

# SAORSTAT EIREANN.

## BILLE DEOCHA MEISCIULA (GENERALTA,) 1924. INTOXICATING LIQUOR (GENERAL) BILL, 1924

*Mar do ritheadh ag dhá Thigh an Oireachtais.  
As passed by both Houses of the Oireachtais.*

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# SAORSTAT EIREANN.

BILLE DEOCHA MEISCIULA (GENERALTA,) 1924.  
INTOXICATING LIQUOR (GENERAL) BILL, 1924.

## BILL

5

*entitled*

AN ACT TO AMEND THE LAW RELATING TO THE SALE  
OF INTOXICATING LIQUOR AND THE LAW RELAT-  
ING TO THE MANUFACTURE AND SALE OF SPIRITS,  
AND IN CONNECTION THEREWITH TO AMEND THE  
10 ILLICIT DISTILLATION (IRELAND) ACT, 1831, AND  
THE REGISTRATION OF CLUBS (IRELAND) ACT, 1904,  
AND FOR OTHER PURPOSES RELATING TO THE  
MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTAS OF SAORSTAT  
15 EIREANN AS FOLLOWS:—

### PART I. PROHIBITED HOURS.

1.—(1) From and after the passing of 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 intoxicating liquor on any day not being a Saturday, Sunday, Good Friday, Christmas Day or St. Patrick's Day before the hour of nine o'clock in the morning or after the hour of 10 o'clock in the evening, or on any day being Saturday before the hour of nine  
20 o'clock in the morning or after the hour of half-past nine in the evening.

This sub-section shall not apply to any licensed person who is the owner or lessee of a theatre, music hall or other place of public amusement.

30 (2) Where any business other than the sale of intoxicating liquors is carried on in any licensed premises the whole of such premises shall be closed during the hours in which the sale of intoxicating liquor is prohibited by this section, unless the portion of such premises in which such sale is carried on is  
35 structurally separated from the remainder thereof.

(3) From and after the passing of 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 intoxicating liquor on Christmas Day, Good Friday or St. Patrick's  
40 Day. This sub-section shall apply to hotels with the modification that it shall not operate to prevent the sale of intoxicating liquor to a lodger in the hotel at and for consumption with a meal.

(4) From and after the passing of this Act no person shall be admitted to any theatre, music hall or other place of amusement licensed for the sale of intoxicating liquor after the hour of  
45 half-past nine in the evening unless either—

- (a) he has previously engaged or paid for a seat in that theatre, music hall, or place of public amusement for the performance or entertainment then in progress; or  
50 (b) he is employed in that theatre, music hall, or place of public amusement or has business with a person so employed.



(5) From and after the passing of this Act the fact that a person is a *bona fide* traveller within the meaning of the Licensing (Ireland) Acts, 1833 to 1905 shall not entitle him to purchase or be supplied with intoxicating liquor—

(a) between the hours of seven o'clock in the morning and one o'clock in the afternoon on any Sunday, or

(b) at any time on Christmas Day or Good Friday.

(6) Nothing in this section shall vary or impair the rights enjoyed by the holders of licences for hotels and restaurants within the Dublin Metropolitan Police district under the Hotels and Restaurants (Dublin) Act, 1910.

Amendment  
to Section 29 of  
Licensing Act  
(Ireland), 1874.

2.—Section 29 of the Licensing Act (Ireland), 1874, shall be construed and have effect as if the words “in any part of such house other than the part in which such sale usually takes place” were added at the end of that section.

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Early closing  
licences.

3.—(1) Section 2 of the Licensing Act (Ireland), 1874, shall from and after the passing of this Act be construed and have effect as if the principal Act referred to therein were this Act.

(2) The holder of an early closing licence within the meaning of section 2 of the Licensing Act (Ireland), 1874, (whether such licence was granted before or after the passing of this Act), shall close the premises to which such licence relates at night one hour earlier than the ordinary hour after which the sale of intoxicating liquor is prohibited by this Act, and the provisions of this Act shall apply to such premises as if such earlier hour were the hour after which the sale of intoxicating liquor is prohibited by this Act.

District Justice  
may order im-  
mediate closing  
of licensed pre-  
mises.

4.—Whenever a Justice of the District Court sitting for any district outside the Police District of Dublin Metropolis is satisfied on the written application of a Superintendent or an Inspector of the *Gárda Síochána* that in the interests of the preservation of public peace and order it is expedient that the sale of intoxicating liquor in any town or village should immediately cease, the Justice of the District Court may order the immediate closing for the remainder of that day, or for such shorter period as he may deem adequate, of all premises licensed for the sale of intoxicating liquor in such town or village.

Penalties for  
opening during  
prohibited hours.

5.—All penalties for the time being in force under this or any other Act for selling, exposing for sale or purchasing any intoxicating liquor or opening or keeping open any premises for the sale of intoxicating liquor, or being present in or upon any such premises, during any hours or times at which the sale of intoxicating liquor is prohibited by any Act now in force, and all statutory provisions relating to such penalties, are hereby extended and made applicable to the times during which the sale of intoxicating liquor is prohibited by this Part of this Act or by any order made under this Part of this Act.

Exceptions from  
application of  
Act.

6.—Nothing in this Part of this Act shall be construed to apply to sales of intoxicating liquor to lodgers, or to the sale of intoxicating liquor in packet boats, or in canteens in pursuance of any Act regulating the same, or in a registered club as defined by the Registration of Clubs (Ireland) Act, 1904, or shall preclude the sale at any time at a railway station of intoxicating liquor on arrival or departure of trains to passengers who have travelled or hold tickets entitling them to travel on those trains for a distance of not less than ten miles to or from such railway station, or (save as otherwise expressly provided) the sale of intoxicating liquor to *bona fide* travellers within the meaning of the Licensing (Ireland) Acts, 1833 to 1905.



PART II.—LICENSING.

7.—(1) From and after the passing of this Act no person shall sell, expose for sale, or keep for sale, by retail, any intoxicating liquor without being duly licensed so to sell the same, or at any place where he is not authorised by his licence to sell the same.

Prohibition of  
sale of  
intoxicating  
liquors without  
licence.

(2) Every person who shall sell, expose for sale, or keep for sale, by retail any intoxicating liquor without being duly licensed so to sell such intoxicating liquor, and every person who shall sell, expose for sale, or keep for sale, by retail any intoxicating liquor at any place where he is not authorised by his licence so to sell the same, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a penalty not exceeding fifty pounds, or in default of payment of such penalty to imprisonment for a term not exceeding six months.

(3) In addition to any other penalty imposed by this section, any person convicted of a second or any subsequent offence under this section or having been convicted before the passing of this Act of an offence under section 3 of the Spirits (Ireland) Act, 1854, or section 3 of the Licensing Act, 1872, is convicted of an offence under this section shall, if he be the holder of a licence of any description for the sale of intoxicating liquor by retail, forfeit such licence.

(4) In the case of a conviction for any offence under this section, the court may, if it thinks expedient so to do, declare all intoxicating liquor found in the possession of the person so convicted, and the vessels containing such liquor, to be forfeited.

(5) No penalty shall be incurred under this section by the heirs, executors, administrators, or assigns of any licensed person who dies before the expiration of his licence, or by the trustee of any licensed person who is adjudged a bankrupt or whose affairs are liquidated by arrangement before the expiration of his licence, in respect of the sale or exposure for sale or keeping for sale of any intoxicating liquor, provided such sale or exposure for sale or keeping for sale be made on the premises specified in such licence, and takes place prior to the sitting of the Justice of the District Court in the court area in which such premises are situate next after the expiration of fourteen days from the death of the said person or the appointment of a trustee in the case of his bankruptcy, or the liquidation of his affairs by arrangement, as the case may be.

8.—(1) It shall not be lawful for any licence holder to supply any intoxicating liquor for consumption on his premises or for any person to consume any intoxicating liquor on the premises in which it is purchased unless either—

Prohibition of  
sales on credit.

(a) the intoxicating liquor is paid for in ready money before or at the time at which it is supplied, or

(b) the intoxicating liquor is ordered and consumed at the same time as a meal is ordered and consumed, and is paid for at the same time as such meal is paid for.

(2) Every licence holder who shall supply, and every person who shall consume, any intoxicating liquor in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof in the case of a first offence to a penalty not exceeding five pounds, and in the case of any subsequent offence to a penalty not exceeding ten pounds, and in any case, if the person convicted is a licence holder, the conviction shall be recorded on his licence.

9.—(1) The Minister for Justice may by order prescribe the sizes of the bottles in which any specified intoxicating liquor may be sold, and where any such order is in force it shall not be lawful sell or supply the intoxicating liquor specified in the order in

Sale of  
intoxicating  
liquor in  
bottles.



bottles of any size other than one of the sizes prescribed by the order.

(2) Every person who shall sell or supply any intoxicating liquor in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof in the case of a first offence to a penalty not exceeding five pounds, and in the case of any subsequent offence to a penalty not exceeding ten pounds. 5

Sales to young persons for consumption on the premises.

10.—Every licence holder who shall knowingly supply or who shall allow any person to supply any description of intoxicating liquor to a person under the age of eighteen years for consumption by that person on the premises of the licence holder shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence, to a penalty not exceeding five pounds, and in the case of any subsequent offence to a penalty not exceeding ten pounds, and in any case the conviction shall be recorded on the licence of the person so convicted. 15

Sales to young persons for consumption off the premises.

11.—(1) Every holder of a licence of any description authorising the sale of intoxicating liquor by retail for consumption off the premises who knowingly sells or delivers or allows any person to sell or deliver (save as hereinafter mentioned) any description of intoxicating liquor to any person under the age of eighteen years for consumption off the premises of the licence holder shall be guilty of an offence under this section and be punishable accordingly. 20 25

(2) Every person who sends (except as hereinafter mentioned) any person under the age of eighteen years to any place where intoxicating liquors are sold, delivered, or distributed for the purpose of obtaining any description of intoxicating liquor, shall be guilty of an offence under this section and be punishable accordingly. 30

(3) Every person found guilty on summary conviction of an offence under this section shall be liable, in the case of a first offence, to a penalty not exceeding five pounds, and in the case of any subsequent offence, to a penalty not exceeding ten pounds, and in any case if he is a licence holder the conviction shall be recorded on his licence. 35

(4) This section shall not apply to—

(a) the delivery of intoxicating liquor at the residence or working place of the purchaser, or 40

(b) the employment by a licensed person of a member of his family or his servant or apprentice as a messenger to deliver intoxicating liquor in sealed or corked vessels, or 45

(c) the sale or delivery to a person over the age of fifteen years of intoxicating liquor delivered in a corked and sealed vessel containing not less than one reputed pint, or

(d) the sending of a person over the age of fifteen years to obtain intoxicating liquor, if such liquor is delivered to such person in a corked and sealed vessel containing not less than one reputed pint. 50

(5) In this section the word "corked" means closed with a plug or stopper, whether it is made of cork or wood or glass or some other material; the word "sealed" means secured with any substance without the destruction of which the cork, plug, or stopper cannot be withdrawn. 55

Employment of young persons.

12.—Any licence holder who employs or permits—

(a) any female person being his sister, step-sister, daughter, step-daughter, or sister-in-law residing with him and being under the age of sixteen years, or 60



(b) any other female person being under the age of eighteen years, or

(c) any male person under the age of sixteen years other than an apprentice under indenture of apprenticeship made before the 1st day of November, 1924,

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to sell any description of intoxicating liquor for consumption on the premises of the licence holder shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence, to a penalty not exceeding  
10 five pounds, and in the case of any subsequent offence, to a penalty not exceeding ten pounds, and in any case the conviction shall be recorded on the licence of the licence holder so convicted.

13.—(1) If any purchaser of any intoxicating liquor from the  
15 holder of a licence to which this section applies drinks such liquor on the premises where the same was sold to him or on any highway, lane or byeway adjoining or near such premises, such licence holder shall, if it shall appear that such drinking was with his privity or consent, be guilty of an offence under this  
20 section, and upon summary conviction thereof shall be liable, in the case of a first offence, to a penalty not exceeding one hundred pounds, and in the case of any subsequent offence shall forfeit his licence.

Consumption of liquor on premises licensed only for consumption off the premises.

(2) If any person in the employment of the holder of a licence  
25 to which this section applies permits or consents or is privy to any intoxicating liquor purchased from such licence holder being drunk on the premises where the same was sold or on any highway, lane or byeway adjoining or near such premises, such person shall be guilty of an offence under this section, and on summary  
30 conviction thereof shall be liable to a penalty not exceeding fifty pounds, or in default of payment of such penalty to imprisonment for a term not exceeding three months.

(3) Every person who drinks any intoxicating liquor purchased from the holder of a licence to which this section applies  
35 on the premises where the same was sold, or on any highway, lane or byeway adjoining or near such premises, shall be guilty of an offence under this section, and shall be liable on summary conviction thereof to a penalty not exceeding twenty pounds, or in default of payment of such penalty to imprisonment for a term  
40 not exceeding one month.

(4) If the holder of a licence to which this section applies himself takes or carries, or employs, or suffers any other person to take or carry any intoxicating liquor out of or from the premises of such licence holder for the purpose of being sold on his  
45 account or for his benefit or profit, and of being drunk or consumed in any other house, or in any tent, shed, or other building of any kind whatsoever belonging to such licence holder, or hired, used, or occupied by him or on or in any place, whether enclosed or not, and whether or not a public thoroughfare, such  
50 intoxicating liquor shall be deemed to have been drunk by the purchaser thereof on the premises of such licence holder with his privity and consent, and such licence holder shall be punishable under this section accordingly.

In any proceeding brought under or in reliance on this sub-  
55 section, it shall not be necessary to prove that the premises or place or places to which such liquor is taken to be drunk belonged to, or were hired, used, or occupied by the licence holder, if proof be given to the satisfaction of the court hearing the case that such liquor was taken to be consumed thereon or  
60 therein with intent to evade the conditions of the licence.

(5) In this section the expression "premises where the same was sold" shall include any premises adjoining or near the premises where the liquor was actually sold and belonging to the same licence holder or under his control or used by his per-  
65 mission.



(6) This section applies to licences of any description authorising the sale of intoxicating liquor by retail for consumption off the premises.

Duration,  
construction and  
citation of  
Licensing  
(Ireland) Act,  
1902.

14.—(1) Notwithstanding anything to the contrary contained in the Expiring Laws Act, 1924, the Licensing (Ireland) Act, 1902, as amended by this section shall continue in force until the Oireachtas otherwise determines. 5

(2) In the construction of the Licensing (Ireland) Act, 1902, the expression "increase of population" shall, from and after the passing of this Act be taken to mean an increase of the population according to the last census of not less than twenty-five per cent. over the population according to the census taken in the year 1901. 10

(3) In this Act and every other Act of the Oireachtas, whether passed before or after this Act, the expression "The Licensing (Ireland) Acts, 1833 to 1905" shall include the Licensing (Ireland) Act, 1902. 15

Preservation of  
licences of de-  
stroyed premises.

15.—(1) This section applies to every licence of any description for the sale of intoxicating liquor by retail (whether for consumption on or off the premises) on premises— 20

- (a) which are situate outside the City of Dublin, and
- (b) which were destroyed or damaged during the period beginning on the 1st day of April, 1922, and ending on the 12th day of May, 1923, and
- (c) the destruction or damage of which occurred during the course of and as an incident in the conflict between the armed forces of the Provisional Government of Ireland or of the Government of Saorstát Éireann and persons offering armed resistance to those forces, and 25
- (d) in which the business of selling intoxicating liquor has been suspended on account of such destruction or damage. 30

(2) Every licence to which this section applies shall (for the purposes of renewal and of any certificates required for renewal but for no other purpose) be deemed to continue in force up to the time of the completion of the rebuilding or restoration of the licensed premises, and to be vested in the person legally entitled to the possession of such premises. 35

(3) Until the completion of the rebuilding or restoration of the licensed premises, it shall be competent for the person in whom a licence to which this section applies is vested to apply for any justice's certificate required for renewal, and for the court to consider such application, although the same may not be made to the annual licensing district court. 40

(4) Until the completion of the rebuilding or restoration of the licensed premises, any certificate as to the conduct of the business required for the purpose of renewal of a licence to which this section applies shall be a certificate in respect of the conduct of the business during the period between the date of the last renewal prior to the destruction or damage of the licensed premises and the date of such destruction or damage. 45

Certain convictions to be recorded on licence.

16.—Where the holder of a licence of any description authorising the sale of intoxicating liquor by retail (whether for consumption on or off the premises) is convicted of an offence against any of the enactments mentioned in the First Schedule to this Act or any enactment for the time being in force relating to the adulteration of drink, the conviction shall be recorded on the licence of the person so convicted. 55

Statutory provisions as to recording of convictions extended to recording under this Act.

17.—The provision of the licensing (Ireland) Acts, 1883 to 1905, for the time being in force in relation to the recording of convictions on licences shall apply to the recording on licences of all convictions required by this Act to be recorded on the licence of the convicted person. 60



18.—(1) Where the holder of a licence of any description for the sale of intoxicating liquor by retail (whether for consumption on or off the premises) on which two convictions are recorded is convicted of an offence the conviction for which is required by this or any other Act to be recorded, or is lawfully ordered by the court to be recorded, on the licence of the person convicted thereof, such licence shall thereupon be forfeited.

Forfeiture of licences on which three convictions are recorded.

(2) Any person whose licence is forfeited under this section may within one month after such forfeiture apply in manner to be prescribed by rules of court, to the High Court for a remission of such forfeiture.

(3) If the High Court is satisfied, on the hearing of an application under the foregoing sub-section, that having regard to—

(a) the nature and circumstances of the offences the convictions for which are recorded on the applicant's licence, and

(b) the general character of the applicant and his fitness to hold a licence,

it is just that the forfeiture of the applicant's licence should be remitted, the court shall strike off the said licence the record of such one of the convictions recorded thereon as the court shall think fit.

(4) An order of the High Court under the foregoing sub-section striking off the record of a conviction on a licence shall operate to cancel the forfeiture of such licence under this section as from the date of the conviction the recording of which occasioned the forfeiture.

### PART III.—CLUBS.

19.—(1) In this part of this Act the word "court" has the same meaning as it has in the Registration of Clubs (Ireland) Act, 1904, save that the word "court" shall, for the purposes of applications for the grant of an original certificate of registration of a club under the Registration of Clubs (Ireland) Act, 1904, as amended by this Act, mean the Circuit Court.

Meanings of words used in this part of this Act.

(2) All other words used in this Part of this Act which are also used in the Registration of Clubs (Ireland) Act, 1904, have the same meanings in this Part of this Act as they respectively have in that Act.

20.—(1) In order that any club may be eligible to be registered under the Registration of Clubs (Ireland) Act, 1904, the rules of the club shall (in addition to the matters mentioned in section 4 of the said Act) provide that no excisable liquor shall be supplied for consumption on the club premises, to or be consumed on the club premises by any person (other than members of the club lodging in the club premises)—

Prohibited hours in clubs.

(a) before the hour of nine o'clock in the morning or after the hour of ten o'clock in the evening on any day not being a Saturday or Sunday, or

(b) before the hour of nine o'clock in the morning or after the hour of half-past nine o'clock in the evening on any Saturday, or

(c) before the hour of one o'clock in the evening or after the hour of ten o'clock in the evening on any Sunday.

(2) This section shall not apply to any club which at the passing of this Act is registered under the Registration of Clubs (Ireland) Act, 1904, until the expiration of the certificate of registration of such club which shall be in force at the expiration of two months from the passing of this Act.

21.—(1) A Justice of the District Court may on the application of the secretary of a registered club authorise such club, notwithstanding the provisions contained in its rules pursuant to this Part of this Act, to supply excisable liquors to members of the

Supply of excisable liquors in registered clubs on special occasions.



club during any one period, specified in the authorization and not exceeding six hours in duration, during which such supply of excisable liquors would be prohibited by the rules of the club.

(2) The supply of excisable liquors in a registered club to members of the club during any period covered by an authorization under this section shall be lawful and shall not be deemed to be a breach of the rules of the club. 5

(3) Not more than twelve authorizations shall be granted under this section to any one club in any year.

Increase of fee payable by clubs on registration.

22.—Every club applying either for an original certificate of registration under the Registration of Clubs (Ireland) Act, 1904, or for a renewal of any such certificate shall as a condition of registration, make payment to the registrar of a fee of two pounds. 10

Application for original certificate of registration.

23.—(1) All applications for the grant of an original certificate of registration under the Registration of Clubs (Ireland) Act, 1904, shall continue to be made to the registrar in accordance with that Act as amended by this Act, but shall be heard and determined by the Circuit Court in lieu of the court prescribed by the said Act. 15

(2) The jurisdiction conferred on the Circuit Court by this section shall be exercised, in manner to be prescribed by rules of court, by the Circuit Judge of the Circuit in which the premises of the club are situate. 20

Objections to grant of certificate.

24.—(1) The objections to the grant of a certificate which may be considered by the court under section 5 of the Registration of Clubs (Ireland) Act, 1904, shall include objections taken on either or both of the following grounds, that is to say— 25

(a) that the number of registered clubs of the character of the club applying for the certificate and having premises in the district in which such club proposes to have its premises, is sufficient to meet the requirements of that district; 30

(b) that the club and the premises thereof are likely to be used mainly for the purpose of supplying intoxicating liquor to the members thereof and their visitors. 35

(2) The objections to the grant or renewal of a certificate which may be considered by the court under section 5 of the Registration of Clubs (Ireland) Act, 1904, shall include an objection on the ground that some excise duty payable in respect of the club is unpaid. 40

Police may search clubs.

25.—(1) If any officer of the Dublin Metropolitan Police or the Garda Síochána, not being below the rank of Inspector, is of opinion that there is reasonable ground for supposing that any club registered under the Registration of Clubs (Ireland) Act, 1904, is so managed or carried on as to constitute a ground of objection to the renewal of its certificate under that Act, or that an offence under that Act as amended by this Act has been or is being committed in any such club, or that any excisable liquor is sold or supplied, or kept for sale or supply, on the premises of a club which is not registered under that Act, he may issue an order in writing (in this section called a search order) to any one or more sergeants, constables, or guards under his command to search the premises of such club. 45

(2) A search order issued under this section shall authorise the sergeants, constables, or guards named therein to enter the club at any time within twenty-four hours after the issuing of the order, and if need be by force, and to inspect the premises of the club, to take the names and addresses of any persons found therein, and to seize any books and papers relating to the business of the club. 50 60

(3) In the event of any person or persons found in such premises refusing to give their respective names and addresses when requested by any such sergeant, constable, or guard or giving false names and addresses, such person or persons so doing shall be liable severally on summary conviction to a fine not exceeding ten pounds. 65



PART IV.  
ILLICIT DISTILLATION.

26.—(1) Any person who sells, purchases, or has in his possession in any area or place to which this section for the time being applies, or who brings into any such area or place, or sells to any person in such area or place, any quantity of any material to which this section for the time being applies in relation to that area or place without having a permit issued under this section so to do, shall be guilty of an offence under this section, and on summary conviction thereof shall be liable in the case of a first offence to a penalty not exceeding fifty pounds, and in the case of any subsequent offence to a penalty not exceeding one hundred pounds.

Restriction on sale and possession of certain materials.

(2) Where any person having a permit issued to him under this section, sells, purchases, or has in his possession in, or brings into, or sells to a person in the area or place to which the permit relates a greater quantity of the materials specified in the permit than is thereby permitted, such person shall for the purpose of this section be deemed to have sold, purchased, had in his possession in, or brought into, such area or place without a permit the excess of such materials above the quantity permitted by the permit.

(3) On any conviction under this section the court may, if it thinks expedient so to do declare all the materials in respect of which the offence was committed and the cases and vessels containing such material to be forfeited.

(4) The Minister for Justice may issue permits to persons to sell, purchase, or have possession of any specified quantity of any material to which this section for the time being applies in any specified area or place to which this section for the time being applies or to bring any specified quantity of any such material into any such specified area or place.

(5) The Minister for Justice may make regulations prescribing the terms and conditions on which permits will be issued by him under this section and may in such regulations provide for such permits being issued through members of the *Gárda Síochána* or (with the consent of the Minister for Finance) through officers of excise, and may also, subject to the approval of the Minister for Finance, prescribe the fees (not exceeding five shillings on each permit) to be charged by him for such permits.

(6) This section shall apply to such areas and places as the Minister for Justice shall from time to time by order appoint and shall apply to such materials capable of being used as ingredients of illicitly distilled spirits as the Minister shall, in relation to any particular area or place by order from time to time appoint.

(7) Not less than one week before making an order applying this section to any area or place or to any material in relation to any area or place, the Minister for Justice shall publish notice of his intention to make the order at least twice in each of two newspapers circulating in such area or place.

27.—(1) Section 18 of the Illicit Distillation (Ireland) Act, 1831, from the words "and if any officer of excise having entered" to the end of the section, is hereby repealed, and in lieu thereof it is hereby enacted that no action shall lie against any officer of excise or any member of the *Gárda Síochána* for or in respect of any act, matter, or thing done by him while making any such search as is mentioned in the said Section 18, if such act, matter, or thing would have been lawful if done under the authority of a search warrant granted under Section 17 of the said Act.

Amendments of Illicit Distillation (Ireland) Act, 1831.

(2) In the construction and application of Section 19 of the Illicit Distillation (Ireland) Act, 1831, the expression "room or place" as used in that section shall include and be deemed always to have included any building whatsoever, and any yard,



garden, field, bog or other piece of ground, and any cave or other underground place, whether natural or artificial, and any boat, vessel, or other structure on, in, or under water.

(3) Where the holder of a licence for the sale of intoxicating liquor by retail is convicted of an offence against Section 22, Section 23, or Section 24 (which impose penalties for concealing, having possession of, or selling illicitly distilled spirits) of the Illicit Distillation (Ireland) Act, 1831, such licence shall be forfeited, and the holder thereof shall for ever be disqualified for holding a licence for the sale of intoxicating liquor by retail.

(4) Every person convicted of an offence against Section 30 (which imposes a penalty of ten pounds on persons giving notice to smugglers of the approach of excise officers) of the Illicit Distillation (Ireland) Act, 1831, shall be liable to a penalty of fifty pounds in lieu of the penalty mentioned in the said section, but such penalty of fifty pounds shall be capable of being mitigated under Section 39 of the said Act.

(5) Any person convicted of an offence against the Illicit Distillation (Ireland) Act, 1831, may, in lieu of any penalty imposed by that Act or by this section, be sentenced to imprisonment with hard labour for a term not exceeding, in the case of a first offence, six months, or in the case of any subsequent offence, twelve months.

## PART V.

### MISCELLANEOUS AND GENERAL.

Restrictions on  
the sale of  
methylated  
spirits.

28.—(1) The sale of methylated spirits between the hours of nine o'clock in the evening of Saturday and nine o'clock on the following Monday morning is hereby prohibited.

(2) The sale of methylated spirits by retail to any person—

(a) whose name and address are not either previously known to the seller or vouched for by some person previously known to him, or

(b) who does not state the purpose for which he requires such spirits,

is hereby prohibited.

(3) Every retailer of methylated spirits shall at the time of the sale by him of any quantity of such spirits by retail, record in a book to be kept by him for that purpose—

(a) the name and address of the purchaser;

(b) the purposes for which the purchaser stated he required the spirits;

(c) the quantity of spirits so sold;

(d) the date of the sale.

(4) Any excise officer or police constable may at any time inspect and take extracts from the book kept by a retailer of methylated spirits pursuant to the foregoing sub-section, and may for that purpose enter the premises of any such retailer.

(5) Every person who shall sell any methylated spirits—

(a) at any time during which the sale thereof is prohibited by this section, or

(b) to any person to whom the sale of methylated spirits is prohibited by this section, or

(c) without recording in such book as aforesaid the particulars prescribed by this section,

and every person who shall obstruct any officer of excise or any police constable in the exercise of his rights of inspection and taking extracts under this section shall be guilty of an offence under this section and shall be liable on summary conviction to a fine of not less than ten pounds nor more than one hundred pounds.



(6) Any sale of methylated spirits on the premises of a retailer of methylated spirits shall for the purposes of this section be deemed to have been made by such retailer.

(7) In this section the expression " police constable " includes  
5 any member of the Dublin Metropolitan Police and any member of the *Gárda Síochána*.

29.—Every person who drinks any methylated spirits shall be guilty of an offence under this section and shall be liable on summary conviction thereof to imprisonment for any term not  
10 exceeding six months. Penalty for drinking methylated spirits.

30.—All and every fine or other money penalty imposed by any of the Licensing (Ireland) Acts, 1833 to 1905, or the Illicit Distillation (Ireland) Act, 1831, the Spirits (Ireland) Act, 1854, the Spirits (Ireland) Act, 1855, or the Spirits (Ireland) Act, 1857,  
15 or authorised by any of those Acts to be imposed, shall, on and after the passing of this Act, be and the same are hereby increased to double the amounts respectively mentioned in those Acts. Increase of fines under Acts relating to licensing and illicit distillation.

31.—The enactments mentioned in the Second Schedule to this  
20 Act are hereby repealed to the extent specified in the third column of that Schedule. Repeals.

32.—(1) This Act may be cited at the Intoxicating Liquor (General) Act, 1924. Short title, construction and citation.

(2) Parts I., II. and V. of this Act shall be construed as one  
25 with the Licensing (Ireland) Acts, 1833 to 1905, and may be cited with those Acts as the Licensing (Ireland) Acts, 1833 to 1924.

(3) Part III. of this Act shall be construed as one with the Registration of Clubs (Ireland) Act, 1904, and may be cited with  
30 that Act as the Registration of Clubs Acts, 1904 and 1924.

#### FIRST SCHEDULE.

##### OFFENCES TO BE RECORDED ON LICENCES.

###### Licensing Act, 1872.

- Section 13 (which imposes a penalty on licensed persons permitting drunkenness).
- Section 14 (which imposes a penalty on licensed persons keeping a disorderly house).
- Section 16 (which imposes a penalty on licensed persons harbouring constables).
- Section 17 (which imposes a penalty on licensed persons permitting gaming).
- Section 78 (which imposes a penalty for selling drink during prohibited hours).

###### Licensing Act (Ireland), 1874.

- Section 16 (which imposes a penalty for refusing to admit a constable).



SECOND SCHEDULE.  
ENACTMENTS REPEALED.

| Session and Chapter.          | Short Title.                                       | Extension of Repeal.  |
|-------------------------------|--|---|
| 7 Will. IV. & 1 Vic. cap. 25. | Dublin Police Act, 1842.                           | Section 6.  |
| 17 & 18 Vic. cap. 39.         | Spirits (Ireland) Act, 1854.                       | Section 3.  |
| 35 & 36 Vic. cap. 94.         | Licensing Act, 1872.                               | Sections 3, 5, 6, 7, 83 and 84.                                     |
| 37 & 38 Vic. cap. 69.         | Licensing Act (Ireland), 1874.                     | Sections 21 and 22.   |
| 53 & 54 Vic. cap. 42.         | Revenue Act, 1889.                                 | Section 26.   |
| 1 Edw. VII. cap. 27.          | Intoxicating Liquors (Sale to Children) Act, 1901. | The whole Act.  |
| 4 Edw. VII. cap. 9.           | Registration of Clubs (Ireland) Act, 1904.         | Sub-section (3) of section 2; proviso to section 4; and section 6.  |
| 5 Edw. VII. cap. 3.           | Licensing (Ireland) Act, 1905.                     | The whole Act.  |
| 6 Edw. VII. cap. 89.          | The Intoxicating Liquor (Ireland) Act, 1906.       | Section 2 from the beginning of the section to the word "building." |
| No. 28 of 1924.               | The Intoxicating Liquor Act, 1924.                 | The whole Act.  |



EXAMINATION REPORT

Section 1: General Information

Section 2: Detailed Findings

Section 3: Conclusions and Recommendations



# Saorstát Éireann.

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BILLE DEOCHA MEISCIÚLA  
(GENERALTA), 1924.

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## BILLE

*dá ngairmtear*

Acht chun leasú do dhéanamh ar an dlí a bhaineas le díol deochanna meisiciúla agus ar an dlí a bhaineas le déanamh agus díol biotáille, agus maidir leis sin, chun an *Illicit Distillation (Ireland) Act, 1831*, agus an *Registration of Clubs (Ireland) Act, 1904*, do leasú, agus chun crícheanna eile a bhaineas leis na nithe roimhraithe.

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*Rithle, ag dhá Thigh an Oireachtais,  
19adh Mí na Nodlag, 1924.*

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# Saorstát Éireann.

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INTOXICATING LIQUOR (GENERAL)  
BILL, 1924.

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## BILL

*entitled*

An Act to amend the law relating to the sale of intoxicating liquor and the law relating to the manufacture and sale of spirits, and in connection therewith to amend the *Illicit Distillation (Ireland) Act, 1831*, and the *Registration of Clubs (Ireland) Act, 1904*, and for other purposes relating to the matters aforesaid.

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*Passed, by both Houses of the Oireachtas,  
19th December, 1924.*

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