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*Number 16 of 1970*

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**TOURIST TRAFFIC ACT 1970**

**REVISED**

**Updated to 16 September 2020**

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This Revised Act is an administrative consolidation of the *Tourist Traffic Act 1970*. 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](mailto:revisedacts@lawreform.ie).





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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Acts previously included in the group but now repealed are: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 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](http://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](http://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 1972* (28/1972)

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)

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.



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ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Increase of certain non-repayable grants to Bord Fáilte Éireann.
3. Increase of aggregate amount of guarantees under Part III of Act of 1952.
4. Extension of time limit on giving of guarantees under Part III of Act of 1952.
5. Amendment of section 5 of Act of 1952.
6. Amendment of Tourist Traffic Act, 1939.
7. Short title and collective citation.

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ACTS REFERRED TO

Tourist Traffic Act, 1952	1952, No. 15
Tourist Traffic Act, 1966	1966, No. 3
Tourist Traffic Act, 1959	1959, No. 27
Tourist Traffic Act, 1968	1968, No. 29
Tourist Traffic Act, 1961	1961, No. 37
Tourist Traffic Act, 1939	1939, No. 24




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AN ACT TO AMEND AND EXTEND THE TOURIST TRAFFIC ACTS, 1939 TO 1968, [5th August, 1970]

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** Term “holiday apartment” defined (15.11.1983) by *Tourist Traffic Act 1983* (31/1983), s. 1(2), commenced on enactment.
- Interpretation.**
1. — ...
- (2) For the purposes of the *Tourist Traffic Acts, 1939 to 1983*, “holiday apartment” shall include a tourist apartment, an apartotel and a holiday flat.
- C3** Term “holiday cottage” defined (5.08.1970) by *Tourist Traffic Act 1970*(16/1970), s. 1(2), commenced on enactment.
- Interpretation.**
- 1.— ...
- (2) For the purposes of the *Tourist Traffic Acts, 1939 to 1970*, “holiday cottage” shall include a holiday house, a holiday home and a holiday villa.
- 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.

Interpretation.

1.—(1) In this Act—

“the Act of 1952” means the *Tourist Traffic Act, 1952*;

“the Act of 1966” means the *Tourist Traffic Act, 1966*.

(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.

Increase of certain non-repayable grants to Bord Fáilte Éireann.

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.

Increase of aggregate amount of guarantees under Part III of Act of 1952.

**3.—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.

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

**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.

Amendment of section 5 of Act of 1952.

**5.—F4[...]****Annotations****Amendments:**

- F4** Repealed (28.05.2003) by *National Tourism Development Authority Act 2003 (10/2003)*, s. 5 and sch. 1, S.I. No. 205 of 2003.

Amendment of Tourist Traffic Act, 1939.

**6.—The Tourist Traffic Act, 1939, is hereby amended—****(a) F5[...]**

**(b)** by the insertion after section 24 (1) (g) (inserted by section 2 (1) (b) of the Act of 1966) of the following—

“(h) a register to be called and known and in this Act referred to as the register of approved holiday cottages.”,



(c) by the insertion after section 25 (g) (inserted by section 2 (1) (c) of the Act of 1966) of the following—

“(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.”,

(d) by the insertion after section 37B (inserted by section 2 (1) (e) of the Act of 1966) of the following section:

“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 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.”,

and

(e) by the insertion in section 45 (1) after “camping sites,” (inserted by section 2 (1) (f) of the Act of 1966) of “premises registered in the register of approved holiday cottages,”.

#### Annotations

##### Amendments:

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

##### Editorial Notes:

**E6** The repeal of subs. (a) appears to be connected with the dissolution of Bord Fáilte Éireann (previously the Irish Tourist Board) which made this subsection redundant.

Short title and collective citation.

**7.—(1)** This Act may be cited as the Tourist Traffic Act, 1970.

(2) The Tourist Traffic Acts, 1939 to 1968, and this Act may be cited together as the Tourist Traffic Acts, 1939 to 1970.