



**BILLE DEOCHA MEISCIULA, 1931.**  
**INTOXICATING LIQUOR, BILL, 1931.**

*Mar do tugadh isteach.*

*As introduced.*

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# SAORSTÁT ÉIREANN.

BILLE DEOCHA MEISCIULA, 1931.  
INTOXICATING LIQUOR BILL, 1931.

## BILL

*entitled*

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AN ACT TO MAKE CERTAIN MINOR AMENDMENTS IN SECTION 3 OF THE LICENSING (IRELAND) ACT, 1902, AND IN SECTIONS 2, 3, 11, 13, 14 AND 15 OF THE INTOXICATING LIQUOR ACT, 1927, AND IN THE LAW RELATING TO THE REGISTRATION OF CLUBS, AND TO MAKE PROVISION FOR THE TRANSFER OF ON-LICENCES ATTACHED TO CERTAIN PREMISES TO OTHER PREMISES, AND FOR THE GRANT IN CERTAIN CASES OF NEW OFF-LICENCES IN LIEU OF ON-LICENCES.

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BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT ÉIREANN AS FOLLOWS:—

### PART I.

#### PRELIMINARY.

Definitions.

1.—In this Act—

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the expression “the Act of 1927” means the Intoxicating Liquor Act, 1927 (No. 15 of 1927);

the expressions “week day,” “town,” “hotel,” “restaurant,” “licensing area,” “annual licensing district court,” “licensed premises” and “on-licence,” have the same meanings as they have in Part II of the Act of 1927;

the expression “county borough” has (except in Part III of this Act) the same meaning as it has in Part II of the Act of 1927.

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### PART II.

AMENDMENTS OF THE LICENSING (IRELAND) ACT, 1902 AND PART II OF THE INTOXICATING LIQUOR ACT, 1927.

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Amendment of section 3 of the Licensing (Ireland) Act, 1902.

2.—Section 3 of the Licensing (Ireland) Act, 1902, shall be construed and have effect as if there were inserted therein after the words “a licence for the sale of intoxicating liquors for consumption on” now contained therein the words “or a licence for the sale of intoxicating liquors for consumption off,” and as if there were inserted therein after the words “grant a licence” now contained therein the words “of a kind similar to the licence so extinguished or surrendered.”

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Amendment of section 2 of the Act of 1927.

3.—Sub-section (1) of section 2 of the Act of 1927 shall be construed and have effect as if—

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(a) in paragraph (c) thereof, there were inserted after the word “Sunday” now contained therein the words “or Saint Patrick’s Day”; and

(b) in paragraph (d) thereof, there were substituted for the words “Good Friday or Saint Patrick’s Day” now contained therein the words “or Good Friday”.

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4.—Notwithstanding anything contained in sections 2 and 3 of the Act of 1927, the opening or keeping open in a county borough between the hours of half-past two o'clock and half-past three o'clock in the afternoon on any week-day of any licensed premises for the purpose of despatching goods from or receiving goods at such premises shall not for the purposes of Part II of the Act of 1927 be deemed to be an opening or keeping open of such premises for the sale of intoxicating liquor during the said hours on such week-day.

Amendment of sections 2 and 3 of the Act of 1927.

10 5.—(1) Sub-section (1) of section 11 of the Act of 1927 shall be construed and have effect as if—

Amendment of section 11 of the Act of 1927.

(a) there were inserted therein after the words "be entitled" now contained therein the words "on applying to the Justice of the District Court at any sitting"; and

15 (b) the words "at the annual licensing District Court" now contained therein were deleted.

(2) Sub-section (2) of section 11 of the Act of 1927 shall be construed and have effect as if—

20 (a) there were inserted therein after the words "be entitled" now contained therein the words "on applying to the Justice of the District Court at any sitting"; and

(b) the words "at the annual licensing District Court" now contained therein were deleted.

25 6.—Sub-section (2) of section 13 of the Act of 1927 is hereby repealed and in lieu thereof it is hereby enacted that nothing in the Act of 1927 shall operate to prohibit the holder of an on-licence in respect of premises situate in a county borough which are for the time being a hotel or a restaurant supplying intoxicating liquor to any person on such premises on any week-day between the hours of half-past two o'clock and half-past three o'clock in the afternoon, provided such intoxicating liquor—

Amendment of section 13 of the Act of 1927.

(a) is ordered by such person at the same time as a substantial meal is ordered by such person; and

35 (b) is consumed at the same time as and with such meal; and

(c) is supplied and consumed in the portion of such premises usually set apart for the supply of meals; and

(d) is paid for at the same time as such meal is paid for.

40 7.—Paragraph (c) of section 14 of the Act of 1927 shall be construed and have effect as if for the words "Good Friday and Saint Patrick's Day" now contained therein there were substituted the words "and Good Friday."

Amendment of section 14 of the Act of 1927.

45 8.—Sub-section (1) of section 15 of the Act of 1927 shall be construed and have effect as if in sub-paragraph (i) of paragraph (b) thereof there were inserted after the words "any week-day" now contained therein the words "or between the hours of one o'clock and eight o'clock in the afternoon on Saint Patrick's Day."

Amendment of section 15 of the Act of 1927.

### PART III.

#### 50 CLUBS.

9.—(1) Sub-section (1) of section 56 of the Act of 1927 shall be construed and have effect as if—

Amendment of section 56 of the Act of 1927.

55 (a) in paragraph (c) thereof there were inserted after the word "Sunday" now contained therein the words "or Saint Patrick's Day"; and

(b) in paragraph (d) thereof there were substituted for the words "Good Friday or Saint Patrick's Day" now contained therein the words "or Good Friday".

(2) Sub-section (2) of section 56 of the Act of 1927 shall be construed and have effect as if—

(a) in paragraph (c) thereof, there were inserted after the word "Sunday" now contained therein the words "or Saint Patrick's Day"; and

(b) in paragraph (d) thereof, there were substituted for the words "Good Friday or Saint Patrick's Day" now contained therein the words "or Good Friday";

(3) Sub-section (3) of section 56 of the Act of 1927 shall be construed and have effect as if—

(a) in paragraph (c) thereof, there were inserted after the word "Sunday" now contained therein the words "or Saint Patrick's Day"; and

(b) in paragraph (d) thereof, there were substituted for the words "Good Friday or Saint Patrick's Day" now contained therein the words "or Good Friday".

Certain exemptions for clubs in County Boroughs and the Dublin Metropolitan Area.

10.—(1) The supplying of excisable liquor for consumption on the premises of a club to which this section applies to a member of such club or to a visitor on the invitation and in the company of a member of such club or the consumption of excisable liquor on the premises of a club to which this section applies by a member of such club or by a visitor on the invitation and in the company of a member of such club on any day (not being a Sunday, or Good Friday, or Christmas Day, or Saint Patrick's Day) between the hours of three o'clock and five o'clock in the afternoon shall not for the purposes of any of the provisions of the Registration of Clubs Acts, 1904 to 1927, be deemed to be a contravention of the rules of such club relating to the supplying and consumption of excisable liquor on the premises of such club, provided such excisable liquor—

(a) is ordered by such member at the same time as a substantial meal is ordered by such member; and

(b) is consumed at the same time as and with such meal; and

(c) is supplied and consumed in the portion of the premises of such club usually set apart for the supply of meals; and

(d) is paid for at the same time as such meal is paid for.

(2) This section applies to every club which complies with all the following conditions, that is to say:—

(a) is registered under the Registration of Clubs Acts, 1904 to 1927; and

(b) is situate in a county borough or any part of the Dublin Metropolitan Area; and

(c) being a sports club within the meaning of Part V of the Act of 1927, the rules of such club contain provisions to the like effect as the provisions of sub-section (1) of section 56 of the Act of 1927 as amended by this Act.

#### PART IV.

##### MISCELLANEOUS AND GENERAL.

Transfer of licence to non-licensed premises.

11.—(1) Where—

(a) a person is the owner and occupier of premises (in this section referred to as licensed premises) to which an on-licence is attached and is also the owner and occupier of premises (in this section referred to as non-licensed premises) to which no licence for the sale of intoxicating liquor is attached; and

(b) both such premises are situate in the same licensing area; and

(c) neither such premises are situate in a county or other borough, an urban district, or a town; and

- (d) the annual rateable value under the Valuation Acts of such non-licensed premises is not less than the annual rateable value under the said Acts of such licensed premises;
- 5 the Justice of the District Court for the time being exercising jurisdiction in such licensing area may, at the annual licensing District Court held in such licensing area, on the application of such person, if he is satisfied that such non-licensed premises are more suitable for the carrying on of licensed business than such licensed premises, by order (in this section referred to as a transfer order) transfer such licence to such non-licensed premises.

(2) A Justice of the District Court shall not entertain an application under this section unless and until satisfied that not less than twenty-one days before the annual licensing District Court at which the application is proposed to be made—

(a) notice in writing of the intention to make the application was given to the officer in charge of the Garda Síochána for the licensing area in which the premises the subject of such application are situate and to the District Court clerk; and

(b) notice of such intention was published in one or more newspapers circulating in such licensing area.

(3) On the hearing of an application under this section the applicant, the officer in charge of the Garda Síochána for the licensing area in which the premises the subject of such application are situate and any other person resident in such licensing area and no other persons shall be entitled to be heard and adduce evidence.

(4) In considering for the purpose of an application under this section whether non-licensed premises are more suitable for the carrying on of licensed business than licensed premises, a Justice of the District Court shall have regard to the following matters—

(a) the structural condition and state of repair of such licensed premises and such non-licensed premises respectively;

(b) the accommodation for customers in such licensed premises and such non-licensed premises respectively;

(c) the situation of such non-licensed premises; and

(d) any other matters which such Justice considers should be taken into account.

(5) Where an application for a transfer order is made to a Justice of the District Court under this section, an appeal shall lie against the decision of such Justice on such application at the instance of the applicant, the officer in charge of the Garda Síochána for the licensing area in which the premises the subject of such application are situate, and any other person who was entitled to appear and did appear at the hearing of such application to the Judge of the Circuit Court within whose circuit the district or any part of the district of such Justice is situate and the decision of such Judge shall be final and not appealable.

(6) Where an on-licence is transferred by a transfer order, the premises to which such licence was attached before such transfer shall for the purposes of the Licensing (Ireland) Act, 1902, be deemed never to have been licensed.

**12.—(1) Where—**

(a) a person is the holder of an on-licence (in this section referred to as the on-licence) in respect of certain premises and is also the holder of a wholesale dealer's licence for the sale of spirits or beer in respect of other premises; and

Grant of new off-licence in lieu of an on-licence.

(b) both such premises are situate in the same licensing area;  
and

(c) neither such premises are situate in county borough,  
such person may apply at the annual licensing District Court  
held in such licensing area that in lieu of a certificate for the 5  
renewal of the on-licence there be granted to him in respect of  
the premises to which such wholesale dealer's licence is attached  
a certificate for a new spirit retailer's off-licence or a certificate  
for a new beer retailer's off-licence or certificates for both such  
licences. 10

(2) Where an application under the foregoing sub-section is  
made the Justice of the District for the time being exercising  
jurisdiction in the said licensing area, if he is satisfied that a  
certificate for the renewal of the on-licence might have been  
granted, may, if he so thinks fit, grant to such applicant the cer- 15  
tificate or certificates so applied for by him.

(3) Where an application under sub-section (1) of this section  
is granted, a new licence or new licences shall notwithstanding  
anything to the contrary contained in any other Act be granted  
to the applicant in accordance with the certificate or certificates 20  
granted to him in pursuance of such application.

(4) Where a new licence or licences are granted under the  
foregoing sub-section the following provisions shall have effect,  
that is to say:—

(a) the on-licence shall not be renewed; 25

(b) no new on-licence shall at any time be granted in respect  
of the premises to which the on-licence was attached;  
and

(c) such premises shall for the purposes of the Licensing  
(Ireland) Act, 1902, be deemed never to have been 30  
licensed.

(5) Where an application under sub-section (1) of this section  
is refused such application shall be treated as an application for  
a certificate for the renewal of the on-licence and dealt with  
accordingly. 35

(6) In this section the expressions "spirit retailer's off-  
licence" and "beer retailer's off-licence" have the same mean-  
ings as such expressions respectively have in the Finance  
(1909-10) Act, 1910.

Short title and  
citation.

13.—(1) This Act may be cited as the Intoxicating Liquor Act, 40  
1931.

(2) Parts I, II, and IV of this Act may be cited with the  
Licensing (Ireland) Acts, 1833 to 1927, as the Licensing (Ireland)  
Acts, 1833 to 1931.

(3) Part III of this Act may be cited with the Registration of 45  
Clubs Acts, 1904 to 1927, as the Registration of Clubs Acts, 1904  
to 1931.

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BILLE DEOCHA MEISCIULA, 1931.

INTOXICATING LIQUOR BILL, 1931.

**BILLE**

*(mar do tugadh isteach)  
dá ngairmtear*

Acht chun mion-leasuithe áirithe do dhéanamh ar alt 3 den *Licensing (Ireland) Act*, 1902, agus ar ailt 2, 3, 11, 13, 14 agus 15 den Acht Deocha Meisciúla, 1927, agus ar an dlí bhaineann le clubanna do chlárú agus chun soerú do dhéanamh chun ceadúnaisí iomlána bhaineann le háitreabhacha áirithe d'aistriú go dtí áitreabhacha eile, agus chun ceadúnaisí teoranta nua do dheona in ionad ceadúnaisí iomlána i geásanna áirithe.

*An tAire Dlí agus Cirt do thug isteach.*

*Do hordúíodh, ag Dáil Éireann, do chlóbhuála,  
18adh Feabhra, 1931.*

BAILE ATHA CLIATH:  
FOILLSITHE AG OIFIG AN TSOLATHAIR.

Le ceannach tré non díoltóir leabhar, no díreach ó Oifig Díolta Foillseacháin Rialtais, 5, Sráid Thobair Phádraig, Baile Atha Cliath, C.2.

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[*Leath-Raol Glan.*]

Wt. 164—1491. 575. 2/31. C.&Co. (A387).

**BILL**

*(as introduced)  
entitled*

An Act to make certain minor amendments in section 3 of the *Licensing (Ireland) Act*, 1902, and in sections 2, 3, 11, 13, 14 and 15 of the *Intoxicating Liquor Act*, 1927, and in the law relating to the registration of clubs and to make provision for the transfer of on-licences attached to certain premises to other premises, and for the grant in certain cases of new off-licences in lieu of on-licences.

*Introduced by the Minister for Justice.*

*Ordered, by Dáil Éireann, to be printed,  
18th February, 1931.*

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