



Number 24 of 1939

TOURIST TRAFFIC ACT 1939

REVISED

Updated to 16 September 2020

This Revised Act is an administrative consolidation of the *Tourist Traffic Act 1939*. 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 the *Criminal Justice (Enforcement Powers) (Covid-19) Act 2020 (14/2020)*, enacted 11 September 2020, and all statutory instruments up to and including the *Tourism and Sport (Transfer of Departmental Administration and Ministerial Functions) Order 2020 (S.I. No. 356 of 2020)*, made 15 September 2020, were considered in the preparation of this Revised Act.

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AN ACT TO MAKE FURTHER AND BETTER PROVISION FOR THE ENCOURAGEMENT AND DEVELOPMENT OF THE TOURIST TRAFFIC, AND FOR THAT PURPOSE TO ESTABLISH A BOARD HAVING POWERS OF REGULATION, REGISTRATION, AND CONTROL IN MATTERS RELATING TO THE TOURIST TRAFFIC AND, IN PARTICULAR, THE ACCOMMODATION AND ATTRACTIONS AVAILABLE FOR TOURISTS, AND TO PROVIDE FOR THE CHARGING OF FEES BY SUCH BOARD IN RESPECT OF REGISTERS KEPT BY THEM, AND TO PROVIDE FOR DIVERS MATTERS ANCILLARY TO OR CONNECTED WITH THE MATTERS AFORESAID. [27th July, 1939.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I.

PRELIMINARY AND GENERAL.

Short title. **1.**—This Act may be cited as the Tourist Traffic Act, 1939.

Definitions. **2.**—In this Act—

F1[‘contractor’ has the meaning assigned to it by [section 12\(1\) of the National Tourism Development Authority Act 2003](#);

the expression “the Minister” means the Minister for Industry and Commerce;

the expression “the Board” means the Irish Tourist Board established in pursuance of this Act;

the word “prescribed” means prescribed by regulations made by the Board under this Act.

Expenses. **3.**—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

PART II.

ESTABLISHMENT AND GENERAL POWERS OF THE IRISH TOURIST BOARD.

Constitution of the Irish Tourist Board. 4.—F2[...]

Disqualification of members of Board from being members of the Oireachtas. 5.—F3[...]

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18.—F16[...]

Compulsory acquisition of land, etc., by the Board.

19.—(1) In this section the word “land” includes land covered with water and also includes easements, way-leaves, water-rights, fishing rights, sporting rights, and other rights over or in respect of any land or water.

(2) If and whenever the Board thinks proper to acquire compulsorily any land for the purpose of the exercise of any of the powers or the performance of any of the duties or functions conferred or imposed on it by this Act, the Board may, with the consent of the Minister, by order declare its intention so to acquire such land and every such order shall operate to confer on the Board full power to acquire compulsorily the land mentioned therein under and in accordance with this section.

(3) Whenever the Board proposes to make an order under this section for the purpose of acquiring any land, it shall so inform the Irish Land Commission and if, within three months of their being so informed, the said Commission inform the Board that the said Commission are about to acquire such land for their purposes under the Land Purchase Acts, the Board shall not make such order.

(4) Before making an order under this section, the Board—

- (a) shall deposit and keep open for inspection in its principal office or some other suitable place such plans, specifications, and other documents as will show fully and clearly the land intended to be acquired by virtue of the order, and
- (b) shall give notice, in such manner as it may consider best adapted for informing persons likely to be affected by the order, of the intention of the Board to consider the making thereof and of the manner in which representations and objections in respect of the order may be made, and
- (c) shall, if it considers it expedient so to do, cause a public inquiry to be held in regard to the making of the order.

(5) Whenever the Board acquires under this section any land which is subject, either alone or in conjunction with other land, to a purchase annuity, or an annual sum equivalent to a purchase annuity payable to the Irish Land Commission, the following provisions shall have effect, that is to say:—

- (a) if such purchase annuity or annual sum is payable in respect only of the land so acquired, the Irish Land Commission may require the Board to redeem such purchase annuity or annual sum;
- (b) if such purchase annuity or annual sum is payable in respect of the land so acquired and other land, the said Commission may apportion such purchase annuity or annual sum between the land so acquired and such other land and may require the Board to redeem the part of such purchase annuity or annual sum so apportioned on the land so acquired;
- (c) whenever the said Commission so requires the Board to redeem any such purchase annuity or annual sum, or such apportioned part thereof, the Board shall forthwith redeem such purchase annuity or annual sum, or such apportioned part thereof (as the case may be) under and in accordance with the Land Purchase Acts.

(6) Compensation shall be paid by the Board for land compulsorily acquired by virtue of an order under this section to the several persons entitled thereto or having estates or interests therein, and such compensation shall, in default of agreement, be fixed under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

(7) Sections 69 to 83 of the Lands Clauses Consolidation Act, 1845, shall apply to any compensation payable by the Board under this section and to the conveyance to

the Board of any land compulsorily acquired by virtue of an order under this section, and for the purpose of such application the Board shall be deemed to be the promoter of the undertaking.

(8) The following provisions shall have effect in relation to any public inquiry held under this section—

- (a) the Minister shall appoint a fit and proper person to hold such inquiry;
- (b) such person is hereby authorised to administer oaths to persons appearing as witnesses at such inquiry;
- (c) any person interested in the subject matter of such inquiry shall be entitled to appear personally or by counsel or solicitor and to adduce evidence.

Regulations. **20.**—The Board may, with the consent of the Minister, make regulations prescribing any matter or thing which is referred to in this Act as prescribed or to be prescribed.

Furnishing of information by the Board to the Minister. **21.**—F17[...]

Annual report, statistics and returns. **22.**—F18[...]

PART III.

REGISTRATION OF PREMISES.

Definitions for the purposes of Part III. **23.**—In this Part of this Act—

F19[‘premises’ includes land on which there are no buildings]

the word “register” when used without qualification means a register kept under this Part of this Act;

the word “registration” when used without qualification means registration in a register;

the expression “registered premises” means premises registered in a register;

the expression “registered proprietor” means a person who is entered in a register as the proprietor of premises registered in that register.

The registers and their contents. **24.**—(1) As soon as conveniently may be after the establishment of the Board, the Board shall establish and shall thereafter maintain and keep the following registers, that is to say:—

- (a) a register to be called and known and in this Act referred to as the register of hotels;
- (b) a register to be called and known and in this Act referred to as the register of guest houses;
- (c) a register to be called and known and in this Act referred to as the register of holiday hostels;
- (d) a register to be called and known and in this Act referred to as the register of youth hostels;

(e) a register to be called and known and in this Act referred to as the register of holiday camps.

F20[(f) a register to be called and known and in this Act referred to as the register of motor hotels]

F21[(g) a register to be called and known and in this Act referred to as the register of caravan sites and camping sites]

F22[(h) a register to be called and known and in this Act referred to as the register of approved holiday cottages.]

F23[(i) a register to be called and known (and referred to in this Act) as the register of holiday apartments.]

(2) There shall be entered in the several registers respectively the following matters in respect of every premises registered therein, that is to say:—

(a) the full name, address, and description of the proprietor of the premises;

(b) the name of the premises and the address or situation thereof;

(c) such other particulars as shall for the time being be prescribed.

(3) Premises registered in any one of the registers shall not, while so registered, be capable of being registered in any other of the registers.

Eligibility for registration in the respective registers.

25.—The Board shall, by regulations made by it under this Act, prescribe the following matters, that is to say:—

(a) the general character, the type of accommodation and service provided, and the other qualifications which shall be requisite in respect of any premises in order that such premises may be eligible for registration in the register of hotels;

(b) the general character, the type of accommodation and service provided, and the other qualifications which shall be requisite in respect of any premises in order that such premises may be eligible for registration in the register of guest houses;

(c) the general character, the type of accommodation and service provided, and the other qualifications which shall be requisite in respect of any premises in order that such premises may be eligible for registration in the register of holiday hostels;

(d) the general character, the type of accommodation and service provided, and the other qualifications which shall be requisite in respect of any premises in order that such premises may be eligible for registration in the register of youth hostels;

(e) the general character, the type of accommodation and service provided, and the other qualifications which shall be requisite in respect of any premises in order that such premises may be eligible for registration in the register of holiday camps.

F24[(f) the general character, the type of accommodation and service provided, and the other qualifications which shall be requisite in respect of any premises in order that such premises may be eligible for registration in the register of motor hotels.]

F25[(g) the general character, the type of accommodation and services provided and the other qualifications which shall be requisite in respect of any premises in order that such premises may be eligible for registration in the register of caravan sites and camping sites.]

F26[(h) the general character, the type of accommodation and services provided, and the other qualifications which shall be requisite in respect of any premises in order that such premises may be eligible for registration in the register of approved holiday cottages.]

F27[(i) the general character, the type of accommodation and services provided, and the other qualifications which shall be requisite in respect of any premises in order that such premises may be eligible for registration in the register of holiday apartments.]

F28[Caravans and camping sites

25A. The Minister shall, before giving his consent to the making of regulations under section 25 of this Act prescribing the matters referred to in paragraph (g) of that section, consult with the Minister for Local Government.]

Applications for registration.

26.—(1) The proprietor of any premises may apply to the Board for the registration of those premises in such register as he thinks proper and specifies in his application.

(2) Every application under this section for the registration of any premises shall—

(a) be made in writing in the prescribed form and manner,

(b) contain the prescribed particulars,

(c) be accompanied by such fee F29[...] as shall be prescribed, and

(d) be also accompanied by a statement (in this Act referred to as a scale of charges) in the prescribed form of the charges which the applicant proposes to make for rooms, meals, and services provided in such premises during the period between such registration (if granted) and the then next following 31st day of December.

Registration of premises.

27.—(1) Whenever an application is duly made to the Board for the registration of premises in a register, the Board shall cause such premises to be inspected by an officer of the Board.

(2) Whenever premises in respect of which an application was duly made to the Board for registration in a register have been inspected under sub-section (1) of this section and the Board is of opinion that such premises are eligible for registration in such register, the Board shall inform the applicant that his premises will be registered in such register on payment to the Board of the appropriate prescribed fee.

(3) Whenever premises in respect of which an application was duly made to the Board for registration in a register have been inspected under sub-section (1) of this section and the Board is of opinion that such premises are not eligible for registration in such register, the following provisions shall apply and have effect, that is to say:—

(a) the Board shall serve notice upon the applicant that the Board is of opinion that such premises are not 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 are eligible for such registration;

(b) if during the said fourteen days no such written representations are received by the Board, the Board shall refuse such application;

(c) if during the said fourteen days such written representations are received by the Board, the Board shall cause a second inspection of such premises to be made by a different officer of the Board;

(d) if the Board, notwithstanding such second inspection and having considered the written representations received as aforesaid, remains of opinion that

such premises are not eligible for registration in such register, the Board shall refuse such application;

- (e) if the Board, as a result of such second inspection and having considered the written representations received as aforesaid, becomes of opinion that such premises are eligible for registration in such register, the Board shall inform the applicant that his premises will be registered in such register on payment to the Board of the appropriate prescribed fee.

(4) An applicant for registration of premises in a register who has been informed by the Board that such premises will be registered in such register on payment to the Board of the appropriate prescribed fee may pay the said fee to the Board, and thereupon the Board shall register such premises in such register.

(5) References in this section to the opinion of the Board that premises are not eligible for registration in any register 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.

(6) The fees prescribed for the purposes of this section may be so prescribed as to vary in amount according to the register in which the relevant premises are to be registered and according to any other matters which the Board thinks proper.

Duration of registration.

28.—(1) Every registration of premises in a register shall (unless sooner terminated under this Act) continue in force until the next following 31st day of December and shall then terminate unless it is renewed under this Act.

(2) Save as is otherwise provided by this Act, the registration (whether original or by way of renewal) of any premises in a register may be renewed as from the 31st day of December on which, but for such renewal, it would terminate.

(3) Whenever the registration of any premises in a register is renewed under this Act, the registration of such premises in such register shall (unless sooner terminated under this Act) continue until the 31st day of December next after the day on which such renewal commences and shall then terminate unless it is further renewed under this Act.

Applications for renewal of registration.

29.—(1) The registered proprietor of any premises registered in a register may apply to the Board F30[on or before the 15th day of October] or, with the consent of the Board, F30[on or before the 15th day of November] in any year for the renewal of the registration of such premises as from the next following 31st day of December.

(2) Every application under this section for the renewal of the registration of any premises shall—

(a) be made in writing in the prescribed form and manner,

(b) contain the prescribed particulars,

(c) be accompanied by the prescribed fee, and

(d) be also accompanied by a statement (in this Act referred to as a scale of charges) in the prescribed form of the charges which the applicant proposes to make for rooms, meals, and services provided in such premises during the period while such registration, if it is renewed, will remain in force by virtue of such renewal.

(3) The fees prescribed for the purposes of this section may be so prescribed as to vary in amount according to the register in which the relevant premises are registered and according to any other matters which the Board thinks proper.

Renewal of
registration.

30.—(1) Whenever an application is duly made to the Board for the renewal of the registration of premises in a register, the Board, if it is of opinion that such premises have not ceased to be eligible for registration in such register, shall, before the 31st day of December next after the date of such application, renew the registration of such premises in such register.

(2) Whenever an application is duly made to the Board for the renewal of the registration of premises in a register and the Board is of opinion that such premises have ceased to be eligible for registration in such register, the Board shall cause such premises to be inspected by an officer of the Board.

(3) Whenever premises in respect of which an application was duly made to the Board for the renewal of the registration thereof in a register have been inspected under sub-section (2) of this section and the Board, as a result of such inspection, becomes of opinion that such premises have not ceased to be eligible for registration in such register, the Board shall, before the 31st day of December next after the date of such application, renew the registration of such premises in such register.

(4) Whenever premises in respect of which an application was duly made to the Board for the renewal of the registration thereof in a register have been inspected under sub-section (2) of this section and the Board, notwithstanding such inspection, remains of opinion that such premises have ceased to be eligible for registration in such register, the following provisions shall apply and have effect, that is to say:—

F31[(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;]

(b) if during the said fourteen days no such written representations are received by the Board, the Board shall refuse such application;

(c) if during the said fourteen days such written representations are received by the Board, the Board shall cause a second inspection of such premises to be made by a different officer of the Board;

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

(e) if the Board, as a result of such second inspection and having considered the written representations received as aforesaid, becomes of opinion that such premises have not ceased to be eligible for registration in such register, the Board shall before the 31st day of December next after the date of such application, renew the registration of such premises in such register.

(5) Notwithstanding anything contained in the foregoing sub-sections of this section, the Board may refuse an application duly made to the Board for the renewal of the registration of any premises if the Board is of opinion that either—

(a) in case such application is the first application for the renewal of such registration, the applicant has, during the period between such registration and such application for renewal, failed, save with the consent of the Board, to adhere to charges not exceeding those specified in the scale of charges furnished by him with his application for such registration, or

(b) in case such application is not the first application for the renewal of such registration, the applicant has, during the then current year, failed, save with the consent of the Board, to adhere to charges not exceeding those specified in the scale of charges furnished by him with his next previous application for renewal of such registration.

(6) References in this section to the opinion of the Board that premises have ceased to be eligible for registration in any register or that an applicant has failed to adhere to any charges 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.

Registration certificates.

F32[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 F33[a fine not exceeding £200 together with, in the case of a continuing offence, a further fine (not exceeding £200 in all) not exceeding £10 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 F34[a fine not exceeding £50 together with, in the case of a continuing offence, a further fine (not exceeding £200 in all) not exceeding £5 for every day during which the offence continues.]]

Amendment of register in certain circumstances.

32.—The Board may, on its own motion or on the application of the registered proprietor, amend the registration of any premises in any respect in which such registration appears to the Board to be erroneous or misleading and may, where appropriate, amend the relevant registration certificate accordingly.

Restriction on describing premises as a hotel.

33.—(1) It shall not be lawful for the proprietor of any premises to describe or hold out or permit any person to describe or hold out such premises as an hotel unless such premises are registered in the register of hotels and such proprietor is registered in that register as the registered proprietor of such premises.

(2) Any person who acts in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to F35[a fine not exceeding £500 together with, in the case of a continuing offence, a further fine

(not exceeding £300 in all) not exceeding £20 for every day during which the offence is continued.]

(3) This section shall come into operation on such day as may be appointed in that behalf by order of the Minister.

Restriction on describing premises as a guest house.

34.—(1) It shall not be lawful for the proprietor of any premises to describe or hold out or permit any person to describe or hold out such premises as a guest house unless such premises are registered in the register of guest houses and such proprietor is registered in that register as the registered proprietor of such premises.

(2) Any person who acts in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to F36[a fine not exceeding £500 together with, in the case of a continuing offence, a further fine (not exceeding £300 in all) not exceeding £20 for every day during which the offence is continued.]

(3) This section shall come into operation on such day as may be appointed in that behalf by order of the Minister.

Restriction on describing premises as a holiday hostel, etc.

35.—(1) It shall not be lawful for the proprietor of any premises to describe such premises as a holiday hostel or holiday home or to hold out such premises as a holiday hostel or holiday home or to permit any person to so describe or so hold out such premises unless such premises are registered in the register of holiday hostels and such proprietor is registered in that register as the registered proprietor of such premises.

(2) Any person who acts in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to F37[a fine not exceeding £500 together with, in the case of a continuing offence, a further fine (not exceeding £300 in all) not exceeding £20 for every day during which the offence is continued.]

(3) This section shall come into operation on such day as may be appointed in that behalf by order of the Minister.

Restriction on describing premises as a youth hostel.

36.—(1) It shall not be lawful for the proprietor of any premises to describe or hold out or permit any person to describe or hold out such premises as a youth hostel unless such premises are registered in the register of youth hostels and such proprietor is registered in that register as the registered proprietor of such premises.

(2) Any person who acts in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to F38[a fine not exceeding £500 together with, in the case of a continuing offence, a further fine (not exceeding £300 in all) not exceeding £20 for every day during which the offence is continued.]

(3) This section shall come into operation on such day as may be appointed in that behalf by order of the Minister.

Restriction on describing premises as a holiday camp.

37.—(1) It shall not be lawful for the proprietor of any premises to describe or hold out or permit any person to describe or hold out such premises as a holiday camp unless such premises are registered in the register of holiday camps and such proprietor is registered in that register as the registered proprietor of such premises.

(2) Any person who acts in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to F39[a fine not exceeding £500 together with, in the case of a continuing offence, a further fine (not exceeding £300 in all) not exceeding £20 for every day during which the offence is continued.]

(3) This section shall come into operation on such day as may be appointed in that behalf by order of the Minister.

F40[Motor hotels.

37A.—(1) It shall not be lawful for the proprietor or occupier of any premises to describe or hold out or permit any person to describe or hold out such premises—

(a) as a motor hotel,

(b) as a motel,

(c) as a coach hotel,

(d) as a motor inn,

(e) as a motor court,

(f) as a tourist court, or

(g) as being of any other description prescribed for the purposes of this section,

unless such premises are registered in the register of motor hotels and such proprietor or occupier is registered in that register as the registered proprietor of such premises.

(2) Any person who acts in contravention of this section shall be guilty of an offence and shall be liable on summary conviction thereof to F41[a fine not exceeding £500 together with, in the case of a continuing offence, a further fine (not exceeding £300 in all) not exceeding £20 for every day during which the offence is continued.]

(3) This section shall come into operation on such day as may be appointed in that behalf by order of the Minister.]

F42[Caravan sites and camping sites.

37B. (1) It shall not be lawful for the proprietor or occupier of any premises to describe or hold out or permit any person to describe or hold out such premises as a caravan site, caravan park, caravan camp, caravan centre, caravan estate, caravan court, caravanel, camping site, camping park, camping centre, camping estate, camping court or autocamp or as being of any other description prescribed for the purposes of this section unless the premises are registered in the register of caravan sites and camping sites and such proprietor or occupier is registered in that register as the registered proprietor of such premises.

(2) Any person who acts in contravention of this section shall be guilty of an offence and shall be liable on summary conviction to F43[a fine not exceeding £500 together with, in the case of a continuing offence, a further fine (not exceeding £300 in all) not exceeding £20 for every day during which the offence is continued.]

(3) This section shall come into operation on such day as may be appointed in that behalf by order of the Minister.]

F44[**37C.**— (1) It shall not be lawful for the proprietor or occupier of any premises to describe or hold out or permit any person to describe or hold out such premises as an approved holiday cottage, approved holiday house, approved holiday home or approved holiday villa, or as being of any other description prescribed for the purposes of this section, unless the premises are registered in the register of approved holiday cottages and such proprietor or occupier is registered in that register as the registered proprietor of such premises.

(2) Any person who acts in contravention of this section shall be guilty of an offence and shall be liable on summary conviction to F45[a fine not exceeding £500 together with, in the case of a continuing offence, a further fine (not exceeding £300 in all) not exceeding £20 for every day during which the offence is continued.]

(3) This section shall come into operation on such day as may be appointed in that behalf by order of the Minister.]

F46[Register of holiday apartments.

37D. (1) It shall not be lawful for the proprietor or occupier of any premises to describe or hold out or permit any person to describe or hold out such premises as a holiday apartment, tourist apartment, apartotel or holiday flat, or as being of any other description prescribed for the purposes of this section, unless the premises are registered in the register of holiday apartments and such proprietor or occupier is registered in that register as the registered proprietor of such premises.

(2) Any person who acts in contravention of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500 together with, in the case of a continuing offence, a further fine (not exceeding £300 in all) not exceeding £20 for every day during which the offence is continued.

(3) This section shall come into operation on such day as may be appointed in that behalf by order of the Minister.]

Exemptions.

38.—(1) Where the Board is satisfied that any premises are carried on by a charitable organisation, the Board, if in its absolute discretion it so thinks fit, may by order declare that any one of the four preceding sections shall not apply in respect of such premises and, so long as such order remains in force, such section shall not apply in respect of such premises.

(2) The Board may by order revoke any order made under the immediately preceding sub-section of this section.

Grades.

39.—(1) The Board may from time to time grade in such manner as it thinks proper the premises registered in any register.

(2) Where the premises registered in any register have been graded under this section, the Board may at any time, if it so thinks proper, withdraw the grade then allotted to any of such premises and allot a different grade thereto.

(3) Where the premises registered in any register have been graded under this section, it shall not be lawful for the registered proprietor of any of such premises to describe or hold out such premises as being of a grade other than that for the time being allotted thereto.

(4) If the registered proprietor of any registered premises acts in contravention of the immediately preceding sub-section of this section, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to F47[a fine not exceeding £500.]

Devolution and transfer of registered premises.

40.—(1) Where the registered proprietor of registered premises dies, the following provisions shall have effect, that is to say:—

(a) the death of the said registered proprietor shall not of itself terminate the registration of such premises;

(b) the personal representative of the said deceased registered proprietor or, with the assent of such personal representative, any other person shall be entitled, on application in the prescribed form and manner to the Board, to be registered as the registered proprietor of the said premises;

(c) from the death of the said deceased registered proprietor until the registration of another person as registered proprietor of the said premises, the person actually carrying on the said premises shall be deemed to be the registered proprietor thereof for the purposes of so much of this Act as relates to things

to be done on the said premises or in the course of carrying them on as aforesaid.

(2) Where the registered proprietor (in this sub-section referred to as the transferor) of registered premises transfers, on sale or otherwise, the said premises and the business carried on therein to another person (in this sub-section referred to as the transferee), the following provisions shall have effect, that is to say:—

- (a) the transferee shall be entitled, on application in the prescribed form and manner to the Board and on satisfying the Board that he has become the proprietor of the said premises, to be registered as the registered proprietor of the said premises;
- (b) the transferee shall, on being registered as aforesaid, be entitled to the benefit of any application to the Board made by the transferor in relation to the said premises and then pending and shall be entitled to prosecute such application as if it had been made by him;
- (c) until the transferee is registered as aforesaid, the transferor shall, notwithstanding the said transfer, continue to be for all the purposes of this Act the registered proprietor of the said premises.

(3) The immediately preceding sub-section of this section shall apply in every case where a receiver or manager appointed by a court or a mortgagee goes into possession of registered premises in like manner as if such premises had been transferred by the registered proprietor thereof to such receiver, manager or mortgagee (as the case may be).

Inspection.

41.—(1) F48[A registration officer] shall be entitled at all reasonable times (subject to the production by him if so required of his appointment in writing as F48[registration officer]) to enter and inspect any registered premises or any premises in respect of which an application for registration has been made, and to require the registered proprietor or the applicant for registration (as the case may be) or any person employed in such premises to furnish to such F48[registration officer] such information in relation to such premises as may be reasonably necessary for the purposes of the administration of this Act.

(2) Every person who—

- (a) obstructs or impedes F48[a registration officer] in the exercise of any of the powers conferred by this section, or
- (b) fails or refuses to give to F48[a registration officer] on demand any information which F48[such registration officer] is entitled to demand under this section, or
- (c) wilfully gives to F48[a registration officer] information which is false or misleading in a material particular,

shall be guilty of an offence under this section and shall be liable on summary conviction thereof to F49[a fine not exceeding £50.]

F50[(3) In this section 'registration officer' means—

- (a) an officer of the Board appointed in writing by the Board, or
- (b) an employee of a contractor appointed in writing by the contractor,

to be a registration officer for the purposes of this section.

(4) A registration officer who is an employee of a contractor shall cease to be a registration officer upon the termination of any contract made between the Board and the contractor who employs the employee.

(5) The Board may, where it considers a registration officer who is an employee of a contractor is not performing the functions of a registration officer in a satisfactory manner, revoke the appointment of the officer.]

Evidence of the contents of registers.

F51[42.—(1) Every register shall be—

(a) deemed to be in the proper custody when in the custody of—

(i) the Board or any officer of the Board authorised in that behalf by the Board, or

(ii) a contractor or any employee of the contractor authorised in that behalf by the contractor, and

(b) admissible in evidence without further proof on production from the proper custody.

(2) *Prima facie* evidence of any entry in any register may be given in any court or in any legal proceedings by the production of a copy of such entry purporting to be certified to be a true copy by an officer of the Board authorised in that behalf by the Board or an employee of a contractor authorised in that behalf by the contractor and it shall not be necessary to prove the signature of such officer or employee or that he was in fact such officer or employee or was in fact so authorised.

(3) A certificate, purporting to be signed by an officer of the Board authorised in that behalf by the Board or an employee of a contractor authorised in that behalf by the contractor that any premises specified in such certificate are not entered in the register specified in such certificate shall be sufficient evidence until the contrary is shown of the matters so certified, and it shall not be necessary to prove the signature of such officer or employee, or that he was in fact such officer or employee, or was in fact so authorised.]

F52[(4) Any person may—

(a) inspect any register on payment of such fee for each inspection as shall be prescribed;

(b) obtain a copy, certified in manner hereinbefore mentioned to be a true copy, of any entry in any register on payment of such fee, for each folio of 72 words of the copy, as shall be prescribed;

(c) obtain such certificate as is hereinbefore mentioned that any specified premises are not registered in a specified register on payment of such fee for each certificate as shall be prescribed.]

Display of charges.

43.—(1) The Board may require the registered proprietor of registered premises to display in such places in the said premises as it thinks proper such and so many lists in easily legible form as it thinks proper of the charges for the time being current in respect of rooms, meals, or other services provided in the said premises.

(2) If the registered proprietor of registered premises fails to comply with a requirement under this section, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to F53[a fine not exceeding £100 together with, in the case of a continuing offence, a further fine (not exceeding £100 in all) not exceeding £10 for every day during which the offence is continued.]

External signs.

44.—(1) The Board may supply to the registered proprietor of registered premises a sign suitable for display on the outside of such premises and thereupon such registered proprietor shall keep such sign displayed in a prominent position outside and at or near the principal entrance to such premises.

(2) If the registered proprietor of registered premises to whom a sign has been supplied by the Board under this section fails to keep such sign displayed in a prominent position outside and at or near the principal entrance to such premises, such registered proprietor shall be guilty of an offence under this sub-section and shall be liable on summary conviction thereof to F54[a fine not exceeding £100.]

(3) Save with the consent in writing of the Board, it shall not be lawful for the registered proprietor of registered premises to display outside such premises any sign indicating the standard of such premises other than a sign supplied under this section by the Board

(4) If any person acts in contravention of the immediately preceding sub-section of this section, he shall be guilty of an offence under this sub-section and shall be liable on summary conviction thereof to F55[a fine not exceeding £100.]

(5) A sign supplied under this section may be in such form and contain such information in regard to the premises to which it relates as the Board thinks proper.

Annual list of registered premises.

45.—(1) The Board shall publish or cause to be published at least once in every year a list of registered premises arranged so as to show separately premises registered in the register of hotels, premises registered in the register of guest houses, premises registered in the register of holiday hostels, premises registered in the register of youth hostels, F56[premises registered in the register of caravan sites and camping sites,] F57[premises registered in the register of approved holiday cottages,] F58[premises registered in the register of holiday apartments,] F59[premises registered in the register of motor hotels] and premises registered in the register of holiday camps.

(2) Notwithstanding anything contained in the immediately preceding sub-section, where the registered proprietor of any registered premises requests the Board to omit such premises from the list under this section in respect of any year, the Board may omit such premises from the said list if, having regard to all the circumstances of the case, it so thinks proper.

(3) A list under this section may include in respect of any premises mentioned in such list such information as the Board thinks proper in relation to the standard of such premises, the charges made therein, and any other matter of interest to tourists.

Service of notices.

46.—(1) Where a notice is required by this Part of this Act to be served on any applicant for registration or renewal of registration, the notice shall be served in one of the following ways, that is to say:—

(a) by delivering the notice to the applicant,

(b) by delivering the notice to any person, of no less than sixteen years of age, who is in the employment of the applicant, and

(c) by sending the notice by post in a prepaid letter addressed, in the case of an applicant for registration, at the address where he carries on business or at his last known place of abode or, in the case of an applicant for renewal of registration, at the premises in respect of which his application is made.

(2) For the purposes of this section a body corporate registered within the State under the Companies Acts, 1908 to 1924, shall be deemed to carry on business at its registered office, and every other body corporate and every unincorporated body shall be deemed to carry on business at its principal office or place of business within the State.

Offences.

47.—(1) Any offence under any section of this Part of this Act may be prosecuted by, or at the suit of, the Board as prosecutor.

(2) Where an offence under any section of this Act was committed by a body corporate and is proved to have been so committed with the consent or approval of, or to have been facilitated by any neglect on the part of, any director, manager, secretary, or other officer of such body corporate, such director, manager, secretary, or other officer shall also be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly.

PART IV.

ESTABLISHMENT OF SPECIAL AREAS.

Areas to which this Part of this Act applies.

48.—The Minister may by order, if he so thinks proper on the application of the Board, declare that any area shall be an area to which this Part of this Act applies.

Conferring of powers on the Board in respect of areas to which this Part of this Act applies.

49.—(1) Whenever the Minister by order declares that an area shall be an area to which this Part of this Act applies, he may from time to time, if he so thinks proper on the application of the Board, by order do all or any of the following things, that is to say:—

- (a) authorise the Board to keep, in respect of such area, such registers as the Minister shall think proper and shall specify in such order of all or any of the following, that is to say:—
 - (i) boarding houses and other forms of residential accommodation,
 - (ii) camping sites,
 - (iii) restaurants, cafés, and similar establishments,
 - (iv) cinemas, theatres, sports grounds, band promenades, premises in which games or entertainment are provided for the public, and similar places of public entertainment, and
 - (v) local transport services;
- (b) apply in relation to any register so authorised to be kept by the Board such of the provisions of [Part III](#) of this Act as he thinks proper and so apply such provisions either with or without modification;
- (c) confer on the Board such powers as he thinks proper for the preservation of the amenities of such area;
- (d) confer on the Board such powers as he thinks proper in relation to the provision and control (including licensing) of guides, beach guards, and attendants at parking places in such area;
- (e) make such provisions (including provisions creating offences and providing for the prosecution and punishment of offenders) ancillary to or consequential upon the keeping of any register so authorised to be kept by the Board or the exercise of any power so conferred on the Board.

(2) Whenever the Minister confers by order under this section powers on the Board for the preservation of the amenities of an area to which this Part of this Act applies and the said area or any part thereof is or is part of the area to which a planning scheme under the [Town and Regional Planning Act, 1934](#) (No. 22 of 1934) relates, the Minister shall have regard to the provisions of such planning scheme.

Amendment and revocation of orders under this Part of this Act.

50.—The Minister may by order amend or revoke any order (including an order under this section) made by him under this Part of this Act.

Laying of orders under this Part of this Act before Houses of the Oireachtas.

51.—Every order under this Part of this Act shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling such order is passed by either such House within the next subsequent twenty-one days on which such House has sat after such order is laid before it, such order shall be annulled accordingly, but without prejudice to the validity of anything previously done under such order.

PART V.

AMENDMENT OF THE TOURIST TRAFFIC (DEVELOPMENT) ACT, 1931.

Amendment of the *Tourist Traffic (Development) Act, 1931*.

52.—(1) *Section 3* of the *Tourist Traffic (Development) Act, 1931* (No. 15 of 1931), shall be construed and have effect as if—

(i) for the purposes of the application of sub-section (3) thereof to a council of a county borough, the reference in paragraph (a) of the said sub-section (3) to a rate of one penny in the pound on the rateable value of such county borough were a reference to a rate of threepence in the pound on the said rateable value, and

(ii) the reference in sub-section (8) thereof to the Minister were a reference to the Irish Tourist Board.

(2) The Minister may, on the application of any statutory body, by order declare that such body shall be a local authority for the purposes of the *Tourist Traffic (Development) Act, 1931*, and thereupon such body shall be a local authority for the purposes of the said Act and the said Act shall apply and have effect accordingly.



Number 24 of 1939

TOURIST TRAFFIC ACT 1939

REVISED

Updated to 16 September 2020

About this Revised Act

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)

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 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.