Changes to Legislation: as of 13 October 2026, this Act is up to date with all changes known to be in force.

Number 31 *of* 1983

TOURIST TRAFFIC ACT 1983

REVISED

Updated to 16 September 2020

This Revised Act is an administrative consolidation of the *Tourist Traffic Act 1983*. 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. Interpretation.
2. Increase of certain non-repayable grants to Board.
3. Increase of penalties.
4. Prohibition by Circuit Court of unauthorised use of titles protected by *Tourist Traffic Acts, 1939 to 1983*.
5. Prescription of fees.
6. Provision of certain services and training by the Board.
7. Register of holiday apartments.
8. Display of certain information.
9. Superannuation of members and staff of the Board.
10. Amendment of section 8 of Principal Act.
11. Amendment of section 11 of Principal Act.
12. Repeals.
13. Short title and collective citation.

ACTS REFERRED TO

Tourist Traffic Act, 1939	1939, No. 24
Tourist Traffic Act, 1952	1952, No. 15
Tourist Traffic Act, 1959	1959, No. 27
Tourist Traffic Act, 1966	1966, No. 3
Tourist Traffic Act, 1970	1970, No. 16
Tourist Traffic Act, 1975	1975, No. 26

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AN ACT TO AMEND AND EXTEND THE TOURIST TRAFFIC ACTS, 1939 TO 1979. [15*th November*, 1983]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1.—(1) In this Act—

"the Board" means Bord Fáilte Éireann;

"the Minister" means the Minister for Trade, Commerce and Tourism;

"the Principal Act" means the Tourist Traffic Act, 1939.

(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.

Increase of certain non-repayable grants to Board.

2.—F1**[**...**]**

Increase of penalties.

3.—A person convicted of an offence for which a penalty is provided in any provision specified in *column (2)* of the Table to this section at any reference number of an Act specified in *column (3)* of that Table at that reference number shall, in lieu of the penalty so provided, be liable to the penalty specified in *column (4)* of that Table at that reference number.

TABLE

Reference Number (1)	(2)	(3)	(4)
1	Section 31 (4)	Tourist Traffic Act, 1939	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.
2	Section 31 (5)	Tourist Traffic Act, 1939	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.

Reference Number (1)	(2)	(3)	(4)
3	Section 33 (2)	Tourist Traffic Act, 1939	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.
4	Section 34 (2)	Tourist Traffic Act, 1939	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.
5	Section 35 (2)	Tourist Traffic Act, 1939	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.
6	Section 36 (2)	Tourist Traffic Act, 1939	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.
7	Section 37 (2)	Tourist Traffic Act, 1939	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.
8	Section 37A (2)	Tourist Traffic Act, 1939	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.
9	Section 37B (2)	Tourist Traffic Act, 1939	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.
10	Section 37C (2)	Tourist Traffic Act, 1939	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.
11	Section 39 (4)	Tourist Traffic Act, 1939	A fine not exceeding £500.
12	Section 41 (2)	Tourist Traffic Act, 1939	A fine not exceeding £50.
13	Section 43 (2)	Tourist Traffic Act, 1939	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.
14	Section 44 (2)	Tourist Traffic Act, 1939	A fine not exceeding £100.
15	Section 44 (4)	Tourist Traffic Act, 1939	A fine not exceeding £100.

Prohibition by Circuit Court of unauthorised use of titles protected by *Tourist Traffic Acts, 1939 to 1983*.

4.—(1) Where a person is acting in contravention of section 33, 34, 35, 36, 37, 37A, 37B, 37C or 37D of the Principal Act (as amended), the Court may, on the application of the Board, by order prohibit the continuance of the contravention.

(2) An application to the Court for an order under this section shall be by motion and the Court when considering the matter may make such interim or interlocutory order (if any) as it considers appropriate.

(3) The order by which an application under this section is determined may contain such terms and conditions (if any) as to the payment of costs as the Court considers appropriate.

(4) An application under this section shall be made to the judge of the circuit where the premises the subject of the application are situated.

(5) In this section "the Court" means the Circuit Court.

Prescription of fees.

5.—(1) Subsection (2) of section 26 of the principal Act is hereby amended by the deletion of "not exceeding two pounds" in paragraph (*c*), and that subsection, as amended by this section, is set out in the Table to this subsection.

TABLE

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 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.

(2) Section 42 of the Principal Act is hereby amended—

(*a*) by the substitution of the following subsection for subsection (3):

"(3) A certificate, purporting to be signed by an officer of the Board authorised in that behalf by the Board, 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 that he was in fact such officer, or was in fact so authorised.".

and

(*b*) by the substitution of the following subsection for subsection (4):

"(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.".

Provision of certain services and training by the Board.

6.—F2**[...]**

Register of holiday apartments.

7.—(1) Section 24 (1) of the Principal Act is hereby amended by the insertion after paragraph (*h*) (inserted by the Act of 1970) of the following paragraph:

"(*i*) a register to be called and known (and referred to in this Act) as the register of holiday apartments.",

and that section, as so amended, is set out in the Table to this subsection.

TABLE

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;

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

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

(*h*) a register to be called and known and in this Act referred to as the register of approved holiday cottages;

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

(2) Section 25 of the Principal Act is hereby amended by the insertion after paragraph (*h*) (inserted by the Act of 1970) of the following paragraph:

"(*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.",

and that section, as so amended, is set out in the Table to this subsection.

TABLE

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;

(*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;

(*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;

(*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;

(*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.

(3) Section 45 (1) of the Principal Act is hereby amended by the insertion after "premises registered in the register of approved holiday cottages" (inserted by the Act of 1970) of "premises registered in the register of holiday apartments" and that section, as so amended, is set out in the Table to this subsection.

TABLE

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, premises registered in the register of caravan sites and camping sites, premises registered in the register of approved holiday cottages, premises registered in the register of holiday apartments, premises registered in the register of motor hotels and premises registered in the register of holiday camps.

(4) The Principal Act is hereby amended by the insertion of the following section after section 37C (inserted by the Act of 1970):

"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.".

(5) Section 5 (2) (*a*) of the Tourist Traffic Act, 1952, is hereby amended by the insertion after "approved holiday cottages," (inserted by the Act of 1970) of "holiday apartments,".

(6) In this section "the Act of 1970" means the Tourist Traffic Act, 1970.

Display of certain information.

8.—(1) A registered proprietor shall display in the interior of the registered premises in respect of which he is the registered proprietor such information as may be required in writing from time to time by the Board to be so displayed, and such display shall be made in the manner or place so required.

(2) A registered proprietor who does not comply with a requirement under this section shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding £100, and section 47 of the Principal Act shall apply to such offence as if it were an offence under Part III of that Act.

(3) In this section "registered proprietor" and "registered premises" have the same meanings as in Part III of the Principal Act.

Superannuation of members and staff of the Board.

9.—F3**[**...**]**

Amendment of section 8 of Principal Act.

10.—F4**[**...**]**

Amendment of section 11 of Principal Act.

11.—F5**[**...**]**

Repeals.

12.—Sections 4 and 5 of the Tourist Traffic Act, 1975, are hereby repealed.

Short title and collective citation.

13.—(1) This Act may be cited as the Tourist Traffic Act, 1983.

(2) The Tourist Traffic Acts, 1939 to 1979, and this Act may be cited together as the Tourist Traffic Acts, 1939 to 1983.

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TOURIST TRAFFIC ACT 1983

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 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 in linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.