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

Number 13 *of* 1995

TOURIST TRAFFIC ACT 1995

REVISED

Updated to 16 September 2020

This Revised Act is an administrative consolidation of the *Tourist Traffic Act 1995*. 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.

Number 13 *of* 1995

TOURIST TRAFFIC ACT 1995

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ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Power of Board to contract out its inspection and associated functions.
3. Regulations.
4. Termination of contracts.
5. "Registration officer".
6. Evidence of contents of registers.
7. "Contractor".
8. Opinion of Board.
9. Increase of non-repayable grants to Board for tourism development.
10. Short title and collective citation.

SCHEDULE

Number 13 *of* 1995

TOURIST TRAFFIC ACT 1995

REVISED

Updated to 16 September 2020

AN ACT TO ENABLE BORD FÁILTE ÉIREANN TO EXERCISE ITS POWERS AND PERFORM ANY OF ITS FUNCTIONS UNDER THE TOURIST TRAFFIC ACTS, 1939 TO 1987, IN RELATION TO REGISTRATION AND GRADING OF TOURIST ACCOMMODATION AND UNDER THE INTOXICATING LIQUOR ACT, 1988, IN RELATION TO SPECIAL RESTAURANT LICENCES BY OR THROUGH CONTRACTORS AND TO AUTHORISE THE INCREASE OF GRANTS TO BORD FÁILTE ÉIREANN FOR TOURISM DEVELOPMENT AND TO PROVIDE FOR CONNECTED MATTERS. [5*th July*, 1995]

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 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.

C3 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.

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.

Definitions.

1.—In this Act—

"the Board" means Bord Fáilte Éireann;

"contractor" has the meaning assigned to it by *section 2 (1)* of this Act;

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

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

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.

Power of Board to contract out its inspection and associated functions.

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.

Regulations.

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.

Termination of contracts.

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.

"Registration officer".

5.—Section 41 of the Principal Act is hereby amended by the substitution for subsection (3) (inserted by section 10 (3) (*c*) of the Tourist Traffic Act, 1957) of the following subsections:

"(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 contents of registers.

6.—Section 42 of the Principal Act is hereby amended by the substitution for subsections (1) to (3) of the following subsections:

"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.".

"Contractor".

7.—Section 2 of the Principal Act is hereby amended by the insertion after the definition of "the Board" of the following definition:

"'contractor' has the meaning assigned to it by the *Tourist Traffic Act, 1995*;".

Opinion of Board.

8.—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.

Increase of non-repayable grants to Board for tourism development.

9.—F5**[...]**

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.

Short title and collective citation.

10.—(1) This Act may be cited as the Tourist Traffic Act, 1995.

(2) The Tourist Traffic Acts, 1939 to 1987, and this Act may be cited together as the Tourist Traffic Acts, 1939 to 1995.

Section 2 (1).

SCHEDULE

Enactment (1)	Provision Affected (2)
Tourist Traffic Act, 1939	Section 24 (1) (as amended by section 5 (1) (i) of the Tourist Traffic Act, 1957, section 2 (1) (*b*) of the Tourist Traffic Act, 1966, section 6 (*b*) of the Tourist Traffic Act, 1970, and section 7 (1) of the Tourist Traffic Act, 1983)
Tourist Traffic Act, 1939	Section 26 (1)
Tourist Traffic Act, 1939	Section 27 (1)
Tourist Traffic Act, 1939	Section 27 (2)
Tourist Traffic Act, 1939	Section 27 (3) (*a*) and (*b*)
Tourist Traffic Act, 1939	Section 27 (4)
Tourist Traffic Act, 1939	Section 29 (1) (as amended by section 10 (1) of the Tourist Traffic Act, 1957)
Tourist Traffic Act, 1939	Section 30 (1)
Tourist Traffic Act, 1939	Section 30 (2)
Tourist Traffic Act, 1939	Section 30 (3)
Tourist Traffic Act, 1939	Section 30 (4) (*a*) and (*b*) (as amended by section 28 of the Tourist Traffic Act, 1952)
Tourist Traffic Act, 1939	Section 31 (1) (inserted by section 30 of the Tourist Traffic Act, 1952)
Tourist Traffic Act, 1939	Section 31 (2) (inserted by the aforesaid section 30)
Tourist Traffic Act, 1939	Section 31 (3) (*b*) and (*d*) (inserted by the aforesaid section 30)
Tourist Traffic Act, 1939	Section 32
Tourist Traffic Act, 1939	Section 39 (1)
Tourist Traffic Act, 1939	Section 39 (2)
Tourist Traffic Act, 1939	Section 40 (1) (*b*)
Tourist Traffic Act, 1939	Section 40 (2) (*a*) and (*b*)
Tourist Traffic Act, 1939	Section 43 (1)
Tourist Traffic Act, 1939	Section 44 (1)
Tourist Traffic Act, 1939	Section 44 (3)
Tourist Traffic Act, 1939	Section 44 (5)
Tourist Traffic Act, 1939	Section 45 (as amended by section 5 (iv) of the Tourist Traffic Act, 1957, section 2 (1) (*f*) of the Tourist Traffic Act, 1966, section 6 (*e*) of the Tourist Traffic Act, 1970, and section 7 (3) of the Tourist Traffic Act, 1983)
Tourist Traffic Act, 1952	Section 5 (2) (*a*) (as amended by section 5 (2) of the Tourist Traffic Act, 1957, section 2 (2) of the Tourist Traffic Act, 1966, section 5 of the Tourist Traffic Act, 1970, and section 7 (5) of the Tourist Traffic Act, 1983)
Tourist Traffic Act, 1952	Section 26
Tourist Traffic Act, 1952	Section 27
Tourist Traffic Act, 1952	Section 32 (2)
Tourist Traffic Act, 1952	Section 32 (3) (*a*) and (*b*)
Tourist Traffic Act, 1957	Section 6
Tourist Traffic Act, 1957	Section 7

Enactment (1)	Provision Affected (2)
Intoxicating Liquor Act, 1988	Section 8 (2)
Intoxicating Liquor Act, 1988	Section 8 (5)
Intoxicating Liquor Act, 1988	Section 11
Intoxicating Liquor Act, 1988	Section 13 (1)
Intoxicating Liquor Act, 1988	Section 13 (2)
Intoxicating Liquor Act, 1988	Section 13 (3)

Annotations

Editorial Notes:

E2 The enabling provision s. 2(1) has been repealed so therefore the Schedule would appear to be spent.

ACTS REFERRED TO

Intoxicating Liquor Act, 1988	1988, No. 16
Tourist Traffic Act, 1939	1939, No. 24
Tourist Traffic Act, 1952	1952, No. 15
Tourist Traffic Act, 1957	1957, No. 27
Tourist Traffic Act, 1966	1966, No. 3
Tourist Traffic Act, 1970	1970, No. 16
Tourist Traffic Act, 1975	1975, No. 26
Tourist Traffic Act, 1983	1983, No. 31
Tourist Traffic Act, 1987	1987, No. 11
Tourist Traffic Acts, 1939 to 1987	

Number 13 *of* 1995

TOURIST TRAFFIC ACT 1995

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)

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)

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.