Changes to Legislation: as of 3 November 2026, this Act is up to date with all changes known to be in force.

Number 27 *of* 1957

TOURIST TRAFFIC ACT 1957

REVISED

Updated to 16 September 2020

This Revised Act is an administrative consolidation of the *Tourist Traffic Act 1957*. 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.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

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ARRANGEMENT OF SECTIONS

Section

1. Construction.
2. Extension of time limit on giving of guarantees under Part III of Act of 1952.
3. Grants by the Board for interest charges on certain loans.
4. Grants to local authorities and local development companies.
5. Motor hotels.
6. Fee in the case of amended application for registration.
7. Application for registration after refusal or cancellation of registration.
8. Extension of references to premises.
9. Publication of lists of unregistered premises.
10. Miscellaneous amendments of Act of 1939.
11. Short title and collective citation.

ACTS REFERRED TO

Tourist Traffic Act, 1939	No. 24 of 1939
Tourist Traffic Act, 1952	No. 15 of 1952

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AN ACT TO AMEND THE TOURIST TRAFFIC ACTS, 1939 TO 1955. [17*th December*, 1957.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Annotations

Modifications (not altering text):

C1 Functions transferred and references to "Department of Transport, Tourism and Sport" and "Minister for Transport, Tourism and Sport" in collectively cited *Tourist Traffic Acts* construed (16.09.2020) by *Tourism and Sport (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 356 of 2020), arts. 2 and 3, in effect as per art. 1(2), subject to transitional provisions in arts. 4-8.

Note change of name of Department and title of Minister to Department of and Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media (30.09 2020) by *Culture, Heritage and the Gaeltacht (Alteration of Name of Department and Title of Minister) Order 2020* (S.I. No. 403 of 2020), 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 Culture, Heritage and the Gaeltacht.

(2) References to the Department of Transport, Tourism 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 construed as references to the Department of Culture, Heritage and the Gaeltacht.

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

(*a*) the Tourist Traffic Acts 1939 to 2016,

...

are transferred to the Minister for Culture, Heritage and the Gaeltacht.

(2) References to the Minister for Transport, Tourism and Sport contained in any Act or instrument made under such 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 Culture, Heritage and the Gaeltacht.

C2 Definition of "holiday apartment" extended (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.

C3 Definition of "holiday cottage" extended (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.

Editorial Notes:

E1 Previous affecting provision: 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); superseded as per C-note above.

E2 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.

E3 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.

E4 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.

E5 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.

E6 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.

Construction.

1.—(1) In this Act—

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

"the Act of 1952" means the Tourist Traffic Act, 1952 (No. 15 of 1952);

"the Board" means Bord Fáilte Éireann;

"the Minister" means the Minister for Industry and Commerce.

(2) The Tourist Traffic Acts, 1939 to 1955, and this Act shall be construed as one.

Annotations

Modifications (not altering text):

C4 Functions transferred and references to "Department of Transport, Tourism and Sport" and "Minister for Transport, Tourism and Sport" in collectively cited Tourist Traffic Acts construed (16.09.2020) by *Tourism and Sport (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 356 of 2020), arts. 2 and 3, in effect as per art. 1(2), subject to transitional provisions in arts. 4-8.

Note change of name of Department and Minister to Tourism, Culture, Arts, Gaeltacht, Sport and Media (30.09 2020) by *Culture, Heritage and the Gaeltacht (Alteration of Name of Department and Title of Minister) Order 2020* (S.I. No. 403 of 2020), 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 Culture, Heritage and the Gaeltacht.

(2) References to the Department of Transport, Tourism 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 construed as references to the Department of Culture, Heritage and the Gaeltacht.

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

(*a*) the Tourist Traffic Acts 1939 to 2016,

...

are transferred to the Minister for Culture, Heritage and the Gaeltacht.

(2) References to the Minister for Transport, Tourism and Sport contained in any Act or instrument made under such 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 Culture, Heritage and the Gaeltacht.

Extension of time limit on giving of guarantees under Part III of Act of 1952.

2.—F1**[**...**]**

Annotations

Amendments:

F1 Repealed (28.05.2003) by *National Tourism Development Authority Act 2003* (10/2003), s. 5 and sch. 1, S.I. No. 205 of 2003.

Grants by the Board for interest charges on certain loans.

3.—(1) 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:

E7 Previous affecting provision: subs. (2) repealed (16.08.1961) by *Tourist Traffic Act 1961* (37/1961), s. 5, commenced on enactment; original provision and amendment repealed as per F-note above.

Grants to local authorities and local development companies.

4.—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.

Motor hotels.

5.—(1) The Act of 1939 is hereby amended as follows:

(i) by the addition to subsection (1) of section 24 (which relates to the registers to be maintained by the Board) of the following paragraph:

"(*f*) a register to be called and known and in this Act referred to as the register of motor hotels.";

(ii) by the addition to section 25 (which relates to the eligibility of premises for registration) of the following paragraph:

"(*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.";

(iii) by the insertion after section 37 of the following section:

"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 a fine not exceeding fifty pounds together with, in the case of a continuing

offence, a further fine not exceeding two pounds 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.";

(iv) by the insertion in subsection (1) of section 45 (which relates to the publication by the Board of an annual list of registered premises) after "youth hostels" of "premises registered in the register of motor hotels".

(2) Section 5 of the Act of 1952 is hereby amended by the insertion in paragraph (*a*) of subsection (2) after "holiday hostels," of "motor hotels".

Annotations

Editorial Notes:

E8 Subs. (2) would appear to be spent as s. 5(2)(a) of the *Tourist Traffic Act 1952* (15/1952) was repealed (28.05.2003) by *National Tourism Development Authority Act 2003* (10/2003), s. 5 and sch. 1, S.I. No. 205 of 2003.

Fee in the case of amended application for registration.

6.—Where—

(*a*) an application for registration is made to the Board under section 26 of the Act of 1939, and

(*b*) before a decision on the application has been reached by the Board, the application is amended so as to be for registration in a different register,

the fee paid in connection with the original application shall be applied by the Board towards the amount of the fee required under paragraph (*c*) of subsection (2) of the said section 26 to accompany an application for registration in such different register.

Annotations

Modifications (not altering text):

C5 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*.

...

Editorial Notes:

E9 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.

Application for registration after refusal or cancellation of registration.

7.—Where—

(*a*) an application for registration is refused by the Board under paragraph (*b*) or paragraph (*d*) of subsection (3) of section 27 of the Act of 1939,

(*b*) an application for the renewal of registration is refused by the Board under paragraph (*b*) or paragraph (*d*) of subsection (4) of section 30 of the Act of 1939, or

(*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.

Annotations

Modifications (not altering text):

C6 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*.

...

Editorial Notes:

E10 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.

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.

Publication of lists of unregistered premises.

9.—(1) Subject to subsection (2) of this section, the Board may, whenever and so often as it thinks fit, publish or cause to be published a list of premises which provide accommodation for tourists but which are not registered by the Board, and may include in any such list in respect of any premises mentioned therein such information as the Board thinks proper in relation to the accommodation available, the charges made therefor and any other matters of interest to tourist.

(2) No premises shall be included in a list published pursuant to subsection (1) of this section except at the request or with the consent of the proprietor of the premises, and no information shall be given in any such list in relation to any premises mentioned therein save with the consent of the proprietor of the premises.

Annotations

Modifications (not altering text):

C7 Transitional saver provided (13.04.2003) by *National Tourism Development Authority Act 2003* (10/2003), s. 42(2), commenced on enactment.

Provisions consequent upon transfer of functions, assets and liabilities to Authority.

> **42.**— ...
>
> (2) Every instrument made under an enactment, every document (including any certificate) granted or made, and every register established, in the performance of a function transferred by section 38 , and every list published under section 9 of the Tourist Traffic Act 1957 shall, if and in so far as it was operative immediately before the establishment day, have effect on and after that day as if it had been granted, made, established or published by the Authority.
>
> ...

Miscellaneous amendments of Act of 1939.

10.—(1) Section 29 of the Act of 1939 is hereby amended by the deletion in subsection (1) of "in the month of October" and "in the month of November" and the substitution therefor, respectively, of "on or before the 15th day of October" and "on or before the 15th day of November".

(2) Subsection (2) of section 33, subsection (2) of section 34, subsection (2) of section 35, subsection (2) of section 36 and subsection (2) of section 37 of the Act of 1939 are hereby amended by the addition at the end of each subsection of "together with, in the case of a continuing offence, a fine not exceeding two pounds for every day during which the offence is continued."

(3) Section 41 of the Act of 1939 is hereby amended as follows:

(*a*) in subsection (1) for "An inspector" there shall be substituted "A registration officer" and for "inspector" wherever else occurring there shall be substituted "registration officer",

(*b*) in subsection (2) for "an inspector" wherever occurring there shall be substituted "a registration officer" and for "such inspector" there shall be substituted "such registration officer",

(*c*) the following subsection shall be substituted for subsection (3):

> "(3) In this section the expression 'registration officer' means an officer of the Board appointed in writing by the Board to be a registration officer for the purposes of this section."

Short title and collective citation.

11.—(1) This Act may be cited as the Tourist Traffic Act, 1957.

(2) The Tourist Traffic Acts, 1939 to 1955, and this Act may be cited together as the Tourist Traffic Acts, 1939 to 1957.

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TOURIST TRAFFIC ACT 1957

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 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 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 1972, 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)
- *Tourist Traffic Act 1987* (11/1987)
- *Tourist Traffic Act 1983* (31/1983)
- *Tourist Traffic Act 1979* (22/1979)
- *Tourist Traffic Act 1975* (26/1975)
- *Tourist Traffic Act 1970* (16/1970)
- *Tourist Traffic Act 1968* (29/1968)
- *Tourist Traffic Act 1966* (3/1966)
- *Tourist Traffic Act 1961* (37/1961)
- *Tourist Traffic Act 1959* (27/1959)

All Acts up to and including *Criminal Justice (Enforcement Powers) (Covid-19) Act 2020* (14/2020), enacted 11 September 2020, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Tourism and Sport (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 356 of 2020)
- *Tourism and Sport (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 140 of 2011)
- *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 *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 revision.