



Number 15 of 1952

TOURIST TRAFFIC ACT 1952

REVISED

Updated to 31 August 2016

This Revised Act is an administrative consolidation of the *Tourist Traffic Act 1952*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Energy Act 2016* (4/2016), enacted 30 July 2016, and all statutory instruments up to and including *European Union (Identification of Equidae) (Amendment) (No. 2) Regulations 2016* (S.I. No. 470 of 2016), made 31 August 2016, were considered in the preparation of this Revised Act.

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Introduction

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Tourist Traffic Acts 1939 to 2011: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*National Tourism Development Authority (Amendment) Act 2011* (33/2011), s. 2(2)). The Acts in the group are:

- *Tourist Traffic Act 1939* (24/1939)
- *Tourist Traffic Act 1952* (15/1952)
- *Tourist Traffic Act 1955* (5/1955)
- *Tourist Traffic Act 1957* (27/1957)
- *Tourist Traffic Act 1966* (3/1966)
- *Tourist Traffic Act 1970* (16/1970)
- *Tourist Traffic Act 1983* (31/1983)
- *Tourist Traffic Act 1995* (13/1995)
- *National Tourism Development Authority Act 2003* (10/2003)
- *National Tourism Development Authority (Amendment) Act 2011* (33/2011)

Acts previously included in the group but now repealed are:

- *Tourist Traffic Act 1946* (14/1946)
- *Tourist Traffic Act 1959* (27/1959)
- *Tourist Traffic Act 1961* (37/1961)
- *Tourist Traffic Act 1963* (22/1963)
- *Tourist Traffic Act 1968* (29/1968)
- *Tourist Traffic Act 1972* (28/1972)
- *Tourist Traffic Act 1975* (26/1975)
- *Tourist Traffic Act 1979* (22/1979)
- *Tourist Traffic Act 1987* (11/1987)
- *Tourist Traffic Act 1998* (45/1998)

Licensing Acts 1833 to 2011: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Civil Law (Miscellaneous Provisions) Act 2011* (23/2011), s. 1(3)). The Acts in this group are:

- *Licensing (Ireland) Act 1833* (3 & 4 Will. 4. c. 68)
- *Licensing (Ireland) Act 1836* (6 & 7 Will. 4. c. 38)
- *Licensing (Ireland) Act 1855* (18 & 19 Vict. c. 62)

- *Public House (Ireland) Act 1855* (18 & 19 Vict. c. 114)
- *Licensing (Ireland) Act 1860* (23 & 24 Vict. c. 35)
- *Beerhouse (Ireland) Act 1864* (27 & 28 Vict. c. 35)
- *Beerhouse (Ireland) Act (1864) Amendment Act 1871* (34 & 35 Vict. c. 111)
- *Licensing Act 1872* (35 & 36 Vict. c. 94)
- *Licensing Act (Ireland) 1874* (37 & 38 Vict. c. 69)
- *Beer Licences Regulation (Ireland) Act 1877* (40 & 41 Vict. c. 4)
- *Beer Dealers' Retail Licences (Amendment) Act 1882* (45 & 46 Vict. c. 34)
- *Beer Retailers' & Spirit Grocers' Retail Licences (Ireland) Act 1900* (63 & 64 Vict. c. 30)
- *Licensing (Ireland) Act 1902* (2 Edw. 7 c. 18)
- *Intoxicating Liquor (General) Act 1924* (62/1924), parts I, II and V
- *Intoxicating Liquor Act 1927* (15/1927), parts I, II, III, IV, and VI
- *Intoxicating Liquor Act 1943* (7/1943)
- *Intoxicating Liquor Act 1946* (33/1946)
- *Tourist Traffic Act 1952* (15/1952), part VI
- *Intoxicating Liquor Act 1953* (30/1953)
- *Intoxicating Liquor Act 1960* (18/1960), in so far as it amends and extends the *Licensing Acts 1833 to 1953*
- *Intoxicating Liquor Act 1962* (21/1962), in so far as it amends and extends the *Licensing Acts 1833 TO 1960*
- *Intoxicating Liquor Act 1977* (8/1977)
- *Intoxicating Liquor Act 1981* (5/1981), in so far as it amends the *Licensing Acts 1833 to 1977*
- *Intoxicating Liquor (National Concert Hall) Act 1983* (34/1983)
- *Courts (No. 2) Act 1986* (26/1986), ss. 4, 6 and 7 and, in so far as they relate to the law on intoxicating liquor, s. 9 and sch. 1
- *Intoxicating Liquor Act 1988* (16/1988), in so far as it amends and extends the *Licensing Acts 1833 to 1986*
- *Irish Horseracing Industry Act 1994* (18/1994), part IX
- *Intoxicating Liquor Act 1995* (33/1995), other than s. 5(2)
- *National Cultural Institutions Act 1997* (11/1997), in so far as it amends or extends the *Licensing Acts 1833 to 1995*
- *Licensing (Combating Drug Abuse) Act 1997* (33/1997), ss. 2 and 21, in so far as they relate to intoxicating liquor licences and ss. 17 and 20
- *Intoxicating Liquor Act 1999* (32/1999), in so far as it amends and extends the *Licensing Acts 1833 to 1997*
- *Intoxicating Liquor Act 2000* (17/2000), in so far as it amends and extends the *Licensing Acts 1833 to 1999*
- *Criminal Justice (Public Order) Act 2003* (16/2003)
- *Intoxicating Liquor Act 2003* (31/2003), in so far as it amends and extends the *Licensing Acts 1833 to 2003*
- *Intoxicating Liquor Act 2004* (34/2004)
- *Intoxicating Liquor Act 2008* (17/2008), s. 3, part 2 and sch. 1, in so far as they amend and extend the *Licensing Acts 1833 to 2004*
- *Intoxicating Liquor (National Conference Centre) Act 2010* (9/2010), s. 1
- *Civil Law (Miscellaneous Provisions) Act 2011* (23/2011), s. 17

Acts previously included in the group but now repealed or spent are:

- *Intoxicating Liquors (Sale to Children) Act 1886* (49 & 50 Vict. c. 56)
- *Licensing (Ireland) Act 1905* (5 Edw. 7. c. 3), parts I, II and V
- *Intoxicating Liquor (Amendment) Act 1929* (14/1929)
- *Intoxicating Liquor (Amendment) (No. 2) Act 1929* (20/1929)

Acts previously to be construed with the group but no longer in force are:

- *Intoxicating Liquors (Sale to Children) Act 1901* (1 Edw. 7 c. 27)
- *Intoxicating Liquor (Occasional Licences) Act 1932* (6/1932)

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at

www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1999, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *National Tourism Development Authority (Amendment) Act 2011* (33/2011)
- *National Tourism Development Authority Act 2003* (10/2003)
- *Tourist Traffic Act 1998* (45/1998)
- *Tourist Traffic Act 1995* (13/1995)
- *Finance Act 1993* (13/1993)
- *Tourist Traffic Act 1987* (11/1987)
- *Courts (No. 2) Act 1986* (26/1986)
- *Tourist Traffic Act 1983* (31/1983)
- *Tourist Traffic Act 1979* (22/1979)
- *Tourist Traffic Act 1975* (26/1975)
- *Tourist Traffic Act 1972* (28/1972)
- *Tourist Traffic Act 1970* (16/1970)
- *Tourist Traffic Act 1968* (29/1968)
- *Tourist Traffic Act 1966* (3/1966)
- *Superannuation and Pensions Act 1963* (24/1963)
- *Tourist Traffic Act 1963* (22/1963)
- *Tourist Traffic Act 1961* (37/1961)
- *Intoxicating Liquor Act 1960* (18/1960)
- *Tourist Traffic Act 1959* (27/1959)
- *Tourist Traffic Act 1957* (27/1957)
- *Tourist Traffic Act 1955* (5/1955)

All Acts up to and including *Energy 2016* (12/2016), enacted 30 July 2016, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011)
- *Tourism and Sport (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 140 of 2011)
- *Labour (Transfer of Departmental Administration and Ministerial Functions) Order 1993* (S.I. No. 18 of 1993)
- *Tourism (Transfer of Departmental Administration and Ministerial Functions) Order 1993* (S.I. No. 15 of 1993)
- *Tourism (Transfer of Departmental Administration and Ministerial Functions) Order 1987* (S.I. No. 95 of 1987)
- *Tourism (Transfer of Departmental Administration and Ministerial Functions) Order 1986* (S.I. No. 42 of 1986)
- *Tourism (Transfer of Departmental Administration and Ministerial Functions) Order 1980* (S.I. No. 8 of 1980)
- *Transport, Fuel and Power (Transfer of Departmental Administration and Ministerial Functions) (No. 2) Order 1961* (S.I. No. 246 of 1961)

All statutory instruments up to and including *European Union (Identification of Equidae) (Amendment) (No. 2) Regulations 2016* (S.I. No. 470 of 2016), made 31 August 2016, were considered in the preparation of this revision.



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ARRANGEMENT OF SECTIONS

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5. Functions.
6. Formation of local development companies.
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8. Power to enter on land.
9. Restrictions of sections 7 and 8.
10. Non-repayable grant.
11. Cessation of repayable advances.
12. Accounts and audit.
13. Disqualification of member of Oireachtas for membership of Board.
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19. Applications.
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22. Advance from the Central Fund of moneys required for guarantee of loans.
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26. Payment of registration fee.
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28. Amendment of section 30 of Act of 1939.
29. Amendment of section 30 of Act of 1939.
30. Amendment of section 31 of Act of 1939.
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- 49. Powers of licensee to impose further restrictions.
- 50. Certificate for renewal of licence.
- 51. Occasional licences.
- 52. Special exemption orders.
- 53. Provisions of Act of 1927 not applicable to holiday camps.
- 54. Apportionment of rateable valuation.

SCHEDULE.

FÓGRA FÁLITE.

 ACTS REFERRED TO

Tourist Traffic Act, 1939	No. 24 of 1939
Tourist Traffic (Amendment) Act, 1946	No. 14 of 1946
National Monuments Act, 1930	No. 2 of 1930
Tourist Traffic (Development) Act, 1931	No. 15 of 1931
Intoxicating Liquor Act, 1927	No. 15 of 1927
Summer Time Act, 1925	No. 8 of 1925
Intoxicating Liquor Act, 1943	No. 7 of 1943
Local Authorities (Officers and Employees) Act, 1926	No. 39 of 1926



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AN ACT TO MAKE FURTHER AND BETTER PROVISION FOR THE ENCOURAGEMENT AND DEVELOPMENT OF THE TOURIST TRAFFIC AND, IN PARTICULAR, TO ESTABLISH A BODY TO ENGAGE IN PUBLICITY IN CONNECTION WITH SUCH TRAFFIC, TO AMEND AND EXTEND THE TOURIST TRAFFIC ACTS, 1939 AND 1946, TO AMEND THE LAW RELATING TO THE LICENSING OF HOTELS AND HOLIDAY CAMPS FOR THE SALE OF INTOXICATING LIQUOR, AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. [3rd July, 1952.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Annotations

Modifications (not altering text):

- C1** Functions transferred and references to “Department of Tourism, Culture and Sport” and “Minister for Tourism, Culture and Sport” construed (1.04.2011) by *Tourism and Sport (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 140 of 2011), arts. 2 and 3, in effect as per art. 1(2).

2. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 3 are transferred to the Department of Transport.

(2) References to the Department of Tourism, Culture and Sport contained in any Act or any instrument made under such Act and relating to any administration and business transferred by paragraph (1) shall, from the commencement of this Order, be read as references to the Department of Transport.

3. (1) The functions vested in the Minister for Tourism, Culture and Sport by or under—

(a) the Tourist Traffic Acts 1939 to 2003,

...

are transferred to the Minister for Transport.

(2) References to the Minister for Tourism, Culture and Sport contained in any Act or instrument made under such Act and relating to any functions transferred by this Article shall, from the commencement of this Order, be read as references to the Minister for Transport.

- C2** Application of collectively cited *Licensing Acts 1833 to 2008* restricted (21.05.2010) by *Intoxicating Liquor (National Conference Centre) Act 2010* (9/2010), s. 1(2) and (5), commenced on enactment.

Sale of intoxicating liquor at National Conference Centre.

1.— (1) In this section—

...

“Licensing Acts” means the Licensing Acts 1833 to 2008;

...

(2) Notwithstanding anything contained in the Licensing Acts, the Revenue Commissioners shall, subject to subsections (8) and (9), on application to them being made in that behalf by the operator of the Convention Centre or a person nominated by such operator, issue a licence for the sale of intoxicating liquor at the Convention Centre.

(5) Notwithstanding anything contained in the *Licensing Acts 1833 to 2008*, a licence issued or renewed under this section shall operate to authorise—

(a) the sale of intoxicating liquor to persons attending or taking part in a convention event in an area of the Convention Centre for consumption in such area during the period beginning one hour before the commencement of the event, but not earlier than 10.30 a.m., and ending—

(i) one hour after the conclusion of the event or midnight, whichever is the earlier, or

(ii) where the convention event is a reception, dinner, banquet or stage show which is held as part of a conference, congress, convention, seminar or symposium, one hour after the conclusion of the event or 2.00 a.m., whichever is the earlier,

and

(b) subject to section 2 (prohibited hours) and section 5 (special exemption orders) of the Act of 1927, the sale of intoxicating liquor to persons attending or taking part in a non-convention event in an area of the Convention Centre for consumption in such area.

C3 Application of collectively cited *Licensing Acts 1833 to 2004* restricted (30.07.2008) by *Intoxicating Liquor Act 2008* (17/2008), s. 7(4), S.I. No. 286 of 2008.

Grounds on which District Court may refuse to give certificate in respect of new relevant off-licences.

7.— ...

(5) Notwithstanding the Licensing Acts 1833 to 2004—

(a) the District Court may not refuse to give a certificate referred to in subsection (1) on grounds where it has a discretion to so refuse except on the grounds specified in that subsection, and

(b) only a person who falls within paragraph (a) or (b) of subsection (3) in respect of the application concerned may object to the application.

C4 Application of collectively cited *Licensing Acts 1833 to 2003* restricted (18.08.2003) by *Intoxicating Liquor Act 2003* (31/2003), s. 9(12), S.I. No. 362 of 2003.

Temporary closure of premises.

9.— ...

(12) Nothing in the Acts shall prohibit the Court from ordering that a conviction for an offence to which this section applies be recorded on the licence held by the person so convicted, and accordingly, where the Court so orders, the offence concerned shall be deemed for the purposes of Part III (endorsement of licences) of the Act of 1927 to be an offence to which that Part of that Act applies.

C5 Application of collectively cited *Licensing Acts 1833 to 2003* restricted (18.08.2003) by *Intoxicating Liquor Act 2003* (31/2003), s. 21(4), S.I. No. 362 of 2003.

Licences to national sporting arenas.

21.— ...

(4) Notwithstanding anything contained in the Acts, a licence issued or renewed under this section shall operate to authorise the sale of intoxicating liquor—

- (a) to persons attending an event in the designated national sporting arena concerned for consumption in prescribed areas of the arena during the period beginning at the time members of the public are permitted to attend the event and ending one hour after its conclusion, and
- (b) subject to section 2 of the Act of 1927, to persons attending a function in such an arena for consumption in prescribed areas thereof.

- C6** Application of collectively cited *Licensing Acts 1833 to 1986* restricted by *Intoxicating Liquor Act 1988* (16/1988), s. 36A(11), as inserted (6.07.2000) by *Intoxicating Liquor Act 2000* (17/2000), s. 13, S.I. No. 207 of 2000.

[Temporary closure of premises.

36A.— ...

(11) Nothing in the Acts shall prohibit the Court from ordering that a conviction for an offence to which this section applies shall be recorded on the licence held by the person so convicted, and accordingly, where the Court so orders, the offence concerned shall be deemed for the purposes of Part III (endorsement of licences) of the Act of 1927 to be an offence to which that Part of that Act applies.]

- C7** Application of collectively cited *Licensing Acts 1833 to 1999* restricted (6.07.2000) by *Intoxicating Liquor Act 2000* (17/2000), s. 19(2), S.I. No. 207 of 2000.

Upgrading of restricted licences.

19.— ...

(2) Notwithstanding anything contained in the Acts or this Act, the Revenue Commissioners shall, on application within one year after the commencement of this section by a person who holds a restricted licence in respect of any premises and subject to the conditions set out in subsection (4), issue to that person a full licence in respect of the premises.

- C8** Application of collectively cited *Licensing Acts 1833 to 1999* restricted (6.07.2000) by *Intoxicating Liquor Act 2000* (17/2000), s. 23(2), S.I. No. 207 of 2000.

Licensing of authorised events at racecourses and greyhound race tracks.

23.— ...

(2) Notwithstanding anything contained in the Acts or this Act, a licence under the Acts for the sale of intoxicating liquor at an authorised racecourse or a greyhound race track for consumption at the racecourse or race track shall operate, while the licence is in force, to authorise—

- (a) the sale and consumption of intoxicating liquor,
- (b) the keeping open of premises for such sale, and
- (c) the permitting of such consumption,

on the occasion of an authorised event at the racecourse or race track during the period—

- (i) beginning at the time at which the public are permitted admission to the authorised event (but not before 10.30 a.m.), and
- (ii) ending thirty minutes after the conclusion of the authorised event or, as the case may be, 30 minutes after the conclusion of the proceedings on each day on which it takes place, but during no other period.

- C9** Application of collectively cited *Licensing Acts 1833 to 1999* restricted (6.07.2000) by *Intoxicating Liquor Act 2000* (17/2000), s. 38, S.I. No. 207 of 2000.

Documents to accompany certain applications.

38.— Notwithstanding anything contained in the Acts or this Act, the Revenue Commissioners shall refuse to grant an application for a licence, renewal of a licence or transfer of a licence—

(a) by or on behalf of a limited liability company, unless the application is accompanied by a certificate of the incorporation of the company, certified by the registrar of companies under section 370 (1)(b) of the *Companies Act, 1963*, and dated not earlier than four weeks before the date of the application, or

(b) by or on behalf of a person carrying on business under a name that is not that of the beneficial owner of the business, unless the application is accompanied by a copy of a certificate of registration under the *Registration of Business Names Act, 1963*, certified in accordance with section 16(1)(b) of that Act.

C10 Application of collectively cited *Licensing Acts 1833 to 1988* restricted (1.12.1994) by *Irish Horseracing Industry Act 1994* (18/1994), ss. 65 and 66, S.I. No. 392 of 1994.

Licensing of sale of intoxicating liquor at race-fixtures.

65.— (1) It shall be lawful for the Revenue Commissioners, notwithstanding anything contained in the *Licensing Acts, 1833 to 1988*, on the application to them of the executive of an authorised racecourse, to grant to the executive, or a person nominated by the executive—

(a) a licence for the sale of intoxicating liquor at the authorised racecourse for consumption at the racecourse, and

(b) a renewal of a licence granted under this section.

...

Restrictions of certain provisions of Licensing Acts, 1833 to 1988.

66.— Sections 4 and 5 and Part III of the *Intoxicating Liquor Act, 1927*, and the provisions, in relation to prohibited hours, of the *Licensing Acts, 1833 to 1988*, shall not apply to an authorised racecourse in respect of which a licence has been granted under section 65.

C11 Application of collectively cited *Licensing Acts 1833 to 1986* restricted (1.07.1988) by *Intoxicating Liquor Act 1988* (16/1988), s. 9(1), S.I. No. 146 of 1988.

Grant of special restaurant licence.

9.— (1) Notwithstanding anything contained in the Acts, where a person (in this section referred to as the applicant) who is the owner and occupier of a restaurant applies to the Revenue Commissioners in that behalf, the Revenue Commissioners shall, provided that the applicant—

(a) produces to them a certificate of the Circuit Court given to that applicant under section 8 of this Act in respect of the restaurant, and

(b) pays to them a fee of £3,000, or such other amount as may stand specified for the time being in regulations made by the Minister after consultation with the Minister for Tourism and Transport,

grant to the applicant a special restaurant licence in respect of the restaurant.

...

C12 Application of collectively cited *Licensing Acts 1833 to 1981* restricted (13.12.1983) by *Intoxicating Liquor (National Concert Hall) Act 1983* (34/1983), ss. 2 and 3, commenced on enactment.

Grant of special restaurant licence.

2.— (1) Notwithstanding anything contained in the Acts, the Revenue Commissioners shall, on application to them by the Company, grant to the Company, or a person nominated by it, a licence for the sale of intoxicating liquor at the Concert Hall.

...

Restriction of certain provisions of Licensing Acts, 1833 to 1981.

3.— Sections 4 and 5 and Part III of the *Intoxicating Liquor Act, 1927*, section 11 of the *Intoxicating Liquor Act, 1962*, and the provisions, in relation to prohibited hours, of the Acts shall not apply in relation to the Concert Hall.

- C13** Term “holiday apartment” defined (15.11.1983) by *Tourist Traffic Act 1983* (31/1983), s. 1(2), commenced on enactment.

Interpretation.

1. — ...

(2) For the purposes of the *Tourist Traffic Acts, 1939 to 1983*, “holiday apartment” shall include a tourist apartment, an apartotel and a holiday flat.

- C14** References in the collectively cited *Licensing Acts 1833 to 1977* construed (15.04.1981) by *Intoxicating Liquor Act 1981* (5/1981), s.1, commenced on enactment.

Dublin Metropolitan District.

1.—Any references in the *Licensing Acts, 1833 to 1977*, or the *Registration of Clubs Acts, 1904 to 1962*, to the Dublin Metropolitan District shall be deemed to be references to the district court district that, upon the commencement of the *Intoxicating Liquor Act, 1962*, stood styled and known, by virtue of the *District Court Districts (Dublin) Order, 1945* (S.R. & O., No. 279 of 1945), as the Dublin Metropolitan District.

- C15** Term “holiday cottage” defined (5.08.1970) by *Tourist Traffic Act 1970* (16/1970), s. 1(2), commenced on enactment.

Interpretation.

1.— ...

(2) For the purposes of the *Tourist Traffic Acts, 1939 to 1970*, “holiday cottage” shall include a holiday house, a holiday home and a holiday villa.

- C16** Application of collectively cited *Licensing Acts 1833 to 1960* restricted (4.08.1962) by *Intoxicating Liquor Act 1962* (21/1962), s. 7(1)(a), commenced as per s. 36(3), as amended (22.06.1988) by *Intoxicating Liquor Act 1988* (16/1988), s. 27, commenced on enactment.

Time for consumption of intoxicating liquor supplied during permitted hours.

7.— (1)(a) Nothing in the *Licensing Acts* shall operate to prohibit a person from being on, or consuming, or permitting the consumption of, intoxicating liquor on, premises in respect of which an on-licence within the meaning of the Act of 1927 is in force during the period of [thirty minutes] commencing at the beginning of a period during which the sale of intoxicating liquor on licensed premises is prohibited.

...

- C17** Application of collectively cited *Licensing Acts 1833 to 1960* modified (4.08.1962) by *Intoxicating Liquor Act 1962* (21/1962), s. 11(8) and (9), commenced as per s. 36(3).

Occasional licences.

11.— ...

(8) An occasional licence shall operate to exempt the person to whom it is granted (if and so long as he complies with the conditions subject to which it is granted and the special event for which the licence is granted is held in compliance with the relevant provisions of subsections (2) and (10) of this section) from the provisions of the *Licensing Acts* relating to the sale and supply of intoxicating liquor at the place and during the time for which the licence is granted.

(9) The provisions of the *Licensing Acts* requiring an offence to be endorsed on a licence shall not apply to an offence committed in respect of an occasional licence.

...

- C18** Application of collectively cited *Licensing Acts 1833 to 1960* restricted (4.08.1962) by *Intoxicating Liquor Act 1962* (21/1962), s. 17(6), commenced as per s. 36(3).

Exemptions for unlicensed business on Sunday mornings.

17.—...

(6) Notwithstanding anything contained in the Licensing Acts, the opening or keeping open of premises pursuant to an order under this section shall not be deemed to be an opening or keeping open of the premises for the sale of intoxicating liquor.

...

- C19** Application of collectively cited *Licensing Acts 1833 to 1960* restricted (4.08.1962) by *Intoxicating Liquor Act 1962* (21/1962), s. 18(1), commenced as per s. 36(3).

Licences for greyhound race tracks.

18.—(1) It shall be lawful for the Revenue Commissioners, notwithstanding anything contained in the Licensing Acts, to grant, on the application of the holder of a greyhound race track licence, to such holder, or a person nominated by him—

- (a) a licence for the sale of intoxicating liquor at the race track to which the greyhound race track licence relates for consumption at the race track, and
- (b) a renewal of a licence granted to such holder or person pursuant to this section in respect of such race track.

...

- C20** Application of collectively cited *Licensing Acts 1833 to 1960* restricted (4.08.1962) by *Intoxicating Liquor Act 1962* (21/1962), s. 27(1), commenced as per s. 36(3).

Liqueur chocolates.

27.—(1) Nothing in the Licensing Acts (other than this section) or in any enactment requiring the authority of an excise licence for the sale or supply of intoxicating liquor shall have effect in relation to intoxicating liquor that is in confectionery if the confectionery—

- (a) does not contain intoxicating liquor in a proportion greater than one-fiftieth of a gallon of liquor (computed as proof spirit) per pound of the confectionery, and
- (b) either consists of separate pieces each of which weighs not more than one and one-half ounces or is designed to be broken into such pieces for the purposes of consumption.

...

- C21** References in the collectively cited *Licensing Acts 1833 to 1960* construed (4.08.1962) by *Intoxicating Liquor Act 1962* (21/1962), s. 35(1) and (2), commenced as per s. 36(3).

Dublin Metropolitan District.

35.—(1) References in the Licensing Acts to the Dublin Metropolitan Area shall be deemed to be references to the Dublin Metropolitan District.

(2) The county borough of Dublin shall be deemed, for the purposes of the Licensing Acts, to include the whole of the Dublin Metropolitan District and such borough and District shall be deemed, for the purposes of those Acts, to be a city.

...

- C22** Application of collectively cited *Licensing Acts 1833 to 1946* restricted (1.01.1955) by *Defence Act 1954* (18/1954), s. 314, S.I. No. 233 of 1954.

Grant of excise licence for military canteens.

314.—Notwithstanding anything contained in the *Licensing Acts, 1833 to 1946*, or any other enactment, it shall not be necessary for a person holding a canteen under the authority of the Minister to obtain a certificate from a Justice of the District Court to enable him to obtain or hold any excise licence under the said Acts for the sale of intoxicating liquors, and such excise licence may be granted to him accordingly.

- C23** Application of collectively cited *Licensing Acts 1833 to 1943* restricted (17.12.1946) by *Intoxicating Liquor Act 1946* (33/1946), ss. 2 and 3, commenced on enactment.

Grant and renewal of licences in respect of premises in a bog.

2.— ...

(2) On presentation to the Revenue Commissioners of a certificate issued by the Minister under subsection (1) of this section, the Revenue Commissioners shall, notwithstanding anything contained in the *Licensing Acts, 1833 to 1943*, grant to the person named in that behalf in the certificate an on-licence in respect of the premises specified in that behalf in the certificate.

...

(4) On presentation to the Revenue Commissioners of a certificate issued by the Minister under subsection (3) of this section, the Revenue Commissioners shall, notwithstanding anything contained in the *Licensing Acts, 1833 to 1943*, grant a renewal of the said on-licence to the holder thereof.

Transfer and variation of licences in respect of premises in a bog.**3.— ...**

(2) On presentation to the Revenue Commissioners of a certificate issued by the Minister under subsection (1) of this section, the Revenue Commissioners shall, notwithstanding anything contained in the *Licensing Acts, 1833 to 1943*, transfer the on-licence to which the certificate relates to the person specified in that behalf in the certificate.

...

(4) On presentation to the Revenue Commissioners of a certificate issued by the Minister under subsection (3) of this section, the Revenue Commissioners shall, notwithstanding anything contained in the *Licensing Acts, 1833 to 1943*, amend the on-licence to which such certificate relates in accordance with the approval of the Minister as stated in the certificate.

C24 Application of collectively cited *Licensing (Ireland) Acts 1833 to 1929* restricted (14.04.1943) by *Intoxicating Liquor Act, 1943* (7/1943), ss. 25 and 26, commenced on enactment.

Grant and renewal of licences in respect of premises in an aerodrome.**25.— ...**

(2) On presentation to the Revenue Commissioners of a certificate issued by the Minister under the foregoing sub-section of this section, it shall be lawful for the Revenue Commissioners, notwithstanding anything contained in the *Licensing (Ireland) Acts, 1833 to 1929*, to grant to the person named in that behalf in the said certificate an on-licence in respect of the premises specified in that behalf in the said certificate.

...

(4) On presentation to the Revenue Commissioners of a certificate issued by the Minister under the next preceding sub-section of this section, it shall be lawful for the Revenue Commissioners, notwithstanding anything contained in the *Licensing (Ireland) Acts, 1833 to 1929*, to grant a renewal of the said on-licence to the holder thereof.

Transfer and variation of licences in respect of premises in an aerodrome.**26.— ...**

(2) (2) On presentation to the Revenue Commissioners of a certificate issued by the Minister under the foregoing sub-section of this section, it shall be lawful for the Revenue Commissioners, notwithstanding anything contained in the *Licensing (Ireland) Acts, 1833 to 1929*, to transfer the on-licences to which such certificate relates to the person specified in that behalf in such certificate.

...

(4) On presentation to the Revenue Commissioners of a certificate issued by the Minister under the next preceding sub-section of this section, it shall be lawful for the Revenue Commissioners, notwithstanding anything contained in the *Licensing (Ireland) Acts, 1833 to 1929*, to amend the on-licence to which such certificate relates in accordance with the approval of the Minister as stated in such certificate.

C25 Application of collectively cited *Licensing (Ireland) Acts 1833 to 1929* restricted (14.04.1943) by *Intoxicating Liquor Act, 1943* (7/1943), s. 29(1), commenced on enactment.

Licences for sale of intoxicating liquor on aircraft in flight.

29.— (1) It shall be lawful for the Revenue Commissioners, notwithstanding anything contained in the *Licensing (Ireland) Acts, 1833 to 1929*, to grant to any air transport concern a licence for the sale of intoxicating liquor to passengers on an aircraft owned or hired by that concern for consumption while such aircraft is in flight.

- C26** Fines and penalties under collectively cited *Licensing (Ireland) Acts 1833 to 1905* modified (27.12.1924) by *Intoxicating Liquor (General) Act 1924* (62/1924), s. 30, commenced on enactment.

Increase of fines under Acts relating to licensing and illicit distillation.

30.—All and every fine or other money penalty imposed by any of the *Licensing (Ireland) Acts, 1833 to 1905*, or the *Illicit Distillation (Ireland) Act, 1831*, the *Spirits (Ireland) Act, 1854*, the *Spirits (Ireland) Act, 1855*, or the *Spirits (Ireland) Act, 1857*, or authorised by any of those Acts to be imposed, shall, on and after the passing of this Act, be and the same are hereby increased to double the amounts respectively mentioned in those Acts.

- C27** Application of collectively cited *Licensing (Ireland) Acts 1833 to 1905* modified (10.07.1924) by *Dublin Reconstruction (Emergency Provisions) Act 1924* (24/1924), s. 10, commenced on enactment.

Provisions as to licences.

10.—In the case of any public-house, hotel, or other licensed premises in the City of Dublin, which have been destroyed or damaged in the recent disturbances, and in which business has in consequence been suspended during the period of rebuilding or restoration, the licence (for the purposes of renewal and any certificates required for renewal but for no other purpose) shall be deemed to continue in force up to the time of the completion of such rebuilding or restoration, and to be vested in the person legally entitled to the said premises, and it shall be competent for such person to apply for any justices' certificate required for renewal, and for the court to consider such application, although the same may not be made to the annual licensing petty sessions. Any certificate as to the conduct of the business, required for the purposes of renewal, shall be a certificate as respects the conduct of the business during the period between the date of the last renewal and the destruction of or damage to the premises, and the *Licensing (Ireland) Acts, 1833 to 1905*, shall be deemed to be amended accordingly.

Editorial Notes:

- E1** Procedure for upgrading certain licenses under collectively cited *Licensing Acts 1833 to 1999* prescribed (6.07.2000) by *Intoxicating Liquor Act 2000* (17/2000), s. 20(2) and (3), S.I. No. 207 of 2000.
- E2** Provisions for notification of fire authority in relation to applications for grant or renewal of licenses under collectively cited *Licensing Acts 1833 to 1981* prescribed (1.04.1982) by *Fire Services Act 1981* (30/1981), s. 24, S.I. No. 430 of 1981, and as amended (22.07.1988) by *Courts (No. 2) Act 1986*, s. 9 and sch. 1, S.I. 176 of 1988.
- E3** Criteria for assessing whether meal is substantial for purposes of collectively cited *Licensing Acts 1833 to 1960* prescribed (4.08.1962) by *Intoxicating Liquor Act 1962* (21/1962), s. 9, commenced as per s. 36(3).
- E4** Exemptions from collectively cited *Licensing Acts 1833 to 1960* provided (4.08.1962) by *Intoxicating Liquor Act 1962* (21/1962), ss. 10, 16 and 17, commenced as per s. 36(3).
- E5** Certain licenses deemed to be in force for purposes of collectively cited *Licensing Acts 1833 to 1960* by *Intoxicating Liquor Act 1960* (18/1960), s. 17(1), as substituted (4.08.1962) by *Intoxicating Liquor Act 1962* (21/1962), s. 32, commenced as per s. 36(3).
- E6** Power to temporarily transfer a licence upon death of holder deemed, for purposes of collectively cited *Licensing Acts 1833 to 1960*, to include power to transfer licence to any person nominated by executor or administrator (4.08.1962) by *Intoxicating Liquor Act 1962* (21/1962), s. 34, commenced as per s. 36(3).

- E7** Previous affecting provision: application of collectively cited *Licensing (Ireland) Acts 1833 to 1924* restricted by *Intoxicating Liquor Act 1927* (15/1927), s. 3(2), as inserted (6.07.2000) by *Intoxicating Liquor Act 2000* (17/2000), s. 4(b), S.I. No. 207 of 2000; repealed (30.07.2008) by *Intoxicating Liquor Act 2008* (17/2008), s. 3, S.I. No. 286 of 2008.
- E8** Previous affecting provision: application of collectively cited *Licensing (Ireland) Acts 1833 to 1997* restricted (31.12.1999) by *Intoxicating Liquor Act 1999* (32/1999), s. 1, commenced as per section; ceased (1.01.2000) as per section.
- E9** Previous affecting provision: functions transferred and references to “Department of Labour” and “Minister for Labour” construed (20.01.1993) by *Labour (Transfer of Departmental Administration and Ministerial Functions) Order 1993* (S.I. No. 18 of 1993), arts. 3 and 4, commenced on enactment; superseded as per C-note above.
- E10** Previous affecting provision: functions transferred and references to “Department of Tourism, Transport and Communications” and “Minister for Tourism, Transport and Communications” construed (20.01.1993) by *Tourism (Transfer of Departmental Administration and Ministerial Functions) Order 1993* (S.I. No. 15 of 1993), arts. 3 and 4, commenced on enactment; superseded as per C-note above.
- E11** Previous affecting provision: functions transferred and references to “Department of the Marine” and “Minister for the Marine” construed (31.03.1987) by *Tourism (Transfer of Departmental Administration and Ministerial Functions) Order 1987* (S.I. No. 95 of 1987), arts. 3 and 4, in effect as per art. 1(2); superseded as per C-note above.
- E12** Previous affecting provision: functions transferred and references to “Department of Industry, Trade, Commerce and Tourism” and “Minister for Industry, Trade, Commerce and Tourism” construed (18.02.1986) by *Tourism (Transfer of Departmental Administration and Ministerial Functions) Order 1986* (S.I. No. 42 of 1986), arts. 3 and 4, in effect as per art. 1(2); superseded as per C-note above.
- E13** Previous affecting provision: functions transferred and references to “Department of Tourism and Transport” and “Minister for Tourism and Transport” construed (24.01.1980) by *Tourism (Transfer of Departmental Administration and Ministerial Functions) Order 1980* (S.I. No. 8 of 1980), arts. 3 and 4, in effect as per art. 1(2); superseded as per C-note above.
- E14** Previous affecting provision: functions transferred and references to “Department of Industry and Commerce” and “Minister for Industry and Commerce” construed (31.10.1961) by *Transport, Fuel and Power (Transfer of Departmental Administration and Ministerial Functions) (No. 2) Order 1961* (S.I. No. 246 of 1961), arts. 3 and 4, commenced on enactment; superseded as per C-note above.
- E15** Previous affecting provision: application of collectively cited *Licensing (Ireland) Acts 1833 to 1960* restricted (4.07.1960) by *Intoxicating Liquor Act 1960* (15/1927), s. 27(4), commenced on enactment, as amended (4.08.1962) by *Intoxicating Liquor Act 1962* (21/1962), s. 33, commenced as per s. 36(3); ceased to be in force (4.07.1963) as per subsection.
- E16** Previous affecting provision: application of collectively cited *Licensing (Ireland) Acts 1833 to 1929* restricted (14.04.1943) by *Intoxicating Liquor Act 1943* (7/1943), s. 30(4), commenced on enactment; repealed (1.03.1956) by *Gaming and Lotteries Act 1956* (2/1956), s. 3 and sch., S.I. No. 18 of 1956.
- E17** Previous affecting provision: application of collectively cited *Licensing (Ireland) Acts 1833 to 1929* restricted (18.06.1932) by *Eucharistic Congress (Miscellaneous Provisions) Act 1932* (7/1932), s. 12(1), commenced as per subsection; ceased (1.07.1932) as per subsection.
- E18** Previous affecting provision: application of collectively cited *Licensing (Ireland) Acts 1833 to 1905* extended (27.12.1924) by *Intoxicating Liquor (General) Act 1924* (62 of 1924), s. 17, commenced on enactment; repealed (20.05.1927) by *Intoxicating Liquor Act 1927* (15/1927), s. 63 and sch., commenced on enactment.

PART I.

PRELIMINARY AND GENERAL.

Short title and collective citation.

1.—(1) This Act may be cited as the Tourist Traffic Act, 1952.

(2) The Tourist Traffic Act, 1939, and this Act may be cited together as the Tourist Traffic Acts, 1939 and 1952.

Construction.

2.—(1) In this Act—

“the Act of 1939” means the Tourist Traffic Act, 1939 (No. 24 of 1939);

“An Bord Fáilte” means the body heretofore known as the Irish Tourist Board to which the said new name is given by section 4;

“the Board” (except in Part V and the Schedule) means An Bord Fáilte;

“the Minister” means the Minister for Industry and Commerce.

(2) The Act of 1939 and this Act shall be construed as one.

Repeals.

3.—(1) Sections 5, 10, 14, 15 and 31 of the Act of 1939 are hereby repealed.

(2) The Tourist Traffic (Amendment) Act, 1946 (No. 14 of 1946), is hereby repealed.

PART II.

AN BORD FÁILTE.

Renaming of Irish Tourist Board.

4.—F1[...]

Annotations

Amendments:

F1 Repealed (1.07.1955) by *Tourist Traffic Act 1955* (5/1955), s. 4(1), S.I. No. 113 of 1955.

Functions.

5.—F2[...]

Annotations

Amendments:

F2 Repealed (28.05.2003) by *National Tourism Development Authority Act 2003* (10/2003), s. 5 and sch. 1, S.I. No. 205 of 2003.

Editorial Notes:

E19 Transfer of Board functions under s. 5(2)(a) enabled by *National Tourism Development Authority Act 2003* (10/2003), s. 12(1)-(5) and sch. 2, subject to transitional provision in s. 38, effectively commenced by Establishment Day Order S.I. No. 204 of 2003. Note however the repeal of s. 5 as per F-note above.

E20 Previous affecting provision: application of section extended (5.07.1995) by *Tourist Traffic Act 1995* (13/1995), s. 2 and sch., commenced on enactment; s. 2 repealed (28.05.2003) by *National Tourism Development Authority Act 2003* (10/2003), s. 5 and sch. 1, S.I. No. 205 of 2003.

- E21** Previous affecting provision: section amended (15.11.1983) by *Tourist Traffic Act 1983* (31/1983), s. 7(5), commenced on enactment; s. 7(5) applies only to s. 5 of the 1952 Act and therefore would appear to be spent.
- E22** Previous affecting provision: section amended (5.08.1970) by *Tourist Traffic Act 1970* (16/1970), s. 5, commenced on enactment; s. 5 repealed (28.05.2003) by *National Tourism Development Authority Act 2003* (10/2003), s. 5 and sch. 1, S.I. No. 205 of 2003.
- E23** Previous affecting provision: section amended (8.02.1966) by *Tourist Traffic Act 1966* (3/1966), s. 2(2), commenced on enactment; s. 2(2) applies only to s. 5 of the 1952 Act and therefore would appear to be spent.
- E24** Previous affecting provision: section amended (17.12.1957) by *Tourist Traffic Act 1957* (27/1957), s. 4, commenced on enactment; s. 4 repealed by *National Tourism Development Authority Act 2003* (10/2003), s. 5 and sch. 1, S.I. No. 205 of 2003.
- E25** Previous affecting provision: section amended (17.12.1957) by *Tourist Traffic Act 1957* (27/1957), s. 5(2), commenced on enactment; s. 5(2) applies only to s. 5 of the 1952 Act and therefore would appear to be spent.

Formation of
local develop-
ment companies.

6.—F3[...]

Annotations

Amendments:

- F3** Repealed (28.05.2003) by *National Tourism Development Authority Act 2003* (10/2003), s. 5 and sch.1, S.I. No. 205 of 2003.

Erection of
notices and
fences at, and
provision of
means of access
to, historic sites,
etc.

7.—(1) Where the Board proposes to erect a notice or fence at, or to provide or improve means of access to, any historic building, site or shrine, or other place which, in the opinion of the Board, is likely to be of particular interest to the public, and the owner refuses to permit the Board to carry out the proposed work, the Board shall have power to acquire, under section 19 of the Act of 1939, such land as the Board thinks proper to enable the work to be carried out.

(2) The Board shall not exercise its powers under this section in or over a national monument, within the meaning of the National Monuments Act, 1930 (No. 2 of 1930), which is, or is in the course of being, vested in or placed under the guardianship of the Commissioners of Public Works in Ireland or a local authority or made the subject of a preservation order under that Act.

Power to enter
on land.

8.—(1) A person, duly authorised in writing by the Board, may enter on land for the purpose of enabling the Board to carry out its functions under paragraph (f) of subsection (2) of section 5.

(2) Any person who obstructs or interferes with an authorised officer in the exercise of his powers under subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds.

Restrictions of
sections 7 and 8.

9.—Sections 7 and 8 shall not apply to any building which is for the time being used for ecclesiastical purposes.

Non-repayable
grant.

10.—F4[...]

Annotations**Amendments:**

- F4** Repealed (1.07.1955) by *Tourist Traffic Act 1955* (5/1955), s. 4(1), S.I. No. 113 of 1955.

Cessation of repayable advances.

11.—No further advances shall be made under section 16 of the Act of 1939.

Accounts and audit.

12.—F5[...]

Annotations**Amendments:**

- F5** Repealed (28.05.2003) by *National Tourism Development Authority Act 2003* (10/2003), s. 5 and sch. 1, S.I. No. 205 of 2003.

Disqualification of member of Oireachtas for membership of Board.

13.—F6[...].

Annotations**Amendments:**

- F6** Repealed (28.05.2003) by *National Tourism Development Authority Act 2003* (10/2003), s. 5 and sch. 1, S.I. No. 205 of 2003.

Superannuation of members.

14.—F7[...].

Annotations**Amendments:**

- F7** Repealed (28.05.2003) by *National Tourism Development Authority Act 2003* (10/2003), s. 5 and sch. 1, S.I. No. 205 of 2003.

Editorial Notes:

- E26** Previous affecting provision: application of section extended (15.11.1983) by *Tourist Traffic Act 1983* (31/1983), s. 9(1), repealed as per F-note above.

Superannuation of staff.

15.—(1) F8[...]

Annotations**Amendments:**

- F8** Repealed (28.05.2003) by *National Tourism Development Authority Act 2003* (10/2003), s. 5 and sch. 1, S.I. No. 205 of 2003.

Editorial Notes:

- E27** Previous affecting provision: application of section extended (15.11.1983) by *Tourist Traffic Act 1983* (31/1983), s. 9(2), repealed as per F-note above.
- E28** Previous affecting provision: application of section extended (30.07.1963) by *Superannuation and Pensions Act 1963* (24/1963), s. 5(6). S. 15 has been repealed but schemes set up under s. 15 may still be operational.

Amendment of
section 4 of Act
of 1939.

16.—F9[...]**Annotations****Amendments:**

- F9** Repealed (28.05.2003) by *National Tourism Development Authority Act 2003* (10/2003), s. 5 and sch.1, S.I. No. 205 of 2003.

PART III.**GUARANTEE OF LOANS.****Annotations****Editorial Notes:**

- E29** Previous affecting provision: application of Pt. III (ss. 17-24) extended (3.07.1957) by *Tourist Traffic Act 1957* (27/1957), ss. 2 and 3, commenced as per s. 2(2); Pt. III repealed (28.05.2003) by *National Tourism Development Authority Act 2003* (10/2003), s. 5 and sch. 1, S.I. No. 205 of 2003.

Guarantee of
loans; and grants
for interest
charges.

17.—F10[...]**Annotations****Amendments:**

- F10** Repealed (28.05.2003) by *National Tourism Development Authority Act 2003* (10/2003), s. 5 and sch. 1, S.I. No. 205 of 2003.

Editorial Notes:

- E30** Previous affecting provision: section amended (8.02.1966) by *Tourist Traffic Act 1966* (3/1966), ss. 3(1) and 4, commenced on enactment; original provision and amendments repealed as per F-note above.

Limitations on guarantees and grants.

18.—F11[...]**Annotations****Amendments:**

- F11** Repealed (28.05.2003) by *National Tourism Development Authority Act 2003* (10/2003), s. 5 and sch. 1, S.I. No. 205 of 2003.

Editorial Notes:

- E31** Previous affecting provision: section amended (5.08.1970) by *Tourist Traffic Act 1970* (16/1970), s. 3, commenced on enactment; original provision and amendment repealed as per F-note above.
- E32** Previous affecting provision: section interpreted (8.02.1966) by *Tourist Traffic Act 1966* (3/1966), s. 3(2), commenced on enactment; original provision and amendment repealed as per F-note above.
- E33** Previous affecting provision: section amended (16.08.1961) by *Tourist Traffic Act 1961* (37/1961), ss. 3 and 5, commenced on enactment; substituted by amendment as per E-note above and later formally repealed with original provision as per F-note above.

Applications.

19.—F12[...]**Annotations****Amendments:**

- F12** Repealed (28.05.2003) by *National Tourism Development Authority Act 2003* (10/2003), s. 5 and sch. 1, S.I. No. 205 of 2003.

Fees on applications and on grant or guarantee.

20.—F13[...].**Annotations****Amendments:**

- F13** Repealed (28.05.2003) by *National Tourism Development Authority Act 2003* (10/2003), s. 5 and sch. 1, S.I. No. 205 of 2003.

Time limit on giving of guarantees.

21.—F14[...]

Annotations**Amendments:**

- F14** Repealed (28.05.2003) by *National Tourism Development Authority Act 2003* (10/2003), s. 5 and sch. 1, S.I. No. 205 of 2003.

Editorial Notes:

- E34** Previous affecting provision: section amended (5.08.1970) by *Tourist Traffic Act 1970* (16/1970), s. 4, commenced on enactment; original provision and amendment repealed as per F-note above.
- E35** Previous affecting provision: section amended (8.02.1966) by *Tourist Traffic Act 1966* (3/1966), s. 5, commenced on enactment; substituted by amendment as per E-note above and later formally repealed with original provision as per F-note above.
- E36** Previous affecting provision: section amended (16.08.1961) by *Tourist Traffic Act 1961* (37/1961), s. 4, commenced on enactment; substituted by amendment as per E-note above and later formally repealed with original provision as per F-note above.
- E37** Previous affecting provision: section amended (3.07.1957) by *Tourist Traffic Act 1957* (27/1957), s. 2(1), commenced as per s. 2(2); substituted by amendment as per E-note above and later formally repealed with original provision as per F-note above.

Advance from the Central Fund of moneys required for guarantee of loans.

22.—F15[...]**Annotations****Amendments:**

- F15** Repealed (28.05.2003) by *National Tourism Development Authority Act 2003* (10/2003), s. 5 and sch. 1, S.I. No. 205 of 2003.

Payment of certain sums into the Exchequer.

23.—F16[...]**Annotations****Amendments:**

- F16** Repealed (28.05.2003) by *National Tourism Development Authority Act 2003* (10/2003), s. 5 and sch. 1, S.I. No. 205 of 2003.

Statements and accounts to be laid before the Oireachtas.

24.—F17[...]

Annotations**Amendments:**

- F17** Repealed (28.05.2003) by *National Tourism Development Authority Act 2003* (10/2003), s. 5 and sch. 1, S.I. No. 205 of 2003.

PART IV.**REGISTRATION OF PREMISES.****Annotations****Modifications (not altering text):**

- C28** Application of Pt. IV (ss. 25-32) extended (17.12.1957) by *Tourist Traffic Act 1957* (27/1957), s. 8, commenced on enactment.

Extension of references to premises.

8.—In Part III of the Act of 1939 and Part IV of the Act of 1952, any reference to premises shall, in a case in which there is both a main building used or intended to be used to provide accommodation or service for guests and one or more annexes or other supplementary structures to the main building used or intended to be used to provide such accommodation or service, be construed as including both a reference to the main building and a reference to such one or more annexes or supplementary structures.

Construction.

25.—This Part shall be construed as one with Part III of the Act of 1939.

Payment of registration fee.

26.—If an applicant for registration of premises in a register, having been served with notice by the Board that the premises will be registered on payment of the appropriate prescribed fee, does not pay the fee to the Board within three months after such service, then, notwithstanding subsection (4) of section 27 of the Act of 1939, his application shall be void.

Annotations**Modifications (not altering text):**

- C29** Transfer of certain Board functions under section enabled (28.05.2003, establishment day) by *National Tourism Development Authority Act 2003* (10/2003), s. 12(1)-(5) and sch. 2, subject to transitional provision in s. 38, effectively commenced by Establishment Day Order S.I. No. 204 of 2003. Sch. 2 refers to functions performable by contractor.

Agreements for performance of functions of Authority by persons other than Authority.

12.—(1) The Authority may enter into an agreement with another person (in this section referred to as a "contractor") for the performance by that person of the functions of the Authority under the provisions specified in Schedule 2. Sch. 2 refers to functions performable by contractor.

...

Editorial Notes:

- E38** Previous affecting provision: application of section extended (5.07.1995) by *Tourist Traffic Act 1995* (13/1995), s. 2 and sch., commenced on enactment; s. 2 repealed (28.05.2003) by *National Tourism Development Authority Act 2003* (10/2003), s. 5 and sch. 1, S.I. No. 205 of 2003.

Return of application fee.

27.—The fee sent with an application under section 26 or 29 of the Act of 1939, for the registration or renewal of the registration of premises may, on the request of the applicant and at the discretion of the Board, be repaid to the applicant unless, after the receipt of the fee, the premises have been inspected by an officer of the Board.

Annotations

Modifications (not altering text):

- C30** Transfer of certain Board functions under section enabled (28.05.2003, establishment day) by *National Tourism Development Authority Act 2003* (10/2003), s. 12(1)-(5) and sch. 2, subject to transitional provision in s. 38, effectively commenced by Establishment Day Order S.I. No. 204 of 2003, and subject to the exclusion of the words “at the discretion of the Board”. Sch. 2 refers to functions performable by contractor.

Agreements for performance of functions of Authority by persons other than Authority.

12.—(1) The Authority may enter into an agreement with another person (in this section referred to as a “contractor”) for the performance by that person of the functions of the Authority under the provisions specified in Schedule 2.

...

Editorial Notes:

- E39** Previous affecting provision: application of section extended (5.07.1995) by *Tourist Traffic Act 1995* (13/1995), s. 2 and sch., commenced on enactment; s. 2 repealed (28.05.2003) by *National Tourism Development Authority Act 2003* (10/2003), s. 5 and sch. 1, S.I. No. 205 of 2003.

Amendment of section 30 of Act of 1939.

28.—Subsection (4) of section 30 of the Act of 1939 (which relates to renewal of registration) is hereby amended by the substitution for paragraph (a), of the following paragraph:—

“(a) the Board shall serve notice upon the applicant that the Board is of opinion that such premises have ceased on stated grounds to be eligible for registration in such register and that the applicant may, within fourteen days after service of such notice, make written representations to the Board with a view to showing that such premises have not ceased to be eligible for registration in such register;”.

Amendment of section 30 of Act of 1939.

29.—Subsections (5) and (6) of section 30 of the Act of 1939 (which empower the Board to refuse an application for renewal of registration where the applicant has failed to adhere to his specified scale of charges) shall be construed as if the word “wilfully” were inserted before “failed” wherever the latter word occurs in the subsections.

Amendment of section 31 of Act of 1939.

30.—The Act of 1939 shall have effect as if the following section were substituted for section 31 thereof:—

“31. (1) Whenever the Board registers any premises, the Board shall give, free of charge, a certificate (in this Act referred to as a registration certificate) of such registration to the registered proprietor.

(2) Where the registered proprietor of any registered premises satisfies the Board that the registration certificate for the time being in force in respect of such premises has been accidentally destroyed, the Board may issue to such registered proprietor a new registration certificate in lieu of that so destroyed.

(3) The following provisions shall have effect in respect of every registration certificate, that is to say:—

- (a) such certificate shall be in the prescribed form and shall contain a statement of the premises to which it relates, the name of the registered proprietor of such premises, and such other matters as shall be required by the prescribed form;
- (b) such certificate shall be signed by an officer of the Board authorised in that behalf by the Board;
- (c) such certificate shall, save as regards any period when it is returned to the Board in accordance with this Act, be displayed in a prominent position at or near the principal entrance to such premises during the continuance of the registration certified by it;
- (d) such certificate shall be returned to the Board immediately after the registration expires or whenever the Board so request.

(4) Whenever the registered proprietor of any registered premises fails to display, in accordance with paragraph (c) of subsection (3) of this section, the registration certificate for the time being in force in respect of such premises, he shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds together with a further fine not exceeding one pound for every day during which the offence continues.

(5) Whenever a registration certificate is not returned to the Board immediately upon the expiration thereof or at the request of the Board, the person to whom such certificate was given shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not exceeding five pounds together with a further fine not exceed-ten shillings for every day during which the offence continues."

Extension of sections 33 to 37 of Act of 1939 to occupiers.

31.—The word "proprietor" shall, wherever it occurs (except as part of the expression "registered proprietor") in sections 33 to 37 of the Act of 1939, be construed as including "occupier".

Cancellation of registration.

32.—(1) The Board may at any time cancel the registration of registered premises if the Board is of opinion that the registered proprietor has, otherwise than with the consent of the Board, wilfully failed to adhere to charges not exceeding those specified in the scale of charges furnished by him with his application for registration or with his last previous application for renewal of registration, as the case may be.

(2) If at any time the Board, following an inspection of registered premises by an officer of the Board, is of opinion that such premises have ceased to be eligible for registration, the Board shall cause a second inspection of such premises to be made by an officer of the Board.

(3) If, after a second inspection of premises has been made under this section, the Board remains of opinion that such premises have ceased to be eligible for registration—

- (a) the Board shall serve notice upon the registered proprietor that the Board is of opinion that such premises have ceased on stated grounds to be eligible for registration and that the registered proprietor may, within thirty days after service of such notice make written representations to the Board with a view to showing that such premises have not ceased to be eligible for registration;
- (b) if during the said thirty days no such written representations are received by the Board, the Board shall cancel the registration;
- (c) if during the said thirty days such written representations are received by the Board, the Board shall cause a third inspection of such premises to be made by a different officer of the Board;

(d) if the Board, notwithstanding such third inspection and having considered the written representations received as aforesaid, remains of opinion that such premises have ceased to be eligible for registration, the Board shall cancel the registration;

(e) if the Board, as a result of such third inspection and having considered the written representations received as aforesaid, becomes of opinion that such premises have not ceased to be eligible for registration, the Board shall give notice to that effect to the registered proprietor.

(4) Cancellation under this section of registration shall have effect from a date determined by the Board, not being earlier than fourteen days after the decision to cancel is made, and the Board shall, not later than seven days before the date so determined, serve notice on the registered proprietor that the registration will be cancelled on that date.

(5) References in this section to the opinion of the Board that a registered proprietor has wilfully failed to adhere to any charges or that registered premises have ceased to be eligible for registration shall be construed as references to such opinion formed by the Board itself and not by the Board acting through or by any of its officers or servants.

Annotations

Modifications (not altering text):

- C31** Transfer of certain Board functions under section enabled (28.05.2003, establishment day) by *National Tourism Development Authority Act 2003* (10/2003), s. 12(1)-(5) and sch. 2, subject to transitional provision in s. 38, effectively commenced by Establishment Day Order S.I. No. 204 of 2003, and subject to the exclusion in s. 32(2) of the words: "the Board" where it first occurs and "is of opinion that such premises have ceased to be eligible for registration", and in s. 32(3)(a) and (b) of the words: "the Board remains of opinion that such premises have ceased to be eligible for registration". Sch. 2 refers to functions performable by contractor.

Agreements for performance of functions of Authority by persons other than Authority.

12.—(1) The Authority may enter into an agreement with another person (in this section referred to as a "contractor") for the performance by that person of the functions of the Authority under the provisions specified in *Schedule 2*.

...

- C32** Application of subs. (3)(b) and (d) restricted for period (17.12.1957) by *Tourist Traffic Act 1957* (27/1957), s. 7(c), commenced on enactment.

Application for registration after refusal or cancellation of registration.

7.—Where— ...

(c) a registration is cancelled by the Board under paragraph (b) or paragraph (d) of subsection (3) of section 32 of the Act of 1952,

no application for registration of the premises in the same register by the Board may be made during the period of nine months commencing on the day of the refusal or cancellation.

Editorial Notes:

- E40** Previous affecting provision: application of section extended (5.07.1995) by *Tourist Traffic Act 1995* (13/1995), ss. 2, 8 and sch; ss. 2 and 8 repealed (28.05.2003) by *National Tourism Development Authority Act 2003* (10/2003), s. 5 and sch. 1, S.I. No. 205 of 2003.

PART V.

FÓGRA FÁILTE.

Fógra Fáitle. **33.—F18[...]****Annotations****Amendments:****F18** Pt. V (ss.33-37) repealed (1.07.1955) by *Tourist Traffic Act 1955* (5/1955), s. 4(1), S.I. No. 113 of 1955.Functions. **34.—F19[...]****Annotations****Amendments:****F19** Pt. V (ss.33-37) repealed (1.07.1955) by *Tourist Traffic Act 1955* (5/1955), s. 4(1), S.I. No. 113 of 1955.Non repayable grant. **35.—F20[...]****Annotations****Amendments:****F20** Pt. V (ss.33-37) repealed (1.07.1955) by *Tourist Traffic Act 1955* (5/1955), s. 4(1), S.I. No. 113 of 1955.Grants from other sources. **36.—F21[...]****Annotations****Amendments:****F21** Pt. V (ss.33-37) repealed (1.07.1955) by *Tourist Traffic Act 1955* (5/1955), s. 4(1), S.I. No. 113 of 1955.Amendment of Tourist Traffic (Development) Act, 1931. **37.—F22[...]****Annotations****Amendments:****F22** Pt. V (ss.33-37) repealed (1.07.1955) by *Tourist Traffic Act 1955* (5/1955), s. 4(1), S.I. No. 113 of 1955.

PART VI.

LICENSING OF HOTELS AND HOLIDAY CAMPS.

CHAPTER I.

Preliminary.

Construction and collective citation.

38.—This Part shall be construed as one with the Licensing Acts, 1833 to 1946, and may be cited with those Acts as the Licensing Acts, 1833 to 1952.

Use of map in describing premises.

39.—Premises may be described in a declaration or certificate under any section of this Part by reference to a map annexed thereto.

CHAPTER II.

Hotels.

Hotel.

40.—F23[...]

Annotations**Amendments:**

F23 Repealed (4.07.1960) by *Intoxicating Liquor Act 1960* (18/1960), s. 3 and sch., commenced on enactment.

Declaration as to fitness and convenience of proposed hotel.

41.—F24[...]

Annotations**Amendments:**

F24 Repealed (4.07.1960) by *Intoxicating Liquor Act 1960* (18/1960), s. 3 and sch., commenced on enactment, subject to transitional provision in s. 17(3).

Licensing of hotel.

42.—F25[...]

Annotations**Amendments:**

F25 Repealed (4.07.1960) by *Intoxicating Liquor Act 1960* (18/1960), s. 3 and sch., commenced on enactment.

Editorial Notes:

E41 Previous affecting provision: *Intoxicating Liquor Act 1960* (18/1960), s. 20 required hotels to be registered before licence could be renewed under s. 42. S. 20 repealed (22.07.1988) by *Courts (No. 2) Act 1986* (26/1986), s. 9 and sch. 2, S.I. No. 176 of 1988.

CHAPTER III.

Holiday Camps.

Definitions.

43.—In this Chapter—

“the Act of 1833” means the Licensing (Ireland) Act, 1833;

“the Act of 1902” means the Licensing (Ireland) Act, 1902;

“the Act of 1927” means the Intoxicating Liquor Act, 1927 (No. 15 of 1927);

“holiday camp” means premises for the time being registered in the register of holiday camps kept by the Board;

“holiday camp premises” means all the buildings for the time being situate in a holiday camp irrespective of the purpose for which they are used;

“the licensee” means the holder of an on-licence by virtue of this Chapter and cognate words shall be construed accordingly;

“on-licence” means a licence for the sale of intoxicating liquor for consumption either on or off the premises;

“period of summer time” means a period appointed by or under the Summer Time Act, 1925 (No. 8 of 1925), to be a period of summer time;

“rateable valuation” includes a provisional valuation issued by the Commissioner of Valuation;

“week-day” means a day which is not a Sunday and is not Good Friday, Christmas Day or Saint Patrick’s Day.

Grant of new licence for holiday camp.

44.—(1) Where a person (in this section referred to as the applicant) duly gives notice of his intention to apply for an on-licence in respect of specified premises and, at the proceedings in the Circuit Court in relation to the application, the applicant shows to the satisfaction of the Court—

(a) that the premises are holiday camp premises or a part or parts thereof,

(b) that the holiday camp in which they are situate complies with the following conditions—

(i) it has proper residential accommodation for at least two hundred and fifty guests at any one time,

(ii) its rateable valuation is not less than two hundred pounds, and

(iii) the buildings thereon are wholly or mainly of a permanent character,

the Court may, notwithstanding anything contained in the Act of 1902, but subject to subsection (2) of this section, cause such certificate as is mentioned in section 5 of the Act of 1833 to be given to the applicant declaring him to be duly entitled to receive an on-licence in respect of the premises.

(2) A certificate shall not be given in respect of the premises if the Court, in consequence of an objection made under section 4 of the Act of 1833, prohibits under that section the issuing of an on-licence on one or more of the following grounds:—

- (a) the character, misconduct or unfitness of the applicant;
- (b) the unfitness or inconvenience of the premises or of the holiday camp in which the premises are situate;
- (c) that the holiday camp is not conducted in an orderly manner.

(3) Where the certificate is given to the applicant nothing in the Act of 1902 shall operate to prevent the grant to him of the licence which the certificate declares him to be entitled to receive.

Annotations

Modifications (not altering text):

C33 Application of section extended (17.06.1993) by *Finance Act 1993* (13/1993), s. 77(1)(c) and (2), commenced on enactment.

Spirits retailers' on licences.

77.—(1) Each of the following licences shall be deemed for the purposes of the Finance (1909-10) Act, 1910, to be a spirits retailer's on-licence, that is to say:

...

- (c) a licence under section 44 of the Tourist Traffic Act, 1952, in respect of any holiday camp premises or a part or parts thereof or such a licence duly renewed;

...

- (2) Nothing in *subsection (1)* shall be construed as authorising the sale by retail of intoxicating liquor otherwise than in accordance with the provisions of the enactments relating to the licence concerned.

Variation of
licensed premises.

45.—(1) Where the licensee—

- (a) applies to the Circuit Court for a certificate under this section, and
- (b) gives such notice of the application as is required in the case of an application for an on-licence,

the Court, on being satisfied that it is expedient for any reason that the premises to which the licence relates should be varied in any particular respect other than applying the licence to premises that are not part of the holiday camp premises, may issue to the licensee a certificate certifying whichever one or more of the following things may be appropriate in the circumstances—

- (a) that the Court approves of the extension of the licence to a specified part or parts of the holiday camp premises;
- (b) that the Court approves of the exclusion from the licensed premises of a specified part or parts of those premises;
- (c) that the Court approves of the transfer of the licence from the licensed premises to another part or parts of the holiday camp premises.

(2) Notwithstanding anything contained in the Licensing Acts, 1833 to 1946, the Revenue Commissioners shall, on being presented with the certificate, amend the licence in accordance with the terms of the certificate.

Prohibited hours. **46.—F26[...]**

Annotations

Amendments:

F26 Repealed (4.07.1960) by *Intoxicating Liquor Act 1960* (18/1960), s. 3 and sch., commenced on enactment.

Provisions applying to Sundays, Christmas Day and Saint Patrick's Day. **47.—F27[...]**

Annotations

Amendments:

F27 Repealed (4.07.1960) by *Intoxicating Liquor Act 1960* (18/1960), s. 3 and sch., commenced on enactment.

Provisions applying to Good Friday. **48.—F28[...]**

Annotations

Amendments:

F28 Repealed (4.07.1960) by *Intoxicating Liquor Act 1960* (18/1960), s. 3 and sch., commenced on enactment.

Powers of licensee to impose further restrictions. **49.—F29[...]**

Annotations

Amendments:

F29 Repealed (4.07.1960) by *Intoxicating Liquor Act 1960* (18/1960), s. 3 and sch., commenced on enactment.

Certificate for renewal of licence. **50.—F30[...]**

Annotations**Amendments:**

F30 Repealed (22.07.1988) by *Courts (No.2) Act 1986* (26/1986), s. 9 and sch. 2, S.I. No. 176 of 1988.

Occasional
licences.

51.—An occasional licence may be granted under section 13 of the Revenue Act, 1862, in respect of premises licensed by virtue of this Chapter as if such premises were amongst those enumerated in that section.

Special exemp-
tion orders.

52.—A special exemption order under section 5 of the Act of 1927, as amended by section 6 of the Intoxicating Liquor Act, 1943 (No. 7 of 1943), may be granted in respect of premises licensed by virtue of this Chapter as if such premises were amongst those enumerated in the said section 6.

Provisions of Act
of 1927 not
applicable to
holiday camps.

53.—The following provisions of the Act of 1927 shall not apply to premises licensed by virtue of this Chapter, namely, section 2 (which relates to prohibited hours), section 3 (which relates to mixed trading), sections 13, 14, and 15 (which relate to certain exemptions from prohibited hours), and Part IV (which relates to the reduction of licences).

Annotations**Modifications (not altering text):**

C34 Application of section restricted (4.07.1960) by *Intoxicating Liquor Act 1960* (18/1960), s. 7(1), commenced on enactment.

Prohibited hours in licensed holiday camps.

7.—(1) Notwithstanding anything contained in section 53 of the Act of 1952—

(a) section 2 (which relates to prohibited hours) of the Act of 1927 shall, subject to subsection (2) of this section, apply in relation to premises licensed by virtue of Chapter III (which relates to the licensing of holiday camps) of Part VI of the Act of 1952, and

(b) section 13 (which relates to exemptions from prohibited hours for licensed hotels and restaurants), other than paragraph (IV) thereof, of the Act of 1927 shall apply in relation to premises licensed by virtue of the said Chapter III in like manner as it applies in relation to premises which are for the time being a hotel or restaurant.

Apportionment of
rateable valua-
tion.

54.—(1) The Commissioner of Valuation may, at the request of the owner or occupier, apportion to the licensed premises such part as he thinks proper of the rateable valuation of the hereditament or tenement of which such premises form part and the part so apportioned shall, for the purpose of the law relating to the charge of duty upon the licence, be taken to be the valuation of the licensed premises.

(2) There shall be paid to the Commissioner of Valuation for the making of the division under subsection (1) such fee as may be prescribed by the Minister for Finance and every such fee shall be paid into or disposed of by the Commissioner for the benefit of the Exchequer in such manner as the said Minister shall direct.

Annotations**Modifications (not altering text):**

C35 Functions transferred and references to “Department of Finance” and “Minister for Finance” construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial*

Functions) Order 2011 (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2).

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of –

(a) the enactments specified in Schedule 1, and

...

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...
No. 15 of 1952	Tourist Traffic Act 1952	Section 54(2)
...

Section 33.

SCHEDULE.

FÓGRA FÁILTE.

F31[...]

Annotations

Amendments:

- F31** Schedule repealed (1.07.1955) by *Tourist Traffic Act 1955* (5/1955), s. 4(1), S.I. No. 113 of 1955, subject to exception in s. 4(2) of the *Tourist Traffic Act 1955* concerning the superannuation of full-time members of Fógra Fáilte.