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**AN BILLE DEOCHANNA MEISCIÚLA 2004**  
**INTOXICATING LIQUOR BILL 2004**

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**EXPLANATORY MEMORANDUM**

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*Introduction*

The purpose of this Bill is to amend the Intoxicating Liquor Act 1988 in order to provide a clear statutory basis for the holding of alcohol-free events for persons under the age of 18 years in licensed premises (e.g. a nightclub), or a part of licensed premises (e.g. a function room in a hotel), at a time when intoxicating liquor is not being sold, supplied or consumed and any bar counter there is securely closed.

*Provisions of the Bill*

*Section 1(1)* provides that for the purposes of section 34 of the Intoxicating Liquor Act 1988, it shall not be unlawful for a licensee to allow a person under the age of 18 years to be on licensed premises, or a part of licensed premises, at a time when intoxicating liquor is not being sold, supplied or consumed there, and any bar counter there is securely closed.

*Section 1(2)* provides that for the purposes of section 34A of the 1988 Act (which requires persons aged at least 18 years but under the age of 21 to have an age document with them in order to be in the bar of licensed premises after 9 p.m.), it shall not be unlawful for a licensee to allow such a person who has not produced an age document to be on licensed premises in the circumstances mentioned in subsection (1).

*Section 1(3)* provides that for the purposes of sections 33 and 34 of the 1988 Act, it shall not be unlawful for a person under the age of 18 years to be on licensed premises in the circumstances mentioned in subsection (1).

*Section 1(4)* provides that for the purposes of section 34A of the 1988 Act, it shall not be unlawful for a person aged at least 18 years but under the age of 21 who does not have an age document with him or her to be on the licensed premises in the circumstances mentioned in subsection (1).

*Section 1(5)* provides a defence for a person charged with an offence under the relevant sections of the 1988 Act.

*Section 1(6)* makes it clear that nothing in this Bill shall prevent a person raising any point of law or other plea or objection which would be open to a person to raise in proceedings under these sections. This provision is intended to avoid prejudice in any proceedings already underway.

*Section 2* contains the short title, collective citations and construction provisions. These are standard provisions in legislation of this type.

*An Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí  
Deireadh Fómhair, 2004.*