



**AN BILLE DEOCHA MEISCIULA, 1959.  
INTOXICATING LIQUOR BILL, 1959.**

*Mar a ritheadh ag Dáil Éireann.*

*As passed by Dáil Éireann.*

**EXPLANATORY MEMORANDUM.**

*Introduction.*

1. In this memorandum references are made to licensed premises, hotels, restaurants, clubs and holiday camps. These terms are to be understood as follows :

“licensed premises” refers not only to public houses but to licensed hotels and certified restaurants.

“hotel” refers to an hotel to which an on-licence is attached and which has a certain minimum number of bedrooms set apart for the use of guests. Save where the context otherwise shows, the minimum number of bedrooms is ten, but certain provisions of the Bill, in their application to hotels in the County Boroughs, specify a minimum of twenty bedrooms.

“restaurant” refers primarily to a premises to which an on-licence is attached and in respect of which the District Court has granted a certificate to the effect that it is a bona fide restaurant. Provision is made in section 9 of the Bill for the granting of limited restaurant certificates for certain purposes: the subparagraph dealing with section 9 gives particulars.

“holiday camp” refers to a holiday camp to all or part of which an on-licence is attached.

*Parts I and II of the Bill.*

2. Those provisions of the Bill relating to the hours during which the sale of intoxicating liquor is allowed might be difficult to assess without reference not only to corresponding provisions of the existing law but also to certain provisions (e.g. the bona fide provisions) which the Bill proposes to repeal entirely and to certain other provisions which allow the sale of intoxicating liquor in special circumstances (e.g. Special Exemption Orders) and which are not being changed, at any rate in substance, in the Bill. Accordingly, instead of a section-by-section explanation of the relevant sections of the Bill, there are attached hereto tables setting out, in respect of ordinary week-days, Sundays, Christmas Day and St. Patrick's Day—

- (a) all the existing facilities for the sale of drink (in public houses, in hotels and restaurants and in clubs), and
- (b) all the facilities in the law as it would be if altered as proposed in the Bill.

The position on Good Friday is shown in the headnote to Table I and (as far as concerns clubs) in Table V.

3. The general hours of sale set out in the tables are not applicable to the sale of drink at airports or in railway refreshment rooms to persons who have completed or are about to undertake a journey by air or rail (fifty miles, at least, by air or ten miles, at least, by rail)



or to the sale of drink on an aircraft or in a passenger ship or in a railway restaurant car. There are no restrictions in any of these cases. The hours set out in the tables do not apply, either, to the sale of drink to lodgers. Lodgers on licensed premises—not merely licensed hotels—are exempt from all restrictions (except on Good Friday, when a lodger may be given drink only with a meal, though a lodger in a club may be given drink otherwise than with a meal on that day as on any other day). The Bill makes no change in regard to these matters.

4. What has been said about lodgers in general does not apply to lodgers in holiday camps, as these lodgers, while not bound by the ordinary licensing laws, are subject to a special code set out in the Tourist Traffic Act, 1952. Although the Bill makes no change of substance in the provisions affecting lodgers, as such, in holiday camps, it was found convenient to re-state in the Bill (section 7) the provisions affecting them. The only substantive change made by section 7 is in relation to the general hours of sale in holiday camps, that is to say, sale to patrons generally—not necessarily lodgers. At present, these hours are the same as in hotels (both in the matter of sale in the ordinary course and the serving of drink with meals) and section 7 proposes to maintain that position by adopting, as the hours of general sale in holiday camps, the revised hours now proposed for hotels. (The ordinary hours of sale in hotels are the same as in public houses—the Bill does not propose to change that position—but hotels and restaurants have some additional rights, which are specified in the tables.)

5. Following are notes on certain provisions of Part II :

*Section 4 :* The new subsection (2)—relating to sales during the “closed hour” (2.30 p.m. to 3.30 p.m.) in County Boroughs—which this section proposes to insert in section 2 of the 1927 Act is a re-enactment.

*Section 5 :* The conditions—set out in paragraphs (I) to (IV)—governing the supply of drink with meals in hotels and restaurants are as in the existing law, with the exception that at present one of the conditions applicable to the serving of drink with a meal during the “closed hour” in County Boroughs is that the drink must have been supplied and the meal begun before 2.30 p.m. : this condition is not repeated.

*Section 6 :* The hours now proposed for clubs are the same as those proposed for ordinary licensed premises, with additional rights, to the same extent as in hotels, in the matter of supplying drink with meals. Subsection (2) of section 6 is intended to give clubs an opportunity of getting their rules revised and re-printed.

*Section 7 :* Paragraph 4 above refers.

*Section 8 :* The amendment, relating to mixed trading in the morning, which this section proposes to effect is consequential on the proposal that the morning opening-hour for the sale of drink should be 10.30 a.m. all the year round. (At present it is 10 a.m. outside Summer Time.) The general law is that public houses and premises to which off-licences are attached must close for all types of business during the hours when the sale of intoxicating liquor is prohibited. An exception is made in respect of the morning period beginning at 9 a.m. A further exception is made for premises with off-licences (but not for public houses) in respect of the period 2.30 p.m. to 3.30 p.m. when the general sale of intoxicating liquor is prohibited in County Boroughs.

*Section 9 :* Under the present law—section 12 of the Intoxicating Liquor Act, 1927—a restaurant certificate may be granted for a licensed premises if (but only if) the premises is “structurally adapted for use and *bona fide* and mainly used as a restaurant”. A restaurant certificate may not be granted for a portion of a licensed premises (even though that portion may be structurally adapted and *bona fide* and mainly used as a restaurant). The object of section 9 is to allow portion of a licensed premises to be certified as a restaurant for the



purpose of certain provisions of the Licensing Acts. The section provides that the portion of the premises to be certified must not include a public bar and that the public must have access to it without going through the bar. The effect of the granting of such a "limited certificate" would be: (1) the restaurant portion of the premises would have the same rights as ordinary licensed restaurants in regard to the serving of drink with meals during the hours specified in section 5 of the Bill; (2) during these additional hours, patrons could lawfully be on any part of the premises except in the bar; (3) outside these additional hours, ordinary public house rules would apply whereby it is an offence to be on any part of a licensed premises after ordinary trading hours. (These provisions would not affect the existing rights of persons such as lodgers on licensed premises.)

*Section 10:* Footnote (1) to Table I relates to General Exemption Orders.

*Section 11:* Footnote (2) to Table I relates to Special Exemption Orders.

*Section 12:* The object of this section is to provide that a fine of at least £1 must be imposed on a person found illegally, or found drinking illegally, in a licensed premises. The maximum fine at present is £5 and is not being altered. (The necessity for providing for a fine for persons found drinking illegally in a licensed premises, in addition to a fine for persons found illegally on the premises, arises from the fact that mere presence in an hotel or restaurant during prohibited hours is not an offence. But there is a proviso in subsection (4) that a person may not be convicted of both offences in respect of the same occasion.)

### *Part III of the Bill*

6. *Section 13:* The object of this section is to permit the granting of a new licence in a rural area in substitution for two similar existing licences.

By "rural area" is meant a place other than (i) a county or other borough, (ii) an urban district or (iii) a town which has Town Commissioners. While the new licence may be granted only for a rural area, understood in this sense, the licences to be extinguished may be attached to premises in any place—urban or rural—in the State.

There is no corresponding provision in the existing law. Section 21 of the Intoxicating Liquor Act, 1943, however, allows the grant of a new licence in a rural area in substitution for one licence attached to premises *in the immediate vicinity*, where the new premises are more suitable for the business than the old premises. Some of the details of the new section are based on section 21 of the 1943 Act, in particular the ground of objection set out in paragraph II that the existence of a licence for the new premises would be "unreasonably detrimental" to an existing licensed premises in the neighbourhood.

7. *Sections 14, 15, 16 and 17:* Section 14 provides that a person may apply to the Court for what is, in effect, a decision in principle as to whether a licence would be granted for premises on a specified site erected or to be erected in accordance with plans produced to the Court. All objections relating to the fitness of the premises and the number of licensed premises already in the neighbourhood would be heard and determined at that stage. Section 14 includes a provision on the same lines in relation to club premises, and section 15 applies the same principle to applications to the Court for restaurant certificates (including the limited restaurant certificate provided for in section 9 of the Bill). Sections 16 and 17 contain the necessary consequential provisions. (The concept of a preliminary application to the Court on the basis of plans was introduced in the Tourist Traffic Act, 1952, which contained a provision on these lines for certain classes of hotels. The Intoxicating Liquor Act, 1953, extended the provision to those licensed premises to which that Act related, viz. premises being erected in lieu of premises being pulled down by local authorities in the course of slum-clearance operations, etc.)



8. *Section 18*: The object of section 18 is to enable those hoteliers who are not allowed to have a public bar to secure the right to have a public bar by arranging to extinguish an ordinary seven-day on-licence; but in the case of hotels in a County Borough this provision is confined to hotels with at least twenty bedrooms for guests.

The Licensing (Ireland) Act, 1902, imposed a general prohibition on the granting of new licences. It made an exception for hotels (premises containing at least ten bedrooms for guests) but only on condition that the hotel should have no public bar, and that condition is applicable to all hotels which got licences, as hotels, since 1902. The condition does not apply to other hotels, that is to say, principally, those hotels which had licences before the passing of the 1902 Act.

The provisions of section 18 are optional, even for future applicants for licences for hotels.

9. *Section 19*: The Tourist Traffic Act, 1952, included provisions designed to facilitate the licensing of hotels that complied with certain conditions. These provisions were additional to those already in the law relating to the licensing of hotels. One of the conditions to be observed where a licence was obtained for an hotel by virtue of the provisions of the 1952 Act was that the hotel should be—and should continue from year to year to be—registered with Bord Fáilte Éireann. Section 19 proposes, first of all, to re-enact that requirement as far as concerns any hotel for which a licence has been granted under the 1952 Act and, secondly, to extend the requirement to all hotels which, as such, secure new licences in future. The requirement is not, however, to apply from the time of the initial grant of the new licence but only from the time of the first renewal and accordingly an application for a new licence need not necessarily be deferred until all the arrangements for registration with the Board have been completed. Apart from those hotels, if any, which have secured licences by virtue of the 1952 Act, the requirement is not to apply to hotels that are now licensed.

10. *Section 20*: This section provides that in a County Borough a new licence may not in future be given to an hotel, as such, unless it has at least twenty bedrooms for guests. (The present requirement, in all areas, is ten bedrooms, and that is not being altered as far as concerns areas other than County Boroughs.)

The proposal does not affect existing hotels in County Boroughs which secured licences since 1902 by virtue of having at least ten bedrooms but which have fewer than twenty bedrooms. Moreover, subsection (2) of section 20 makes special provision to prevent the permanent loss of the licence attached to such hotels in the event of the lapse of the licence. It provides that the licence may be renewed if the period of lapse does not exceed five years. (Five years is also the limit which section 22 fixes for the revival of lapsed licences attached to public houses.)

#### *Part IV of the Bill.*

11. *Section 21*: The Act of 1831 referred to in this section gave a power of search (without warrant) where it was suspected that materials, utensils, etc., were being kept for illicit distillation. In an Act of 1868, the power was extended to include search for completely distilled spirits. A recent examination of these legal provisions has led to serious doubts as to whether they can properly be construed as authorising search for completely distilled (illicit) spirits otherwise than at the place of manufacture, though it appears that search can lawfully be made for stills, utensils, etc., even in a house or place other than the place of manufacture. The object of section 21, subsections (1) and (2), is to provide, on the one hand, that the power of search for completely distilled illicit spirits is not confined to the place of manufacture and, on the other hand, to restrict the existing power of search by providing that a warrant will in future be required for the search of a dwelling house under these provisions.

Under the 1831 Act, also, a member of the Garda Síochána or an Officer of Customs and Excise has authority to stop any vehicle



suspected of conveying illicit stills or spirits, but there is no explicit power to search the vehicle or to require the driver to produce any bottles, etc., that he may have in his pockets. Subsection (3) proposes to confer that power.

12. *Section 22* : The prohibition on the grant of new licences that was imposed in the Act of 1902 did not extend to premises that were licensed at the passing of the Act (31st July, 1902) or that had been licensed at any time since 1st January, 1902. Accordingly if a licence attached to such a premises lapses, a new licence may be granted for the premises at any later time, no matter how long the period of lapse has been. Section 22 proposes to restrict the right to grant a new licence to those cases where the period of lapse does not exceed five years. Subsection (2) provides that the section is to come into operation two years after the Bill becomes law.

13. *Section 23* : Section 6 of the 1902 Act made provision for the granting of a new licence to cover an extension of a licensed premises where the extension made the premises more suitable for the business. Its scope is limited, however, to premises licensed at the date of the passing of the Act and there is no provision to enable a new licence to be granted in the event of substantial extensions to public houses which were licensed for the first time since 1902 under one or other of the provisions of the law which allow new licences to be granted in particular circumstances. Section 23 of the Bill is designed to make such provision.

14. *Section 24* : The object of this section is to extend to the holders of off-licences rights which are conferred on the holders of on-licences by sections 21 and 22 of the Intoxicating Liquor Act, 1943. Section 21 of the 1943 Act allows a new on-licence to be granted in a rural area in substitution for a licence attached to another premises in the immediate vicinity and in the same District Court Area where the new premises are more suitable for the business. Section 22 of the 1943 Act allows a new on-licence to be granted for premises in the immediate vicinity of licensed premises which have been burnt down or otherwise destroyed.

15. *Section 25* : The object of this section is to simplify procedure in cases where a new licence may be granted in substitution for an existing licence. At present, the general rule in those cases is that the licence to be extinguished must be held by the person applying for the new licence, and this means that—since a licence cannot exist apart from a premises and cannot itself be sold—a person wishing to apply for a new licence in substitution for an existing licence held by somebody else has in practice to acquire the premises to which the existing licence is attached. Even though an arrangement can be made to have the premises re-conveyed to the seller when the licence has been transferred, the transaction, as well as being complicated, attracts stamp duty on both conveyances. Section 25 proposes to obviate the need for such a transaction by providing that it will be sufficient for an applicant to procure the consent of the holder of the existing licence to the extinguishing of the licence.

16. *Section 26* : The object of the first part of this section—subsections (1) to (3)—is to extend the present facilities for converting certain restricted licences into full licences, and also to simplify the procedure on lines similar to those explained in the preceding paragraph. The restricted licences in question are six-day licences, early-closing licences, six-day and early-closing licences, and beerhouse licences. At present, a person who holds one of these licences and who also holds an ordinary on-licence attached to premises in the same or an adjoining District Court District can have the ordinary on-licence transferred to the premises to which the restricted licence attaches, the latter licence then being extinguished.

Subsections (2) and (3) provide that the holder of one of the restricted licences in question may obtain a full licence by arranging to extinguish (without necessarily first transferring to his own name) either—

(a) a full licence in any part of the State, or



- (b) two restricted licences in any part of the State, or
- (c) one restricted licence in the same District Court Area.

The object of the second part of the section—subsections (4) to (6)—is to provide an alternative means whereby the holder of one of the restricted licences in question may obtain a full licence. Those subsections provide that he may obtain a full licence by paying to the Revenue Commissioners, within two years of the enactment of the Bill, the sum of £200. Subsection (7) provides that the monies thus received will not be appropriated as ordinary revenue but will be paid into a special Fund to be used in a manner to be determined by an Act of the Oireachtas in due course.

17. *Section 27*: A limited company, as such, is not entitled to hold an intoxicating liquor licence, and those companies that own public houses hold the licences through nominees. The object of section 27 is to facilitate the transfer of the licence to another nominee in circumstances where it is difficult to arrange such a transfer under existing law, as for instance where the nominee absconds, taking the licence with him, or refuses to hand up the licence when leaving the company's employment.

18. *Section 28*: There is a doubt as to whether the present law allows the *interim* transfer of an off-licence, and in many cases applicants have, in practice, to apply for a new licence in circumstances where, if it were an on-licence, a transfer would suffice. Section 28 remedies this omission from the law.

19. *Section 29*: The object of this section is to provide a procedure whereby a licence may be kept in force even though the licensee has absconded and does not apply to have the licence renewed. The person whom the section is principally designed to help is a deserted wife who is in occupation of the licensed premises. The section proposes to allow a provisional transfer of the licence to her (or to any other person approved by the Court, but, in accordance with established principles, it would have to be a person who is in occupation of the premises and in a position, in practice, to carry on the business).

The section does not seek to alter the respective rights of husband and wife *viz-a-viz* the premises: it confines itself to providing that the licence may be transferred if there is no objection from the licensee, and it provides that it must be re-transferred, on application, to the former licensee or such other person as may acquire the requisite interest in the premises. It therefore seeks to put the deserted wife in the same position, in relation to the business, as she would be if it were some other (non-licensed) type of business. If, through the lapse of time or otherwise, she acquires the requisite interest ("the lowest estate or tenancy") in the premises, she will be entitled to retain the licence.

20. *Sections 30 and 31*: Under existing law, unfitness of the premises is a valid ground of objection to the grant of a new licence, but not to the grant of a renewal. On the other hand, the only persons entitled to object to the grant of a new licence are (a) the District Justice, (b) the Garda Síochána and (c) a member of the parish; but any person (or body) may object to a renewal. The object of sections 30 and 31 is to provide that the health authority will be competent to object to the grant of a new licence as well as to its renewal, and that unfitness of the premises will be a valid ground of objection to a renewal as well as to the grant of a licence.

21. *Section 32*: Subsection (1) contains drafting amendments only. The substantive amendment is in subsection (2): it provides for acceptance in Court of a provisional valuation of the premises. The absence of such a provision can lead to delays of as much as eighteen months, arising from the fact that, under statute, valuation lists may be issued only once a year (in March) and then only in respect of properties of which the Valuation Office has received prior notice.



22. *Section 33* : This section proposes to prohibit the granting of cider off-licences, or the renewal of existing ones, except for a person who also holds a spirit retailer's off-licence or a wholesale dealer's licence for the sale of spirits, beer or wine. A special cider licence is not required by a publican or by the holder of a beer retailer's licence (whether it be an on-licence or an off-licence) and the section would not affect such persons. Its effect would be that cider could not in future be sold in ordinary shops. It can be sold in ordinary shops at present (though for consumption off the premises only) subject only to the condition that the occupier obtains from the Revenue Commissioners a licence which can be obtained without authorisation from the Court and merely on payment of the prescribed licence duty.

23. *Section 34* : At present, spirits generally may be sold diluted to the extent of twenty five degrees under proof without special notice to the customer. The object of the section is to permit the sale of spirits at thirty degrees under proof without special notice.

24. *Section 35* : This is a drafting amendment. The 1924 Act refers to an Inspector of the Garda Síochána as an "officer". Under the Police Forces Amalgamation Act, 1925, the lowest officer rank is that of Superintendent. The amendment does not alter the provision whereby a club may be searched (only) under a search order issued by an Inspector of the Garda Síochána or a member of higher rank.

25. *Section 36* : The object of this section is to provide for compulsory endorsement of licences in respect of each offence after the first, the "endorsable" offences being the same as at present, namely, those mentioned in section 24 of the Intoxicating Liquor Act, 1927. At present, the Court may order an endorsement in respect of any offence, even the first, but it is not bound to order an endorsement, no matter how serious the offence is or how often it has been repeated. The proposal is—

- (a) that all endorsements that exist when the Bill becomes law will be abolished and deemed never to have been recorded,
- (b) that a first conviction after the Bill becomes law will not be endorsable, but that any subsequent conviction must be endorsed,
- (c) that the period for which endorsements continue to be recorded on a licence should be reduced as follows :

First endorsement : two years instead of five as at present.

Second endorsement : four years instead of seven as at present.

Third or subsequent endorsement : six years instead of ten as at present.

(The significance of the limit on the "life" of an endorsement arises from the fact that, if a licence is endorsed at a time when there are already two "live" endorsements on it, the licence becomes forfeit.)

26. *Section 37* : The object of this section is to prohibit the consumption of intoxicating liquor during prohibited hours in a refreshment house, even though the refreshment house is not a licensed premises for the purposes of the Licensing Acts. (Licences for refreshment houses are issued under section 6 of the Refreshment Houses (Ir.) Act, 1860).

27. *Section 38* : The Minister for Justice made an Order, in 1925, prescribing that beer, porter or stout, when sold in bottles of less than one quart capacity, should be sold in bottles of a pint, a half-pint or one-third of a pint capacity. That Order is still in force. The Attorney General advised that, as a result of that Order, each bottle to which the Order applies is a "measure" within the meaning of the Weights and Measures Acts. Consequently, each bottle has to be stamped, and Inspectors of Weights and Measures have to verify the accuracy of such stampings (which are made in the course of the manufacture of



the bottles). The object of section 38 is to provide that, in future, it will not be necessary to have each bottle stamped and verified by an Inspector of Weights and Measures. The section will not affect the 1925 Order. Consequently, each bottle will, as at present, have to be of one of the three standard sizes. Moreover, the denomination and a line defining the capacity will, as at present, have to be indelibly indicated on each bottle. The Minister for Industry and Commerce will have power, as at present, to prescribe matters such as the size and position of the line on the bottle, and the limits of error to be allowed in relation to the capacity of the bottle.

28. *Section 39* : The object of this section is to provide that, notwithstanding the provisions of section 8 of the Licensing Act, 1872, intoxicating liquor may be sold by retail in a sealed container provided the quantity of the contents is stated on the container. (Section 8 of the 1872 Act provides that intoxicating liquor, when sold by retail in quantities of half a pint or more, must be sold either in casks or in bottles or in marked measures.)

29. *Section 40* : If, under the provisions of the Intoxicating Liquor Act, 1953, a local authority "certifies" (subject to Court approval after the usual Court hearing) a certain site as a site for licensed premises to be erected in substitution for premises demolished by them, and the person concerned accepts that certificate, the local authority has no power to cancel the certificate and issue one for another site even if they are willing to do so to meet the wishes of the holder. This is the effect of a decision recently given by a Circuit Court Judge. The object of the section is to permit them to cancel the certificate if the holder agrees. The new site, too, would have to be approved by the Court before a licence could be issued for it.



TABLE I.

(WEEK-DAY OPENING HOURS IN LICENSED PREMISES, INCLUDING  
HOTELS AND RESTAURANTS.)

NOTE: This Table does not apply to Christmas Day or St. Patrick's Day, for which there are separate tables, or to Good Friday, on which there is a general prohibition on the sale of drink except (to the extent shown in Table V) in clubs. (As to travellers by air, sea or rail, and lodgers in licensed premises or clubs, see paragraph 3 of memorandum.)

	Present opening hours on week days	Proposed opening hours on week days
1. Hours of general sale of drink on licensed premises (including hotels and restaurants)	(a) 10.30 a.m. to 10.30 p.m. during Summer Time (b) 10 a.m. to 10 p.m. during the rest of the year save for a period of one hour, 2.30 p.m. to 3.30 p.m., each day in County Boroughs.	(a) 10.30 a.m. to 11.30 p.m. during the months June to September, inclusive, (b) 10.30 a.m. to 11 p.m. during the months October to May, inclusive, save for a period of one hour, 2.30 p.m. to 3.30 p.m., each day in County Boroughs as at present.
2. Additional periods during which drink may be served with meals in hotels and restaurants	During the hour 2.30 p.m. to 3.30 p.m. in County Boroughs (when the general sale of drink is prohibited)	(a) During the hour 2.30 p.m. to 3.30 p.m. in County Boroughs, as at present, and (b) from the general closing hour, i.e. 11 p.m. or, during the months June to September inclusive, 11.30 p.m., to midnight.
3. Bona fide trading	From 6 a.m. until midnight	NIL — the provisions permitting bona fide trading are scheduled for repeal.
4. General Exemption Orders <sup>1</sup>	Any period permitted by the Court except during the hour 1 a.m. to 2 a.m.	As at present
5. Special Exemption Orders <sup>2</sup>	Any period permitted by the Court	As at present
6. Occasional Licences <sup>3</sup>	Any period permitted by the Court between sunrise and 10 p.m. (A later period may be permitted for a public dinner or ball.)	As at present

<sup>1</sup> A General Exemption Order is an Order granted by the District Court under section 4 of the Intoxicating Liquor Act, 1927, authorising the sale of drink in an on-licensed premises during such prohibited hours (other than in the period 1 a.m. to 2 a.m.) as are specified in the Order. It may be granted only where it has been proved to the satisfaction of the District Justice that it is necessary or desirable to grant the Order "for the accommodation of any considerable number of persons attending any public market or fair or following any lawful trade or calling" and only for "premises situate in the vicinity of such market or fair or of the place where such persons follow such lawful trade or calling". It is a condition of the grant of every General Exemption Order that the holder must, during the period of exemption, supply on demand, on the premises, food and non-alcoholic drink at reasonable prices. A General Exemption Order may not be granted for any time on Sunday, St. Patrick's Day, Christmas Day or Good Friday but may be granted for any other day. (The Bill—section 9—proposes to amend or clarify the law by providing expressly that a General Exemption Order will—unless sooner withdrawn or unless expressed to be valid for a shorter period—expire at the Annual Licensing Court when, of course, it may be renewed if the requisite conditions still obtain.)

<sup>2</sup> A Special Exemption Order is an Order granted by the District Court under section 5 of the Intoxicating Liquor Act, 1927, as amended by section 6 of the Intoxicating Liquor Act, 1943, authorising the sale of drink in an hotel or restaurant on a special occasion during such prohibited hours as are specified in the Order. A Special Exemption Order may not be granted for any time on a Sunday (except a Sunday on which Christmas Day falls) but may be granted for any other day. (The Bill—section 10—proposes to amend or clarify the law by providing that the "special occasion" for which a Special Exemption Order may be granted must be the occasion of a special event in the premises in relation to which the Order is sought).

<sup>3</sup> An Occasional Licence may be granted, on the authority of the District Court, to authorise the holder of an on-licence to sell drink at an unlicensed place for a period not exceeding three consecutive days between sunrise and 10 p.m. The licence may authorise the sale of drink after 10 p.m. where the occasion for which it is granted is a public dinner or ball. An Occasional Licence may not be granted for any time on a Sunday, Christmas Day or Good Friday.



TABLE II.

(SUNDAY OPENING HOURS IN LICENSED PREMISES, INCLUDING HOTELS AND RESTAURANTS.)

	Present opening hours on Sundays	Proposed opening hours on Sundays
1. Hours of general sale of drink on licensed premises (including hotels and restaurants)	(a) In County Boroughs : 1 p.m. to 3 p.m. (1.30 p.m. to 3 p.m. in Dublin) and 5 p.m. to 7 p.m. (b) Outside County Boroughs : NIL	In all areas : (i) 12.30 p.m. to 2 p.m. and 5 p.m. to 9 p.m. during the months June to September, inclusive, and (ii) 12.30 p.m. to 2 p.m. and 5 p.m. to 8 p.m. during the months October to May, inclusive.
2. Additional periods during which drink may be served with meals in hotels and restaurants	In all areas : 1 p.m. to 3 p.m. and 6 p.m. to 9 p.m. (In the County Boroughs, these hours overlap the permitted periods of general opening on Sundays as set out above)	In all areas : (i) 2 p.m. to 3 p.m. and 9 p.m. to 10 p.m. during the months June to September, inclusive, and (ii) 2 p.m. to 3 p.m. and 8 p.m. to 10 p.m. during the months October to May, inclusive.
3. Bona fide trading	(a) In County Boroughs : NIL (b) Outside County Boroughs : From 1 p.m. to 8 p.m. during Summer Time and from 1 p.m. to 7 p.m. during the rest of the year	NIL—the provisions permitting bona fide trading are scheduled for repeal.
4. Area Exemption Orders*	(a) In County Boroughs : NIL (b) Outside County Boroughs : Any period or periods permitted by the Court not exceeding four hours in all.	NIL—the provisions permitting the granting of Area Exemption Orders are scheduled for repeal.

\* An Area Exemption Order is an Order granted by the District Court under section 16 of the Intoxicating Liquor Act, 1927, as amended by section 12 of the Intoxicating Liquor Act, 1943, on its being represented to it either by a holder of an on-licence in any particular licensing area (not being an area situated wholly or partly in a County Borough) or by the local Superintendent of the Garda Síochána, that owing to the expected incursion on any Sunday of a large number of persons into the licensing area for a special occasion, the observance and enforcement of the ordinary licensing laws would be "attended with unreasonable difficulty". The Order, which is applicable either to the whole of the licensing area or to any particular part thereof (and not merely to particular premises) authorises the holders of all on-licences in the exempted area to serve drink during a specified period or periods not exceeding four hours in all. (In practice, Area Exemption Orders have been granted, not only for occasions such as football matches on Sundays, but for every Sunday during the holiday season in holiday resorts, the District Court deeming each such Sunday to be a special occasion in these holiday resorts.) A licensee who takes advantage of an Area Exemption Order is obliged, during the period of exemption, to supply on demand, on the premises, food and non-alcoholic drink at reasonable prices.

TABLE III.

(OPENING HOURS ON CHRISTMAS DAY IN LICENSED PREMISES, INCLUDING HOTELS AND RESTAURANTS.)

	Present opening hours on Christmas Day**	Proposed opening hours on Christmas Day**
1. Hours of general sale of drink on licensed premises (including hotels and restaurants)	NIL	NIL
2. Periods during which drink may be served with meals in hotels and restaurants	1 p.m. to 3 p.m. and 6 p.m. to 9 p.m.	1 p.m. to 3 p.m. and 7 p.m. to 10 p.m.
3. Bona fide trading	NIL	NIL
4. Special Exemption Orders—see footnote (*) to Table I	Any period permitted by the Court	As at present

\*\* Including a Christmas Day which falls on a Sunday.



**TABLE IV.**  
(OPENING HOURS ON ST. PATRICK'S DAY IN LICENSED PREMISES,  
INCLUDING HOTELS AND RESTAURANTS.)

	Present opening hours on St. Patrick's Day	Proposed opening hours on St. Patrick's Day
I. When St. Patrick's Day falls on a Sunday	Sunday conditions—see Table II—apply in all respects (including the granting of Area Exemption Orders—see footnote to Table II)	Sunday conditions to continue to apply in all respects
II. When St. Patrick's Day falls on a week-day—		
1. Hours of general sale of drink on licensed prem- ises (including hotels and restaurants)	NIL	As on Sunday
2. Additional periods dur- ing which drink may be served with meals in hotels and restaurants	1 p.m. to 3 p.m. and 6 p.m. to 9 p.m.	As on Sunday
3. Bona fide trading	NIL	NIL (i.e. as on Sundays) As at present
4. Special Exemption Orders—see footnote (2) to Table I	Any period permitted by the Court	As at present
5. Occasional licences— see footnote (3) to Table I	Any period permitted by the Court between sunrise and 10 p.m. (A later period may be permitted for a public dinner or ball.)	As at present

**TABLE V.**  
(OPENING HOURS IN CLUBS.)

NOTE : Sports clubs are shown, in each case, as having an option of choosing hours applicable only to sports clubs or a different set of hours applicable either to sports clubs or social clubs. A sports club must, however, choose one set or the other for all days : it may not, for instance, choose "social club" hours on Sundays and "sports club" hours on St. Patrick's Day. Members of the public may not, unless they are invitees of a member, be given drink in a club and the hours shown below are those applicable to members and their invitees (but not members lodging on the premises—see paragraph 3 of memorandum). The District Justice may authorise the sale of drink in a club during any one period of not more than six hours, outside the hours shown below ; but not more than twelve such authorisations may be given to a club in a year.

WEEK DAYS		
	Present opening hours	Proposed opening hours
<i>Sports Clubs :</i> All areas	<i>Either (at their option)—</i> (a) 12.30 p.m. to 10.30 p.m. during May, June and July and 12.30 p.m. to 10 p.m. during the rest of the year <i>or</i> (b) the same hours as social clubs, which are as set out below.	All clubs to have the same hours (being the same hours as hotels), namely :— 10.30 a.m. to 11 p.m. (11.30 p.m. June to September) with an hour's break—2.30 p.m. to 3.30 p.m.— in County Boroughs ; and, in addition, the right to serve drink with a meal up to midnight and during the 2.30 p.m. to 3.30 p.m. break in County Boroughs.
<i>Social Clubs :</i> The four County Boroughs	Saturdays : 10 a.m. to 3 p.m. and 5 p.m. to 9.30 p.m. Other week-days : 10 a.m. to 3 p.m. and 5 p.m. to 10 p.m.	
Other urban areas with a population exceeding 5,000	Saturdays : 10 a.m. to 9.30 p.m. Other week-days :—10 a.m. to 10 p.m.	
All other areas	Saturdays : 10 a.m. to 9.30 p.m. during Summer Time, 9 a.m. to 9 p.m. during rest of year Other week-days :—10 a.m. to 10 p.m. during Summer Time, 9 a.m. to 9 p.m. during rest of year	



TABLE V—continued.

## SUNDAYS

	Present opening hours	Proposed opening hours
<i>Sports Clubs :</i> All areas	<i>Either</i> (at their option)— (a) a total of seven hours between 1 p.m. and 10 p.m. during Summer Time and the seven hours from 1 p.m. to 8 p.m. during the rest of the year <i>or</i> (b) the same hours as social clubs, which are as set out below	All clubs to have the same hours (being the same hours as hotels) namely:— 12.30 p.m. to 2 p.m. and 5 p.m. to 8 p.m. (9 p.m. during the months June to September) and, in addition, the right to serve drink with a meal from 2 p.m. to 3 p.m. and after the evening opening period (i.e. from 8 p.m. or 9 p.m. as the case may be) up to 10 p.m.
<i>Social Clubs :</i> All areas	1 p.m. to 3 p.m. and 6 p.m. to 9 p.m.	

## CHRISTMAS DAY

	Present opening hours	Proposed opening hours
<i>Sports Clubs :</i> All areas	<i>Either</i> (at their option)— (a) 12 noon to 3 p.m. <i>or</i> (b) the same as social clubs	Nil, apart from meals, but drink may be served with a meal from 1 p.m. to 3 p.m. and 7 p.m. to 10 p.m.
<i>Social Clubs :</i> All areas	NIL	

## ST. PATRICK'S DAY

	Present opening hours	Proposed opening hours
<i>Sports Clubs :</i> All areas	<i>Either</i> (at their option)— (a) 1 p.m. to 8 p.m. <i>or</i> (b) the same as social clubs	As on Sundays—see above.
<i>Social Clubs :</i> All areas	NIL	

## GOOD FRIDAY

	Present opening hours	Proposed opening hours
<i>Sports Clubs :</i> All areas	<i>Either</i> (at their option)— (a) 1 p.m. to 8 p.m. or, if it falls during Summer Time, a total of seven hours between 1 p.m. and 10 p.m. <i>or</i> (b) the same as Social Clubs	NIL
<i>Social Clubs :</i> All areas	NIL	

*An Roinn Dlí agus Cirt,*

*Meitheamh, 1960.*