



Number 15 of 1952

TOURIST TRAFFIC ACT 1952

REVISED

Updated to 28 December 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 *Courts Act 2016 (22/2016)*, enacted 28 December 2016, and all statutory instruments up to and including *Courts Act 2016 (Commencement) Order 2017 (S.I. No. 1 of 2016)*, made 6 January 2017, 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 2016: 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 2016* (14/2016), 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)
- *National Tourism Development Authority (Amendment) Act 2016* (14/2016)

Acts previously included in the group but now repealed are: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 not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual

amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

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. A list of legislative changes to any Act, and to statutory instruments from 1997, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.



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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:—

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.—[...]
Functions.	5.—[...]
Formation of local development companies.	6.—[...]
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.—[...]
Cessation of repayable advances.	11.— No further advances shall be made under section 16 of the Act of 1939.
Accounts and audit.	12.—[...]
Disqualification of member of Oireachtas for membership of Board.	13.—[...].
Superannuation of members.	14.—[...].
Superannuation of staff.	15.—(1) [...]
Amendment of section 4 of Act of 1939.	16.—[...]

PART III.

GUARANTEE OF LOANS.

Guarantee of loans; and grants for interest charges.	17.—[...]
Limitations on guarantees and grants.	18.—[...]
Applications.	19.—[...]
Fees on applications and on grant or guarantee.	20.—[...].
Time limit on giving of guarantees.	21.—[...]
Advance from the Central Fund of moneys required for guarantee of loans.	22.—[...]
Payment of certain sums into the Exchequer.	23.—[...]
Statements and accounts to be laid before the Oireachtas.	24.—[...]

PART IV.

REGISTRATION OF PREMISES.

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.
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.
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.

PART V.

FÓGRA FÁILTE.

Fógra Fáilte.	33.—[...]
Functions.	34.—[...]
Non repayable grant.	35.—[...]
Grants from other sources.	36.—[...]

Amendment of
Tourist Traffic
(Development)
Act, 1931.

37.—[...]

PART VI.

LICENSING OF HOTELS AND HOLIDAY CAMPS.

CHAPTER I.

Preliminary.

Construction and
collective cita-
tion.

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.—[...]

Declaration as to
fitness and
convenience of
proposed hotel.

41.—[...]

Licensing of
hotel.

42.—[...]

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) [...]
 - (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.

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.—[...]**

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

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

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

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

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 exemption 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).

Apportionment of rateable valuation. **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.

SCH. 1

[No. 15.]

Tourist Traffic Act 1952

[1952.]

Section 33.

SCHEDULE.

FÓGRA FÁILTE.

[...]