



An Bille um Dhíol Ocsaíde Nítriúla agus Táirgí Gaolmhara, 2025
Sale of Nitrous Oxide and Related Products Bill 2025

Mar a tionscnaíodh

As initiated



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ACTS REFERRED TO

Child Care Act 1991 (No. 17)
Criminal Justice (Psychoactive Substances) Act 2010 (No. 22)
Criminal Justice Act 1951 (No. 2)
Dentists Act 1985 (No. 9)
Intoxicating Liquor Act 1988 (No. 16)
Licensing Acts 1833 to 2018
Local Government Act 2001 (No. 37)
Local Government Reform Act 2014 (No. 1)
Medical Practitioners Act 2007 (No. 25)
Misuse of Drugs Acts 1977 to 2017
Nurses and Midwives Act 2011 (No. 41)
Pharmacy Act 2007 (No. 20)
Police (Property) Act 1897 (c. 30)
Veterinary Practice Act 2005 (No. 22)



AN BILLE UM DHÍOL OCSAÍDE NÍTRIÚLA AGUS TÁIRGÍ GAOLMHARA, 2025
SALE OF NITROUS OXIDE AND RELATED PRODUCTS BILL 2025

Bill

entitled

An Act to regulate and licence the sale of nitrous oxide to exempted purchasers; to prohibit the sale of nitrous oxide and nitrous oxide products to a person who has not attained the age of 18 years; and to provide for related matters. 5

Be it enacted by the Oireachtas as follows:

Interpretation

1. (1) In this Act— 10
- “catering premises” means—
- (a) a food premises, food stall or food vehicle within the meaning of the Food Hygiene Regulations 1950 to 2017,
 - (b) a premises licensed for the sale of intoxicating liquor under the Licensing Acts 1833 to 2018, or 15
 - (c) a catering college or school;
- “container” means—
- (a) any reusable cylinder, disposable cartridge, aerosol canister or dispenser in which nitrous oxide in pressurised form is contained, or
 - (b) a balloon or other device into which nitrous oxide has been transferred from a container referred to in *paragraph (a)* for the purpose of inhalation; 20
- “food business” has the meaning given to it in point (2) of Article 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002¹;
- “licence”, in relation to the Register of Licenced Wholesalers of Nitrous Oxide means a licence granted under *section 7*; 25
- “licensing and registration authority” has the meaning given to it by *section 10*;
- “Minister” means the Minister for Justice;
- “nitrous oxide” means the compound having the chemical formula N₂O but does not include a nitrous oxide product; 30

1 OJ L31, 1.2.2002, p. 1–24

“nitrous oxide product” means a food or other product sold in an aerosol canister or dispenser that uses nitrous oxide as a propellant;

“prescribed” means prescribed by regulations made under *section 13*;

“retail selling” means the selling by way of business otherwise than by wholesale of any compound or product to which this act relates; 5

“sell” means sell by retail or wholesale and includes—

(a) offer or expose for sale,

(b) invite the making by a person of an offer to purchase,

(c) distribute free of charge, and

(d) supply for any of those purposes, whether or not for profit; 10

“wholesale selling” means sale by way of trade to a person engaged in the business of acquiring nitrous oxide for resale to another person.

- (2) This Act is without prejudice to the Misuse of Drugs Acts 1977 to 2017, the Criminal Justice (Psychoactive Substances) Act 2010 or section 74 of the Child Care Act 1991.

Prohibition on selling nitrous oxide without a licence or registration 15

2. (1) Subject to the provisions of this section a person shall not sell nitrous oxide.
- (2) A person shall not carry on, in whole or in part, the business of selling nitrous oxide by wholesale selling unless that person holds a licence for the time being in force for the selling of nitrous oxide granted pursuant to *section 7*.
- (3) A person shall not carry on, in whole or in part, the business of selling nitrous oxide by retail selling unless that person has been entered on the register of nitrous oxide retailers pursuant to *section 9*. 20
- (4) A person who contravenes this section commits an offence.

Prohibition on sale of nitrous oxide to persons other than exempt purchaser

3. (1) A person who— 25
- (a) is a Registered Licenced Wholesaler of Nitrous Oxide, or
- (b) is entered in the Register of Retailers of Nitrous Oxide,
- commits an offence if such person sells nitrous oxide to a person other than an exempt purchaser.
- (2) In this section, but subject to *subsection (4)*, “exempt purchaser” means— 30
- (a) a registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007 or a medical practitioner practising medicine pursuant to section 50 of that Act,
- (b) a registered dentist within the meaning of the Dentists Act 1985,
- (c) a registered nurse or a registered midwife within the meaning of the Nurses and Midwives Act 2011, 35

- (d) a registered pharmacist, druggist or pharmaceutical assistant, being a person registered in a register set up under section 13 of the Pharmacy Act 2007,
 - (e) a registered veterinary surgeon being a person registered in the register established under the Veterinary Practice Act 2005,
 - (f) a person who is acting as a pre-hospital emergency care provider and is a person lawfully entitled to obtain and use nitrous oxide for administration to patients in the course of providing care or treatment to a patient, 5
 - (g) the owner or operator of a food business,
 - (h) the owner, operator or manager of a catering premises where nitrous oxide is used in the preparation of a food or drink product for consumption on or off those premises, and that catering premises duly holds the necessary permits, licence, or registration to operate as such business required under any other enactment, 10
 - (i) any other licenced nitrous oxide wholesaler,
 - (j) any other registered nitrous oxide retailer, or
 - (k) a member of such class of persons as the Minister may, after consultation with the Minister for Health and such other Minister of the Government as the first-mentioned Minister considers appropriate, by order designate. 15
- (3) Any person acting as an agent on behalf of an exempt purchaser to whom *subsection (2)* applies, other than a person who has not attained the age of 18 years, is an exempt purchaser for the purposes of this section. 20
- (4) The Minister, after consultation with the Minister for Health or such other Minister of the Government as the Minister considers appropriate, may by order declare that the restriction on purchase by an exempt purchaser or a class or classes of exempt purchaser shall not apply in relation to certain nitrous oxide containers having regard— 25
- (a) to a specific number and type of containers in which nitrous oxide is sold, and
 - (b) the capacity by volume of containers that may be purchased by any class or classes of persons specified in the order.

Remote sale of nitrous oxide or nitrous oxide products

4. (1) Subject to *subsection (2)* the sale of nitrous oxide or a nitrous oxide product is deemed, for the purposes of this Act, to take place at the wholesale or retail premises where an agreement is made for the sale of nitrous oxide or nitrous oxide product concerned. 30
- (2) Where—
- (a) the premises where the agreement for the sale of nitrous oxide or a nitrous oxide product is made is outside the State, and 35
 - (b) the premises from which the nitrous oxide or nitrous oxide product concerned is despatched are in the State,
- the sale is deemed, for the purposes of this Act, to take place on the premises from which the nitrous oxide or nitrous oxide product is despatched. 40

Sale of nitrous oxide or nitrous oxide products to person under 18 years of age

5. (1) A person commits an offence if he or she sells (including through a website or otherwise online) nitrous oxide or a nitrous oxide product to—
- (a) a person who has not attained the age of 18 years, or
 - (b) any other person whom the seller suspects or should reasonably suspect is purchasing on behalf of a person who has not attained the age of 18 years. 5
- (2) (a) A person shall not permit a person who has not attained the age of 18 years to sell by retail or wholesale nitrous oxide or a nitrous oxide product on or from any premises or from a website (or otherwise online) in respect of which a licence or registration is in force authorising the sale of the products concerned. 10
- (b) A person who contravenes this subsection commits an offence.
- (3) (a) In proceedings for an offence under *subsection (1)* it shall be a defence for the person against whom such proceedings are brought to prove that he or she made all reasonable efforts to satisfy himself or herself that the person to whom the alleged offence relates had at the time of the alleged commission of the offence attained the age of 18 years. 15
- (b) For the purpose of *paragraph (a)*, a person has reasonable grounds to be satisfied that the person to whom the alleged offence relates has attained the age of 18 years if that person produced one of the following documents, relating to that person and showing that person's date of birth, including, but not limited to— 20
- (i) an age card, (within the meaning of Part IV of the Intoxicating Liquor Act 1988),
 - (ii) a passport,
 - (iii) a driving licence or a learner permit, or
 - (iv) such other form of identification as may be prescribed. 25
- (4) Subject to *subsection (5)*, a court by which a person is convicted of an offence under *subsection (1)* may order anything shown to the satisfaction of the court to relate to the offence to be forfeited and either destroyed or dealt with in such other manner as the court thinks fit.
- (5) A court shall not order anything to be forfeited under *subsection (4)* unless an opportunity is given to any person appearing to the court to be the owner of or otherwise interested in it to show cause why the order should not be made. 30
- (6) Where a member of the Garda Síochána has reasonable cause to believe that—
- (a) nitrous oxide or a nitrous oxide product is in the possession or control of a person in any public place, being a person who has not attained the age of 18 years, and 35
 - (b) the nitrous oxide or nitrous oxide product is being used or is intended to be used as an intoxicant,
- then the member may seize any container within which the nitrous oxide or nitrous oxide product is contained.
- (7) Any container seized under *subsection (6)* may be destroyed or otherwise disposed of 40

in such a manner as a member of the Garda Síochána not below the rank of Superintendent may direct.

Power to seize nitrous oxide used as an intoxicant

6. (1) Where a member of the Garda Síochána suspects, with reasonable cause, that a person has purchased or acquired nitrous oxide and— 5
- (a) the nitrous oxide is in the possession of that person, in a place other than a private dwelling, and
- (b) the member suspects, with reasonable cause, that the nitrous oxide is being used or is intended to be used as an intoxicant,
- then the member concerned may seize the nitrous oxide together with any container it is contained within. 10
- (2) Any container seized under *subsection (1)* may be destroyed or otherwise disposed of in such a manner as a member of the Garda Síochána not below the rank of Superintendent may direct.
- (3) A person who obstructs a member of the Garda Síochána in exercise of the powers under this section commits a summary offence and shall, on conviction, be liable to a class E fine. 15

Register of Licenced Wholesalers of Nitrous Oxide

7. (1) The Minister shall cause to be established and maintained under this Act a register, to be known as the Register of Licenced Wholesalers of Nitrous Oxide, of persons licenced under *subsection (7)* to carry on the business of wholesale selling of nitrous oxide. The register shall be kept and maintained in electronic form and be capable of being read in machine-readable format. 20
- (2) Notwithstanding the Minister designating any public body for the purposes of *section 10*, the Minister shall continue to maintain the register established under this section. 25
- (3) Where a person proposes to carry on, in whole or in part, the business of wholesale selling of nitrous oxide he or she shall, in accordance with this section, apply to the Minister for a licence to permit such sale.
- (4) A person who immediately before the commencement of this section was carrying on, in whole or in part, the business of wholesale selling of nitrous oxide shall, if he or she wishes to continue carrying on that business, apply, not later than 3 months after such commencement, to the Minister for a licence. 30
- (5) The licence application shall be in writing or in such form as the Minister may prescribe and include— 35
- (a) the name and address of the applicant,
- (b) the address of the business premises from which wholesale selling will occur,
- (c) particulars of the premises referred to in *paragraph (b)*,
- (d) particulars of the protocols to be put in place for the verification of exempted

- purchasers,
- (e) such other information as the Minister may prescribe for the purpose of determining the application,
- and shall be accompanied by a fee of such amount as the Minister, with the consent of the Minister for Finance, may prescribe. 5
- (6) At any time after receiving an application and before determining it, the Minister may by notice in writing require the person who made the application to provide additional information to him or her.
- (7) On application made to the Minister in accordance with this section, the Minister may grant a licence to carry out the wholesale selling of nitrous oxide where the Minister is satisfied that— 10
- (a) the application complies with *subsection (5)*,
- (b) the business premises concerned are suitable for the carrying on of the wholesale selling of nitrous oxide,
- (c) the applicant is capable of complying with any conditions imposed by the Minister on the licence and any requirements imposed by or under any enactment, and 15
- (d) the applicant is a fit and proper person to hold a licence under this section.
- (8) The Minister may request the Commissioner of the Garda Síochána to provide any information that is required to assist the Minister in determining, for the purposes of *subsection (7)*, whether or not any of the following persons is a fit and proper person— 20
- (a) the holder or proposed holder of a licence,
- (b) in a case where the holder or proposed holder of a licence is a body corporate, a partnership or an individual carrying on, or proposing to carry on, business as a trust or company service provider as a partner in a partnership, any principal officer of the body corporate or partnership (as the case may be), 25
- (c) any person who is a beneficial owner of the business of the holder or proposed holder of the licence concerned,
- and, notwithstanding any other enactment or rule of law, the Commissioner of the Garda Síochána shall provide the Minister with information in accordance with a request of the Minister under this subsection. 30
- (9) A licence shall specify the business premises in respect of which it is granted and the name and address of the licence holder.
- (10) A licence shall remain in force until whichever of the following first occurs: 35
- (a) the expiry of the period specified in the licence;
- (b) the surrender of the licence by the licence holder;
- (c) the suspension or revocation of the licence by the Minister under *section 8*.
- (11) Notwithstanding *subsection (10)(a)*, where an application to renew a licence has been

made before the expiry of the period specified on the existing licence then that existing licence shall remain in force until the determination of the application for the renewal of the new licence period has been made by the Minister or the licensing and registration authority as the case may be.

- (12) A person who— 5
- (a) in purported compliance with *subsection (5)*, knowingly or recklessly provides information or a particular to the Minister that is false or misleading in a material respect, or
 - (b) who believes any such information or particular provided by him or her, in purported compliance with *subsection (5)* or *(6)*, not to be true, 10
- commits an offence.
- (13) The Minister shall cause to be published on the website of the Department of Justice details of—
- (a) all grants of licences under this Act made by the Minister, and
 - (b) all decisions made to revoke or suspend a licence under this Act. 15

Revocation or suspension of, or conditions imposed on licence

8. (1) Where the Minister is satisfied, having consulted with any body designated under *section 10*, the Garda Síochána, or such other persons as the Minister considers appropriate, that the licence holder has become ineligible to hold a licence, or is in breach of either regulations made under this Act or the conditions of the licence concerned, then the Minister may— 20
- (a) revoke the licence, or
 - (b) suspend the licence.
- (2) The Minister may, having consulted with any body designated under *section 10*, the Garda Síochána, or such other persons as the Minister considers appropriate— 25
- (a) attach conditions to the licence, or
 - (b) amend any conditions imposed on the licence under *section 7(7)(c)* or this section.
- (3) The Minister shall give the licence holder not less than 21 days notice in writing of his or her intention to take any of the measures referred to in either or both *subsections (1)* and *(2)*, as appropriate, and the reasons for so doing. 30
- (4) A licence holder notified of the Minister's intention under *subsection (3)* may make representations to the Minister in relation to the proposed decision within the period specified in that subsection.

Register of Retailers of Nitrous Oxide

9. (1) The Minister shall cause to be established and maintained under this Act a register, to be known as the Register of Retailers of Nitrous Oxide, of all persons who carry on, in whole or in part, the business of selling nitrous oxide by retail (in this section

referred to as the “register”).

- (2) Notwithstanding the Minister designating any public body under and for the purposes of *section 10*, the Minister shall continue to maintain the register.
- (3) The Minister may, for the purpose of defraying any expense incurred in establishing or maintaining the register, charge each person registered under this section a fee of such amount as may be determined by the Minister (in this section referred to as the “appropriate fee”). 5
- (4) Where a person proposes to carry on, in whole or in part, the business of selling nitrous oxide by retail he or she shall, in accordance with this section, apply to the Minister to be registered in the register. 10
- (5) A person who immediately before the commencement of this section was carrying on, in whole or in part, the business of selling nitrous oxide by retail shall, if he or she wishes to continue carrying on that business, apply, not later than 3 months after such commencement, to the Minister to be registered in the register.
- (6) An application under this section shall— 15
- (a) be in writing,
 - (b) specify the name of the applicant and the address at which he or she ordinarily resides,
 - (c) specify the address of each premises at which the applicant carries on, in whole or in part, the business of selling nitrous oxide by retail, 20
 - (d) contain such other information as may be prescribed by regulations made by the Minister,
- and shall be accompanied by the appropriate fee.
- (7) As soon as practicable after an application under this section, in respect of which there is compliance with *subsection (6)*, is received by the Minister, the Minister shall, subject to *subsection (10)*, enter in the register— 25
- (a) the applicant's name and the address at which he or she ordinarily resides,
 - (b) the address of each premises at which he or she carries on, in whole or in part, the business referred to in *subsection (1)*,
 - (c) a registration number from which it will be possible to identify the applicant, 30
 - (d) the names of the persons who supply the applicant with nitrous oxide in connection with his or her business, and
 - (e) such other particulars as the Minister considers appropriate,
- and a person shall, upon the Minister so entering the matters specified in this subsection in relation to him or her, be registered for the purposes of this section. 35
- (8) Except where *subsection (9)* applies, if a person, who is registered under this section, is convicted of an offence under this Act, and the offence relates to or was committed on premises in respect of which the person carries on, in whole or in part, the business of selling nitrous oxide by retail (being premises in respect of which the person is for the time being so registered) the Minister shall, in circumstances where the person is 40

- so registered in respect of premises other than the first-mentioned premises, remove the address of the first-mentioned premises from the register, and such person shall not, before the expiration of—
- (a) the period of 3 months (in the case of a person convicted summarily of an offence), or 5
 - (b) the period of one year (in the case of a person convicted of an offence on indictment),
- from the address being so removed, be eligible to be registered under this section in respect of the premises concerned, and the Minister shall not, until such expiration, perform, in relation to any application by the person under this section, any function 10 under *subsection (7)*.
- (9) If a person, who is registered under this section, is convicted of an offence under this Act, and the offence relates to or was committed on premises in which the person carries on, in whole or in part, the business of selling nitrous oxide by retail (being the only premises in respect of which the person is for the time being so registered) the 15 Minister shall remove from the register that person's name, the address of those premises, the registration number in respect of him or her and any other particulars entered in the register relating to him or her, and such person shall not, before the expiration of—
- (a) the period of 3 months (in the case of a person convicted summarily of an offence), or 20
 - (b) the period of one year (in the case of a person convicted of an offence on indictment),
- from his or her being so removed, be eligible to be registered under this section in respect of those premises, and the Minister shall not, until such expiration, perform, in 25 relation to any application by the person under this section, any function under *subsection (7)*.
- (10) Where a person, who has made an application under *subsection (4)* in respect of which the Minister has not yet performed a function under *subsection (7)*, is convicted of an offence under this Act, that person shall not be eligible to be registered under 30 this section before the expiration of—
- (a) the period of 3 months (in the case of a person convicted summarily of an offence), or
 - (b) the period of one year (in the case of a person convicted of an offence on indictment), 35
- from him or her being so convicted, and the Minister shall not during that period perform any function under *subsection (7)* in relation to his or her application.
- (11) Where a person to whom *subsection (5)* applies is convicted of an offence under this Act during the 3 month period referred to therein he or she shall not be eligible to be 40 registered under this section before the expiration of—
- (a) the period of 6 months (in the case of a person convicted summarily of an offence), or

(b) the period of 15 months (in the case of a person convicted of an offence on indictment),

from the commencement of this section and the Minister shall not during the said period of 6 months or the said period of 15 months, as the case may be, perform any function under *subsection (7)* in relation to an application under this section by him or her after his or her being so convicted. 5

(12) A person registered in the register shall, if a particular entered in the register in accordance with *subsection (7)* ceases to be correct, so inform the Minister as soon as may be.

(13) The Minister shall upon becoming aware that any particular entered in the register is incorrect or has ceased to be correct make such alterations to the register as he or she considers necessary. 10

(14) A person who—

(a) in purported compliance with *subsection (6)*, knowingly or recklessly provides information or a particular to the Minister that is false or misleading in a material respect, or 15

(b) who believes any such information or particular provided by him or her, in purported compliance with *subsection (6)*, not to be true,

commits an offence.

Designation of a public body as a licensing and registration authority 20

10. (1) The Minister may by order designate one or more than one public body to be a licensing and registration authority, either generally or in respect of any particular class or classes of wholesalers and retailers concerned, for the purposes of performing, subject to *subsection (2)*, the functions relating to the sale of nitrous oxide assigned to Minister under *sections 7 to 9*. 25

(2) A licensing and registration authority shall have all the functions necessary to perform functions for the purposes of the designation concerned other than—

(a) the functions of maintaining the Register of Licenced Wholesalers of Nitrous Oxide and the Register of Retailers of Nitrous Oxide, and

(b) the functions of the Minister under *section 13*. 30

(3) Where the Minister proposes to designate a public body as a licensing and registration authority and the body is—

(a) a Minister of the Government, or

(b) by any other public body that, in the opinion of the Minister, is a body directly or indirectly responsible to a Minister of the Government, 35

then the Minister shall not so designate the public body without the consent of the Minister of the Government concerned.

(4) Where the Minister proposes to designate a public body as a licensing and registration authority then, the Minister shall consult with that body before so designating it.

- (5) Where a designation order has been made under this section the licensing and registration authority shall—
- (a) provide such information as may be prescribed for the purpose of enabling the Minister to maintain the Register of Licenced Wholesalers of Nitrous Oxide and the Register of Retailers of Nitrous Oxide, and 5
 - (b) provide the Minister with such other information relating to the performance of the functions of the licensing and registration authority as the Minister may from time to time request.
- (6) A public body that is designated as a licensing and registration authority shall cause to be published on its website details of— 10
- (a) all grants of licences made from the date specified in the designation order concerned that has been made under this section, and
 - (b) all decisions made to amend or revoke a licence from a date specified in a designation order under this section.
- (7) Every wholesale licence granted by the Minister or registration of a retailer made by the Minister that is in force immediately before a designation is made shall, in so far as it relates to a public body to which the designation relates, be deemed to have been granted or registered by the licensing and registration authority for the remainder of the period, if any, for which the licence was granted or registration made by the Minister and references to the Minister in any such licence or registration shall after the making of a designation order be read as a reference to the licensing and registration authority. 15 20
- (8) The Minister may by order—
- (a) amend the terms of a designation made under this section or revoke a designation so made, and 25
 - (b) provide for any matters consequential to such amendment or revocation.
- (9) Where a designation under this section has been made in respect of a public body by the Minister, or such a designation is amended or revoked, the Minister shall cause to be published on the website of the Department of Justice a notice to that effect and the notice shall include information as to the public body concerned, and the licensing and registration activities and, where appropriate, the area or areas to which the notice relates. 30
- (10) In this section, “public body” means—
- (a) a Minister of the Government,
 - (b) a local authority for the purposes of the Local Government Act 2001 (as amended by the Local Government Reform Act 2014), 35
 - (c) a body (other than a company) established by or under an enactment,
 - (d) a company established pursuant to a power conferred by or under an enactment, and financed wholly or partly by—
 - (i) moneys provided, or loans made or guaranteed, by a Minister of the Government, or 40

- (ii) the issue of shares held by or on behalf of a Minister of the Government.

Powers of Garda Síochána to enter and search, etc.

11. (1) Where a member of the Garda Síochána has reasonable grounds for believing that a person is, at any place—

- (a) selling nitrous oxide without a licence, or 5
- (b) selling nitrous oxide to a person who is not an exempt purchaser for the purposes of this Act,

the member, subject to *subsection (3)*, may enter (if necessary by the use of reasonable force) or, where the place concerned is a vehicle, stop and enter (if necessary by the use of reasonable force) any such place, and, at such place— 10

- (i) carry out or have carried out such examinations, tests, inspections and checks of anything reasonably believed to be nitrous oxide or any machinery, instrument or other thing used in the preparation, handling, storage, transport or sale of nitrous oxide, as he or she reasonably considers to be necessary for the purposes of this Act, 15
- (ii) take such reasonable samples of, or from, any substances or of, or from, anything for the purposes of analysis and examination that he or she reasonably considers to be necessary for the purposes of this Act,
- (iii) seize and detain any machinery, instrument or other thing used in the preparation, handling, storage, transport or sale of nitrous oxide or anything that is reasonably believed to be or to contain nitrous oxide in relation to which a contravention of this Act is being or has been committed, 20
- (iv) inspect and take copies of any books, records, other documents (including documents stored in non-legible form) or extracts therefrom, which he or she finds in the course of his or her inspection, and remove any such books, records or documents from such place and detain them for such period as he or she reasonably considers to be necessary for the purposes of this Act, 25
- (v) require any person present in the place or, where the place is a vehicle, require the person who is for the time being in charge or control of the vehicle to give his or her name and address to the member, 30
- (vi) search or cause to be searched any person present in the place,
- (vii) require any person at the place or the owner or person in charge of the place and any person employed there to give to him or her such assistance and information and to produce to him or her such books, records or other documents (and in the case of records or documents stored in non-legible form, produce to him or her a legible reproduction thereof) that are in that person's power or procurement, as he or she may reasonably require for the purposes of his or her functions under this Act, 35
- (viii) direct that such products, substances or objects found at the place as he or she, upon reasonable grounds, believes contravene a provision of this Act not be sold or moved from the place, without his or her consent, and 40

- (ix) secure for later inspection any place or part of any place in which a product, substance or object is found or ordinarily kept, or books, records or documents are found or ordinarily kept, for such period as may reasonably be necessary for the purposes of his or her functions under this Act.
- (2) When performing a function under this Act, a member of the Garda Síochána may, 5
subject to *subsection (4)*, be accompanied by such other members of the Garda Síochána as he or she considers appropriate.
- (3) A member of the Garda Síochána shall not enter a dwelling, other than with the consent of the occupier or in accordance with a warrant issued under *subsection (4)*.
- (4) If a judge of the District Court is satisfied by information on oath of a member of the 10
Garda Síochána that there are reasonable grounds for believing that—
 - (a) any evidence of, or relating to, the commission of an offence under this Act is to be found in any dwelling,
 - (b) any books, records or other documents (including documents stored in non-legible form) relating to the commission of an offence under this Act are 15
being stored or kept in any dwelling, or
 - (c) a dwelling is occupied in whole or in part by a person engaged in any trade, business or activity referred to in *paragraph (a)* or *(b)* of *subsection (1)*,
 the judge may issue a warrant authorising a named member of the Garda Síochána accompanied by such other members of the Garda Síochána or such other named 20
persons as the member thinks necessary, at any time or times, within one month from the date of issue of the warrant, to enter (if necessary by the use of reasonable force) the dwelling and perform the functions under *subsection (1)*.
- (5) This section is without prejudice to any other power conferred by statute or otherwise exercisable by a member of the Garda Síochána to enter a place, to search a person or 25
to seize and retain evidence of, or relating to, the commission or attempted commission of an offence.
- (6) The power to issue a warrant under this section is without prejudice to any other power conferred by statute to issue a warrant for the search of any place or person.
- (7) In this section, “record” includes— 30
 - (a) a disc, tape, sound-track or other device in which information, sounds or signals are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in visual or audible form,
 - (b) a film, tape or other device in which visual images are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in 35
visual form, and
 - (c) a photograph,
 and any reference to a copy of a record includes—
 - (i) in the case of a record to which *paragraph (a)* applies, a transcript of the sounds or signals embodied therein, 40
 - (ii) in the case of a record to which *paragraph (b)* applies, a still reproduction of the

images embodied therein, and

- (iii) in the case of a record to which *paragraphs (a) and (b)* apply, such a transcript together with such a still reproduction.

Disposal of things seized

12. (1) Where in the course of exercising any powers under this Act a member of the Garda Síochána finds or comes into possession of any substance, product, object, machinery, instrument, book, record (within the meaning of *section 11*), or any other document or other thing and he or she has reasonable grounds for believing that it is evidence of any offence or suspected offence under this Act, then he or she may seize and retain it for use in evidence in any criminal or civil proceedings for such period from the date of seizure as is reasonable or, if proceedings are commenced in which the thing so seized is required for use in evidence, until the conclusion of the proceedings, and thereafter the Police (Property) Act 1897 and, where appropriate, section 25 of the Criminal Justice Act 1951 shall apply to the thing so seized in the same manner as that Act and the said section 25 apply to property which has come into the possession of the Garda Síochána in the circumstances mentioned in that Act. 5 10 15
- (2) If it is represented or appears to a member of the Garda Síochána proposing to seize or retain a document under this Act that the document was, or may have been, made for the purpose of obtaining, giving or communicating legal advice from or by a barrister or solicitor, the member shall not seize or retain the document unless he or she suspects with reasonable cause that the document was not made, or is not intended, solely for any of those purposes. 20
- (3) Where any substance, product, object, machinery, instrument, book, record (within the meaning of *section 11*), any document or other thing which is seized from or forfeited by a person under this Act, is duly disposed of by or on behalf of the State, the costs of such disposal, less any moneys arising from such disposal, shall (except where such costs have been waived in writing) be recoverable from such person as a simple contract debt in any court of competent jurisdiction. 25
- (4) The power under this section to seize and retain evidence is without prejudice to any other power conferred by statute or otherwise exercisable by a member of the Garda Síochána to seize and retain evidence of, or relating to, the commission or attempted commission of an offence. 30

Regulations

13. (1) The Minister may, after consultation with such Ministers of the Government as the Minister considers appropriate, make regulations prescribing any matter or thing which is referred to in this Act as prescribed or to be prescribed. 35
- (2) Regulations under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulation.
- (3) Every regulation under this Act shall be laid before the Houses of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the 40

regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

Penalties for offences

- 14.** (1) A person guilty of an offence under *section 2, 3(1), 5(1) or 5(2)* shall be liable—
- (a) in the case of a first offence on summary conviction, to a class E fine, 5
 - (b) in the case of a second offence on summary conviction, to a class D fine, or imprisonment for a term not exceeding 3 months or both,
 - (c) in the case of a third or subsequent offence, on summary conviction to a class C fine or imprisonment for a term not exceeding 6 months or both, or
 - (d) on conviction on indictment, to a fine of such amount as the court considers 10 appropriate or imprisonment for a term not exceeding 12 months or both.
- (2) A person guilty of an offence under *section 7(12) or 9(14)* shall be liable—
- (a) on summary conviction to a class C fine, or to imprisonment for a term not exceeding 3 months, or to both, or
 - (b) on conviction on indictment, to a fine of such amount as the court considers 15 appropriate or to imprisonment for a term not exceeding 12 months or both.
- (3) Where an offence under this Act is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to wilful neglect on the part of, any director, manager, secretary or other officer of such body corporate or a person who was purporting to act in any such capacity, that officer or 20 person shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

Short title and commencement

- 15.** (1) This Act may be cited as the Sale of Nitrous Oxide and Related Products Act 2025.
- (2) This Act comes into operation 6 months after the date of its passing or on such earlier 25 date than the said 6 months as the Minister for Justice may by order appoint.

An Bille um Dhíol Ocsaíde Nítriúla agus
Táirgí Gaolmhara, 2025

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do rialáil agus do cheadúnú díol ocsaíde nítriúla le ceannaitheoirí díolmhaithe; do thoirmeasc ocsaíd nítriúil agus táirgí ocsaíde nítriúla a dhíol le duine nach bhfuil 18 mbliana d'aois slánaithe aige nó aici; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Na Teachtaí Marc Mac an Bhaird agus Seán Mac
Conradha a thug isteach,

30 Aibreán, 2025

Sale of Nitrous Oxide and Related Products
Bill 2025

BILL

(as initiated)

entitled

An Act to regulate and licence the sale of nitrous oxide to exempted purchasers; to prohibit the sale of nitrous oxide and nitrous oxide products to a person who has not attained the age of 18 years; and to provide for related matters.

Introduced by Deputies Mark Ward and Seán Crowe,

30th April, 2025

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN, CILL MHAIGHNEANN,
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