



AN BILLE DEOCHANNA MEISCIULA, 1962
INTOXICATING LIQUOR BILL, 1962

Mar a leasáíodh i gCoiste
As amended in Committee

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AN BILLE DEOCHANNA MEISCIULA, 1962
INTOXICATING LIQUOR BILL, 1962

BILL

entitled

AN ACT TO AMEND AND EXTEND THE LICENSING ACTS, 5
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, 15
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 20
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;
- “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 40
the Act of 1927;
- “Sunday ” does not include a Sunday that is Christmas Day.

(2) 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. —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 to be a substantial meal unless—

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, and

(b) the meal is of a kind for which—

15 (i) having regard to the prices charged for meals in the premises at times other than prohibited hours, or

(ii) if meals are not normally served in the premises, having regard to all the circumstances,

20 it would be reasonable to charge a sum that is not less than—

(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.

25 (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 during which a considerable number of persons will be likely to be attracted 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 aforesaid 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
special events.

50 (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.

60 (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 20 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. 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 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

(2) (a) An occasional licence shall not be granted for a dinner unless it is organised as a special function for the entertainment of the members of a particular association, organisation or other like group. 35

(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 entertainment of 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—

(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

(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.

(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 and the special event for which the licence is granted is held in compliance with the relevant provisions of subsections (2) and (10) of this section) 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 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.

(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.

(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.

(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 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

(ii) relates to a dance held more than one month after such commencement,

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 entertainment of the members of a particular association, organisation, or other like group, or

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(ii) the occasion of a private function

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,

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(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

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

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(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.

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(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.

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(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.

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(9) It shall be a condition of a special exemption order that the special event, private function or dance in relation to which it is granted be held in compliance with the relevant provisions of *subsection (5)* of this section.

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(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."

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

(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

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

- (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
- (ii) a substantial meal is served to the persons attending the event to which the order relates.

11.—(1) Where, on application to it under *section 9* of this Act or *section 5* of the Act of 1927 the District Court is satisfied that— Festival clubs.

- (a) a festival consisting wholly or mainly of the presentation of performances of music, dancing or plays or showings of films or of any combination of such performances or showings is being held, and
- (b) a *bona fide* club has been formed by the organisers of the festival the members of which are either persons performing at the festival or persons paying a single subscription the payment of which entitles them to attend each event of the festival or each event of a particular class, being a class constituting a significant part of the festival, and
- (c) a social function is being held at a place that is either a place to which no licence for the sale of intoxicating liquor is attached or is a hotel or restaurant by the members of the club, being a function that takes place during the period of the festival or a function that begins on the last day of the festival and ends on that day or on the day following that day,

the Court may, notwithstanding anything contained in *section 9* of this Act, or *section 5* of the Act of 1927, and irrespective of whether or not a substantial meal is to be served to persons attending the function, grant, upon such conditions as it thinks proper, either an occasional licence or a special exemption order, as may be appropriate, authorising the person making the application (being, in the case of an application for an occasional licence, the holder of an on-licence and, in the case of an application for a special exemption order, the holder of an on-licence for the premises to which the application relates) to sell at the place at which the function is being held, during such times and (subject to *subsection (5)* of *section 9* of this Act or *subsection (3)* of *section 5* of the Act of 1927) on such day or days as may be specified in the licence or order, as the case may be, such intoxicating liquor as he is authorised to sell by the on-licence aforesaid.

(2) It shall be a condition of an occasional licence or special exemption order granted in relation to a social function by virtue of this section that the sale of intoxicating liquor pursuant to the licence or order be confined to members of the club by whom the function is being held and to persons holding an invitation to the function (being a written invitation stating the name of the person invited issued not later than twenty-four hours before the commencement of the function) from the organisers of the festival during which the function is being held, that a list of the names of the members of the club and the persons invited to the function be kept by the organisers of the festival, that the list be open to inspection by the Garda Síochána and that the function be held in compliance with the relevant provisions of *section 9* of this Act and *section 5* of the Act of 1927 and of this section.

(3) An occasional licence or special exemption order shall not be granted for a social function by virtue of this section unless it is shown to the satisfaction of the Court that the organisers of the festival during which the function is being held support the application.

(4) An application shall not be granted by virtue of this section in respect of more than one social function on any day in relation to any festival.

(5) In this section " hotel " and " restaurant " have the meanings assigned to them by the Act of 1927.

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Special events
in sports clubs.

12.—(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.

(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.

(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.

General
exemption
orders.

13.—(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—

(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.

(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—

(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.

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

(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.

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

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Exemptions for
licensed business
on Sunday
afternoons.

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) 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.

(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.

(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.

(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.

(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.

(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.

15.—(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 licence granted by virtue of paragraph (2) of section 2 of the Act of 1902) 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 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 forty-five minutes in duration on the mornings of Sundays and Saint Patrick's Day.

Exemptions for
unlicensed
business on
Sunday mornings.

(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. 5

(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. 10

(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 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. 15

(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. 20

(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. 25 30

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—

(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 35

(b) a renewal of a licence granted to such holder or person pursuant to this section in respect of such race track. 40

(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— 45

(a) a greyhound race meeting,

(b) a greyhound sale, or

(c) greyhound trials, 50

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

(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, 55

but during no other period.

(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, 14 and 15 of this Act.

(4) (a) In this section—

5 “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;

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

15 (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.

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, 20 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 25 licence granted by virtue of paragraph (2) of section 2 of the Act of 1902, or under section 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.

30 (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.

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

40 (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 16 of this Act.

(4) The preceding subsections of this section shall not have effect as respects—

45 (a) an application notice of which was given, pursuant to rules of court, to the appropriate County Registrar or to the appropriate District Court Clerk before the commencement of this Act, or

50 (b) an application for the grant of a certificate entitling the applicant to receive a licence in respect of any premises on the hearing of which it is shown to the satisfaction of the Court that a declaration was made by the Court in respect of those premises under subsection (1) of section 15 of the Act of 1960 before the commencement of this Act.

55 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, 14 or 15 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
5 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
10 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
15 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
20 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
30 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
35 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—

40 (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
45 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
50 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,

55 (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

(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. 35

(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. 40 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 under the Statistics Acts, 1926 and 1946, from which statistics of population, other than statistics which purport to be provisional only, 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 be compiled by the Central Statistics Office and to contain statistics of population derived from a census of population taken under the Statistics Acts, 1926 and 1946, other than statistics which purport
50 to be provisional only, or to contain statistics derived from the census taken in the year 1901, shall be evidence, until the contrary is proved, of the matters relating to statistics of population stated in the document,

- 55 (b) a certificate purporting to be signed by the Director, or other person for the time being 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, other than statistics that purport to be provisional only, 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 the Director, or for the time being in charge, of the Central Statistics Office, be evidence, until the contrary is proved of the matters certified in and by the certificate,

(c) a certificate purporting to be signed by the Director, or other person for the time being 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 the Director, or for the time being 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, and

(d) a certificate purporting to be signed by the Director, or other person for the time being in charge, of the Central Statistics Office and containing statistics of population and purporting to certify that the statistics are derived from the census taken in the year 1901 shall, without proof of the signature of the person purporting to sign the certificate or that he was the Director, or for the time being 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.

Applications
under
sections 15 and
17 of Act
of 1960.

27.—An application under section 15 of the Act of 1960 in respect of any premises may be granted notwithstanding the fact that it is not shown to the satisfaction of the Court that the premises comply with the provisions of section 5 of the Act of 1902, but an application to which both the said section 5 and subsection (1) of section 17 of the Act of 1960 refer in respect of any premises shall not be granted unless it is shown to the satisfaction of the Court that the premises comply with the provisions of the said section 5.

Amendment of
section 17 of
Act of 1960.

28.—Section 17 (which relates to the licensing or certification of premises the subject of a declaration under section 15 of the Act of 1960) of the Act of 1960 is hereby amended by the substitution of the following subsection for subsection (1):

“(1) If, on the hearing of an application for the grant of a certificate entitling the applicant to receive a licence in respect of any premises, it is shown to the satisfaction of the Court—

(a) that a declaration has been made by the Court under subsection (1) of section 15 of this Act,

(b) that the premises have been acquired, constructed or altered in substantial accordance with the terms of the declaration, and

(c) where the application is made pursuant to any provision of the Licensing Acts that provides for the extinguishing of one or more existing licences on the grant of the licence—

- 5 (i) that the licence or each of the licences in respect of which it was shown to the satisfaction of the Court on the application for the declaration that the applicant was the holder thereof or had secured the consent of the holder to the extinguishing thereof is in force, or
- 10 (ii) if such licence or licences or any of them is or are not in force, that the licence or licences not in force has not or have not been forfeited or extinguished and the premises to which it or they related have not been deemed, by virtue of any provision of the Licensing Acts, never to have been licensed,
- 15

it shall not be open to the Court to refuse the application—

- 20 (I) in a case where it is made pursuant to section 21 of the Act of 1943, on any ground, and
- (II) in any other case, on any ground other than the character, misconduct or unfitness of the applicant,

25 and where, as respects a licence or licences and the premises to which it or they related, it is shown to the satisfaction of the Court that it or they comply with the provisions of subparagraph (ii) of paragraph (c) of this subsection, the licence or licences shall be deemed, for the purposes of the provisions of the Licensing Acts relating to the granting of licences, but

30 not otherwise, to be in force and to relate to the premises to which it or they related and, on the grant of the new licence, shall accordingly be extinguished and the premises to which it or they related shall be deemed never to have been licensed.”

35 29.—(1) The power of a Justice of the District Court under the Licensing Acts to transfer temporarily an on-licence or an off-licence upon the death of the holder of the licence shall include power to transfer the licence to any person (being a person approved of by the Court and not disqualified by law) nominated

40 by the executor or administrator of the holder or, if there is no executor or administrator, by any person having an interest in the premises to which the licence relates, and the transfer shall operate to authorise the person to whom the licence is transferred to carry on in the premises to which the licence relates the business authorised by the licence until the date of the sitting of the annual licensing District Court in the Court area in which the premises are situate held next after the expiration of one month from the date of the transfer, or if the Court should then, or on any subsequent application to it, think fit to so order, until

45 the sitting of such annual licensing District Court in the year, or in the second year (as the Court may think fit to order) after the sitting aforesaid.

50

Temporary transfer of Licence.

(2) Where a licence has been transferred by virtue of subsection (1) of this section, the licence may, on application by the

55 nominator of the transferee to the Court at any sitting thereof for the District Court District within which the premises are situate, be transferred, by endorsement made by the Court on the licence or, if the licence is not available, on a copy thereof, to such other person (being a person approved of by the Court and not disqualified by law) as the nominator may nominate.

60

(3) In this section “ off-licence ” and “ on-licence ” have the meanings assigned to them by the Act of 1927.

30.—(1) References in the Licensing Acts to the Dublin Metropolitan Area shall be deemed to be references to the Dublin Metropolitan District.

(2) The county borough of Dublin shall be deemed, for the purposes of the Licensing Acts, to include the whole of the Dublin Metropolitan District and such borough and District shall be deemed, for the purposes of those Acts, to be a city.

(3) The preceding subsections of this section shall not have effect as respects—

(a) an application under section 13 (which relates to the grant of new licences in rural areas upon the extinguishment of two existing licences) of the Act of 1960 notice of which was given, pursuant to rules of court, to the appropriate County Registrar or to the appropriate District Court clerk before the commencement of this Act, or

(b) an application under the said section 13 for the grant of a certificate entitling the applicant to receive a licence in respect of any premises on the hearing of which it is shown to the satisfaction of the Court that a declaration was made by the Court in respect of those premises under subsection (1) of section 15 of the Act of 1960 before the commencement of this Act.

Short title,
construction,
collective
citation and
commencement.

31.—(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

(as amended in Committee)

Enacted by the Legislature

AN ACT TO AMEND AND EXTEND THE LICENSING ACT, 1904, AND THE REGISTRATION ACT, 1904, AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE MATTER ABOVE SAID.

Enacted by the Legislature

Enacted by the Legislature

Enacted by the Legislature

BILLE

(mar a leasaíodh i gCoiste)

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

*Ordaitodh ag Dáil Éireann a chlóbhualadh,
4 Iúil, 1962*

BAILE ATHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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

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Wt. F.34702/G/4.—625. 6/62. C.&Co. (4321). G.16.

BILL

(as amended in Committee)

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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