



**AN BILLE DEOCHA MEISCIULA, 1953.  
INTOXICATING LIQUOR BILL, 1953.**

*Mar a tugadh isteach.  
As introduced.*

**ARRANGEMENT OF SECTIONS.**

**Section.**

**1. Interpretation.**

*Omnibus Station.*

**2. Grant of licence.**

**3. Renewal of licence.**

**4. Amendment of licence.**

**5. Modification of Act of 1927.**

*Premises demolished by Local Authority.*

**6. Local authority certificate approving site for licensed premises.**

**7. Licensing of new premises.**

**8. Declaration as to fitness and convenience of proposed premises.**

**9. Licensing of premises built in accordance with plans approved by Court.**

**10. Short title and collective citation.**





AN BILLE DEOCHA MEISCIULA, 1953.  
INTOXICATING LIQUOR BILL, 1953.

# BILL

*entitled*

AN ACT TO PROVIDE FOR THE LICENSING, FOR THE 5  
SALE OF INTOXICATING LIQUOR, OF THE OMNIBUS  
STATION OF CÓRAS IOMPAIR ÉIREANN IN ÁRAS  
MHIC DHIARMADA AT STORE STREET, DUBLIN,  
AND OF NEW PREMISES ERECTED IN CONSEQUENCE  
OF THE DEMOLITION BY LOCAL AUTHORITIES OF 10  
EXISTING LICENSED PREMISES AND FOR OTHER  
MATTERS CONNECTED THEREWITH.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

Interpretation.

1.—(1) In this Act—

“ the Act of 1902 ” means the Licensing (Ireland) Act, 1902; 15

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

“ the Board ” means Córas Iompair Éireann;

“ the Court ” means, in relation to proceedings in respect of an  
on-licence, the Circuit Court, and, in relation to proceedings in 20  
respect of an off-licence, the District Court;

“ the Licensing Acts ” means the Licensing Acts, 1833 to 1952;

“ licensed premises ” means premises licensed for the sale by retail  
of intoxicating liquor;

“ the Minister ” means the Minister for Industry and Commerce; 25

“ the omnibus station ” means the Board’s omnibus station at Áras  
Mhic Dhiarmada at Store Street, in the city of Dublin.

(2) The Licensing Acts and this Act shall be construed as one.

## *Omnibus Station.*

Grant of  
licence.

2.—(1) The Minister, if he thinks it proper that an on-licence 30  
should be granted to the Board in respect of any particular part  
of the omnibus station, may issue to the Board a certificate approv-  
ing of the grant of the licence.

(2) The Revenue Commissioners shall grant the licence on pre-  
sentation of the certificate to them. 35

Renewal of  
licence.

3.—(1) The Minister, if he so thinks proper, may from time to  
time issue to the Board a certificate approving of the renewal of  
the licence.

(2) The Revenue Commissioners shall renew the licence on pre-  
sentation of the certificate to them. 40



4.—(1) The Minister, if he thinks it proper that the licence should be extended or transferred to another part of the omnibus station or should cease to apply to any part of the station, may issue to the Board a certificate approving of the alteration. Amendment of licence.

5 (2) Whenever such a certificate is presented to the Revenue Commissioners, they shall amend the licence accordingly.

5.—(1) Section 3 of the Act of 1927 (which relates to mixed trading) shall not apply to premises licensed under *section 2*. Modification of Act of 1927.

10 (2) Section 5 (which relates to special exemption orders) and section 13 (which relates to the supply of intoxicating liquor with a meal) of the Act of 1927 shall apply in relation to premises licensed under *section 2*.

(3) Part IV of the Act of 1927 (which relates to the reduction of licences) shall not apply to a licence under *section 2*.

15 *Premises demolished by Local Authority*

6.—(1) A local authority may, if they think fit, issue to any person a certificate declaring that— Local authority certificate approving site for licensed premises.

20 (a) after the passing of this Act particular licensed premises have been or are to be demolished by or by direction of the authority in exercise of any of their functions, and

(b) a particular site acquired by them is approved by them as a site for licensed premises in substitution for the former premises.

25 (2) The local authority shall not issue a certificate to any person other than the person (or nominee of the person) who holds the lowest estate or tenancy in the premises or, where the premises have been acquired by the local authority, held it immediately before such acquisition unless that person has been offered and has  
30 not accepted a certificate.

(3) Where the lowest estate or tenancy is subject to a condition (whether in respect of intoxicating liquor generally or any class of intoxicating liquor) that the holder of such estate or tenancy shall sell only such liquor purchased from or through the immediate  
35 lessor, then, for the purpose of *subsection (2)*, the immediate lessor shall be deemed to be the person who holds (or held) the lowest estate or tenancy.

7.—(1) Where the holder of a certificate under *section 6*, having duly given notice of his intention, applies to the Court for a certificate entitling him to receive a licence in respect of premises on  
40 the approved site the Court shall, notwithstanding anything contained in the Act of 1902, cause such certificate to be given to him unless the Court, in its absolute discretion, prohibits the issuing of the licence— Licensing of new premises.

45 (a) on the ground of the character, misconduct or unfitness of the applicant or the unfitness or inconvenience of the premises or,

50 (b) subject to *subsection (2)* on the ground that the existence of a licence for the premises would be unreasonably detrimental to the business then carried on in some licensed premises in the neighbourhood.

(2) The ground of objection mentioned in *paragraph (b)* of *subsection (1)* shall not be considered if—

55 (a) the premises are erected on the site of the previously licensed premises, or



(b) the local authority certify that that site is not available as a site for licensed premises and it appears to the Court that the location of the premises where they are rather than on the former site is unlikely of itself to have a materially adverse effect on the business carried on in the neighbouring premises. 5

(3) (a) The licence granted in pursuance of this section shall be of the same character and be subject to the same conditions as the licence attached to the former premises. 10

(b) Nothing in the Act of 1902 shall prevent the grant of the new licence.

(c) Upon the grant of the new licence the former licence (if it has not already lapsed) shall be extinguished.

(d) Any conviction recorded on the former licence under section 25 of the Act of 1927 at the time of the grant of the new licence shall, if the licensee was the holder of the former licence, be deemed to be recorded on the new licence under that section and to have been so recorded on the date when it was recorded on the former licence. 20

(e) If the former premises were premises to which paragraph (1) of section 2 of the Act of 1902 applied, that paragraph shall, upon the grant of the new licence, cease to apply to them and shall be deemed to apply to the new premises. 25

(f) If the former premises were premises to which section 6 of the Act of 1902 applied, the new premises shall be deemed to be premises to which the section applies.

Declaration as to fitness and convenience of proposed premises.

8.—(1) Where the holder of a certificate under section 6 proposes to construct premises upon the approved site and to apply to have the premises licensed for the sale of intoxicating liquor, he may apply to the Court for a declaration that the proposed premises would be fit and convenient to be so licensed, and that either— 30

(a) the premises when constructed will be premises to which subsection (2) of section 7 applies, or 35

(b) the existence of a licence for the premises would not be unreasonably detrimental to the business being carried on at the date of the application under this section in any licensed premises in the neighbourhood, 40

and the Court, if it is so satisfied, may grant the application on such terms as the Court may think fit.

(2) Where the local authority propose to construct premises upon a site approved by them as a site for licensed premises in substitution for licensed premises which, after the passing of this Act, have been or are to be demolished by them or by their direction in exercise of any of their functions and to lease the premises for use as licensed premises, the local authority may apply to the Court for a declaration under subsection (1). 45

(3) The intending applicant shall— 50

(a) cause to be inserted, at least twenty-one days before the making of the intended application, in a newspaper circulating in the place in which it is proposed to have the premises, notice of intention to make the application,

(b) give to the Superintendent of the Garda Síochána, within whose district it is proposed to have the premises, at least twenty-one days' notice in writing of intention to make the application, and 55



(c) cause to be deposited with the said Superintendent a copy of the plans of the proposed premises.

(4) The application shall be accompanied by a plan of the proposed premises.

5 (5) Any person who would be entitled to object to an application for a certificate entitling the applicant to a licence in respect of the premises shall be entitled to object in like manner to the application under this section.

10 (6) A declaration under this section shall remain in force for three years from the grant of the application or for such longer period as the Court may in any particular case think proper to provide.

15 9.—If, on the hearing of an application under section 7, it is shown to the satisfaction of the Court that the premises have been constructed in substantial accordance with the terms of a declaration under section 8, the Court shall not receive any objection to the application grounded upon the unfitness or inconvenience of the premises or upon the detriment to any business then being carried on in the neighbourhood.

Licensing of premises built in accordance with plans approved by Court.

20 10.—(1) This Act may be cited as the Intoxicating Liquor Act, 1953.

Short title and collective citation.

(2) The Licensing Acts and this Act may be cited together as the Licensing Acts, 1833 to 1953.



## BILLE

(*mar a tugadh isteach*)

*dá ngairmtear*

Acht do dhéanamh socruithe chun busáras Chóras Iompair Éireann in Áras Mhic Dhiarmada, Sráid na Stór, Baile Átha Cliath, agus áitribh nua a bheas tógtha de dhroim áitribh cheadúnaithe láithreacha a scartáil ag údaráis áitiúla, a cheadúnú chun deocha meisciúla a dhíol, agus i gcóir nithe eile a bhaineas leis sin.

*An tAire Dlí agus Cirt a thug isteach.*

*Do hordaíodh, ag Dáil Éireann, do chlo-bhualadh, 5ú Samhain, 1953.*

BAILE ÁTHA CLIATH:  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais  
An Stuaire, Árd Oifig an Phoist, Baile Átha Cliath,  
nó trí aon díoltóir leabhar.

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[*Naoi bPingne Glan.*]

Wt. 3238—14321. 625. 11/53. C.&Co. (2333).

## BILL

(*as introduced*)

*entitled*

An Act to provide for the licensing, for the sale of intoxicating liquor, of the omnibus station of Córas Iompair Éireann in Áras Mhic Dhiarmada at Store Street, Dublin, and of new premises erected in consequence of the demolition by local authorities of existing licensed premises and for other matters connected therewith.

*Introduced by the Minister for Justice.*

*Ordered by Dáil Éireann, to be printed,  
5th November, 1953.*

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