



An Bille Sláinte Poiblí (Alcól), 2015
Public Health (Alcohol) Bill 2015

Meabhrán Mínitheach agus Airgeadais
Explanatory and Financial Memorandum



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PUBLIC HEALTH (ALCOHOL) BILL 2015

EXPLANATORY AND FINANCIAL MEMORANDUM

Background

Alcohol is no ordinary product. It has major public health implications and is responsible for a considerable burden of health, social and economic harm at individual, family and societal levels. This Bill is part of a comprehensive suite of measures to reduce excessive patterns of alcohol consumption and resultant social, economic and health harms as set out in the *Steering Group Report on a National Substance Misuse Strategy, 2012*.

It is expected that the effective implementation of the suite of measures contained in the *Steering Group Report on a National Substance Misuse Strategy* along with the measures provided for in this Bill will significantly reduce consumption and related harm.

Purpose of Bill

The primary policy objectives are to:

- ensure the supply and price of alcohol is regulated and controlled in order to minimise the possibility and incidence of alcohol related harm
- delay the initiation of alcohol consumption by children and young people
- reduce the harms caused by the misuse of alcohol and
- reduce alcohol consumption to 9.1 litres of pure alcohol per person per annum by 2020

The Bill proposes to achieve this through the introduction of:

- minimum unit pricing
- health labelling of alcohol products
- the regulation of advertising and marketing of alcohol
- the regulation of sponsorship
- structural separation of alcohol products in mixed trading outlets
- the regulation of the sale and supply of alcohol in certain circumstances and

The Bill is divided into three parts.

Part 1 deals with PRELIMINARY AND GENERAL PROVISIONS and covers sections 1 to 9.

Section 1 – (Short title, and commencement)

Section 1 contains a standard provision for dealing with the short title and commencement provisions. The commencement provision allows the provisions of the Bill to be brought into operation on a phased basis. Labelling provisions (except the regulation provisions) will come into operation 3 years after the commencement of the section.

Section 2 – (Interpretation)

Section 2 is a standard interpretation provision and defines the meaning of certain terms used in the Bill.

Section 3 – (Application of the Act to registered clubs)

Section 3 outlines that the Bill will apply to a club registered under the Registration of Clubs Acts 1904 to 2008, and as such, references in the Bill to a holder of a licence should be read as references to the secretary of the club concerned. Similarly, references in the Bill to a licensed premises should be read as references to the premises of the club concerned.

Section 4 – (Regulations and Orders)

Section 4 empowers the Minister to make regulations in relation to any matter prescribed in the Bill. *Subsection (3)* states that every order (other than an order under *section 1(2) and 1(3)*) or regulation made by the Minister under the Act will be laid before the Houses of the Oireachtas.

Section 5 – (Expenses)

Section 5 is a standard provision dealing with expenses.

Section 6 – (Service of Documents)

Section 6 sets out the standard provisions for the service of documents.

Section 7 – (Offences)

Section 7 sets out the offences under the legislation. *Subsection (1)* provides that a person who commits an offence under *section 10(6), 12(3), 12(10), 13(3), 14(4), 15(1), 17(4), 18(1), 20(4), 20(7)* or *section 21(4)* shall be liable (a) on summary conviction to a class A fine or imprisonment for a term of up to 6 months or both, or (b) on conviction on indictment to a fine of up to €250,000 or imprisonment for a term of up to 3 years or both. *Subsection (2)* provides that a person who commits an offence under *section 11(1) or 11(3)* is liable (a) on summary conviction to a class A fine or imprisonment for a term of up to 6 months or both, or (b) on conviction on indictment to a fine of up to €100,000 or imprisonment for a term of up to 2 years or both. *Subsection (3)* provides that a person who commits an offence under *section 11(6), 11(9), 16(1), 23(6) or 28(9)* is liable on summary conviction to a class A fine or imprisonment for a term of up to 6 months or both. *Subsection (4)* sets out the continuing offences under the legislation. If a person continues to commit the same offence after being convicted under *section 10(6), 12(3), 12(10), 13(3), 14(4), 15(1), 16(1), 18(1), 20(4) or 20(7)*, the individual is guilty of a further offence and is liable to a fine of €2,000 for every day the offence is recommitted. *Subsection (5)* clarifies that where proceedings are being brought, it shall be a defence for a person to show that he/she made all reasonable efforts to comply with the provisions of the legislation. *Subsection (6)* provides that when a person is convicted of an offence, the court shall order him/her to pay the prosecution costs and expenses, unless there are special and substantial reasons for not doing so. *Subsection (7)* empowers the Health Service Executive (HSE) to prosecute summary offences under the Bill. *Subsection (8)* provides that notwithstanding *section 10(4) of the Petty Sessions (Ireland) Act 1851*, a

prosecution for an offence under *section 11(6), 11(9), 16(1), 23(6) or 28(9)* may be brought within 12 months from the date of the alleged commission of the offence. *Subsection (9)* deals with offences under the Bill committed by a body corporate and provides for the prosecution of executive officers of a body corporate where an offence is proved to have been committed with their consent, connivance or approval or to have been attributable to any neglect on their part. *Subsection (10)* states that where the affairs of a body corporate are managed by its members, *subsection (9)* applies to the acts and defaults of a member as if he/she were a director or manager of the body.

Section 8 – (Remote Sale of Alcohol Products)

Section 8 deems that the sale of alcohol takes place where the order for the alcohol was placed except where the order for alcohol is taken from a premises outside the State but despatched from a premises inside the State. In such cases, the sale of alcohol is deemed to have taken place from the despatch centre.

Section 9 – (Repeals)

Section 9 repeals *sections 20 and 22 of the Intoxicating Liquor Act 2003* and *sections 9 and 16 of the Intoxicating Liquor Act 2008*.

Part 2 deals with ALCOHOL PRODUCTS and covers sections 10 to 25

Section 10 – (Minimum Price of Alcohol Products)

Section 10 outlines the provisions for Minimum Unit Pricing (MUP) of alcohol products. *Subsection (1)* outlines that the minimum price per gram of alcohol will be 10 cent. *Subsection (2)* sets out the formula for calculating MUP. *Subsection (3)* provides for the increase of the minimum price per gram of alcohol by Ministerial Order. *Subsection (4)* outlines that the MUP can only be increased 3 years after the commencement of the section, and subsequently, every 18 months thereafter. *Subsection (5)* sets out that when increasing MUP, the Minister shall consider any expert research available to him on the effectiveness of MUP and the rate and pattern of alcohol consumption, health-related risks and harms to society caused by alcohol consumption, the price and affordability of alcohol products and any other relevant matter. *Subsection (6)* provides that it will be an offence for a person to sell or causes to be sold or advertise or cause to be advertised or promoted an alcohol product below the minimum unit price of the alcohol product concerned. *Subsection (7)* provides that the minimum unit price must apply for alcohol products supplied or offered for sale with another non-alcohol product or service for a single price (e.g. where an alcohol product is sold as part of a ‘meal deal’) as if the alcohol product was sold on its own. *Subsection (8)* provides that the minimum unit price must apply for alcohol products that are supplied or offered for sale with another alcohol product for a single price, i.e. the single price is calculated by reference to the number of grams of alcohol contained in both alcohol products. This provision is subject to any regulations that may be made under *Section 21*. *Subsection (9)* provides a formula for calculating grams of alcohol. *Subsection (10)* provides that, when the labelling provisions are commenced, the number of grams of alcohol to be used when calculating MUP is the number of grams noted on the label (of the alcohol product), the accompanying document (of the reusable container) or the website (where alcohol is being sold online). The volume of liquid to be used when calculating MUP is the volume stated on the label. The ABV to be used when calculating MUP is the ABV stated on the label. The volume and ABV stated on the label of the alcohol product, and the grams of alcohol stated on the label of the alcohol product, or the accompanying document

or the website shall be presumed to be the volume, ABV and quantity of grams in the alcohol product unless proved otherwise. *Subsection (11)* provides an exemption from the minimum price provision for the purchase of alcohol products sold in duty free shops. *Subsection (12)* provides an exemption from MUP provisions for alcohol products that are distributed free of charge or sold by wholesale.

Section 11 – (Labelling of Alcohol Products and Notices in Licensed Premises)

Section 11 outlines provisions to provide information to consumers on alcohol products, i.e. health and pregnancy warnings, quantity of grams, energy value and details of an alcohol public health website to be established by the HSE. The provisions at *11(1)*, *11(3)*, *11(4)*, *11(5)*, *11(7)* and *11(8)* aim to ensure that consumers are provided with access to health information on alcohol products regardless of the manner of purchase e.g. in a shop, in a pub, or on-line. *Subsection (1)* provides that it will be an offence to: manufacture or import for sale in Ireland; or to sell to a person in Ireland an alcohol product whose bottle, container or any additional packaging does not contain: (i) prescribed warning informing the public of the danger of alcohol consumption; (ii) a prescribed warning informing the public of the danger of alcohol consumption when pregnant; (iii) the quantity in grams of alcohol in the alcohol product concerned, (iv) the energy value of the alcohol product and (v) the details of website (to be established by the HSE) providing public health information in relation to alcohol. *Subsection (2)* provides that alcohol products sold in reusable containers (kegs, casks, etc.) are not required to be labelled in accordance with *subsection (1)*. *Subsection (3)* makes it an offence to sell alcohol products exempted from the labelling requirements of *subsection (1)* without a document that contains the same information that is required in *subsection (1)*. The purpose of this section is to ensure that on-licence holders are provided with information required to calculate grams of alcohol in their ‘poured’ or decanted alcohol products e.g. pint of stout, glass of wine etc. *Subsection (4)* provides that the holder of a license will display, inside the licenced premises, a notice or notices to include: (a) a prescribed warning informing the public of the danger of alcohol consumption; (b) a prescribed warning informing the public of the danger of alcohol consumption when pregnant; (c) details of a website (to be established by the HSE) providing public health information in relation to alcohol; and (d) confirmation that a document noting the quantity in grams of alcohol and energy value of every ‘poured’ quantity, measure or unit for the alcohol product for sale in the licensed premises is available for inspection on request. *Subsection (5)* provides that a person who sells or causes to be sold alcohol products on-line must display, in the prescribed manner, on their website: (a) a prescribed warning informing the public of the danger of alcohol consumption; (b) a prescribed warning informing the public of the danger of alcohol consumption when pregnant; (c) the quantity in grams of alcohol in the alcohol product concerned; (d) the energy value of the alcohol product; and (e) the details of website (to be established by the HSE) providing public health information in relation to alcohol. *Subsection (6)* makes it an offence to contravene *subsections (4)* or *(5)*. *Subsection (7)(a)* notes that the document available on request in licensed premises (*subsection (4)(d)*) must provide information on the quantity of grams and the energy value of each quantity, measure or unit of every alcohol product on sale in the premises e.g. pint of stout, glass of stout, small glass of wine, large glass of wine etc. *Subsection (7)(b)* provides for an exemption for alcohol products that are sold in bottles or containers that are labelled in accordance with *subsection (1)*. *Subsection (8)* requires that the holder of a licence, or his or her employee, shall provide the document for inspection containing the quantity in grams of alcohol and energy

value of every ‘poured’ quantity, measure or unit for the alcohol product for sale in the licensed premises if requested. *Subsection (9)* makes it an offence not to provide this document on request. *Subsection (10)* empowers the Minister to make regulations prescribing: (a) the form of the health warnings and pregnancy warning (*subsection (1)(i)* and *subsection (1)(ii)*); (b) the form of the information regarding grams of alcohol, energy quantity and public health website (*subsection (1)(iii)*, *(iv)* and *(v)*); (c) the form of the notice to be displayed in an on-licence (*subsection (4)*); (d) details of where the document at *subsection (4)* is to be displayed and the manner of display; (e) the form of the document to be provided with the sale of alcohol products in reusable containers (*subsection (3)*); and (f) details of how health warnings, pregnancy warnings and information re grams of alcohol, energy quantity and public health website is to be provided on websites selling alcohol products (*subsection (5)*). The regulations can specify, *inter alia*, the size and colour of the warnings, notice, documents, accompanying document and the size, colour and font type of any written material. *Subsection (11)* provides that when making regulations under *subsection (10)* the Minister shall consider any expert research available to him on the effectiveness of the measures introduced. The Minister shall also consider the rate and pattern of alcohol consumption, health related risks and harms to society caused by alcohol consumption, the price and affordability of alcohol products and any other relevant matter. *Subsection (12)* provides that regulations under *subsection (10)* can be applied to all or any of the following: (a) a class or classes of alcohol product; (b) a class or classes of licensed premises; and (c) a class or classes of alcohol product container. *Subsection (13)* provides an exemption for all alcohol products available for sale (on the market) prior to this section coming into operation. There will be a three-year gap between commencement date and operational date. As such, this provides a transitional period of three years for retailers and manufacturers to comply with the provisions. *Subsection (14)* provides that in a prosecution, the onus is on the defendant to prove that the alcohol product was available for sale (on the market) prior to the section coming into operation. *Subsection (15)* provides that these labelling provisions are in addition to any other legislation in relation to the labelling of alcohol products. *Subsection (16)* outlines how to calculate grams of alcohol, energy value and ABV. *Subsection (17)* provides for the definition of certain terms used in this section.

Section 12 – (Content of Advertisements)

Section 12 outlines provisions on the content of alcohol advertisements. *Subsection (1)* provides an exemption for the following: (a) alcohol related merchandise; (b) fixtures and fittings in licensed premises; (c) alcohol manufacturers and wholesalers premises; and (d) alcohol manufacturers and wholesalers company vehicles. *Subsection (2)* provides that advertisements for alcohol products must include: (a) a prescribed warning informing the public of the danger of alcohol consumption; (b) a prescribed warning informing the public of the danger of alcohol consumption when pregnant; and (c) details of a website (to be established by the HSE) providing public health information in relation to alcohol. *Subsection (3)* makes it illegal to advertise or cause to be advertised an alcohol product that does not comply with *subsection (2)*. *Subsection (4)* empowers the Minister to make regulations prescribing: (a) the form of the health warnings and pregnancy warnings in *subsection (2)*; (b) the manner in which details of the website in *subsection 2* will be displayed; and, in relation to broadcast advertisements, (c) the prominence and duration of the health warnings and pregnancy warnings in *subsection (2)* and the manner in which details of the website in *subsection (2)* will be displayed. The regulations can specify, *inter alia*, the size and colour of the warnings, the manner of display of the

website details and the size, colour and font type of any written material. *Subsection (5)* provides that when making regulations under *subsection (4)*, the Minister shall consider any expert research available to him on the effectiveness of the measures introduced. The Minister shall also consider the rate and pattern of alcohol consumption, health related risks and harms to society caused by alcohol consumption, the price and affordability of alcohol products and any other relevant matter. *Subsection (6)* states that regulations under *subsection 4* can be applied to all or any of the following: (a) a class or classes of alcohol product; (b) a class or classes of licensed premises; and (c) a class or classes of alcohol product container. *Subsection (7)* outlines what an alcohol advertisement can contain. It states that an alcohol advertisement can only contain the health and pregnancy warnings and website at *subsection (2)* and any or all of the following:

- an image or reference to:
 - an alcohol product or alcohol products (in containers or glasses)
 - the country and region of origin
 - the method of production
 - where the alcohol product was manufactured
- information on whether the alcohol product is intended to be diluted with a non-alcoholic beverage, and an image of or reference to the non-alcoholic beverage
- the price
- a brand name, trade mark or emblem
- a corporate name and corporate emblem
- the name and address of the manufacturer
- the ABV
- quantity in grams of alcohol
- energy value

Subsection (8) outlines that a person cannot advertise or cause to be advertised an alcohol product that does not comply with the provisions in *Subsection (7)*. *Subsection (9)* specifies that a person cannot include an image of an alcohol product or a reference to alcohol use in an advertisement for any other product or service. *Subsection (10)* makes it illegal for a person to breach the provisions in *subsection (8)* or *subsection (9)*. *Subsection (11)* provides an exemption from the provisions at *subsection (9)* to: (a) an advertisement for a licensed premises provided the advertisement does not include or refer to a branded alcohol product; (b) a road safety advertisement from the Road Safety Authority or Department of Transport, Tourism and Sport; and (c) an alcohol related public health advertisement from the HSE or the Department of Health

Section 13 – (Prohibition on advertising in certain places)

Section 13 provides for restrictions on the advertising of alcohol products in certain places. *Subsection (1)* provides an exemption to advertisements on or attached to the following: (a) licensed premises; (b) alcohol manufacturers and wholesalers premises; and (c) alcohol manufacturers and wholesalers company vehicles. *Subsection (2)* prohibits the advertising of alcohol products in or at the following areas:

- a local authority park or open space
- a public service vehicle (bus, tram/light-rail, train, taxi etc.)

- a train or bus station
- bus stops
- tram/light-rail, railway stops
- schools
- early years services (creches)
- local authority playgrounds

The advertising of alcohol products is further prohibited within 200 metres of the perimeter of a:

- school (including its grounds)
- early years' service (crèche)
- a local authority playground

Subsection 3 provides an exemption from *subsection (2)* for advertisements at or in licensed premises or premises that manufacture alcohol products. *Subsection (4)* provides that it is an offence to contravene *subsection (2)*. *Subsection (5)* provides for the definition of certain terms used in this section.

Section 14 – (Restriction on advertising during events)

Section 14 provides for an offence to advertise or cause to be advertised an alcohol product in or on a sports area when a sports event is taking place, at an event aimed particularly at children or at an event where the majority of individuals taking part are children. *Subsection (2)* allows a person on a sports area during a sporting event to wear alcohol branded clothing (i.e. they are not considered to be advertising an alcohol product for the purposes of this section). *Subsection (5)* defines sports area as the space where sports events are directly played or participated on e.g. football pitch, swimming pool, race track or athletics track. It does not cover the surrounding stadium or adjacent spaces e.g. advertising pitch side.

Section 15 – (Sponsorship)

Section 15 provides for an offence for a person to sponsor or cause the sponsorship of an event where the majority of individuals taking part are children, an event aimed particularly at children (e.g. those involving well-known cartoon characters) or an event that involves driving or racing cars or bikes. *Subsection (2)* provides that licensed premises can sponsor an event if alcohol products or brands are not advertised or promoted. *Subsection (3)* defines sponsorship as a public or private contribution to an event with the aim or direct or indirect effect of promoting alcohol product or brand or alcohol consumption.

Section 16 – (Children's Clothing)

Section 16, subsection (1) makes it an offence for a person to manufacture or import for sale in the State or to sell to a person in the State children's clothing (including footwear) which promotes alcohol consumption or is branded with an alcohol product (i.e. alcohol product name, image, trademark, logo). *Subsection (2)* provides a transitional period of one year for retailers and manufacturers to comply with *subsection (1)*. *Subsection (3)* provides that in a prosecution, the onus is on the defendant to prove that the children's clothing was exempt from *subsection (1)* (i.e. it was available for sale within the permitted transitional period of one year.)

Section 17 – (Advertisements in Publications)

Section 17 restricts the advertising space permitted for alcohol products in publications to 20 per cent. Advertisements for alcohol products are not permitted in publications aimed at children, in a publication or a page of a publication whose children's readership is likely to exceed 20 per cent, on the front or back of a publication or any wrapper, envelope or covering of a publication. A person cannot import for resale, a publication that contravenes these provisions or *subsections (12)(2)* and *(12)(7)* relating to content. *Subsection (4)* provides for an offence to contravene these provisions. *Subsection (5)* provides an exemption for publications that are intended for sale and distribution outside the State and for alcohol trade publications that are not aimed at the general public. *Subsection (6)* provides a partial exemption from the provisions to publications published by or on behalf of specialist off-licences. These publications are exempt from *subsection (1)* (restricting alcohol advertisements to 20 per cent), *subsections (2)(d)* and *(2)(e)* (prohibiting alcohol advertisements on the front or back cover or any wrapper, envelope or other covering of a publication) and *subsections 3(a)* and *3(b)* (prohibiting the importation of publications).

Section 18 – (Advertising in Cinemas)

Section 18 provides for an offence to advertise an alcohol product in a cinema except during a film classified as 18 or in a licensed premises in a cinema.

Section 19 – (Review of Operation of sections 12 to 18)

Section 19 provides that the Minister shall review the operation of *sections 12, 13, 14, 15, 16, 17, and 18* within 3 years of the commencement of the section.

Section 20 – (Structural Separation)

Section 20 provides for the separation of alcohol products and advertisements for alcohol products in mixed trade retail outlet. *Subsection (1)(a)* provides that one year after the commencement of this section, alcohol products and advertisements for alcohol products are:

- located exclusively in a single area of the premises (alcohol area), which is separated, from the rest of the premises, by a barrier. Members of the public outside the alcohol area should not easily see alcohol products and advertisements for alcohol products and should not have to pass through the alcohol area in order to access or buy other products. The only products available for sale in the alcohol area are alcohol products and related products (e.g. lemons, mixers, corkscrews, glasses). Any related alcohol products available for sale in the alcohol area must also be available for sale elsewhere in the premises.

and/or

- in a storage unit behind the counter (at one point of sale area only). Alcohol products cannot be visible from the storage unit when closed. The storage unit must remain closed when not in use. Advertisements for alcohol products are prohibited from this area. The storage unit can indicate that it contains alcohol products.

An alternative arrangement is permitted under *subsection (1)(b)*. This subsection provides that one year after the commencement of this section, alcohol products and advertisements for alcohol products are:

- located exclusively in one or more storage units. The storage units must be adjacent to each other. The storage units can only contain alcohol products and advertisements for alcohol products. Alcohol

products and advertisements for alcohol products cannot be visible from the storage units when closed. The storage unit must remain closed when not in use. The storage units can indicate that they contain alcohol products.

and/or

- in a storage unit behind the counter (at one point of sale area only). Alcohol products cannot be visible from the storage unit when closed. The storage unit must remain closed when not in use. Advertisements for alcohol products are prohibited from this area. The storage unit can indicate that contains alcohol products.

Retailers must also abide by the *European Communities (Requirements to Indicate Product Prices) Regulations 2002* (S.I. No. 639 of 2002). *Subsection (2)* permits the exposure for sale of alcohol branded non-alcohol products (e.g. t-shirts, confectionary, key-rings) anywhere in the premises. *Subsection (3)* exempts specialist off-licences and airports from *subsection (1)*. *Subsection (4)* provides for an offence to breach *subsection (1)*. *Subsection (5)* relates to airports. It provides that one year after the commencement of this section, alcohol products sold for consumption off the premises are: (a) displayed in a storage unit that only contains other alcohol products, and (b) alcohol storage units can only adjoin other alcohol storage units. Advertisements for alcohol products can only be displayed in, on or beside an alcohol storage unit. *Subsection (6)* permits the display of packages (e.g. gift sets containing alcohol and non-alcohol products in alcohol storage units). *Subsection 7* makes it an offence to breach *Subsection (5)*. *Subsection (8)* defines “Act of 1943” as the Intoxicating Liquor Act, 1943.

Section 21 – (Regulations relating to sale and supply of alcohol products)

Section 21 provides that the Minister may regulate the sale and supply of alcohol products in certain circumstances e.g. restrictions on promotions. *Subsection (1)* provides that the Minister can make regulations to prohibit or restrict a person from: (a) selling, supplying or causing to be sold or supplied, alcohol at a reduced price or free of charge on the purchase of another alcohol product or another product or service (e.g. buy one get one free); (b) from selling, supplying or causing to be sold or supplied, alcohol at a reduced price for a period of time equal to or less than three days (e.g. Happy Hours, Happy Days); (c) doing or permitting anything that is intended to or likely to encourage the people present to drink alcohol harmfully; (d) from selling, supplying or causing to be sold or supplied alcohol at a reduced price or free of charge to a particular class of person (e.g. Ladies Night, Students Night); and (e) advertising or causing to be advertised the sale, supply or consumption of alcohol in the manner specified above. *Subsection (2)* states that when making regulations under *subsection 1*, the Minister shall consider the need to reduce alcohol consumption, health-related risks and other harms to society caused by alcohol consumption including the need to reduce public order offences. The Minister shall also consider the need to prohibit or restrict advertising, where the medium used or nature of the advertising is intended or likely to encourage the harmful consumption of alcohol. *Subsection (3)* states that regulations under *subsection 2* can be applied to all or any of the following: (a) a class or classes of licensed premises; (b) a class or classes of non-licensed premises (other than a private residence); (c) a class or classes of alcohol product; and (d) a class or classes of advertising. *Subsection (4)* makes it illegal to breach any penal regulations made under this section. *Subsection (5)* provides that *section 9 of the Intoxicating Liquor Act, 2003* shall apply to offences under *subsection (4)*. This provides for the temporary closure of a licensed premise following a conviction. *Subsection*

(6) notes that in this section providing alcohol (by sale or supply) at a reduced price or free of charge includes: (a) the direct or indirect award of bonus points, loyalty card points or similar benefits, on the purchase of any alcohol product; (b) directly or indirectly allowing the use of any such points to obtain alcohol products or any other product or service at a reduced price or free of charge; and (c) directly or indirectly allowing the use of bonus points, loyalty card points or similar benefits, arising from the purchase of any product or service to obtain alcohol at a reduced price or free of charge. *Subsection (7)* defines “limited period” as a period of 3 days or less. It also provides an exemption from this section for alcohol products that are sold by wholesale.

Part 3 deals with ENFORCEMENT AND COMPLIANCE and covers sections 22 to 29.

This Part provides for an enforcement regime and a statutory basis for the use of measures such as Fixed Payment Notices and Compliance Notices to support the HSE in the effective implementation of this Bill.

Section 22 – (Appointment of Authorised Officers)

Section 22 provides for the appointment and warranting of officers by the HSE and for the circumstances in which such appointments may cease. Authorised officers will be required to produce the warrant of appointment if so requested when exercising any power conferred on him or her under the Bill.

Section 23 – (Powers of Authorised Officers)

Section 23 sets out the powers of authorised officers in relation to entering premises, inspecting, securing, copying, removing and retaining books, records, documents or relevant things and requiring persons to give information and assistance. The section provides for inspections and checks of the premises and any alcohol product or relevant thing that are necessary for the purposes of the Bill. Alcohol products and relevant things can be sampled, examined, tested and analysed. Authorised officers can direct that alcohol products or relevant things found at the premises, the sale of which he or she, reasonably believes would contravene a provision of this Bill not be sold, distributed or moved from the premises, without the officer’s consent. Authorised officers can take possession of and remove from the premises for examination and analysis any alcohol products or relevant things, and detain them for such period as maybe necessary for the purposes of the officer’s functions under the Bill. Where an authorised officer has directed that alcohol products not be sold, distributed or moved or takes possession of and removes any alcohol product, the officer may apply to the District Court for an order that any such alcohol product be destroyed. The judge of the District Court may grant such an order if he or she is satisfied that such product contravenes a provision of this Bill. The costs (including ancillary costs) of any possession, detention or destruction carried out by the HSE under this section shall be recoverable as a simple contract debt in any court of competent jurisdiction from a person convicted of an offence under this Bill.

This section prohibits authorised officers from entering a dwelling except with the consent of the occupier or unless he or she has obtained a warrant from the District Court authorising such entry. The section empowers authorised officers to apply to a judge of the District Court for a warrant to enter premises. It also permits the judge, if satisfied that there are reasonable grounds that there is information, books, records, relevant things required by the authorised officers, to issue a warrant authorising the officer to enter the premises using reasonable force if necessary. It is an offence to

obstruct or interfere with an authorised officer or to refuse to comply with an officer's request or to give false information to an authorised officer. The section also provides that the publisher of an advertisement in relation to alcohol shall if requested by an authorised officer within 12 months of the publication of the advertisement, supply the name and address of the person who procured the advertisement.

Section 24 – (Taking of samples by authorised officers)

Section 24 sets out the arrangements for sampling of alcohol products, substances or articles by authorised officers.

Section 25 – (Laboratories)

Section 25 provides for the Minister for Health to designate by notice in writing in *Iris Oifigiúil*, a laboratory and an analyst for the purposes of analysis of samples under the Bill. When a sample is received in a designated laboratory it must be analysed and the results forwarded to the HSE.

Section 26 – (Evidence in Proceedings for an Offence)

Section 26 sets out the evidence required in proceedings for an offence and provides for the Minister for Health to prescribe in regulations the form of a certificate of analysis.

Section 27 – (Fixed Payment Notice)

Section 27 provides that an authorised officer of the HSE who has reasonable grounds for believing that a person is committing, or has committed, an offence under *sections (11)(6), (11)(9) or (16)(1)* (“relevant offence”), may serve a fixed payment notice in the prescribed form on that person. Where the person pays the prescribed amount to the HSE within 28 days, no prosecution will be initiated. Where the person fails to make a payment in accordance with the notice, he or she will be prosecuted for the alleged relevant offence. Payments received by the HSE under the section will be paid into the Exchequer.

Section 28 – (Compliance Notice)

Section 28 makes provision for the use of Compliance Notices to promote higher levels of compliance with this legislation.

Section 29 – (Executive May Publish Information Respecting Certain Persons)

Section 29 provides for the HSE to establish and maintain a list (the alcohol non-compliance list) of the names and addresses of the persons on whom a fine or other penalty is imposed by a court under the Bill. The list shall specify such particulars as the HSE considers appropriate, in respect of the matters occasioning any fine or penalty and the amount involved. The HSE may publish all or any part of the alcohol non-compliance list in any form it considers appropriate.

Financial Implications

These proposals are not expected to give rise to any significant additional costs to the Exchequer.

*Department of Health,
December, 2015.*