



AN BILLE UM PLEANÁIL AGUS FORBAIRT (LEASÚ) 2010
PLANNING AND DEVELOPMENT (AMENDMENT) BILL
2010

Mar a tionscnaíodh
As initiated

ARRANGEMENT OF SECTIONS

Section

1. Change of use of shop to use as a head shop or a sex shop not exempted development.
 2. Short title and collective citation and construction.
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ACTS REFERRED TO

Health and Social Care Professionals Act 2005	2005, No. 27
Intoxicating Liquor Act 2003	2003, No. 31
Planning and Development Act 2000	2000, No. 30
Planning and Development Acts 2000 to 2004	



AN BILLE UM PLEANÁIL AGUS FORBAIRT (LEASÚ) 2010
PLANNING AND DEVELOPMENT (AMENDMENT) BILL
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BILL

5 *entitled*

AN ACT TO PROVIDE THAT A CHANGE OF USE OF A
STRUCTURE TO USE AS A HEAD SHOP OR A SEX
SHOP SHALL NOT BE EXEMPTED DEVELOPMENT;
AND TO PROVIDE FOR CONNECTED MATTERS.

10 BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) For the purposes of sections 3 and 4 of the Planning and
Development Act 2000, and notwithstanding any regulations made
under that Act, a change in the use of a structure from any other use
to use as—

Change of use of
shop to use as a
head shop or a sex
shop not exempted
development.

15 (a) a head shop, or

(b) a sex shop,

involves a material change in the use of the structure and is not an
exempted development.

(2) For the purposes of this section:

20 (a) (i) a head shop is a structure used for a business which
consists to a significant degree of selling, hiring,
exchanging, lending, displaying or demonstrating, or
otherwise making accessible or available to the
25 public, goods or services concerned with or for use
in connection with the consumption of psychoactive
drugs or the use of paraphernalia related to con-
sumption of psychoactive drugs, or both,

(ii) a psychoactive drug, whether psychopharmaceutical
30 or psychotropic, is a chemical substance that acts
primarily upon the central nervous system to alter
brain function, resulting in changes in perception,
mood, consciousness or behaviour, and consumed
primarily for recreational purposes, so as to alter
consciousness,

35 (iii) a sex shop is a structure used for a business which
consists to a significant degree of selling, hiring,

exchanging, lending, displaying or demonstrating, or otherwise making accessible or available to the public, goods or services concerned with or for use in connection with sexual activity, including acts of force or restraint which are associated with sexual activity; 5

and

(b) the definitions of head shop and sex shop in *paragraph (a)*:

(i) do not apply to a structure used as a hospital or in connection with the provision of services by or on behalf of the Health Services Executive or by a person who is— 10

(I) a medical practitioner, pharmaceutical chemist, nurse or midwife and who is registered under the enactments governing his or her profession, 15 or

(II) a member of a designated profession within the meaning of the Health and Social Care Professionals Act 2005; and

(ii) do not apply to a structure by reason only of the fact that— 20

(I) the structure is a licensed premises (within the meaning of section 2 of the Intoxicating Liquor Act 2003), or

(II) the structure is used as a business in which goods are available for retail sale and upon which a duty of excise is charged in accordance with law. 25

Short title and collective citation and construction.

2.—(1) This Act may be cited as the Planning and Development (Amendment) Act 2010.

(2) This Act and the Planning and Development Acts 2000 to 2004 may be cited together as the Planning and Development Acts 2000 to 2010 and shall be construed together as one Act. 30