



AN BILLE DEOCHANNA MEISCIÚLA 2003
INTOXICATING LIQUOR BILL 2003

Mar a ritheadh ag Seanad Éireann
As passed by Seanad Éireann

ARRANGEMENT OF SECTIONS

PART 1

Preliminary and General

Section

1. Short title, collective citations, construction and commencement.
2. Interpretation.
3. Repeals.

PART 2

Conduct on Licensed Premises

4. Drunken persons.
5. Supply of intoxicating liquor to drunken persons by non-licensees.
6. Offences by drunken persons.
7. Duty of licensee to preserve order.
8. Disorderly conduct.
9. Temporary closure of premises.

PART 3

Other Amendments of Intoxicating Liquor Acts

10. Amendment of prohibited hours on Thursdays.
11. Special exemption orders.
12. Prohibition of entertainment during drinking-up time.
13. Provision of intoxicating liquor for persons under 18 years.
14. Restrictions on presence in bars of persons under 18 years.

Section

15. Production of evidence of age by persons between 18 and 21.
16. Further amendments of Act of 1988.
17. Consumption of intoxicating liquor near licensed premises or in an off-licence.
18. Entry, inspection, etc. of licensed premises by member of Garda Síochána.

PART 4

Miscellaneous

19. Jurisdiction of District Court in cases of prohibited conduct on licensed premises.
 20. Prohibition on supply of intoxicating liquor at reduced price.
 21. Licences to national sporting arenas.
 22. Regulations.
 23. Application of this Act to registered clubs.
 24. Exercise of jurisdiction.
 25. Amendment of section 15 of Equal Status Act 2000.
-

Acts Referred to

Courts (No. 2) Act 1986	1986, No. 26
Equal Status Act 2000	2000, No. 8
Fire Services Act 1981	1981, No. 30
Firearms Acts 1925 to 2000	
Intoxicating Liquor Act 1927	1927, No. 15
Intoxicating Liquor Act 1962	1962, No. 21
Intoxicating Liquor Act 1988	1988, No. 16
Intoxicating Liquor Act 2000	2000, No. 17
Intoxicating Liquor (General) Act 1924	1924, No. 62
Licensing Act 1872	1872, c. 94
Licensing Acts 1833 to 2003	
Non-Fatal Offences Against the Person Act 1997	1997, No. 26
Protection of Employees (Part-Time Work) Act 2001	2001, No. 45
Public Dance Halls Act 1935	1935, No. 2
Public Dance Halls Acts 1935 to 2003	
Refreshment Houses (Ireland) Act 1860	1860, c. 107
Registration of Clubs Acts 1904 to 2003	
Taxes Consolidation Act 1997	1997, No. 39



AN BILLE DEOCHANNA MEISCIÚLA 2003
INTOXICATING LIQUOR BILL 2003

BILL

entitled

5 AN ACT TO AMEND AND EXTEND THE LICENSING ACTS
1833 TO 2003, THE REGISTRATION OF CLUBS ACTS 1904
TO 2003 AND THE EQUAL STATUS ACT 2000 AND TO
PROVIDE FOR RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

10

PART 1

Preliminary and General

1.—(1) This Act may be cited as the Intoxicating Liquor Act 2003. Short title,
collective citations,
construction and
commencement.

(2) The Acts and this Act, in so far it amends and extends the
Acts, may be cited together as the Licensing Acts 1833 to 2003 and
15 shall be construed together as one.

(3) The Registration of Clubs Acts 1904 to 2003 and this Act, in
so far as it amends and extends those Acts, may be cited together as
the Registration of Clubs Acts 1904 to 2003 and shall be construed
together as one.

20 (4) The Equal Status Act 2000 and *section 25* may be cited
together as the Equal Status Acts 2000 and 2003 and shall be con-
strued together as one.

(5) This Act shall come into operation on such day or days as the
Minister may fix by order, either generally or with reference to any
25 particular purpose or provision, and different days may be so fixed
for different purposes and different provisions.

2.—(1) In this Act, unless the context otherwise requires— Interpretation.

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

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

30 “Act of 1962” means the Intoxicating Liquor Act 1962;

“Act of 1988” means the Intoxicating Liquor Act 1988;

“Act of 2000” means the Intoxicating Liquor Act 2000;

“Acts” means the *Licensing Acts 1833 to 2003*;

“bar” means any open bar or any part of licensed premises exclusively or mainly used for the sale and consumption of intoxicating liquor and includes any counter or barrier across which drink is or can be served to the public; 5

“disorderly conduct” means any unreasonable behaviour by a person on licensed premises which, having regard to all the circumstances, is likely to cause injury, fear or distress to any other person on the premises and includes— 10

- (a) violent, threatening, abusive, quarrelsome or insulting behaviour,
- (b) conduct causing damage to property,
- (c) conduct constituting an offence under the Firearms Acts 1925 to 2000 or the Non-Fatal Offences Against the Person Act 1997, 15
- (d) conduct in breach of the duty (imposed by section 18(3) of the Fire Services Act 1981) to ensure that as far as is reasonably practicable any person on premises is not exposed to danger from fire as a consequence of any act or omission, 20
- (e) conduct likely to constitute a risk to the health, safety or welfare of any person;

“drunken person” means a person who is intoxicated to such an extent as would give rise to a reasonable apprehension that the person might endanger himself or herself or any other person, and “drunk” and “drunkenness” are to be construed accordingly; 25

“guardian” includes a person acting in good faith in place of a parent;

“licence” means a licence for the sale of intoxicating liquor, whether granted on production or without production of a certificate of the Circuit Court or District Court; 30

“licensed premises” means premises in respect of which a licence is in force and, in relation to a licensee, means the licensed premises of the licensee; 35

“licensee” means the holder of a licence;

“Minister” means the Minister for Justice, Equality and Law Reform.

(2) In this Act, unless the context otherwise requires—

- (a) a reference to a Part or section is to a Part or section of this Act, 40
- (b) a reference to a subsection is a reference to a subsection of the section in which the reference occurs, and

(c) references to any enactment are references to that enactment as amended by any subsequent enactment, including this Act.

3.—The following enactments are repealed:

Repeals.

- 5 (a) sections 31 and 42 of the Refreshment Houses (Ireland) Act 1860;
- (b) sections 13 and 18 of the Licensing Act 1872;
- (c) section 13 of the Intoxicating Liquor (General) Act 1924;
- 10 (d) subsection (2), as inserted by section 5(2) of the Act of 2000, of section 4 of the Public Dance Halls Act 1935;
- (e) section 17 of the Act of 2000.

PART 2

Conduct on Licensed Premises

4.—(1) A licensee shall not, on the licensed premises—

Drunken persons.

- 15 (a) supply, or permit any person to supply, intoxicating liquor—
- (i) to a drunken person, or
- (ii) to any person for consumption by a drunken person;
- (b) permit a drunken person to consume intoxicating liquor;
- (c) permit drunkenness to take place in the bar; or
- 20 (d) admit any drunken person to the bar.

(2) A licensee who contravenes *subsection (1)* is guilty of an offence under this section and liable on summary conviction to a fine not exceeding—

- (a) for a first offence, €1,500, or
- 25 (b) for a second or any subsequent offence, €2,000.

(3) A person who is drunk on leaving licensed premises is presumed, until the contrary is proved, to have been drunk while on those premises.

- 30 (4) In a prosecution for an offence under *subsection (1)(c)* it is a defence to prove that the licensee took reasonable steps to prevent the drunkenness concerned taking place.

5.—(1) A person (not being a licensee) shall not—

Supply of
intoxicating liquor
to drunken persons
by non-licensees.

- (a) purchase intoxicating liquor for supply to, or consumption by, a drunken person on licensed premises, or
- 35 (b) supply intoxicating liquor to a drunken person on any such premises.

(2) A person who contravenes *subsection (1)* is guilty of an offence under this section and liable on summary conviction to a fine not exceeding—

(a) for a first offence, €1,500, or

(b) for a second or any subsequent offence, €2,000. 5

Offences by
drunken persons.

6.—(1) A drunken person shall leave licensed premises on being requested to do so by the licensee or a member of the Garda Síochána.

(2) A drunken person shall not seek entry to the bar of licensed premises. 10

(3) A person who contravenes *subsection (1)* or *(2)* is guilty of an offence under this section and liable on summary conviction to a fine not exceeding—

(a) for a first offence, €300, or

(b) for a second or any subsequent offence, €500. 15

(4) A member of the Garda Síochána may arrest without warrant any person committing an offence under this section or whom the member, with reasonable cause, suspects of being guilty of such an offence.

Duty of licensee to
preserve order.

7.—(1) A licensee shall not permit disorderly conduct to take place on the licensed premises. 20

(2) A licensee who contravenes *subsection (1)* is guilty of an offence under this section and liable on summary conviction to a fine not exceeding—

(a) for a first offence, €1,500, or 25

(b) for a second or any subsequent offence, €2,000.

Disorderly conduct.

8.—(1) A person shall not engage in disorderly conduct on licensed premises.

(2) A person who engages in such disorderly conduct—

(a) shall leave the licensed premises concerned on being requested to do so by the licensee or a member of the Garda Síochána, and 30

(b) shall not re-enter the bar of the licensed premises within a period of 24 hours after so acting.

(3) A person who contravenes *subsection (1)* or *(2)* is guilty of an offence under this section and liable on summary conviction to a fine not exceeding— 35

(a) for a first offence, €300, or

(b) for a second or any subsequent offence, €500.

(4) A member of the Garda Síochána may arrest without warrant any person committing an offence under this section or whom the member, with reasonable cause, suspects of being guilty of such an offence.

5 (5) It shall not be unlawful for a licensee to refuse admission to the licensed premises to any person convicted of an offence under this section where, having regard to the obligations of the licensee under the Acts and this Act, admission could reasonably be regarded as involving a substantial risk that the person would engage in disorderly conduct.

9.—(1) This section applies to an offence under *sections 4, 7 and 17* and section 34A (as inserted by *section 15*) of the Act of 1988 and to an offence under regulations made by the Minister under *section 22*. Temporary closure of premises.

15 (2) Subject to *subsection (3)*, where a licensee is convicted by the District Court of an offence to which this section applies, the Court shall, in addition to any penalty imposed, make an order (in this section referred to as a “temporary closure order”) for the closure of the premises concerned or any part thereof for a period—

20 (a) not exceeding 7 days for a first such offence, or
(b) of not less than 7 and not more than 30 days for a second or any subsequent such offence.

(3) Where a licensee—

25 (a) is convicted of more than one offence to which this section applies, and

(b) all the offences were committed on the same occasion,

only one temporary closure order may be made in respect of the offences.

30 (4) In determining the duration of a temporary closure order, the Court may seek from a member of the Garda Síochána involved in the investigation of the offence a report on the circumstances in which it was committed and any other information which the Court may consider to be of assistance to it in dealing with the case.

35 (5) The period of closure specified in a temporary closure order shall commence—

(a) if no appeal is made against the conviction or period of closure concerned, on the 30th day after the order is made, or

40 (b) if such an appeal is made and the conviction or period of closure is affirmed, on the 30th day after the conviction or such period is affirmed,

and shall end—

(i) if no appeal is made against the conviction or period of closure, on the expiration of the period specified in the order,

(ii) if such an appeal is made and the conviction or period of closure is affirmed, on the expiration of the period so specified, or

(iii) if on appeal the period of closure is varied, on the expiration of the period as so varied.

5

(6) A temporary closure order which is in force in respect of any premises or part thereof shall have effect for the purposes of the Acts and this Act as if the premises or that part were not licensed for the sale of intoxicating liquor during the period of closure mentioned in *subsection (5)*.

10

(7) If on appeal a conviction for an offence to which this section applies is reversed, the temporary closure order concerned shall thereupon cease to have effect.

(8) While licensed premises or any part thereof are closed in compliance with a temporary closure order, the licensee shall affix to the exterior of the premises, in a conspicuous place, a notice specifying the period of closure and stating that the closure is in compliance with the order.

15

(9) A licensee who contravenes *subsection (8)* is guilty of an offence and liable on summary conviction to a fine not exceeding—

20

(a) for a first offence, €300, or

(b) for a second or subsequent offence, €500.

(10) No employee who is working in the premises to which a temporary closure order applies shall be disadvantaged in his or her employment by reason of the order during the period of closure under it.

25

(11) For the purposes of *subsection (10)*, “employee” means any person who works under a contract of employment with an employer, and includes a part-time employee within the meaning of the Protection of Employees (Part-Time Work) Act 2001.

30

(12) Nothing in the Acts shall prohibit the Court from ordering that a conviction for an offence to which this section applies be recorded on the licence held by the person so convicted, and accordingly, where the Court so orders, the offence concerned shall be deemed for the purposes of Part III (endorsement of licences) of the Act of 1927 to be an offence to which that Part of that Act applies.

35

(13) If—

(a) the conviction for an offence to which this section applies is affirmed by the Circuit Court on appeal, or

(b) the appeal relates to the period of closure specified in the temporary closure order,

40

the Court may vary the period of closure specified in the relevant temporary closure order.

PART 3

Other Amendments of Intoxicating Liquor Acts

5 **10.**—Section 2 (as amended by section 3 of the Act of 2000) of the Act of 1927 is amended in subsection (1)(b) by the substitution of the following subparagraphs for subparagraphs (vi) and (vii):

Amendment of prohibited hours on Thursdays.

“(vi) any other Monday, Tuesday, Wednesday or Thursday: between 10.30 a.m. and 11.30 p.m.; and

(vii) any other Friday or Saturday: between 10.30 a.m. and 12.30 a.m. on the following day.”.

10 **11.**—The Act of 1927 is amended by the substitution of the following section for section 5 (special exemption orders), as amended by section 5 of the Act of 2000:

Special exemption orders.

“5.—(1) In this section—

15 ‘local authority’ means a county council, city council or town council;

20 ‘special exemption order’ means an order of the District Court exempting the holder of an on-licence from the provisions of this Act relating to prohibited hours in respect of licensed premises during the hours and on the occasion specified in the order;

‘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

25 (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,

30 (b) the occasion of a dance that is held in a ballroom licensed under the Public Dance Halls Acts 1935 to 2003 and forming part of the premises in relation to which the special exemption order is sought, or

35 (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 situated.

40 (2) A special exemption order shall not be granted unless the applicant therefor has, not less than forty-eight hours before making the application, served upon the officer in charge of the Garda Síochána for the licensing area concerned a notice of intention to apply for the order, setting out the applicant’s name and address and the special occasion, premises and hours in relation to which the order is sought.

45 (3) The District Court may make a special exemption order if it thinks fit to do so, having heard the officer in charge of the Garda Síochána for the licensing area concerned and having

had regard to the terms of any resolution adopted by a local authority pursuant to subsection (7) of this section in relation to the expiry times of such orders.

(4) A special exemption order—

(a) shall contain the following conditions: 5

(i) that intoxicating liquor shall not be sold at the event, function or dance to which the order relates during the hours specified in the order to persons other than those attending the event, 10

(ii) that members of the public, other than persons so attending, shall not be admitted to the part of the premises in which intoxicating liquor is being supplied or consumed pursuant to the order, and 15

(iii) that the event, function or dance is held in compliance with the relevant provisions of the definition of special occasion in subsection (1) of this section,

and 20

(b) may contain such other conditions as the Court thinks proper, including, as appropriate, a requirement to install a closed circuit television system.

(5) A special exemption order shall expire—

(a) in case it extends to any Monday that is not a public holiday, at 1.00 a.m., or 25

(b) in any other case, at 2.30 a.m.,

unless the Court, for stated reasons, considers it expedient to grant the order for a shorter period.

(6) The Court shall not grant a special exemption order in respect of any premises unless it is satisfied that the special occasion will be conducted in a manner that will not cause undue inconvenience or nuisance to persons residing in the locality or create an undue risk to public order therein. 30

(7) (a) A local authority may adopt a resolution concerning the expiry times referred to in subsection (5) of this section in respect of the whole or a specified part of its administrative area and may by resolution amend or rescind such a resolution. 35

(b) Such a resolution shall not have effect unless— 40

(i) at least one month's notice of intention to propose the resolution and of the expiry times to be included in it has been given in writing to each member of the local authority,

(ii) the notice and expiry times have been published in at least two newspapers circulating in the 45

area to which the proposed resolution relates,
and

(iii) the notice invites interested parties to submit
their views on the proposed resolution.

5 (c) Before any such resolution is adopted the local auth-
ority shall consult with the officer in charge of the
Garda Síochána for the licensing area concerned
and consider any views submitted by that officer
10 and any other persons, including views in relation
to any health aspects of the making of a special
exemption order.

(d) The local authority shall cause notice of the adoption
of such a resolution to be published in at least two
15 newspapers circulating in the area to which the res-
olution relates and send a copy of the resolution to
the district court clerk for the district court district
in which is situated the area to which the resolution
relates.

(e) In any proceedings evidence of the passing of such a
20 resolution may be given by the production of a copy
of a newspaper containing the notice referred to in
paragraph (d) of this subsection or by the pro-
duction of a certificate to that effect purporting to
be under the seal of the local authority concerned.

25 (8) Any person to whom a special exemption order has been
granted shall, if and so long as the person complies with the
conditions upon which it has been granted, be exempt during
the hours and on the special occasion specified in the order
30 from any penalty for contravention of the provisions of this Act
relating to prohibited hours in respect of the premises to which
the order relates but not from any other penalty under this or
any other Act.

(9) Special exemption orders shall not be made in respect of
35 more than twelve days in a year for any dance referred to in
paragraph (c) of the definition of ‘‘special occasion’’ in
subsection (1).’’.

12.—(1) Section 7 (drinking-up time) of the Act of 1962 is
amended by the insertion of the following subsections:

Prohibition of
entertainment
during drinking-up
time.

40 ‘‘(3) A licensee shall not provide or permit entertainment to
be provided during the period of thirty minutes referred to in
subsections (1) and (2).

(4) Any licensee who contravenes subsection (3) is guilty of
an offence under this section and liable on summary conviction
to a fine not exceeding—

45 (a) for a first offence, €1,500, or

(b) for a second or any subsequent offence, €2,000.’’.

(2) The reference in *subsection (1)* to section 7 of the Intoxicating
Liquor Act 1962 is to that section as amended by section 27 of the
Intoxicating Liquor Act 1988 and section 8 of the Intoxicating Liquor
50 Act 2000.

Provision of
intoxicating liquor
for persons under
18 years.

13.—The Act of 1988 is amended by the substitution of the following section for section 32:

“Provision of
intoxicating liquor
for persons under
the age of 18 years.

32.—(1) Subject to subsection (2) of this section, a person shall not—

(a) purchase intoxicating liquor for delivery to, or consumption by, a person under the age of 18 years, or

(b) deliver intoxicating liquor to such a person.

(2) It shall not be unlawful for a person to purchase or deliver intoxicating liquor for consumption by a person under the age of 18 years in a private residence with the explicit consent of that person’s parent or guardian.

(3) A person shall not send a person under the age of 18 years to any place where intoxicating liquor is sold, delivered or distributed for the purpose of obtaining intoxicating liquor.

(4) A person who contravenes subsection (1) or (3) of this section is guilty of an offence and liable on summary conviction to a fine not exceeding—

(a) for a first offence, €1,500, or

(b) for a second or any subsequent offence, €2,000.”.

Restrictions on
presence in bars of
persons under 18
years.

14.—The Act of 1988 is amended by the substitution of the following section for section 34:

“Restriction on
presence in bars of
persons under 18.

34.—(1) The holder of a licence of licensed premises shall not, subject to subsections (2) and (3) of this section, allow a person under the age of 18 years to be in the bar of the licensed premises at any time.

(2) (a) It shall not be unlawful for such a holder to allow a child who is accompanied by his or her parent or guardian to be in the bar of the licensed premises between 10.30 a.m. (12.30 p.m. on a Sunday) and 9.00 p.m.

(b) Paragraph (a) of this subsection does not apply in relation to a child where it appears to the holder that the child’s presence in the bar could reasonably be regarded as injurious to his or her health, safety or welfare.

(3) It shall not be unlawful for such a holder to allow a person who is aged at least 15 years but under the age of 18 years to be in the bar between 10.30 a.m. (12.30 p.m. on Sundays) and 9.00 p.m.

(4) Subsection (1) of this section does not apply in relation to a person under the age of 18 years who—

(a) is a son or daughter of the licensee,

(b) resides in the licensed premises,

(c) is passing through the bar solely for the purpose of entering or leaving another part of the premises, or

(d) who is employed in the licensed premises in accordance with section 38 of this Act.

(5) A person who contravenes subsection (1) of this section or causes or procures or attempts to cause or procure a person to go to or to be in the bar of licensed premises in contravention of that subsection is guilty of an offence under this section and liable on summary conviction to a fine not exceeding—

(a) for a first offence, €300, or

(b) for a second or any subsequent offence, €500.

(6) If a child is present in a bar at a time or in circumstances where the child's presence is not allowed under subsection (1) of this section, the parent or guardian of the child is guilty of an offence and liable on summary conviction to a fine not exceeding €300, unless he or she establishes that the child was so present—

(a) without his or her knowledge or consent, or

(b) in the circumstances specified in subsection (4).

(7) In any proceedings against the holder of a licence of licensed premises for a contravention of subsection (1) of this section it shall be a defence to prove that the holder used all due diligence to prevent the person concerned from being admitted to or remaining in the bar.”.

15.—The Act of 1988 is amended by inserting the following section
after section 34:

“Production of
evidence of age by
persons between 18
and 21.

34A.—(1) The holder of a licence of any
licensed premises shall not allow a person
who is aged at least 18 years but under the
age of 21 years to be in the bar of those
premises between 9.00 p.m. and 10.30 a.m.
on the following day (12.30 p.m. if the fol-
lowing day is a Sunday) if the person does
not produce an age document to the holder.

(2) For the purposes of subsection (1) of
this section ‘age document’ means a docu-
ment containing a photograph of the person
in respect of whom it was issued and infor-
mation that enables the age of the person to
be determined, being one of the following
documents relating to a person referred to in
that subsection:

(a) an age card referred to in section 40
of this Act,

(b) a passport,

(c) an identity card issued by a member
state of the European Com-
munities,

(d) a driver licence, or

(e) a document issued by a body, and in
a form, prescribed by regulations
made by the Minister.

(3) A person referred to in subsection (1)
of this section shall not enter and remain in
the bar of licensed premises while not pos-
sessing an age document.

(4) A person who contravenes subsection
(1) of this section is guilty of an offence
under this section and liable on summary
conviction to a fine not exceeding—

(a) for a first offence, €1,500, or

(b) for a second or any subsequent
offence, €2,000.

(5) A person who contravenes subsection
(3) of this section is guilty of an offence and
liable on summary conviction to a fine not
exceeding €300.”.

16.—The Act of 1988 is amended—

(a) in section 31(2), by the substitution, for “other than a
private residence”, of “except with the explicit consent
of the person’s parent or guardian in a private residence

in which he or she is present either as of right or with permission”,

(b) in section 33,

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

“(b) consume intoxicating liquor in any place, except with the explicit consent of the person’s parent or guardian in a private residence in which he or she is present either as of right or with permission, or”,

and

(ii) by the substitution of the following subsections for subsection (2):

“(1A) A person who is aged at least 15 years but under the age of 18 years shall not be in the bar of licensed premises after 8.00 p.m. and before 10.30 a.m. on the following day (12.30 p.m. if the following day is a Sunday).

(2) A person who contravenes subsection (1) or (1A) of this section is liable on summary conviction to a fine not exceeding €100.”,

and

(c) in section 36A (inserted by section 13 of the Act of 2000), by the insertion of the following subsection after subsection (8):

“(8A) The holder of a licence who contravenes subsection (8) is guilty of an offence and liable on summary conviction to a fine not exceeding—

(a) for a first offence, €300, or

(b) for a second or any subsequent offence, €500.”.

17.—(1) In this section “place” means—

(a) any premises (other than the licensed premises of a licensee) owned or controlled by the licensee or used with the licensee’s permission, and

(b) any public place.

(2) A licensee is guilty of an offence if, with the licensee’s knowledge or consent, intoxicating liquor supplied by the licensee in a closed container for consumption off the premises is consumed in a place which is within 100 metres of those premises.

(3) A licensee is guilty of an offence if, with intent to evade the conditions of the licence, the licensee—

Consumption of intoxicating liquor near licensed premises or in an off-licence.

(a) takes intoxicating liquor from the licensed premises for the purpose of its being sold on the account, or for the benefit or profit, of the licensee, or

(b) permits any person so to take intoxicating liquor.

(4) On summary conviction of an offence under *subsection (2)* or *(3)* a licensee is liable— 5

(a) for a first offence, to a fine not exceeding €1,500, and

(b) for any subsequent offence, €2,000.

(5) Any person who consumes any intoxicating liquor supplied by the licensee in a closed container for consumption off the licensed premises in a place which is within 100 metres of those premises is guilty of an offence and liable on summary conviction to a fine not exceeding €300. 10

(6) If in any proceedings for an offence under *subsection (3)* it is proved that the premises to which the intoxicating liquor was taken were owned or controlled by the licensee or used with the licensee's permission the burden of proving that the licensee did not intend to evade the conditions of the licence shall lie on the licensee. 15

(7) (a) References in this subsection to a licence are to a licence which authorises the sale of intoxicating liquor only for consumption off the licensed premises. 20

(b) A holder of any such licence who permits intoxicating liquor purchased from the licensee to be consumed on the licensed premises is guilty of an offence and liable on summary conviction to a fine not exceeding— 25

(i) for a first offence, €1,500, or

(ii) for a second or any subsequent offence, €2,000.

(c) Any person who consumes on such licensed premises intoxicating liquor purchased from the licensee is guilty of an offence and liable on summary conviction to a fine not exceeding €300. 30

Entry, inspection,
etc. of licensed
premises by
member of Garda
Síochána.

18—(1) Any member of the Garda Síochána, whether in uniform or not, may enter without a warrant any licensed premises at any time and there make such inspection, examination, observation and enquiry as he or she may think proper for the prevention or detection of offences under the Acts or this Act. 35

(2) Any person who—

(a) prevents or attempts to prevent a member of the Garda Síochána from exercising the power conferred by *subsection (1)*, or 40

(b) obstructs or attempts to obstruct any such member in the exercise of that power,

is guilty of an offence and liable on summary conviction to a fine not exceeding—

(i) for a first offence, €1,500, or 45

(ii) for a second or any subsequent offence, €2,000.

PART 4

Miscellaneous

19.—(1) In this section—

“Act of 2000” means the Equal Status Act 2000;

Jurisdiction of
District Court in
cases of prohibited
conduct on licensed
premises.

5 “Authority” means the Equality Authority;

“Court” means the District Court;

“discrimination” means discrimination within the meaning of the Act of 2000, but does not include discrimination in relation to—

10 (a) the provision of accommodation or any services or amenities related to accommodation, or

(b) ceasing to provide accommodation or any such services or amenities;

15 “prohibited conduct” means discrimination against, or sexual harassment or harassment of, or permitting the sexual harassment or harassment of a person in contravention of Part II (Discrimination and Related Activities) of the Act of 2000 on, or at the point of entry to, licensed premises.

20 (2) A person who claims that prohibited conduct has been directed against him or her on, or at the point of entry to, licensed premises may apply to the District Court for redress.

(3) On such an application the Court may, if satisfied that the applicant is entitled to redress, make such order as it considers appropriate in the circumstances, including one or more of the following orders:

25 (a) an order for compensation for the effects of the prohibited conduct to be paid to the applicant by the licensee,

(b) an order that the licensee of the licensed premises concerned take a course of action specified in the order,

30 (c) an order for temporary closure of the premises in accordance with *section 9*, which section shall have effect, with the necessary modifications, in relation to the order.

(4) The maximum amount which may be ordered under *subsection (3)(a)* by way of compensation is the maximum amount that can be awarded by the District Court in civil cases in contract.

35 (5) An order under this section may, if the Court thinks fit, include a statement of the reasons for its decision and shall, if any of the parties so requests, include such a statement.

(6) (a) Where it appears to the Authority that prohibited conduct—

40 (i) is being generally directed against persons, or

(ii) has been directed against a person who has not applied to the District Court for redress and who could not reasonably be expected to do so,

the Authority may apply to the Court for redress in respect of the prohibited conduct concerned.

- (b) The Court shall deal with any such application in the same manner and to the same extent as if—

- (i) it had been made under *subsection (2)*, and 5
- (ii) the Authority were the applicant and the person alleged to have engaged in the prohibited conduct were the respondent.

- (c) Any order for compensation made by the Court on the application shall not be made in favour of the Authority. 10

- (7) (a) A person who considers that prohibited conduct has been directed against him or her on, or at the point of entry to, licensed premises may request the Authority for assistance in applying to the Court for redress.

- (b) Where— 15

- (i) the Authority is satisfied that the case to which the request relates raises an important matter of principle, or
- (ii) it appears to it that it is not reasonable to expect the person making the request adequately to present the case before the Court without assistance, 20

the Authority may, and at any stage, provide such assistance to the person in such form as it thinks fit.

- (c) Any function of the Authority under this section may be exercised by an officer of the Authority to whom the function is delegated and any such delegation may specify criteria or other guidelines by reference to which the Authority considers that the delegated function should be exercised. 25

- (8) An appeal to the High Court shall lie from an order of the Circuit Court on an appeal against the District Court's decision on an application for redress, but only on a point of law. 30

- (9) (a) Anything done in the course of a person's employment shall, in any proceedings under this section, be treated for the purposes of this section as done also by the person's employer, whether or not it was done with the employer's knowledge or approval. 35

- (b) Anything done by a person as agent for another person, with the authority (whether express or implied and whether precedent or subsequent) of that other person shall, in any such proceedings, be treated for the purposes of this section as done also by that other person. 40

- (c) In any such proceedings against an employer in respect of an act alleged to have been done by an employee of the employer it shall be a defence for the employer to prove that the employer took such steps as were reasonably practicable to prevent the employee— 45

- (i) from doing the act, or

- (ii) from doing in the course of the employment acts of that description.

(10) Where an order has been made under *subsection (3)*, any person may make an objection, related to the prohibited conduct concerned, to the renewal of the licence of the licensed premises, and section 4 of the Courts (No. 2) Act 1986 is to be construed accordingly.

(11) (a) The Act of 2000 shall cease to apply in relation to prohibited conduct occurring on, or at the point of entry to, licensed premises on or after the commencement of this section.

(b) Claims relating to prohibited conduct so occurring before such commencement shall be dealt with as if this Act had not been passed.

20.—(1) A licensee shall not supply intoxicating liquor on the licensed premises at a reduced price during a limited period on any day.

Prohibition on supply of intoxicating liquor at reduced price.

(2) In *subsection (1)* “reduced price” means a price less than that regularly being charged for the intoxicating liquor during an earlier period on the day concerned.

(3) A person who contravenes *subsection (1)* is guilty of an offence under this section and liable on summary conviction to a fine not exceeding—

(a) for a first offence, €1,500, or

(b) for a second or any subsequent offence, €2,000.

21.—(1) In this section—

Licences to national sporting areas.

“designated national sporting arena” means a major arena or stadium used primarily for sport which is designated as a national sporting arena in regulations made by the Minister under this section;

“event” means an event, whether of a sporting or non-sporting nature, which is held at a designated national sporting arena and involves the use of some or all of the playing area or pitch in the arena;

“function” means a conference, exhibition, seminar or reception which is held at a designated national sporting arena but does not involve the use of the playing area or pitch;

“Minister” means the Minister for Arts, Sport and Tourism;

“prescribed” means prescribed by regulations made by the Minister.

(2) The Minister may issue to the owner or owners of a designated national sporting arena a certificate approving of the grant of a licence in respect of the arena.

(3) The Revenue Commissioners shall, subject to *subsections (5)* and *(6)*—

(a) on presentation of the certificate, issue a licence for the sale of intoxicating liquor in respect of the designated national sporting arena concerned, and

(b) renew a licence so issued.

(4) Notwithstanding anything contained in the Acts, a licence granted or renewed under this section shall operate to authorise the sale of intoxicating liquor—

(a) to persons attending an event in the designated national sporting arena concerned for consumption in prescribed areas of the arena during the period beginning at the time members of the public are permitted to attend the event and ending one hour after its conclusion, and 5

(b) subject to section 2 of the Act of 1927, to persons attending a function in such an arena for consumption in prescribed areas thereof. 10

(5) There shall be charged, levied and paid on every licence granted pursuant to this section, and on its due renewal, a duty of excise of €250. 15

(6) A licence shall not be issued or renewed by the Revenue Commissioners under this section unless a tax clearance certificate has been issued in relation to the licence or its renewal in accordance with section 1094 of the Taxes Consolidation Act 1997.

(7) Regulations made by the Minister under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations. 20

(8) The reference in *subsection (4)(b)* to section 2 of the Act of 1927 is to that section as amended by section 3 of the Act of 2000 and *section 10*. 25

Regulations.

22.—(1) Without prejudice to *section 20*, regulations made by the Minister may make provision in relation to the following matters:

(a) prohibiting or restricting a licensee from doing or permitting, for the purposes of promoting the licensee's business or any event or activity taking place on the licensed premises, anything that is intended or likely to encourage persons on those premises to consume intoxicating liquor to an excessive extent, and 30

(b) particulars, to be affixed to any container in which intoxicating liquor is sold for consumption off licensed premises, which are adequate to enable the licensee and licensed premises concerned to be identified. 35

(2) The regulations may provide that any licensee who contravenes any of their provisions is guilty of an offence and liable on summary conviction to a fine not exceeding— 40

(a) for a first offence, €1,500, or

(b) for a second or subsequent offence, €2,000.

(3) Every regulation under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling it is passed by either House within the next subsequent 21 days on which that House has sat after the regulation is laid before it, it shall be annulled accordingly, but without prejudice to the validity of anything previously done under it. 45

5 **23.**—(1) *Part 2, sections 12, 18, 19 and 22 and section 34A* (inserted by *section 15*) of the Act of 1988 shall apply in relation to a club registered under the *Registration of Clubs Acts 1904 to 2003*, as if references in those provisions to a licensee and to licensed premises were references to the secretary of such a club and to that club's premises and with any other necessary modifications.

Application of this Act to registered clubs.

10 (2) When considering the grant of an authorisation under section 21 (authorisation for extension of club hours) of the Act of 1924, as amended by section 8 of the Act of 1962, the District Court shall have regard to the terms of any resolution adopted by a local authority under subsection (7) of section 5 (as substituted by *section 11*) of the Act of 1927.

15 **24.**—The jurisdiction of the District Court and Circuit Court under *section 9 or 19* shall be exercised by the judge for the time being assigned—

Exercise of jurisdiction.

(a) in the case of the District Court, to the district court district, and

(b) in the case of the Circuit Court, to the circuit,

in which the relevant licensed premises are situated.

20 **25.**—Section 15 of the Equal Status Act 2000 is amended by the addition of the following subsections:

Amendment of section 15 of Equal Status Act 2000.

25 “(3) (a) This subsection applies to the option given under subsections (2) and (3) of section 34 of the Intoxicating Liquor Act 1988 to the holder of a licence of any licensed premises to allow a person under 18 to be in the bar of those premises at the times, or in the circumstances, specified in those subsections.

(b) The non-exercise of the option to which this subsection applies shall not of itself constitute discrimination.

30 (c) The reference in paragraph (a) to section 34 is to that section as substituted by *section 14* of the *Intoxicating Liquor Act 2003*.

(4) If—

35 (a) the holder of a licence or other authorisation which permits the sale of intoxicating liquor adopts a policy of refusing to supply intoxicating liquor to any person below a specified age which exceeds 18 years,

(b) a notice setting out the policy is displayed in a conspicuous place in or on the exterior of the premises, and

40 (c) the policy is implemented in good faith,

a refusal to serve intoxicating liquor to such a person shall not constitute discrimination on the age ground.

(5) Subsections (3) and (4) are without prejudice to subsections (1) and (2).”.