ‘the Board’ means Bord Fáilte Éireann;

(ii) ‘Bord Fáilte Certificate’ has the meaning assigned to it by section 8(2) of this Act;”,

and

(ii) by the substitution of the following definition for the definition of “waiting area”:

“‘waiting area’ means an area that is set aside in a restaurant for the sole purpose of accommodating persons while waiting to have a meal in the dining area;”,

(b) by the substitution of the following section for section 8 (application for special restaurant licence):

“8.—(1) Where a person applies to the Circuit Court for a special restaurant licence in respect of a restaurant of which he or she is the owner and occupier, having duly given notice of his or her intention to do so, the Court shall cause a certificate to be given to the applicant entitling him or her to receive, on paying the Revenue Commissioners the fee specified in section 9 of this Act, a special restaurant licence in respect of the restaurant unless the Court, in consequence of an objection under section 4 of the Licensing (Ireland) Act, 1833, prohibits under that section the issue of the licence on the grounds of the character, misconduct or unfitness of the applicant or of the unfitness or inconvenience of the premises.

(2) In considering an application under this section for a special restaurant licence, the Court may have regard to any guidelines or standards relating to restaurants which may be published by the Minister for Tourism, Sport and Recreation.”,

and

(c) by the deletion of sections 11 (power of Bord Fáilte to inspect restaurants), 12 (regulations in respect of restaurant standards), 13 (cancellation of Bord Fáilte

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certificate) and subsections (2), (4) and (6) of section 17 (display of Bord Fáilte certificate).

Amendment of section 4 of Courts (No. 2) Act, 1986.

28.—Section 4 (grant or renewal of intoxicating liquor licences without court certificates) of the Courts (No. 2) Act, 1986, is amended—

(a) in the definition of “licence” in subsection (1), as amended by section 50 of the Act of 1988, by the insertion of “or a wine retailer’s off-licence granted under section 49 of the Act of 1910” after “1860”, and

(b) by the deletion of subsection (9A) (special restaurant licences), as inserted by section 18 of the Act of 1988, and subsection (10) (production of statutory declaration on renewal of certificate).

Functions in registered clubs.

29.—(1) 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 are present at it.

(2) *Subsection (1)* does not apply to any function—

(a) where the whole proceeds, after deducting the expenses of the function, are devoted to community, charitable or benevolent purposes, or

(b) 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 are present.

(3) 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 of the club at the time of the contravention,

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

(i) in the case of a first offence, £300, or

(ii) in the case of a second or subsequent offence, £500.

(4) In any proceedings against a person for an offence under this section it shall be a defence for the person to prove that he or she exercised all due diligence to avoid the commission of the offence.

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30.—(1) Where members of a group are visiting a registered club for the purpose of—

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Groups visiting
registered clubs.

- (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,

intoxicating liquor may be supplied to them at the request and in the presence of an official of the registered club on the occasion of the visit.

(2) An official of the registered club being visited shall enter the name of the group concerned, and the number of persons in it, in the book required to be kept by paragraph (g) of section 4 of the Act of 1904.

(3) This section shall have effect notwithstanding anything in the said paragraph (g) or any rule required to be made by a registered club under it.

(4) In this section “group” means a club (whether registered or unregistered), society or organisation.

31.—Section 45 (restriction on advertising of functions in registered clubs) of the Act of 1988 is hereby amended in subsection (2)—

Amendment of
section 45
(restriction on
advertising of
functions in
registered clubs) of
Act of 1988.

- (a) by the substitution in paragraph (c) of “members, or” for “members.”, and
- (b) by the insertion of the following after that paragraph:

“(d) any advertisement in so far as it relates to a function at which intoxicating liquor will not be served or a function to which *section 29(2)(a)* of the *Intoxicating Liquor Act, 2000*, applies.”.

32.—Section 47 of the Act of 1988 (sale of intoxicating liquor in supermarkets, etc.) is repealed.

Repeal of section
47 of Act of 1988.

33.—Section 8 (prohibition of sales on credit) of the Act of 1924 is repealed.

Credit sales.

34.—(a) Section 10 of the Licensing (Ireland) Act, 1833, is amended by the deletion of the words “and such licensed person shall pay or cause to be paid to such clerk of the peace the sum of two shillings and sixpence;”.

Amendment of
Licensing (Ireland)
Act, 1833, and
Revenue Act, 1898.

(b) Section 16 of the Revenue Act, 1898, is amended by the deletion in subsection (1) of “and fee” and “and paid” wherever they occur.

35.—Section 37 of the Licensing Act (Ireland), 1874, is amended by the deletion, in the definition of “‘New license,’ ‘new excise license,’ and ‘new wholesale beer dealer’s license,’” of “, or, if

Amendment of
Licensing Act
(Ireland), 1874.

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granted, has been annulled or has not been in force during the preceding six months”.

Removal of restrictions on grant of wine retailer's off-licences.

36.—Section 61 of the Act of 1927 and section 28(1) of the Act of 1962 are repealed.

Removal of restriction on grant of beer retailer's off-licence.

37.—Section 2 of the Beer Licences Regulation (Ireland) Act, 1877, is amended by the deletion of “; nor unless upon the production of a certificate that such rated premises, wherever situate, have been in the exclusive occupation of such person for a period of three months at the least immediately preceding the date of such certificate”.

Documents to accompany certain applications.

38.—Notwithstanding anything contained in the Acts or this Act, the Revenue Commissioners shall refuse to grant an application for a licence, renewal of a licence or transfer of a licence—

(a) by or on behalf of a limited liability company, unless the application is accompanied by a certificate of the incorporation of the company, certified by the registrar of companies under section 370(1)(b) of the Companies Act, 1963, and dated not earlier than four weeks before the date of the application, or

(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 application is accompanied by a copy of a certificate of registration under the Registration of Business Names Act, 1963, certified in accordance with section 16(1)(b) of that Act.

Restriction on grant of licences by Revenue Commissioners.

39.—Where any person receives from the Circuit Court or District Court a certificate entitling the person to a licence, the Revenue Commissioners shall not grant the licence unless the certificate is presented to them within 12 months of the date on which it was issued.

SCHEDULE

Section 25.

Increase of Fines

Enactment (1)	Provision (2)	Amendment (3)
Intoxicating Liquor Act, 1927	Section 2 (prohibited hours), as substituted by section 25 of Act of 1988	The substitution in subsection (2) of “£800” for “£400” and “£1,200” for “£800”
Intoxicating Liquor Act, 1927	Section 17 (persons on licensed premises during prohibited hours), as substituted by section 12 of Act of 1960 and amended by section 51 of Act of 1988	The substitution in subsections (1) and (3) of “£50” for “£25” and “£100” for “£50”
Intoxicating Liquor Act, 1962	Section 29 (permitting persons to be on licensed premises during prohibited hours), as amended by section 51 of Act of 1988	The substitution of “£600” for “£300” and “£1,200” for “£600”
Intoxicating Liquor Act, 1988	Section 31 (sale of intoxicating liquor to under-age persons)	The substitution in subsection (3) of “£1,000” for “£300” and “£1,500” for “£500”
Intoxicating Liquor Act, 1988	Section 32 (provision of intoxicating liquor for under-age persons)	The substitution in subsection (2) of “£1,000” for “£300” and “£1,500” for “£500”
Intoxicating Liquor Act, 1988	Section 35 (restriction on under-age persons being on licensed premises during extended hours)	The substitution in subsection (4) of “£300” for “£100” and “£500” for “£250”
Intoxicating Liquor Act, 1988	Section 36 (restriction on under-age persons being on premises used for sale of intoxicating liquor for consumption off the premises)	The substitution in subsection (4) of “£300” for “£100” and “£500” for “£250”