

ÉIRE.

BILLE DEOCHA MEISCIULA, 1942. INTOXICATING LIQUOR BILL, 1942.

*Mar do leasúíodh ar ath-chúrsa i gCoiste,
As amended on Re-committal.*

ARRANGEMENT OF SECTIONS.

PART I.

PRELIMINARY.

Section.

1. Short title, construction, and collective citation.

PART II.

AMENDMENTS OF THE INTOXICATING LIQUOR ACT, 1927.

2. Definition for the purposes of Part II.
3. Amendment of section 1 of the Act of 1927.
4. Amendment of section 2 of the Act of 1927.
5. Amendment of section 3 of the Act of 1927.
6. Amendment of section 5 of the Act of 1927.
7. Amendment of section 11 of the Act of 1927.
8. Amendment of section 12 of the Act of 1927.
9. Amendment of section 13 of the Act of 1927.
10. Amendment of section 14 of the Act of 1927.
11. Amendment of section 15 of the Act of 1927.
12. Amendment of section 16 of the Act of 1927.
13. Amendment of section 24 of the Act of 1927.
14. Amendment of section 25 of the Act of 1927.
15. Amendment of section 26 of the Act of 1927.
16. Amendment of section 27 of the Act of 1927.
17. Amendment of sections 48 and 49 of the Act of 1927.
18. Amendment of section 62 of the Act of 1927.

PART III.

GRANT OF NEW LICENCES IN CERTAIN CASES.

19. Definitions for the purposes of Part III.
20. Grant of a new licence in respect of certain restaurant, etc., premises.
21. Grant of new licence in respect of more convenient premises.
22. Grant of new licence in respect of premises substituted for destroyed premises.
23. Amendment of section 3 of the Act of 1902.

PART IV.

LICENCES IN RESPECT OF AERODROMES AND PASSENGER AIRCRAFT.

24. Definitions for the purposes of Part IV.
25. Grant and renewal of licences in respect of premises in an aerodrome.
26. Transfer and variation of licences in respect of premises in an aerodrome.
27. Selling to travellers and intending travellers.
28. Application or exclusion of certain provisions of the Act of 1927.
29. Licences for sale of intoxicating liquor on aircraft in flight.

PART V.

MISCELLANEOUS.

30. Gaming by licensed person on licensed premises.
31. Partial repeal of section 1 of the Licensing (Ireland) Act, 1833.

ÉIRE.

BILLE DEOCHA MEISCIULA, 1942. INTOXICATING LIQUOR BILL, 1942.

BILL

entitled

5

AN ACT TO AMEND AND EXTEND THE LICENSING
(IRELAND) ACTS, 1833 TO 1929, IN DIVERS RESPECTS
AND, IN PARTICULAR, BY PROVIDING FOR THE
LICENSING OF AERODROMES AND PASSENGER
AIRCRAFT.

10

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I.

PRELIMINARY.

Short title,
construction, and
collective
citation.

1.—(1) This Act may be cited as the Intoxicating Liquor Act,
1942.

15

(2) This Act shall be construed as one with the Licensing
(Ireland) Acts, 1833 to 1929, and may be cited with those Acts
as the Licensing Acts, 1833 to 1942.

PART II.

AMENDMENTS OF THE INTOXICATING LIQUOR ACT, 1927.

20

Definition for
the purposes of
Part II.

2.—In this Part of this Act the expression “the Act of 1927”
means the Intoxicating Liquor Act, 1927 (No. 15 of 1927).

Amendment of
section 1 of the
Act of 1927.

3.—Section 1 of the Act of 1927 is hereby amended by the
insertion in sub-section (1) after the word “licence” in each of
the definitions of the expressions “licensed premises”, “on-
licence”, and “off-licence” of the following: “(whether granted
on production or without production of a certificate of the Circuit
Court or the District Court)”.

25

Amendment of
section 2 of the
Act of 1927.

4.—Section 2 of the Act of 1927 is hereby amended—

(A) by the deletion of paragraphs (a), (b), and (c) of sub-section
(1) and the substitution in lieu thereof of the following
paragraphs, that is to say:—

30

“ (a) on any week day, before the hour of half-past ten o'clock in
the morning, or after the hour of half-past ten o'clock in
the evening, or (subject to the exceptions hereinafter
mentioned) between the hours of half-past two o'clock
and half-past three o'clock in the afternoon, or

35

(b) on any Sunday—

(i) in the case of the County Borough of Dublin or
the Dublin Metropolitan area, before the hour of
two o'clock in the afternoon, or between the hours of
three o'clock and four o'clock in the afternoon, or
after the hour of seven o'clock in the evening, and

40

(ii) in the case of any other County Borough, before
the hour of one o'clock in the afternoon or between
the hours of three o'clock and five o'clock in the
afternoon, or after the hour of seven o'clock in the
evening, or,”

45

(B) by the deletion of sub-sections (2) and (3) and the substitu-
tion in lieu thereof of the following sub-section, that is to
say:—

50

(2) Save as is otherwise provided by this Act, it shall not be
lawful for any person in any place not being a county borough

to sell or expose for sale or to open or keep open any premises for the sale of intoxicating liquor or to permit any intoxicating liquor to be consumed on licensed premises—

5 (a) on any week-day, before the hour of half-past ten o'clock in the morning or after the hour of half-past ten o'clock in the evening, or

(b) at any time on any Sunday or on Christmas Day, Good Friday, or Saint Patrick's Day.

5.—Section 3 of the Act of 1927 is hereby amended—

Amendment of section 3 of the Act of 1927.

10 (a) by the insertion in sub-section (1) of the word " half-past " before the words " ten o'clock ",

15 (b) by the deletion in sub-section (2) of the words " in a county borough on week days between the hours of nine o'clock and ten o'clock in the morning and " and the substitution in lieu thereof of the words " on week days between the hours of nine o'clock and half-past ten o'clock in the morning and, in a county borough, on week days ",

20 (c) by the insertion at the end of the section of the following sub-section, that is to say:—

25 " (4) In sub-section (2) of this section, the expression ' premises to which an off-licence is attached ' does not include premises to which a wine retailer's off-licence within the meaning of the Finance, (1909-10) Act, 1910 (and no other off-licence) is attached."

6.—Section 5 of the Act of 1927 is hereby amended by the deletion in sub-section (1) of the words " and are situate in a county borough ".

Amendment of section 5 of the Act of 1927.

30 7.—Section 11 of the Act of 1927 is hereby amended—

Amendment of section 11 of the Act of 1927.

35 (a) by the deletion in sub-section (1) of the words " licensing area, be entitled to have the seven-day licence transferred at the annual licensing District Court " and the substitution in lieu thereof of the words " district or adjoining districts, be entitled, on application at any sitting of the justice of the District Court in whose district are situate the premises to which the six-day licence is attached, to have the seven-day licence transferred ",

40 (b) by the deletion in sub-section (2) of the words " licensing area, be entitled to have the ordinary seven-day licence transferred at the annual licensing District Court " and the substitution in lieu thereof of the words " district or adjoining districts, be entitled, on application at any sitting of the justice of the District Court in whose district are situate the premises to which the early-closing licence is attached, to have the ordinary seven-day licence transferred ".

45 (c) by the addition at the end of the section of a new sub-section as follows:—

50 " (3) In this section, the word ' district ' means a district of the District Court prescribed under section 68 of the Courts of Justice Act, 1924 (No. 10 of 1924)."

55 8.—Section 12 of the Act of 1927 is hereby amended by the insertion before sub-section (2) of a new sub-section as follows:—

Amendment of section 12 of the Act of 1927.

90 " (1A) A person who is the holder of a wine retailer's on-licence within the meaning of the Finance (1909-10) Act, 1910, may, at any sitting of the justice of the District Court, apply to the Court to certify that the premises to which such licence is attached are

a restaurant for the purposes of this Act and the Court, if satisfied after hearing the officer in charge of the *Gárda Síochána* for the licensing area that such premises are structurally adapted for use and *bona fide* and mainly used as a restaurant, refreshment house or other place for supplying substantial meals to the public, shall grant to such person a certificate (in this section also referred to as a restaurant certificate) certifying that such premises are a restaurant for the purposes of this Act.” 5

Amendment of section 13 of the Act of 1927.

9.—Section 13 of the Act of 1927, sub-section (1), is hereby amended by the addition, after the words “ St. Patrick’s Day ” of the words “ nor on any Christmas Day ”. 10

Amendment of section 14 of the Act of 1927.

10.—Paragraph (e) of section 14 of the Act of 1927 is hereby amended by the deletion of the words “ Christmas Day ” and “ and St. Patrick’s Day ”. 15

Amendment of section 15 of the Act of 1927.

11.—Section 15 of the Act of 1927 is hereby amended—

(a) by the insertion in paragraph (a) of sub-section (1) before the words “ on any week day ” of the words “ after the hour of six o’clock in the morning ”,

(b) by the insertion in sub-paragraph (i) of paragraph (b) before the words “ on any week day ” of the words “ after the hour of six o’clock in the morning ”,

(c) by the deletion of sub-section (2).

Amendment of section 16 of the Act of 1927.

12.—Section 16 of the Act of 1927 is hereby amended—

(a) by the insertion in sub-section (1) after the words “ (not being or forming part of a county borough) ” of the words “ or by any holder of an on-licence (not being a six-day licence) attached to the premises in such licensing area ”,

(b) by the deletion of the word “ three ” where that word occurs in the words “ not exceeding in the whole three hours ” and the substitution in lieu thereof of the word “ four ”,

(c) by the addition at the end of the section of the following sub-section, that is to say:— 35

“ (4) An area exemption order shall not be granted on the application of the holder of an on-licence unless—

(a) the applicant has, not less than forty-eight hours before making the application, served upon the officer in charge of the *Gárda Síochána* for the licensing area a notice of his intention to make the application, setting out his name and address and the area, day, and period or periods for which the order is required, and 45

(b) the justice of the District Court has heard such officer in relation to the application.”

Amendment of section 24 of the Act of 1927.

13.—Section 24 of the Act of 1927 is hereby amended by the deletion of the word “ drink ” and the substitution thereof of the words “ intoxicating liquor ”. 50

Amendment of section 25 of the Act of 1927.

14.—(1) Section 25 of the Act of 1927 is hereby amended by the insertion in sub-section (1) before the words “ shall, if the person so convicted ” of the words “ if the Court in its discretion so thinks proper ”.

(2) Every conviction which, immediately before the passing of this Act, stood recorded under section 25 of the Act of 1927 on a licence then in force, shall, upon the passing of this Act, cease for all purposes to be so recorded. 55

15.—No order shall be made after the passing of this Act under section 26 of the Act of 1927.

Amendment of section 26 of the Act of 1927.

16.—Section 27 of the Act of 1927 is hereby amended by the deletion of the words " if satisfied that by reason of extenuating circumstances (to be stated in the order of the Court) such conviction ought not to be recorded on such licence make ", and the substitution of the words " make, if in his discretion he so thinks proper ".

Amendment of section 27 of the Act of 1927.

17.—(1) In this section the expression " 1942 order " means a final apportionment order under section 48 of the Act of 1927 for the year 1942.

Amendment of sections 48 and 49 of the Act of 1927.

(2) Every 1942 order shall, as regards the compensation annuity to which such order relates, be deemed to be the final apportionment order under section 48 of the Act of 1927 for each of the years subsequent to the year 1942.

(3) For the purposes of the application of a 1942 order in relation to a year subsequent to 1942, the following provisions shall have effect, that is to say:—

(a) the 1942 order shall, as regards the year in question, be deemed to have become final under the Act of 1927 on the 15th day of September in the said year;

(b) where any licence, by reference to which an amount mentioned in the 1942 order is apportioned, has terminated on or after the 2nd day of July in the year preceding the said year and before the 1st day of July in the said year, the mention in the 1942 order of such amount and of the person on whom it is apportioned shall be deemed to be deleted;

(c) subject to the provisions of paragraph (b) of this sub-section, every mention in the 1942 order in relation to any particular premises, of a person not the holder, on the 1st day of July in the said year, of the licence in respect of those premises shall be construed as a mention of the person who, on the said 1st day of July, was the holder of such licence, and the latter person shall be regarded for the purposes of section 49 of the Act of 1927 as the person on whom the amount mentioned in the 1942 order in respect of those premises is apportioned for the said year;

(d) the Minister shall not, for the said year, carry out in relation to the compensation annuity to which the 1942 order relates the functions imposed on him by section 48 of the Act of 1927;

(e) no objection shall be capable of being made in the said year in relation to the 1942 order under sub-section (4) of section 48 of the Act of 1927.

(4) A final apportionment order made under section 48 of the Act of 1927 and apportioning a compensation annuity commencing in a year subsequent to the year 1942 may, with the consent of the Minister for Finance, contain a declaration that such order shall, as regards such annuity, be deemed to be the final apportionment order under section 48 of the Act of 1927 for each of the years subsequent to the year in which such order is made.

(5) Where an order contains a declaration under sub-section (4) of this section—

(a) such declaration shall have the force of law in accordance with its terms;

(b) the provisions contained in sub-section (3) of this section shall, in relation to years subsequent to that

in which such order was made, have effect as if such order were a 1942 order.

(6) The Minister for Finance may, by requisition in writing communicated to the Minister before the 1st day of June in any year, require the Minister to make under section 48 of the Act of 1927 an apportionment order in respect of any compensation annuity payable in that year, and, upon any such requisition being so communicated to the Minister, the following provisions shall apply and have effect, that is to say:—

(a) the Minister shall make, under and in accordance with the said section 48, a draft apportionment order in respect of the said compensation annuity for the said year and shall so comply with the said section 48 that such draft apportionment order (with or without amendment) shall in due course become and be final by virtue of sub-section (6) of the said section;

(b) notwithstanding anything contained in the foregoing provisions of this section, the apportionment order so made shall, on becoming final as aforesaid, be the final apportionment order under the said section 48 in respect of the said compensation annuity for the said year and for every succeeding year, until another requisition is made under this section by the Minister for Finance in relation to the said compensation annuity;

(c) the provisions contained in sub-section (3) of this section shall, in relation to years subsequent to the said year (until another requisition is made as aforesaid), have effect as if the apportionment order so made were a 1942 order.

(7) In this section the expression " the Minister " means the Minister for Justice.

Amendment of section 62 of the Act of 1927.

18.—Section 62 of the Act of 1927 is hereby amended by the deletion in sub-section (1) of the words " the annual licensing District Court next after the passing of this Act " and the substitution in lieu thereof of the words " any annual licensing District Court ".

PART III.

GRANT OF NEW LICENCES IN CERTAIN CASES. 40

Definitions for the purposes of Part III.

19.—In this Part of this Act—

the expression " the Act of 1833 " means the Licensing (Ireland) Act, 1833;

the expression " the Act of 1902 " means the Licensing (Ireland) Act, 1902;

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

the word " licence " means a licence which is either a publican's licence or a beerhouse licence;

the expressions " publican's licence " and " beerhouse licence " have the meanings given to them respectively by section 52 of the Finance (1909-10) Act, 1910, for the purposes of Part II of that Act.

Grant of a new licence in respect of certain restaurant, etc., premises.

20.—(1) Where a person (in this section referred to as the applicant) duly gives notice of his intention to apply for a licence in respect of specified premises and, at the proceedings in the Circuit Court in relation to such application, the applicant shows to the satisfaction of the Court—

(a) that the said premises are structurally adapted for use and are *bona fide* and mainly used as a restaurant, refreshment house, or other place for supplying substantial meals to the public, and

5 (b) that, in respect of the licensing year including the 1st day of January, 1933, a renewal of a licence attached to the said premises or to premises substantially the same as the said premises was in fact issued, and

10 (c) that, subsequent to the said date, the said licence was not renewed,

the Court shall, notwithstanding anything contained in the Act of 1902, cause such certificate as is mentioned in section 5 of the Act of 1833 to be given to the applicant declaring him to be duly entitled to receive a licence in respect of the said
15 premises, unless the Court, in consequence of an objection made under section 4 of the Act of 1833, prohibits under that section the issuing of such licence on one or more of the following grounds, that is to say, the character, misconduct, or unfitness of the applicant or the unfitness or inconvenience of the said
20 premises.

(2) Where, in a case to which the foregoing sub-section applies, the certificate referred to in that sub-section is given to the applicant, nothing contained in the Act of 1902 shall operate to prevent the grant to the applicant of the licence which the said certificate declares him to be entitled to receive.

(3) This section shall continue in force until the 31st day of December, 1944, and no longer, unless the Oireachtas otherwise determines.

21.—(1) Where a person (in this section referred to as the
30 applicant) duly gives notice of his intention to apply for a licence in respect of premises (in this section referred to as the new premises) to which no licence is attached and, at the proceedings in the Circuit Court in relation to such application, the applicant shows to the satisfaction of the Court—

Grant of new licence in respect of more convenient premises.

35 (a) that the applicant is the holder of a licence attached to premises (in this section referred to as the existing premises) situate in the immediate vicinity of the new premises, and

40 (b) that the new premises and the existing premises are both situate in the same District Court area prescribed by law for the purposes of the transaction of licensing business, and

45 (c) that neither the new premises nor the existing premises is situate in a county or other borough, an urban district, or a town, and

(d) that the annual value under the Valuation Acts of the new premises is not less than the annual value under those Acts of the existing premises, and

50 (e) that the new premises is more suitable than the existing premises for the business of selling intoxicating liquor,

the Court shall, notwithstanding anything contained in the Act of 1902, cause such certificate as is mentioned in section 5 of the Act of 1833 to be given to the applicant declaring him to be duly entitled to receive a licence in respect of the new
55 premises, unless the Court, in consequence of an objection made under section 4 of the Act of 1833, prohibits under that section the issuing of such licence on one or more of the following grounds, that is to say, the character, misconduct, or unfitness of the applicant or the unfitness or inconvenience of the new
60 premises.

(2) Where in a case to which the foregoing sub-section of this section applies, the certificate referred to in that sub-section is given to the applicant, the following provisions shall apply and have effect, that is to say:—

- (a) the licence (in this sub-section referred to as the new 5 licence) to which the applicant is declared by the said certificate to be entitled and which is granted to him in pursuance of that certificate shall be a licence of the same character in all respects (including conditions inserted therein) as the licence (in this sub-section referred to as the old licence) attached to the existing premises; 10
- (b) nothing contained in the Act of 1902 shall operate to prevent the grant of the new licence to the applicant;
- (c) upon the grant of the new licence, the old licence shall 15 be extinguished;
- (d) every (if any) conviction which is recorded on the old licence under section 25 of the Act of 1927 at the time of the grant of the new licence shall be deemed to be recorded on the new licence under the said section and 20 to have been so recorded on the date on which it was recorded on the old licence;
- (e) if paragraph (1) of section 2 of the Act of 1902 applies in respect of the existing premises, those premises shall, upon the old licence being extinguished in pursuance 25 of this sub-section, cease to be premises to which the said paragraph applies, and the Act of 1902 shall thenceforward have effect accordingly in relation to the existing premises.

Grant of new licence in respect of premises substituted for destroyed premises.

22.—(1) Where a person (in this section referred to as the 30 applicant) duly gives notice of his intention to apply for a licence in respect of premises (in this section referred to as the substituted premises) to which no licence is attached and, at the proceedings in the Circuit Court in relation to such application, the applicant shows to the satisfaction of the Court— 35

- (a) that premises (in this section referred to as the original premises) in the immediate vicinity of the substituted premises were burnt down, or otherwise destroyed, or rendered uninhabitable by fire or other unavoidable cause or accident not more than twelve months before 40 the date on which the said notice by the applicant was served on the county registrar, and
- (b) that a licence was attached to the original premises when they were so burnt down or otherwise destroyed or rendered uninhabitable, and 45
- (c) that at the time of the said hearing before the Circuit Court the applicant is in lawful occupation of the original premises or of the site and remains thereof, and
- (d) that no certificate under section 5 of the Act of 1833 50 has already been given by virtue of this section by reference to the original premises having been so burnt down or otherwise destroyed or rendered uninhabitable, and
- (e) that no trade or business had been carried on in the 55 original premises since they were so burnt down or otherwise destroyed or rendered uninhabitable,

the Court shall, notwithstanding anything contained in the Act of 1902, cause such certificate as is mentioned in section 5 of the Act of 1833 to be given to the applicant declaring him to be 60

duly entitled to receive a licence in respect of the substituted premises, unless the Court, in consequence of an objection made under section 4 of the Act of 1833, prohibits under that section the issuing of such licence on one or more of the following 5 grounds, that is to say, the character, misconduct, or unfitness of the applicant or the unfitness or inconvenience of the substituted premises.

(2) Where, in a case to which the foregoing sub-section of this section applies, the certificate referred to in that sub-section 10 is given to the applicant, the following provisions shall apply and have effect, that is to say:—

(a) the licence (in this sub-section referred to as the new 15 licence) to which the applicant is declared by the said certificate to be entitled and which is granted to him in pursuance of that certificate shall be a licence of the same character in all respects (including conditions inserted therein) as the licence (in this sub-section referred to as the old licence) which was 20 attached to the original premises when they were burnt down or otherwise destroyed or rendered uninhabitable;

(b) nothing contained in the Act of 1902 shall operate to prevent the grant of the new licence to the applicant;

(c) upon the grant of the new licence, the old licence (if 25 then subsisting) shall be extinguished;

(d) every (if any) conviction which was recorded on the 30 old licence under section 25 of the Act of 1927 and either (as the case may be) would, but for the expiry of that licence, have continued to be so recorded thereon at the time of the grant of the new licence or continues to be so recorded on the old licence immediately before it is extinguished shall be deemed to be recorded on the new licence under the said 35 section and to have been so recorded on the date on which it was recorded on the old licence;

(e) if paragraph (1) of section 2 of the Act of 1902 applies 40 in respect of the original premises, those premises shall, upon the grant of the new licence, cease to be premises to which the said paragraph applies, and the Act of 1902 shall (subject to the provisions of the next following sub-section of this section) thenceforward have effect 45 accordingly in relation to the original premises.

(3) Where, in a case to which the foregoing sub-sections of this 45 section apply, the original premises are reconstructed or new premises are erected on the site of the original premises (or on a site substantially the same as that site) and at any time thereafter while a licence is attached to the substituted premises, the holder of that licence duly gives notice of his intention to apply for a 50 licence in respect of the premises so reconstructed or newly erected, the Court shall cause such certificate as is mentioned in section 5 of the Act of 1833 to be given to the said holder declaring him to be duly entitled to receive a licence in respect of the said reconstructed or newly erected premises, unless the Court, in consequence of an objection made under section 4 of the Act of 1833, 55 prohibits under that section the issuing of such licence to the said holder on one or more of the following grounds, that is to say, the character, misconduct, or unfitness of the said holder or the unfitness or inconvenience of the said reconstructed or newly erected premises, and, if the Court causes such certificate to be given to 60 the said holder, the provisions contained in sub-section (2) of this section shall apply and have effect with the necessary modifications and, in particular, with the modifications that the expression "the new licence" shall mean the licence to which such certificate relates and the expression "the old licence" shall mean the said 65 licence then attached to the substituted premises.

(4) Section 11 of the Excise Licences Act, 1825, shall not apply or have effect in relation to a licence.

Amendment of section 3 of the Act of 1902.

23.—Section 3 of the Act of 1902 is hereby amended by the insertion after the words “for consumption on” of the words “or off”. 5

PART IV.

LICENCES IN RESPECT OF AERODROMES AND PASSENGER AIRCRAFT.

Definitions for the purposes of Part IV.

24.—In this Part of this Act—

the expression “the Minister” means the Minister for Industry and Commerce; 10

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

the expression “the Act of 1936” means the Air Navigation and Transport Act, 1936 (No. 40 of 1936);

the word “aircraft” has the same meaning as it has in the Act of 1936; 15

the expression “approved aerodrome” means an aerodrome (within the meaning of the Act of 1936) which complies with both the following conditions, that is to say:—

(a) it either is licensed by the Minister in pursuance of an order made under Part II of the Act of 1936 or is controlled and operated by the Minister or by the Minister for Defence, and 20

(b) it is used for the arrival and departure of aircraft operated as part of an authorised air transport service; 25

the expression “authorised air transport service” means an air service for the transport of passengers, mails, and goods or any of them by air which is either—

(a) an internal air service within the meaning of Part IX of the Act of 1936 the carrying on of which is authorised 30 by or under the said Part IX, or

(b) an international airway or regular international air navigation line established, or created and operated, with the prior authorisation of the Minister under the Air Navigation (International Lines) Order, 1935 35 (S.R. & O., No. 560 of 1935), or any order for the time being in force amending or replacing that order;

the expression “air transport concern” means a person entitled to operate an authorised air transport service;

the expression “on-licence” means a licence for the sale of intoxicating liquor for consumption either on or off the premises; 40

the expression “aerodrome premises” means all the buildings for the time being erected in an approved aerodrome irrespective of the purpose for which such premises are used;

the expression “licensed aerodrome premises” means premises in an approved aerodrome in respect of which a licence for the sale of intoxicating liquor granted or renewed by virtue of this Part of this Act is for the time being subsisting, whether such premises are the whole or a part only of the aerodrome premises in such aerodrome. 45 50

Grant and renewal of licences in respect of premises in an aerodrome.

25.—(1) Whenever the Minister is satisfied that it is expedient that an on-licence should be granted in respect of the whole or a particular part of any particular aerodrome premises, the Minister may issue to a person who appears to him to be a fit

and proper person to hold such on-licence a certificate certifying that the aerodrome in which the said aerodrome premises are situate is an approved aerodrome and that the Minister approves of the grant by the Revenue Commissioners to the said person
5 (who shall be named in such certificate) of an on-licence in respect of specified premises which are either the whole or a part of the said aerodrome premises.

(2) On presentation to the Revenue Commissioners of a certificate issued by the Minister under the foregoing sub-section
10 of this section, it shall be lawful for the Revenue Commissioners, notwithstanding anything contained in the Licensing (Ireland) Acts, 1833 to 1929, to grant to the person named in that behalf in the said certificate an on-licence in respect of the premises specified in that behalf in the said certificate.

15 (3) Whenever an on-licence granted or renewed under this section is subsisting, the Minister may, if he so thinks proper, issue to the holder of such on-licence a certificate certifying that the aerodrome in which the premises thereby licensed are situate
20 continues to be an approved aerodrome and that the Minister approves of the renewal of such on-licence to the said holder thereof in respect of the said premises.

(4) On presentation to the Revenue Commissioners of a certificate issued by the Minister under the next preceding sub-section of this section, it shall be lawful for the Revenue Commissioners, notwithstanding anything contained in the Licensing (Ireland) Acts, 1833 to 1929, to grant a renewal of the said
25 on-licence to the holder thereof.

26.—(1) Whenever it appears to the Minister to be expedient that an on-licence granted or renewed under the next preceding
30 section and for the time being subsisting should, because of the death of the holder thereof or for any other reason, be transferred to a particular person who appears to the Minister to be a fit and proper person to hold such on-licence, the Minister may issue to the said person a certificate certifying that the
35 Minister approves of the transfer of such licence to him.

Transfer and
variation of
licences in
respect of
premises in an
aerodrome.

(2) On presentation to the Revenue Commissioners of a certificate issued by the Minister under the foregoing sub-section of this section, it shall be lawful for the Revenue Commissioners, notwithstanding anything contained in the Licensing (Ireland)
40 Acts, 1833 to 1929, to transfer the on-licence to which such certificate relates to the person specified in that behalf in such certificate.

(3) Whenever it appears to the Minister to be expedient for any reason that the premises to which an on-licence granted or
45 renewed under the next preceding section and for the time being subsisting relates should be varied in any particular respect other than applying such on-licence to premises which are not part of any aerodrome premises, the Minister may issue to the holder of such on-licence a certificate certifying whichever one
50 or more of the following things is appropriate in the circumstances, that is to say:—

- (a) that the Minister approves of the extension of the said on-licence to a specified part of the aerodrome premises to another part of which it already applies;
- 55 (b) that the Minister approves of the exclusion from the premises to which the said on-licence applies of a specified part of those premises;
- (c) that the Minister approves of the transfer of the said on-licence from the premises to which it applies to another part of the same aerodrome premises.

(4) On presentation to the Revenue Commissioners of a certificate issued by the Minister under the next preceding sub-section of this section, it shall be lawful for the Revenue Commissioners, notwithstanding anything contained in the Licensing (Ireland) Acts, 1833 to 1929, to amend the on-licence to which such certificate relates in accordance with the approval of the Minister as stated in such certificate. 5

Selling to travellers and intending travellers.

27.—Notwithstanding anything contained in the Act of 1927, it shall be lawful to sell intoxicating liquor in licensed aerodrome premises at any time to any of the following persons and to permit intoxicating liquor so sold to be consumed in the said premises by any of the following persons, that is to say:— 10

(a) persons who have arrived at the aerodrome in which the said licensed premises are situate as passengers in an aircraft engaged in an authorised air transport service and have, immediately before such arrival, travelled in such aircraft for a distance of not less than fifty miles measured by the ordinary flying route of such aircraft to the said aerodrome, and 15

(b) persons who intend to travel from the said aerodrome as passengers in an aircraft engaged in an authorised air transport service and hold tickets entitling them to travel from the said aerodrome in such aircraft for a distance of not less than fifty miles measured by the ordinary flying route of such aircraft from the said aerodrome. 20 25

Application or exclusion of certain provisions of the Act of 1927.

28.—(1) Section 3 of the Act of 1927 shall be construed and have effect as if, in sub-section (3) thereof, licensed aerodrome premises were enumerated amongst the premises specified in that sub-section as premises to which the said section 3 does not apply. 30

(2) The holder of an on-licence granted or renewed under this Act may apply under section 5 of the Act of 1927 to a Justice of the District Court for a special exemption order (within the meaning of that section) and the provisions of the said section shall apply and have effect in relation to such application as if such holder were the holder of such on-licence as is mentioned in sub-section (1) of the said section. 35

(3) Section 13 of the Act of 1927 shall apply and have effect in relation to licensed aerodrome premises in like manner as it applies and has effect in relation to premises which are for the time being a hotel or restaurant. 40

(4) In Part IV of the Act of 1927, the word "licence" shall not include a licence attached to licensed aerodrome premises, and the said Part IV (and in particular sub-section (3) of section 36 thereof) shall be construed and have effect accordingly. 45

Licences for sale of intoxicating liquor on aircraft in flight.

29.—(1) It shall be lawful for the Revenue Commissioners, notwithstanding anything contained in the Licensing (Ireland) Acts, 1833 to 1929, to grant to any air transport concern a licence for the sale of intoxicating liquor to passengers on an aircraft owned or hired by that concern for consumption while such aircraft is in flight. 50

(2) A licence granted under this section shall be known as a passenger aircraft licence, and shall operate only in respect of such aircraft owned or hired by the air transport concern to whom it is granted as is specified in the licence. 55

(3) Notwithstanding anything contained in the Act of 1927, a passenger aircraft licence shall operate to authorise the sale, in the aircraft to which such licence relates and at any time while such aircraft is in flight, of intoxicating liquor to passengers in such aircraft for consumption therein.

PART V.

MISCELLANEOUS.

- 5 **30.**—Nothing in the Licensing (Ireland) Acts, 1833 to 1929, or in this Act, shall be deemed to prohibit any licensed person or his private friends from gaming by way of playing cards for stakes on licensed premises provided that such gaming is carried on in any part of such licensed premises other than the part in which the sale of intoxicating liquor generally takes place and the private friends of the licensed person are being *bona fide* entertained by him at his own expense. Gaming by licensed person on licensed premises.
- 10 **31.**—So much of section 1 of the Licensing (Ireland) Act, 1833, as requires the production of a certificate signed by six householders, that is to say, that portion of the said section beginning with the words “ upon the production ” and ending with the words “ the past year ” is hereby repealed. Partial repeal of section 1 of the Licensing (Ireland) Act, 1833.

15

Éire.

BILLE DEOCHA MEISCIULA, 1942.

BILLE

(mar do leasúíodh ar ath-chúrsa i gCoiste)

dá ngairmtear

Acht do leasú agus do leathnú na nAchtanna Ceadúcháin (Eirinn), 1833 go 1929, i slite iomdha agus, go sonnach, tré shoerú do dhéanamh chun Aerodróma agus Aerárthaighe Paisnéara do cheadúnú.

An tAire Dlíghidh agus Cirt do thug isteach.

Do hordúíodh, ag Dáil Eireann, do chlóbhualadh, 25adh Mí na Samhna, 1942.

BAILE ATHA CLIATH:
FOILLSITHE AG OIFIG AN rSOLATHAIR.

Le ceannach trí aon díoltóir leabhar, no díreach 6 Oifig Díolta Foillseacháin Rialtais, 3-4, Sráid an Choláiste, Baile Atha Cliath.

Clóbhuailte ag CAHILL & Co., LTD.

[*Raol Glan.*]

Wt. 11-137. 350. 11/42. C.&Co. (8782).

Éire.

INTOXICATING LIQUOR BILL, 1942.

BILL

(as amended on Re-committal)

entitled

An Act to amend and extend the Licensing (Ireland) Acts, 1833 to 1929, in divers respects and, in particular, by providing for the licensing of Aerodromes and Passenger Aircraft.

Introduced by the Minister for Justice.

Ordered by Dáil Eireann, to be printed, 25th November, 1942.

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE.

To be purchased through any bookseller, or directly Government Publications Sale Office, 3-4, College Street, Dublin.

Printed by CAHILL & Co., LTD.

[*Sixpence Net.*]