



AN BILLE DEOCHANNA MEISCIULA, 1962
INTOXICATING LIQUOR BILL, 1962

Mar a tugadh isteach
As introduced

ARRANGEMENT OF SECTIONS

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AN BILLE DEOCHANNA MEISCIULA, 1962
INTOXICATING LIQUOR BILL, 1962

BILL

entitled

AN ACT TO AMEND AND EXTEND THE LICENSING ACTS, 1833 TO 1960, AND THE REGISTRATION OF CLUBS ACTS, 1904 TO 1960, AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :— 10

Interpretation.

1.—(1) In this Act, save where the context otherwise requires—

1833, c. 68.

“ the Act of 1833 ” means the Licensing (Ireland) Act, 1833;

1902, c. 18.

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

1910, c. 8.

“ the Act of 1910 ” means the Finance (1909-10) Act, 1910;

1924, No. 62.

“ the Act of 1924 ” means the Intoxicating Liquor (General) Act, 1924;

1927, No. 15.

“ the Act of 1927 ” means the Intoxicating Liquor Act, 1927;

1943, No. 7.

“ the Act of 1943 ” means the Intoxicating Liquor Act, 1943;

1960, No. 18.

“ the Act of 1960 ” means the Intoxicating Liquor Act, 1960;

“ annual licensing district court ” means the sitting of the District Court held pursuant to rules of court in a licensing area for the hearing of applications for certificates for renewals of licences for the sale of intoxicating liquor; 20

“ Court area ” means a District Court area prescribed by law for the purposes of the transaction of licensing business; 25

“ licence ” means a licence for the sale of intoxicating liquor for the grant of which the production of a certificate of the District Court or the Circuit Court, as the case may be, is required, or a licence granted under *section 16* of this Act, and cognate words shall be construed accordingly; 30

“ the Licensing Acts ” means the Licensing Acts, 1833 to 1960;

1925, No. 8.

“ period of summer time ” means a period appointed by or under the Summer Time Act, 1925, to be a period of summer time;

“ prohibited hours ” has the meaning assigned to it by *section 2* of the Act of 1927; 35

“ the Registration of Clubs Acts ” means the Registration of Clubs Acts 1904 to 1960;

“ seven-day licence ” means a licence referred to in *section 11* of the Act of 1927 as a seven-day licence;

“ six-day licence ” has the meaning assigned to it by *section 8* of the Act of 1927; 40

“ Sunday ” does not include a Sunday that is Christmas Day.

(2) The county borough of Dublin shall be deemed, for the purposes of this Act, to include the whole of the Dublin Metropolitan District. 45

(3) References in this Act to any enactment shall, save where the context otherwise requires, be construed as references to that enactment as amended by any subsequent enactment including this Act.

- 5 2.—Section 2 (which was inserted by the Act of 1960 and relates to prohibited hours) of the Act of 1927 is hereby amended by— Amendment of section 2 of Act of 1927.

(a) the substitution of the following paragraph for paragraph (a) of subsection (1):

10 “ (a) on any week-day, before the hour of half-past ten o'clock in the morning or—

(i) during a period of summer time, after the hour of half-past eleven o'clock in the evening, or

15 (ii) during a period which is not a period of summer-time, after the hour of eleven o'clock in the evening,

20 or, if the premises are situate in the county borough of Dublin or Cork (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 ”

(b) the substitution of the following paragraph for paragraph (b) of subsection (1):

25 “ (b) on Saint Patrick's Day or any Sunday, before the hour of half-past twelve o'clock in the afternoon, or between the hours of two o'clock and four o'clock in the afternoon or after the hour of ten o'clock in the evening, or ”

30 and

(c) the substitution in both paragraph (a) and paragraph (b) of subsection (2) for “ a county borough ” of “ the county borough of Dublin or Cork ”.

- 35 3.—Subsection (1) (inserted by the Act of 1960) of section 3 (which relates to mixed trading) of the Act of 1927 is hereby amended by— Amendment of section 3 of Act of 1927.

(a) the substitution in paragraph (i) of “ half-past seven o'clock ” for “ nine o'clock ”, and

40 (b) the substitution in paragraph (ii) for “ a county borough ” of “ the county borough of Dublin or Cork ”.

- 4 4.—Section 13 (which was inserted by the Act of 1960 and provides for exemptions from prohibited hours for hotels and restaurants) of the Act of 1927 is hereby amended by the substitution for paragraphs (a) and (b) of the following paragraphs: Amendment of section 13 of Act of 1927.

45 “ (a) during a period of summer time, between the hours of half-past eleven o'clock in the evening on any week-day and half-past twelve o'clock in the morning on the following day, or

50 (b) during a period which is not a period of summer time, between the hours of eleven o'clock in the evening on any week-day and half-past twelve o'clock in the morning on the following day, or

55 (b1) if the premises are situate in the county borough of Dublin or Cork, between the hours of half-past two o'clock and half-past three o'clock in the afternoon, on any week-day, or

(b2) on Saint Patrick's Day or, unless his licence is a six-day licence, any Sunday, between the hours of two o'clock and three o'clock in the afternoon, or between the hours of ten o'clock and eleven o'clock in the evening, or "

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Amendment of
section 56 of
Act of 1927.

5.—(1) Section 56 (which was inserted by the Act of 1960 and relates to prohibited hours in clubs) of the Act of 1927 is hereby amended by—

(a) the substitution of the following paragraphs for paragraphs (a) and (b) of subsection (1):

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

(i) during a period of summer time, after the hour of half-past eleven o'clock in the evening, or

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(ii) during a period which is not a period of summer time, after the hour of eleven o'clock in the evening,

or, if the club is situate in the county borough of Dublin or Cork, between the hours of half-past two o'clock and half-past three o'clock in the afternoon, or

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(b) on Saint Patrick's Day or any Sunday, before the hour of half-past twelve o'clock in the afternoon or between the hours of two o'clock and four o'clock in the afternoon or after the hour of ten o'clock in the evening, or "

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(b) the substitution of the following paragraphs for paragraphs (a) and (b) of subsection (2):

" (a) during a period of summer time, between the hours of half-past eleven o'clock in the evening on any week-day and half-past twelve o'clock in the morning on the following day, or

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(b) during a period which is not a period of summer time, between the hours of eleven o'clock in the evening on any week-day and half-past twelve o'clock in the morning on the following day, or

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(b1) if the premises are situate in the county borough of Dublin or Cork, between the hours of half-past two o'clock and half-past three o'clock in the afternoon, on any week-day, or

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(b2) on Saint Patrick's Day or any Sunday, between the hours of two o'clock and three o'clock in the afternoon or between the hours of ten o'clock and eleven o'clock in the evening, or ", and

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(c) the insertion in subsection (4) after " this section " of " " period of summer time " "

(2) (a) For the purposes of the Registration of Clubs Acts, the rules of a club which on the commencement of this Act is registered under those Acts shall, during the transitional period, be deemed to be in conformity with the provisions of section 56, as amended by this section, of the Act of 1927.

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(b) In this subsection " transitional period " means the period beginning on the commencement of this Act and ending, either, when the certificate of registration of the club which is in force two months after that date expires, or, if it should sooner happen, when the rules of the club are brought into conformity with the said section 56, as so amended.

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6.—Not more than fifteen authorisations shall be granted under section 21 (which relates to the grant of authorisations by the District Court for the supply of excisable liquor in clubs) of the Act of 1924 to any club in any year and subsection (3) of that section shall stand amended accordingly. Amendment of section 21 of Act of 1924.

7.—(1) For the purposes of the Licensing Acts and the Registration of Clubs Acts a meal served in any premises after the commencement of this Act shall not be deemed in a prosecution, to be a substantial meal unless it is shown that— Substantial meals.

10 (a) the meal is such as might be expected to be served as a main midday or main evening meal or as a main course at either such meal,

(b) soup, tea or coffee is not served as part of the meal except as a subsidiary course, and

15 (c) the meal is of a kind for which, having regard to the prices charged for meals in the premises at times other than prohibited hours, it would be reasonable to charge a sum that is not less than—

20 (i) the sum (if any) that for the time being stands fixed under subsection (2) of this section, or

(ii) if no sum stands fixed for the time being under the said subsection (2), five shillings.

(2) The Minister for Justice may from time to time, by order, fix such sum, being more than five shillings, as he considers reasonable for the purposes of subsection (1) of this section and may, by order, revoke or amend any order under this subsection.

8.—(1) Subject to the provisions of this section, where, on application to a Justice of the District Court by the holder of a licence in respect of premises situate in any locality not in the county borough of Dublin, it is shown to the satisfaction of the Court that the application has the approval of a majority of the holders of licences in respect of premises so situate and is in respect of a period during which a special event or special events will take place in or near that locality of such kind that, in the opinion of the Court, the period will be one of special festivity that will be likely to attract a considerable number of persons to that locality, the Court, if it is satisfied that it is desirable to do so for the accommodation of those persons, may, after hearing the officer in charge of the Garda Síochána for that locality, make an order, subject to such conditions as it thinks proper, exempting the holders of licences in respect of premises so situate from the provisions of the Licensing Acts relating to prohibited hours in respect of those premises at such times and on such days during the period as it thinks fit: provided that, where the period of festivity exceeds eight days, the exemption shall be limited to such times and days as it thinks fit during a period comprising not more than eight consecutive days. Exemptions for periods of special festivity.

(2) Any person appearing to the District Court to have a *bona fide* interest in the matter may appear and give evidence on the hearing of an application under this section.

(3) The District Court shall not entertain an application under this section unless and until satisfied that the applicant has, not less than seven days before the date on which the application is proposed to be made, served notice in writing of the intention to make the application upon the officer in charge of the Garda Síochána for the locality to which the application relates and published the notice in a newspaper circulating in that locality.

(4) An order under this section shall not be made in respect of more than one period in a year in respect of any locality.

(5) A person in respect of whom an order has been granted under this section shall, if and so long as he complies with the conditions subject to which the order has been granted, be exempt at the times specified in the order from any penalty for contravention of the provisions of the Licensing Acts relating to prohibited hours in respect of the premises to which the order relates but not from any other penalty under those Acts. 5

(6) An order under this section shall not exempt the holder of a licence that is a six-day licence from the provisions of the Licensing Acts relating to prohibited hours on Sundays. 10

(7) Where, on application to a Justice of the District Court, it is shown to the satisfaction of the Court that the application has the approval of a majority of the holders of on-licences in respect of premises situate in a locality in respect of which an order under this section has been made, the Court may, at any time before the commencement of the period to which the order relates, revoke the order and, upon such revocation, the order shall be deemed, for the purposes of this section, never to have been made. 15

(8) For the purposes of this and the two next following sections a locality that is situate in a county or other borough, a town (whether or not having commissioners under the Towns Improvement (Ireland) Act, 1854) or village, shall include the whole of that borough, town or village, as the case may be, and any surrounding built-up area. 20 25

1854, c. 103.

Occasional
licences.

9.—(1) Subject to the provisions of this section, on application to a Justice of the District Court by the holder of an on-licence (other than a licence granted under *section 15* of this Act), the Court may, if it so thinks fit, and is satisfied that a special event is being held at any place to which no licence for the sale of intoxicating liquor is attached grant to the applicant a licence (in this section referred to as an occasional licence) authorising him to sell at that place during such times and on such days (not exceeding three), as may be specified in the licence such intoxicating liquor as he is authorised to sell by the on-licence aforesaid. 30 35

(2) (a) An occasional licence shall not be granted for a dinner unless it is organised as a special function for the members of a particular association, organisation or other like group.

(b) An occasional licence shall not be granted for a dance unless— 40

(i) it is held elsewhere than in the open air or in a tent, marquee or other such structure, and

(ii) either—

(I) it is organised as a special function for the members of a particular association, organisation or other like group and a substantial meal (the price (if any) of which is included in the price of admission (if any) to the dance) is served to the persons attending the dance, or 45 50

(II) it is held wholly or partly on a day that, in the opinion of the Court, is a day of special festivity generally or in the locality in which the place to which the licence relates is situate.

(3) Occasional licences shall not be granted pursuant to *clause (II) of subparagraph (ii) of paragraph (b) of subsection (2) of this section* for any locality in respect of more than four different days in a year. 55

(4) It shall be a condition of an occasional licence granted for a dinner or dance that the sale of intoxicating liquor pursuant to the licence be confined to persons attending the dinner or dance to which the licence relates. 60

(5) An occasional licence shall not be granted in respect of any Sunday, Christmas Day or Good Friday.

(6) Any person appearing to the District Court to have a *bona fide* interest in the matter may appear and give evidence on the hearing of an application under this section.

(7) The District Court shall not entertain an application under this section unless it is satisfied that the applicant has—

10 (a) not less than forty-eight hours before making the application, served upon the officer in charge of the Garda Síochána for the locality to which the application relates a notice in writing of his intention to make the application, setting out his name and address and the place, occasion and time for which the occasional licence to which the application relates is required, and

15 (b) where the application is for the grant of an occasional licence pursuant to *clause (II) of subparagraph (ii) of paragraph (b) of subsection (2)* of this section, not less than one week before making the application, published the notice in a newspaper circulating in that locality.

20 (8) An occasional licence shall operate to exempt the person to whom it is granted (if and so long as he complies with the conditions subject to which it is granted) from the provisions of the Licensing Acts relating to the sale and supply of intoxicating liquor at the place and during the time for which the licence is
25 granted.

(9) The provisions of the Licensing Acts requiring an offence to be endorsed on a licence shall not apply to an offence committed in respect of an occasional licence.

30 (10) An occasional licence shall not be granted for any time after the hour of ten o'clock in the evening or before the hour of eight o'clock in the morning unless the event to which the licence would relate is a dinner or dance.

35 (11) (a) Section 13 of the Revenue Act, 1862, section 20 of the Revenue Act, 1863, section 5 of the Revenue (No. 1) Act, 1864, and section 6 of the Act of 1927 are hereby repealed in so far as they relate to licences authorising the sale of intoxicating liquor. 1862, c. 22.
1863, c. 33.
1864, c. 18.

40 (b) Notwithstanding *paragraph (a)* of this subsection, a licence for the sale of intoxicating liquor may be granted after the commencement of this Act pursuant to a consent given under subsection (2) of the said section 6 before such commencement and a licence granted (whether before or after such commencement) in respect of an event held after such commencement pursuant to such a consent shall continue in force, but
45 if a licence—

(i) is granted pursuant to a consent under the said subsection (2) for which application was made to the District Court after the 19th day of April, 1962, and
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(ii) relates to a dance held more than one month after such commencement,

55 it shall be deemed to be a condition of the licence that a substantial meal be served to the persons attending the dance.

10.—(1) Section 5 (which relates to special exemption orders) of the Act of 1927 is hereby amended by the substitution for subsection (5) (inserted by the Act of 1960) of the following subsections: Special exemption orders.

“(5) In this section ‘special occasion’ means—

(a) (i) the occasion of a special event that is organised for the members of a particular association, organisation, or other like group, or

(ii) the occasion of a private function 5

in the premises in relation to which the special exemption order is sought and at which a substantial meal (the price (if any) of which is included in the price (if any) of admission to the event) is served to the persons attending the event, 10

(b) the occasion of a dance that is held in a ballroom licensed under the Public Dance Halls Act, 1935, and forming part of the premises in relation to which the special exemption order is sought being a dance at which a substantial meal (the price (if any) of which is included in the price (if any) of admission to the dance) is served to the persons attending the dance, or 15

(c) the occasion of a dance that is held in such a ballroom on a day that, in the opinion of the Court, 20 is a day of special festivity generally or in the locality in which the premises are situate.

(6) Special exemption orders shall not be granted pursuant to *paragraph (c) of subsection (5)* of this section for any locality in respect of more than four different days in a year. 25

(7) A special exemption order shall contain as one of the terms thereof a condition that intoxicating liquor shall not be sold at the event to which the order relates during the hours specified in the order to persons other than those attending the event and that members of the public, other than persons attending the event, shall not be admitted to the part of the premises in which intoxicating liquor is being supplied or consumed pursuant to the order. 30

(8) Notwithstanding the provisions of *subsection (3)* of this section, a special exemption order may be granted for a Sunday that is New Year’s Day, New Year’s Eve or St. Patrick’s Day. 35

(9) It shall be a condition of a special exemption order granted in respect of premises in relation to which a licence granted pursuant to *section 15* of the Intoxicating Liquor Act, 1962, is in force that intoxicating liquor shall not be supplied to any person on the premises, and intoxicating liquor shall not be permitted to be consumed on the premises by any person, during the time to which the order applies unless the conditions specified in *subsection (2)* of that section in relation to such supply and consumption are complied with. 40 45

(10) A special exemption order shall not be granted by virtue of *paragraph (c) of subsection (5)* of this section unless the applicant therefor has, not less than one week before the making of the application, published in a newspaper circulating in the locality in which the premises are situate a notice stating his intention to apply for the order, setting out his name and address and the place, occasion and time for which the order is sought.” 50

(2) The following provisions shall apply in relation to special exemption orders granted before the commencement of this Act: 55

(a) an order granted pursuant to an application made before the 19th day of April, 1962, or in respect of an event taking place within one month after the commencement of this Act shall continue in force, and 60

(b) any other order shall continue in force but it shall be deemed to be a condition of the order that:

- 5 (i) intoxicating liquor shall not be sold at the event to which the order relates during the hours specified in the order to persons other than those attending the event, and members of the public, other than persons attending the event, shall not be admitted to the part of the premises to which the order relates in which intoxicating liquor is being supplied or consumed pursuant to the order, and
- 10 (ii) a substantial meal is served to the persons attending the event to which the order relates.

11.—(1) A Justice of the District Court may, on the application of the secretary of a registered club (within the meaning of the Registration of Clubs Acts) the main object of which is the promotion of any outdoor pastime, sport, game or recreation among its members, authorise, notwithstanding the provisions contained in the rules of the club pursuant to those Acts, the sale or supply by or with the consent of the club to any person for consumption in the buildings or grounds of the club and the consumption in the buildings or grounds of the club by any person, of excisable liquor at such times as may be specified in the authorisation on the occasion of a special event in the club that, in the opinion of the Court, is likely to attract a considerable number of people to the club.

Special events
in sports clubs.

25 (2) An authorisation shall not be granted under this section in respect of a club in relation to more than one event in a year and the period of the authorisation shall not exceed five consecutive days, but it shall not authorise the supply or consumption of excisable liquor on any day during that period on which the event to which it relates is not taking place.

30 (3) The sale, supply and consumption of excisable liquors in the buildings or grounds of a club pursuant to an authorisation under this section shall be lawful and shall be deemed not to be a breach of the rules of the club.

35 12.—(1) A general exemption order for the accommodation of persons attending a public market or fair shall not be granted for any day for any time before the hour of five o'clock in the morning or for any time—

General
exemption
orders.

- (a) during a period of summer time, after the hour of half-past eleven o'clock in the evening, or
- 40 (b) during a period which is not a period of summer time, after the hour of eleven o'clock in the evening.

(2) A general exemption order for the accommodation of persons following any lawful trade or calling (other than sea-fishing) shall not be granted for any day before the hour of seven o'clock in the morning or for any time—

- 45 (a) during a period of summer time, after the hour of half-past eleven o'clock in the evening, or
- (b) during a period which is not a period of summer time, after the hour of eleven o'clock in the evening.

50 (3) A general exemption order shall not be granted in respect of premises situate in the county borough of Dublin unless—

- (a) the order is for the accommodation of persons following the trade or calling of sea-fishing, or
- (b) the order is for the accommodation of persons attending a public market or fair and a general exemption order for that purpose was in force in respect of the premises on the 19th day of April, 1962, or at any time during the two years immediately preceding that date.

55 (4) The preceding provisions of this section shall not affect the validity of general exemption orders granted before the commencement of this Act, but those provisions shall apply in relation to the renewal of such orders.

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(5) In this section "general exemption order" means an order granted under section 4 of the Act of 1927.

Exemptions for
licensed business
on Sunday
afternoons.

13.—(1) Subject to the provisions of this section, where, on application to a Justice of the District Court by the holder of a licence (not being a six-day licence) in respect of premises situate in any locality not in a county or other borough, it is shown to the satisfaction of the Court that the application has the approval of a majority of the holders of such licences in respect of premises so situate, the Court may, if it is satisfied that, owing to circumstances in the locality, it is desirable to do so, make an order exempting the holders of all such licences in respect of premises so situate from the provisions of the Licensing Acts relating to prohibited hours in respect of those premises for the period between the hours of twelve o'clock and half-past twelve o'clock in the afternoon on Sundays and Saint Patrick's Day. 15

(2) The District Court shall not make an order under this section in respect of a period during which or part of which a considerable number of people in the locality to which the order would relate would be likely to be attending Divine Service.

(3) Any person appearing to the District Court to have a *bona fide* interest in the matter may appear and give evidence on the hearing of an application under this section. 20

(4) An order under this section shall, unless sooner revoked under this section, remain in force until the date (if any) specified in the order on which it is to expire or the date of the next annual licensing district court for the locality to which it relates, whichever is the earlier. 25

(5) A Justice of the District Court may, on the application of any person appearing to the Court to have a *bona fide* interest in the matter, revoke an order under this section if he is satisfied, after hearing the person on whose application the order was granted and any other person appearing to the Court to have a *bona fide* interest in the matter, that it is desirable to do so. 30

(6) Whenever an order is in force under this section in relation to any premises, the holder of the licence in relation to those premises shall be exempted on Sundays and on Saint Patrick's Day during the period between the hours of twelve o'clock and half-past twelve o'clock in the afternoon from any penalty for contravention of the provisions of the Licensing Acts relating to prohibited hours in respect of those premises, but not from any other penalty under those Acts. 35 40

(7) The District Court shall not entertain an application under subsection (1) or (5) of this section unless and until satisfied that not less than ten days before the date on which the application is proposed to be made notice in writing of the intention to make the application was given to the officer in charge of the Garda Síochána for the locality to which the application relates and that not less than seven days before such date the notice was published in a newspaper circulating in that locality. 45

Exemptions for
unlicensed
business on
Sunday mornings.

14.—(1) Subject to the provisions of this section, where, on application to a Justice of the District Court by the holder of a licence (not being a six-day licence, a licence granted by virtue of paragraph (2) of section 2 of the Act of 1902 or a licence granted under section 15 of this Act) in respect of premises situate in any locality not in a county or other borough, it is shown to the satisfaction of the Court that the application has the approval of a majority of the holders of such licences in respect of premises so situate, the Court may, if it is satisfied that, owing to circumstances in the locality it is desirable to do so, make an order permitting the 50 55

holders of all such licences in respect of premises so situate to open or keep open the premises for the purpose of carrying on any business other than the sale or supply of intoxicating liquor during any one period specified in the order and not exceeding
5 forty-five minutes in duration on the mornings of Sundays and Saint Patrick's Day.

(2) The District Court shall not make an order under this section in respect of a period during which or part of which a considerable number of people in the locality to which the order would relate
10 would be likely to be attending Divine Service.

(3) Any person appearing to the District Court to have a *bona fide* interest in the matter may appear and give evidence on the hearing of an application under this section.

(4) An order under this section shall, unless sooner revoked
15 under this section, remain in force until the date (if any) specified in the order on which it is to expire or the date of the next annual licensing district court for the locality to which it relates, whichever is the earlier.

(5) A Justice of the District Court may, on the application of
20 any person appearing to the Court to have a *bona fide* interest in the matter revoke or amend an order under this section if he is satisfied after hearing the person on whose application the order was granted and any other person appearing to the Court to have a *bona fide* interest in the matter, that it is desirable to do so.

(6) Notwithstanding anything contained in the Licensing Acts, the opening or keeping open of premises pursuant to an order under this section shall not be deemed to be an opening or keeping open of the premises for the sale of intoxicating liquor.

(7) The District Court shall not entertain an application under
30 subsection (1) or (5) of this section unless and until satisfied that not less than ten days before the date on which the application is proposed to be made notice in writing of the intention to make the application was given to the officer in charge of the Garda Síochána for the locality to which the application relates and that not less
35 than seven days before such date the notice was published in a newspaper circulating in that locality.

15.—(1) Where a person (in this section referred to as the applicant) duly gives notice of his intention to apply to the Circuit Court for a licence (in this section referred to as a
40 special restaurant licence) in respect of premises occupied by the applicant to which no on-licence is attached and, at the proceedings in the Circuit Court in relation to the application, the applicant shows to the satisfaction of the Court that the premises are structurally adapted for use and *bona fide* and mainly used as
45 a restaurant, refreshment house or other place for supplying substantial meals to the public, 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 special
50 restaurant licence in respect of the premises, unless the Court, in consequence of an objection under section 4 of the Act of 1833, prohibits under that section the issuing of the 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
55 inconvenience of the premises.

Special restaurant licences.

(2) Where a certificate in respect of any premises is granted to a person under subsection (1) of this section, the special restaurant licence to which the applicant is declared by the certificate to be entitled and which is granted to him in pursuance of the certificate shall be a licence authorising, subject to
60 the provisions of the Licensing Acts—

- (a) the supplying of intoxicating liquor to a person for consumption on those premises, and
- (b) the consumption of intoxicating liquor on those premises by a person,

if, in each case, the intoxicating liquor—

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- (i) is ordered by the person at the same time as a substantial meal is ordered by him,
- (ii) is consumed at the same time as and with the meal,
- (iii) is supplied and consumed in the portion of the premises usually set apart for the supply of meals, and
- (iv) is paid for at the same time as the meal is paid for.

(3) Upon the grant of a special restaurant licence in respect of a premises in relation to which a wine retailer's on-licence under the Act of 1910 is in force, the wine retailer's on-licence shall be extinguished.

15

(4) Nothing in the Act of 1902 shall prevent the grant of a special restaurant licence.

(5) The District Court shall not allow an application by the holder of a special restaurant licence for a certificate entitling the holder to a renewal of the licence unless it is satisfied, after hearing the officer in charge of the Garda Síochána for the licensing area in which the premises to which the licence relates are situate, that the premises have been *bona fide* and mainly used as a restaurant, refreshment house or other place for supplying substantial meals to the public since the time of the grant of the licence, or the renewal or latest renewal thereof, whichever last occurred.

25

(6) Where a special restaurant licence is in force in relation to any premises, a restaurant certificate under section 12 of the Act of 1927 shall be deemed, for the purposes of the Licensing Acts to be in force in relation to those premises and the licence shall be deemed, for the purposes of the Act of 1910, to be a retailer's on-licence notwithstanding the fact that it does not authorise the sale of intoxicating liquor for consumption off the premises.

35

Licences for
greyhound race
tracks.

16.—(1) It shall be lawful for the Revenue Commissioners, notwithstanding anything contained in the Licensing Acts, to grant, on the application of the holder of a greyhound race track licence, to such holder, or a person nominated by him—

40

- (a) a licence for the sale of intoxicating liquor at the race track to which the greyhound race track licence relates for consumption at the race track, and
- (b) a renewal of a licence granted to such holder or person pursuant to this section in respect of such race track.

45

(2) Notwithstanding anything contained in the Act of 1927, a licence granted under this section in respect of a greyhound race track shall operate, during such time as the greyhound race track licence in relation to the track is in force, to authorise the sale and consumption of intoxicating liquor at the track, the keeping open of premises at such track for such sale, and the permitting of such consumption, on the occasion of—

50

- (a) a greyhound race meeting,
- (b) a greyhound sale, or
- (c) greyhound trials,

55

at such track during the period—

- (i) beginning fifteen minutes before the commencement of the race meeting, sale or trials, as the case may be, and
- 5 (ii) ending, in the case of a race meeting, at the time at which the last race of the meeting starts, and, in the case of a sale or trials, at the conclusion of the sale or trials, as the case may be,

but during no other period.

- 10 (3) None of the following sections shall apply in relation to premises licensed under this section, namely, sections 4 and 5 of the Act of 1927 and sections 8, 9, 13 and 14 of this Act.

(4) (a) In this section—

- 15 “greyhound sales” and “greyhound trials” do not include a sale or trials, as the case may be, held at a greyhound race track on the same day as but after a greyhound race meeting at that track;

20 “greyhound race track licence” means a licence under section 22 of the Greyhound Industry Act, 1958, No 12 1958.

- 25 (b) Where a greyhound race meeting, a greyhound sale or greyhound trials lasts or last for more than one day, the part of such race meeting, sale or trials, as the case may be, held on any day shall be deemed, for the purposes of this section, to be a separate meeting or sale or separate trials, as the case may be.

- 30 17.—(1) An application to the Circuit Court under section 4 of the Act of 1902, section 21 or 22 of the Act of 1943 or section 13, 14 or 27 of the Act of 1960 (which sections relate to the grant of new licences in certain circumstances upon the extinguishment of existing licences) shall not be allowed if the licence, or either of the licences, as the case may be, that would fall to be extinguished if the application were allowed and a licence were granted in pursuance of the section under which the application is made is a licence granted by virtue of paragraph (2) of section 2 of the Act of 1902, or under section 15 or 16 of this Act.

Restriction of section 4 of Act of 1902, sections 21 and 22 of Act of 1943 and sections 13, 14, 19 and 27 of Act of 1960.

- 40 (2) (a) An application to the Circuit Court under section 13 of the Act of 1960 shall not be allowed in respect of premises situate less than one mile measured by the shortest public thoroughfare from premises in respect of which there is in force a licence that was first granted on or before the 4th day of July, 1960, and is of the same character as the licence that would fall to be granted if the application were allowed.

- 45 (b) For the purposes of this subsection all on-licences shall be deemed to be licences of the same character.

- 50 (3) An application under section 19 (which relates to applications to the District Court to allow public bars in certain hotels) of the Act of 1960 shall not be allowed if the licence that would fall to be extinguished if the application were allowed is a licence granted under section 15 or 16 of this Act.

- 60 18.—Notwithstanding anything contained in section 17 (which relates to the offence of being on licensed premises during prohibited hours) of the Act of 1927, it shall not be unlawful for a person to be in any yard, stable, outhouse, shed or other like place forming part of premises in respect of which a licence is in force and which are not situate in a county or other borough on a Sunday, Saint Patrick's Day, Christmas Day or Good Friday for the sole purpose of leaving therein, attending to, or removing therefrom, an animal-drawn vehicle.

Parking of animal-drawn vehicles in licensed premises.

Presumption of
existence of
licences in
certain
prosecutions.

19.—In a prosecution for an offence in relation to prohibited hours in respect of premises—

- (a) it shall be presumed, until the contrary is proved, that a licence of the character and subject to the conditions (if any) alleged by the prosecution is in force in respect of the premises, and
- (b) if the defendant proves that at the time at which he is alleged to have committed the offence with which he is charged a licence was not in force in respect of the premises, the Court before which the prosecution is heard shall treat the charge as a charge of an offence contrary to section 7 (which prohibits the sale of intoxicating liquor without a licence) of the Act of 1924, and a conviction under the said section 7 shall not be reversed merely on the ground that a licence in respect of the premises is subsequently obtained by the defendant.

Recording of
certain
convictions on
licences
subsequently
obtained.

20.—Where, after the commencement of this Act—

- (a) a person is convicted in respect of premises of an offence under section 7 (which prohibits the sale of intoxicating liquor without a licence) of the Act of 1924,
- (b) the person was the holder of a licence in respect of the premises not more than twelve months before the time of the offence, and
- (c) the person becomes, after the time of the conviction, the holder of a licence in respect of the premises,

the offence shall be deemed to be an offence to which Part III (which relates to the endorsement of licences) of the Act of 1927 applies and the licence shall, for the purpose of that Part, be deemed to have been in force and to have been held by the person at the time of the conviction, and, accordingly, the conviction shall be recorded on the licence under that Part.

Proof of licences
in certain cases.

21.—In an application to the District Court under section 8, 13 or 14 of this Act in relation to any Court area—

- (a) a certificate purporting to be signed by the District Court clerk for that area and to certify that a list contained in it is a list of all the holders in respect of premises in that area, or the part thereof to which the application relates, as the case may be, of certificates of the Court the production of which is required for the grant or renewal of licences, shall, without proof of the signature of the person purporting to sign the certificate or that he was the District Court clerk for that area, be evidence, until the contrary is proved, of the matters certified in and by the certificate, and
- (b) it shall be presumed, until the contrary is proved, that the licence to which each certificate specified in the list refers is in force at the time when the list is given in evidence.

Unlicensed
drinking premises.

22.—(1) In this section “unlicensed drinking premises” means premises to which an on-licence is not attached, which are not the premises of a club registered under the Registration of Clubs Acts and which are used or made available for the consumption of intoxicating liquor therein by persons resorting to them other than the *bona fide* occupier of the premises, a member of the family of the occupier, a person residing or working in the premises (who are referred to in this section as excepted persons) or a *bona fide* private guest of any of those persons.

(2) A person shall not be in or consume intoxicating liquor in unlicensed drinking premises unless he is an excepted person or a *bona fide* private guest of an excepted person.

(3) An occupier of premises that are unlicensed drinking premises shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds, and, if the premises in respect of which he was so convicted continue, after the conviction, to be unlicensed drinking premises, he shall be guilty of a further offence and liable on summary conviction thereof to a fine not exceeding five pounds for each day on which the contravention was so continued.

(4) (a) A person who supplies intoxicating liquor to premises that he knows to be unlicensed drinking premises for consumption by persons prohibited, by virtue of subsection (2) of this section, from consuming intoxicating liquor in those premises shall be deemed to aid and abet another person in the commission of an offence under subsection (3) of this section.

(b) A person who supplies intoxicating liquor to unlicensed drinking premises pursuant to orders of more than one person (other than an excepted person) within a period of three days shall be presumed, until the contrary is proved, to know that the premises are unlicensed drinking premises.

(5) A person who contravenes subsection (2) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds.

(6) Where an offence under subsection (3) of this section, or the offence of aiding and abetting the commission of such an offence, is committed by a person who holds a licence for the sale of intoxicating liquor by retail, the offence shall be deemed, for the purposes of Part III (which relates to the endorsement of licences) of the Act of 1927, to be an offence to which that Part of that Act applies, but where the person holds more than one such licence, a conviction of the offence shall be recorded on such one, only, of the licences as the Court by which the person is convicted considers appropriate.

(7) In a prosecution for an offence under this section in relation to any premises—

(a) it shall be a good defence to show—

(i) that the premises are *bona fide* used as a club (other than a club registered under the Registration of Clubs Acts) established and conducted for purposes not connected with the consumption of intoxicating liquor,

(ii) that the intoxicating liquor (if any) to which the alleged offence relates had been brought to the premises not more than twelve hours before the occasion to which the prosecution relates by or on behalf of members of the club for consumption by members of the club, and

(iii) that intoxicating liquor is not habitually or frequently consumed in the club premises and is not stored therein,

(b) it shall be presumed, until the contrary is proved, that a person found on the premises to which the prosecution relates is not there as the *bona fide* private guest of an excepted person, and

(c) if it is shown to the satisfaction of the Court before which the prosecution is heard that stocks of intoxicating liquor owned by different persons (other than excepted persons) are kept in the premises, it shall be presumed, until the contrary is proved, that the premises are unlicensed drinking premises. 5

(8) A person found in unlicensed drinking premises on any occasion and charged with the commission of an offence under this section shall not be convicted of the offence—

(a) if, in the absence of evidence that he consumed intoxicating liquor on the premises on the occasion, he states on oath in the Court before which the charge is heard that he did not consume intoxicating liquor on the premises on the occasion and did not intend to do so, or 10 15

(b) if he shows to the satisfaction of the Court that he did not know that the premises were unlicensed drinking premises.

(9) (a) Where a Justice of the District Court is satisfied on the information on oath of a member of the Garda Síochána not below the rank of Inspector that there is reasonable ground for supposing that, at any premises, an offence under this section has been, is being or is about to be committed, the Justice may issue a search warrant under this subsection. 20 25

(b) The search warrant shall authorise a named member of the Garda Síochána not below the rank of Inspector, accompanied by such other members of the Garda Síochána as that member thinks proper, to enter the premises at any time within forty-eight hours after the issue of the warrant, if need be by force, to inspect the premises and any books and documents found there, and to take the name and address of any person found there. 30 35

(c) A member of the Garda Síochána may arrest without warrant any person who, when his name and address are demanded of him under this subsection, fails to give them or gives a name or address which such member has reason to believe to be false or misleading. 40

(d) Any person who obstructs or impedes a member of the Garda Síochána in the exercise of his powers under this subsection or who, on being asked to give his name and address by such member, fails to give them or gives a name or address which is false or misleading shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty-five pounds. 45

(e) If a member of the Garda Síochána is obstructed or impeded in entering any premises or any part thereof in the exercise of his powers under this subsection it shall be presumed until the contrary is proved that that premises were unlicensed drinking premises. 50

Liqueur
chocolates.

23.—(1) Nothing in the Licensing Acts (other than this section) or in any enactment requiring the authority of an excise licence for the sale or supply of intoxicating liquor shall have effect in relation to intoxicating liquor that is in confectionery if the confectionery— 55

(a) does not contain intoxicating liquor in a proportion greater than one-fiftieth of a gallon of liquor (computed as proof spirit) per pound of the confectionery, and 60

(b) either consists of separate pieces each of which weighs not more than one and one-half ounces or is designed to be broken into such pieces for the purposes of consumption.

5 (2) Intoxicating liquor in confectionery shall not be sold to a person who is under the age of sixteen years.

(3) A person who knowingly contravenes subsection (2) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds.

10 24.—(1) The Revenue Commissioners shall not grant, whether by way of new licence or of transfer or renewal of an existing licence, a wine retailer's off-licence in respect of any premises other than premises where a business of the kind referred to in section 61 of the Act of 1927 is being carried on or in respect of
15 which a spirit retailer's off-licence or a beer retailer's off-licence is in force.

Wine retailer's
and cider
retailer's
off-licences.

(2) The Revenue Commissioners shall not grant, whether by way of new licence or of transfer or renewal of an existing licence, a cider retailer's off-licence, in respect of any premises other than
20 premises in respect of which a spirit retailer's off-licence or a wholesale dealer's licence for the sale of spirits, beer or wine is in force.

(3) In this section "wine retailer's off-licence", "spirit retailer's off-licence", "beer retailer's off-licence", "cider
25 retailer's off-licence" and "wholesale dealer's licence for the sale of spirits, beer or wine" have the meanings they respectively have in the Act of 1910.

25.—A person who permits a person to be on licensed premises contrary to subsection (1) of section 17 (which was inserted by the
30 Act of 1960 and provides for certain offences in relation to prohibited hours) of the Act of 1927 shall be guilty of an offence and shall be liable on summary conviction, in the case of a first offence, to a fine not exceeding twenty pounds, or, in the case of a second or any subsequent offence, to a fine not exceeding forty pounds
35 and the offence shall be deemed, for the purposes of Part III (which relates to the endorsement of licences) of the Act of 1927, to be an offence to which that Part of that Act applies.

Permitting
persons to be on
licensed
premises during
prohibited hours.

26.—(1) In section 8 of the Act of 1902, section 14 of the Act of 1924 and in this section "last census" means the last census of
40 population taken pursuant to the Statistics Acts, 1926 and 1946, from which statistics of population published by the Stationery Office have been derived.

Proof of
population
figures.

(2) In any application to a Court under the Act of 1902—

45 (a) a document purporting to be published by the Stationery Office and to contain statistics of population derived from a census of population taken pursuant to the Statistics Acts, 1926 and 1946, shall be evidence, until the contrary is proved, of the matters relating to statistics of population stated in the document,

50 (b) a certificate purporting to be signed by the person in charge of the Central Statistics Office and to certify that the census referred to in a document of the kind specified in paragraph (a) of this subsection is the last

census and, either, that no later census has been taken or that statistics of population derived from a later census will not be published during the two months immediately following the date on which the certificate is given, shall, without proof of the signature of the person purporting to sign the certificate or that he was in charge of the Central Statistics Office, be evidence, until the contrary is proved, of the matters certified in and by the certificate, and

(c) a certificate purporting to be signed by the person in charge of the Central Statistics Office and containing statistics of population and purporting to certify that the statistics are derived from the last census and, either, that no later census has been taken or that statistics of population derived from a later census will not be published during the two months immediately following the date on which the certificate is given, shall, without proof of the signature of the person purporting to sign the certificate or that he was in charge of the Central Statistics Office, be evidence, until the contrary is proved, of the matters relating to statistics contained in the certificate and of the matters certified in and by the certificate.

Short title,
construction,
collective
citation and
commencement.

27.—(1) This Act may be cited as the Intoxicating Liquor Act, 1962.

25

(2) This Act, in so far as it amends and extends the Licensing Acts, shall be construed as one therewith and may be cited together therewith as the Licensing Acts, 1833 to 1962, and, in so far as it amends and extends the Registration of Clubs Acts, shall be construed as one therewith and may be cited together therewith as the Registration of Clubs Acts, 1904 to 1962.

(3) This Act shall come into operation on the second day after the date of its passing.

BILL

BILLE

At the first session of the Missouri Legislature, 1820, and the Legislature of 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892.

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BILLE

(*mar a tugadh isteach*)

dá ngairtear

Acht do leasú agus do leathnú na nAchtanna Ceadúnúcháin, 1833 go 1960, agus Achtanna Clárú na gClubanna, 1904 go 1960, agus do dhéanamh soerú i dtaobh nithe eile a bhaineann leis na nithe réamhráite.

An tAire Dlí agus Cirt a thug isteach

*Ordaíodh ag Dáil Éireann a chlóbhualadh,
11 Aibreán, 1962*

BAILE ATHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais
An Stnara, Árd Oifig an Phoist, Baile Átha Cliath, nó trí
aon d'oltóir leabhar

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Wt. F.34702/G/4.—1,125. 4/62. C.&Co. (4198). G.16.

BILL

(*as introduced*)

entitled

An Act to amend and extend the Licensing Acts, 1833 to 1960, and the Registration of Clubs Acts, 1904 to 1960, and to provide for other matters connected with the matters aforesaid.

Introduced by the Minister for Justice

*Ordered by Dáil Éireann to be printed,
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