



An Bille Sláinte Poiblí (Galtoitíní Aonúsáide), 2025
Public Health (Single-Use Vapes) Bill 2025

Mar a tionscnaíodh

As initiated



AN BILLE SLÁINTE POIBLÍ (GALTOITÍNÍ AONÚSÁIDE), 2025
PUBLIC HEALTH (SINGLE-USE VAPES) BILL 2025

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ACTS REFERRED TO

Companies Act 2014 (No. 38)

Petty Sessions (Ireland) Act 1851 (14 & 15 Vict., c.93)



AN BILLE SLÁINTE POIBLÍ (GALTOITÍNÍ AONÚSÁIDE), 2025
PUBLIC HEALTH (SINGLE-USE VAPES) BILL 2025

Bill

entitled

An Act to prohibit the sale of certain devices that vaporise substances, other than tobacco, for the purpose of inhalation through a mouthpiece and that are not designed or intended to be re-used; to provide for enforcement measures in relation to the prohibition on the sale of such devices; to provide for certain related offences; and to provide for related matters.

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Be it enacted by the Oireachtas as follows:

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PART 1

PRELIMINARY AND GENERAL

Short title and commencement

1. (1) This Act may be cited as the Public Health (Single-Use Vapes) Act 2025.

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

Interpretation

2. (1) In this Act—

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“authorised officer” means a person appointed under *section 10*;

“container” means a cartridge, pod, tank, capsule or any other receptacle designed to hold a vaping substance and to be used with a vape;

“Executive” means the Health Service Executive;

“Minister” means the Minister for Health;

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“prescribe” means prescribe by regulations made by the Minister;

“sell”, in relation to single-use vapes, means sell by retail, whether online or not, 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 these purposes (whether or not for profit);

“single-use vape” means a vape that is not designed or intended to be re-used and 5 includes any vape that is—

- (a) not refillable, or
- (b) not rechargeable;

“vape” means a device that vaporises substances, other than tobacco, for the purpose 10 of inhalation through a mouthpiece (whether or not it is capable of also vaporising tobacco);

“vaping substance” means a substance, other than tobacco, that is intended to be vaporised with a vape;

“vaporises” includes aerosolises.

(2) For the purposes of this Act— 15

- (a) a vape is not refillable unless it is designed to include—

(i) a container that is not designed or intended to be re-used that is separately available for purchase and can be replaced in the normal course of use, or

(ii) a container that can be refilled in the normal course of use,

and 20

- (b) a vape is not rechargeable if it is designed to contain—

(i) a battery that cannot be recharged, or

(ii) a coil that is not intended to be replaced in the normal course of use, including a coil which forms part of a container that is not designed or intended to be re-used, where that container is not separately available for purchase and cannot be replaced. 25

Application of Act

3. (1) This Act applies to the sale of single-use vapes in the State.

(2) This Act does not apply to—

- (a) medical devices,
- (b) an accessory for a medical device, or
- (c) medicinal products.

(3) In this section—

“accessory for a medical device” has the same meaning as it has in Regulation (EU) 2017/745; 35

“medical device” has the same meaning as it has in Regulation (EU) 2017/745;

“medicinal product” has the same meaning as it has in Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001¹ on the Community code relating to medicinal products for human use amended by Directive 2004/27/EC of the European Parliament and of the Council of 31 March 2004² amending Directive 2001/83/EC on the Community code relating to medicinal products for human use;

“Regulation (EU) 2017/745” means Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017³ on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC.

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Residence of body corporate or unincorporated body of persons

4. For the purposes of this Act, a company within the meaning of the Companies Act 2014 shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business.

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Regulations

5. (1) The Minister may make regulations for the purposes of this Act, including regulations prescribing any matter or thing which is referred to in this Act as prescribed or to be prescribed.

(2) Without prejudice to any provision of this Act, regulations under this Act may contain such incidental, supplementary and consequential provisions as appears to the Minister to be necessary or expedient for the purposes of the regulations.

(3) Every regulation made by the Minister under this Act shall be laid before each House 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 sits after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

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Service of documents

6. A notice or other document that is required to be served on or given to a person under this Act shall be addressed to the person concerned by name, and may be so served on or given to the person in one of the following ways:

(a) by delivering it to the person;

(b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address;

(c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address;

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1 OJ No. L 311, 28.11.2001, p. 67.

2 OJ No. L 136, 30.4.2004, p. 34.

3 OJ No. L 117, 5.5.2017, p. 1.

(d) by electronic means, in a case in which the person has given notice in writing to the person serving or giving the notice or document concerned of his or her consent to the notice or document (or notices or documents of a class to which the notice or document belongs) being served on, or given to, him or her in that manner.

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Transitional provision

7. This Act shall not apply to the sale of single-use vapes in the State for a period of 6 months following the date of the commencement of this section.

Expenses

8. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, be paid out of moneys provided by the Oireachtas.

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PART 2

PROHIBITION ON SALE OF SINGLE-USE VAPES AND ENFORCEMENT

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Prohibition on sale of single-use vapes

9. (1) A person shall not sell a single-use vape in the State.
(2) A person who contravenes *subsection (1)* commits an offence.

Authorised officers

10. (1) The Executive may appoint such and so many persons as it thinks fit to be authorised officers for the purposes of ensuring compliance with this Act and such appointment may be specified to be for a fixed period.

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(2) An authorised officer shall be furnished with a warrant of his or her appointment and when exercising any power conferred on him or her under this Act, an authorised officer shall, if requested by any person thereby affected, produce the warrant or a copy of it to that person for inspection.

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(3) An appointment under this section shall cease—
(a) if the Executive revokes the appointment,
(b) if the appointment is for a fixed period, on the expiry of that period, or
(c) in the case of a person who is a member of staff of the Executive, if he or she ceases to be a member of staff.

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Indemnification of authorised officers

11. Where the Executive is satisfied that an authorised officer has discharged his or her duties in relation to ensuring compliance with this Act in a *bona fide* manner, the

Executive shall indemnify the authorised officer against all actions or claims howsoever arising in respect of the discharge by him or her of his or her duties.

Powers of authorised officers

12. (1) Subject to *subsection (5)*, an authorised officer may, for the purpose of ensuring that this Act is being complied with—

(a) at all reasonable times enter any premises or a place, at which there are reasonable grounds to believe that vapes are or are likely to be found or sold or that books, documents or records relating to such vapes are kept, and search and inspect the premises or place and any vapes or books, documents or records found therein,

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(b) secure for later inspection any premises or place or part of it in which such vapes or books, documents or records are kept or there are reasonable grounds for believing that such vapes or books, documents or records are kept,

(c) require any person in charge of or employed in such premises or place to produce to the officer such books, documents or records (and in the case of such information in a non-legible form to reproduce it in a permanent legible form) that are in the person's power or control or to give to the officer such information as the officer may reasonably require in relation to any entries in such records,

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(d) inspect, and take copies of or extracts from any such books, documents or records (including in the case of information in non-legible form a copy of or extract from such information in a permanent legible form),

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(e) take any measurements or photographs or make any tape, electrical or other recordings that the officer considers necessary for the purposes of any inquiry, search, examination, investigation or inspection under this Act,

(f) remove and detain, where the officer has reasonable cause to suspect that there has been a contravention of this Act, any vape, article, device, part or component thereof or books, documents or records for such period as may be reasonable for further examination or until the conclusion of any legal proceedings,

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(g) as regards any vape, article, device, part or component thereof used in the manufacture of a vape that the officer finds at or in a premises, require any person in charge of the premises, or any person who appears to the officer to be in possession of the vape, article, device, part or component, to supply without payment, for test, examination or analysis, sufficient samples thereof,

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(h) require any person to give the officer such information as the officer may reasonably require for the purposes of any search, examination, investigation, inspection or inquiry under this Act, in relation to—

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(i) a vape or a part or component thereof or any article or substance or process used in the manufacture of a vape, or any other product models of vapes that have the same technical characteristics as the product model in question, or

(ii) ascertaining the ownership of websites, where the information in question is related to the subject matter of the search, examination, investigation, inspection or inquiry,

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(i) require by notice, at a time and place specified in the notice, any person (including the person in charge) to give the officer any information that the officer may reasonably require in relation to such place, or any part of the place, or any vape, activity, installation or procedure at that place, and to produce to the officer any records that are in that person's power, possession or control, 5

(j) require any person to afford the officer such facilities and assistance within the person's control or responsibilities as are reasonably necessary to enable the officer to exercise any of the powers conferred on an authorised officer under this Act, and

(k) examine any procedure connected with the manufacture, import or distribution of a vape. 10

(2) An authorised officer may, for the purposes of obtaining any information which may be required in relation to a matter under investigation under this Act, at all reasonable times—

(a) pay or make tender of payment for a vape, or 15

(b) confirm any other information in relation to a vape for the purposes of the investigation.

(3) When performing a function under this Act, an authorised officer may, subject to any warrant under subsection (5), be accompanied by such number of authorised officers, members of An Garda Síochána or officers of the Revenue Commissioners as he or she considers appropriate. 20

(4) An authorised officer shall not enter a dwelling, other than—

(a) with the consent of the occupier, or

(b) in accordance with a warrant issued under subsection (5). 25

(5) If a judge of the District Court is satisfied on the sworn information of an authorised officer that there are reasonable grounds for suspecting that there is information required by an authorised officer under this Act held on any premises or any part of any premises or that there is a vape or part thereof or any article, device, substance or process used in the manufacture of a vape which an authorised officer requires to inspect for the purposes of this Act or that such inspection is likely to disclose evidence of a contravention of this Act, the judge may issue a warrant authorising an authorised officer, accompanied by either or both authorised officers, officers of the Revenue Commissioners and members of An Garda Síochána, at any time or times within one month from the date of issue of the warrant, on production if so requested of the warrant, to enter, if need be by reasonable force, the premises and exercise all or any of the powers conferred on an authorised officer under this Act. 30 35

(6) An application under subsection (5) shall be made to the judge of the District Court in whose District Court district the premises is situated.

(7) Any person who obstructs or interferes with an authorised officer, a member of An Garda Síochána or officers of the Revenue Commissioners in the course of exercising a power conferred on him or her by this Act or a warrant under subsection (5) or impedes the exercise by the officer or member, as the case may be, of such power or fails or refuses to comply with a request or requirement of, or to answer a question 40

asked by, the officer or member pursuant to this section, or in purported compliance with such request or requirement or in answer to such question gives information to the officer or member that he or she knows to be false or misleading in any material respect, shall be guilty of an offence.

(8) Where an authorised officer, upon reasonable grounds, believes that a person has committed an offence under this Act, he or she may require that person to provide him or her with his or her name and the address at which he or she ordinarily resides and, if the authorised officer thinks it necessary, to produce corroborative evidence of his or her name and address. 5

(9) A person who falsely represents himself or herself to be an authorised officer shall be guilty of an offence. 10

(10) The costs (including ancillary costs) of any possession, detention or disposal carried out by the Executive 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 Act. 15

(11) In this section—

“premises” means any place, ship or other vessel, aircraft, railway wagon or other vehicle, and includes a transport container used to transport vapes or any article, device or substance used in the manufacture, processing or storage of vapes;

“record” includes, in addition to a record in writing— 20

- (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 legible 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 visual form, and 25
- (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, 30
- (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.

Prohibition notice

13. (1) Where an authorised officer is of the opinion that a person has contravened *section 9* the authorised officer may, with the approval of the chief executive officer of the Executive, or another officer of the Executive designated for that purpose, serve, or arrange to have served, on the person concerned, a notice (in this section referred to as a “prohibition notice”) in accordance with *subsection (2)*. 40

(2) A prohibition notice shall—

- (a) be signed by the authorised officer issuing it,
- (b) state that the authorised officer is of the opinion that there has been a contravention referred to in *subsection (1)*, and
- (c) direct the person on whom the prohibition notice is served to ensure that—

- (i) the contravention of the provision should cease immediately on the service of the prohibition notice,
- (ii) the single-use vape to which the contravention relates is withdrawn or recalled from the market within a specified period of time,
- (iii) the single-use vape is destroyed or otherwise disposed of within a specified period of time and in a manner specified in the notice by the authorised officer, or
- (iv) the single-use vape is detained and provided to the authorised officer for the purposes of disposal by the authorised officer.

(3) The approval referred to in *subsection (1)* or *(6)* may be given orally or in writing and if given orally, shall be recorded in writing as soon as practicable. 15

(4) A prohibition notice shall take effect—

- (a) where the prohibition notice so declares, immediately when the notice is received by the person on whom it is served, or
- (b) in any other case—

- (i) where no appeal is taken against the prohibition notice, on the expiration of the period during which such an appeal may be taken or the day specified in the prohibition notice as the day on which it is to come into effect, whichever is the later, or
- (ii) where an appeal is taken, on the day next following the day on which the prohibition notice is confirmed on appeal or the appeal is withdrawn or the day specified in the prohibition notice as the day on which it is to come into effect, whichever is the later.

(5) The bringing of an appeal against a prohibition notice which is to take effect in accordance with *subsection (4)(a)* shall not have the effect of suspending the operation of the prohibition notice, but the appellant may apply to the District Court to have the operation of the prohibition notice suspended until the appeal is disposed of and, on such application, the District Court may, if it thinks it proper to do so, direct that the operation of the prohibition notice be suspended until the appeal is disposed of. 30 35

(6) In the event of non-compliance or delay by the person on whom the prohibition notice has been served, an authorised officer shall, with the approval of the chief executive officer or other officer designated in that behalf by the Executive, take whatever steps are considered necessary to ensure compliance with the direction given under *subsection (2)(c)* and this may include the withdrawal, recall, seizure, or disposal of 40

the single-use vapes in question or the making of any arrangements for such withdrawal, recall, seizure or disposal, or both.

(7) A person who is aggrieved by a prohibition notice may, within the period of 7 days beginning on the day on which the prohibition notice is served on him or her, appeal in the prescribed manner against the notice to a judge of the District Court in the District Court district in which the prohibition notice was served and in determining the appeal the judge may—

(a) if he or she is satisfied that in the circumstances of the case it is reasonable to do so, confirm the prohibition notice, with or without modification, or

(b) cancel the prohibition notice.

(8) Where, on the hearing of an appeal under *subsection (7)*, a prohibition notice is confirmed, notwithstanding *subsection (5)*, the judge of the District Court by whom the appeal is heard may, on the application of the appellant, suspend the operation of the prohibition notice for such period as in the circumstances of the case the judge considers appropriate.

(9) A person who appeals against a prohibition notice or who applies for a direction suspending the application of the prohibition notice under *subsection (5)* shall at the same time notify the Executive of the appeal or the application and the grounds for the appeal or the application and the Executive shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal or the application.

(10) The chief executive officer of the Executive, or another officer of the Executive designated for that purpose may, for stated reasons, revoke or vary a prohibition notice made in accordance with this section and the Executive shall be notified at the next available meeting of the Executive of any such revocation or variation and the reasons therefore.

(11) Where a prohibition notice has been served and activities are carried on in contravention of the prohibition notice, the High Court may, on the application of the Executive, by order prohibit the continuance of the activities.

(12) An application to the High Court for an order under *subsection (11)* shall be by motion on notice to the person and the Court, when considering the matter, may make such interim or interlocutory order (if any) as it considers appropriate and the order by which an application under *subsection (11)* is determined may contain such terms and conditions (if any) as to the payment of costs as the Court considers appropriate.

(13) In the case of seizure or disposal under *subsection (2)(c)(iv)* or *subsection (6)*, the costs of storage, seizure and disposal may be charged to the person on whom the prohibition notice has been served, the manager of the premises or place where the product was found, or where known, the person having lawful possession of the product at the time of seizure.

(14) In this section, “disposal” includes any manner of disposal which in the opinion of the authorised officer will least endanger the public, and includes—

(a) the surrender of the single-use vape to any competent agency or organisation for its disposal, or

(b) the certified return of the single-use vape to the person who manufactured, imported, distributed or supplied the vape, in order to remove it from the market, at the expense of the manager or person having lawful possession of the vape at the time of seizure, where known.

PART 3

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PENALTIES AND MISCELLANEOUS PROVISIONS

Offences and penalties

14. A person guilty of an offence under *section 9, 12(7), 12(9) or 19* shall be liable on summary conviction—

(a) in the case of a first offence, to a class B fine or to imprisonment for a term not exceeding 6 months or to both, or 10

(b) in the case of any subsequent offence, to a class A fine or to imprisonment for a term not exceeding 12 months or to both.

Defences generally

15. In proceedings for an offence referred to in *section 14*, it shall be a defence for a person against whom such proceedings are brought to show that he or she made all reasonable efforts to ensure compliance with such provisions of this Act as are alleged to have been contravened. 15

Liability for offences by body corporate

16. (1) Where an offence under this Act is committed by a body corporate and is proved to have been so committed with the consent, connivance or approval of, or to be attributable to any wilful neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person, as well as the body corporate, commits an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence. 20

(2) Where the affairs of a body corporate are managed by its members, *subsection (1)* applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate. 25

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Summary proceedings and costs of prosecution

17. (1) Summary proceedings for an offence under this Act may be brought and prosecuted by the Executive.

(2) Where a person is convicted of an offence under this Act, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the Executive, where appropriate, the costs and expenses, measured by the court, reasonably incurred by the Executive in relation to the investigation, 35

detection and prosecution of the offence including costs incurred in the taking of samples, the carrying out of tests, examinations and analyses and in respect of the remuneration and other expenses of employees, consultants and advisers.

Time limit where offence may be prosecuted in summary proceedings only

18. Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence under this Act may be instituted within 12 months after the date on which the offence was alleged to have been committed. 5

Offence of providing false or misleading information

19. A person who provides to the Executive information which the person knows or ought reasonably to know to be false or misleading (whether on the person's own behalf or on behalf of another person) in purported compliance with a requirement imposed by this Act, commits an offence. 10

Legal privilege

20. (1) Subject to *subsection (2)*, nothing in this Act shall compel the disclosure by any person of privileged legal material or authorise the taking of privileged legal material. 15

(2) The disclosure of information may be compelled, or possession of it taken, pursuant to this Act notwithstanding that it is apprehended that the information is privileged legal material provided that the compelling of its disclosure or the taking of its possession is done by means whereby the confidentiality of the information can be maintained (as against the person compelling such disclosure or taking such possession) pending the determination by the High Court of the issue as to whether the information is privileged legal material. 20

(3) Without prejudice to *subsection (4)*, where, in the circumstances referred to in *subsection (2)*, information has been disclosed or taken possession of pursuant to this Act the person— 25

(a) to whom such information has been so disclosed, or
(b) who has taken possession of it,

shall (unless the person has, within the period subsequently mentioned in this subsection, been served with notice of an application under *subsection (4)* in relation to the matter concerned) apply to the High Court for a determination as to whether the information is privileged legal material and an application under this section shall be made within 30 days after the disclosure or the taking of possession. 30

(4) A person who, in the circumstances referred to in *subsection (2)*, is compelled to disclose information, or from whose possession information is taken, may apply to the High Court for a determination as to whether the information is privileged legal material. 35

(5) Pending the making of a final determination of an application under *subsection (3)* or (4), the High Court may give such interim or interlocutory directions as the court considers appropriate including, without prejudice to the generality of the foregoing, directions as to— 40

(a) the preservation of the information, in whole or in part, in a safe and secure place in any manner specified by the court, or

(b) the appointment of a person with suitable legal qualifications possessing the level of experience, and the independence from any interest falling to be determined between the parties concerned, that the court considers to be appropriate for the purpose of—

(i) examining the information, and

(ii) preparing a report for the court with a view to assisting or facilitating the court in the making by the court of its determination as to whether the information is privileged legal material. 10

(6) An application under *subsection (3) or (4)* shall be by motion and may, if the High Court directs, be heard otherwise than in public.

(7) In this section—

“computer” includes a personal organiser or any other electronic means of information storage or retrieval; 15

“information” means information contained in a book, document or record, a computer or otherwise;

“privileged legal material” means information which, in the opinion of the High Court, a person is entitled to refuse to produce on the grounds of legal professional privilege. 20

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do thoirmeasc feistí áirithe a dhíol, is feistí lena ndéantar substaintí, seachas tobac, a ghalú chun iad a ionanálú trí bhéalóg agus nach bhfuil deartha lena n-athúsáid ná nach bhfuil beartaithe iad a athúsáid; do dhéanamh socrú maidir le bearta forfheidhmiúcháin i ndáil leis an toirmeasc ar dhíol feistí den sórt sin; do dhéanamh socrú maidir le cionta gaolmhara áirithe; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An tAire Sláinte a thíolaic,
27 Samhain, 2025

BILL

(as initiated)

entitled

An Act to prohibit the sale of certain devices that vaporise substances, other than tobacco, for the purpose of inhalation through a mouthpiece and that are not designed or intended to be re-used; to provide for enforcement measures in relation to the prohibition on the sale of such devices; to provide for certain related offences; and to provide for related matters.

Presented by the Minister for Health,
27th November, 2025

BAILE ÁTHA CLIATH
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