

Changes to Legislation: as of 4 July 2024, this Act is up to date with all changes known to be in force.



Number 31 of 2003

INTOXICATING LIQUOR ACT 2003

REVISED

Updated to 8 December 2023

This Revised Act is an administrative consolidation of the *Intoxicating Liquor Act 2003*. 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 *Judicial Appointments Commission Act 2023 (33/2023)*, enacted 8 December 2023, and all statutory instruments up to and including the *Appointment of Special Adviser (Minister of State at the Department of Justice) Order 2023 (S.I. No. 632 of 2023)*, made 7 December 2023, were considered in the preparation of this Revised Act.

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Updated to 8 December 2023

AN ACT TO AMEND AND EXTEND THE LICENSING ACTS 1833 TO 2003, THE REGISTRATION OF CLUBS ACTS 1904 TO 2003 AND THE EQUAL STATUS ACT 2000 AND TO PROVIDE FOR RELATED MATTERS. [14th July, 2003]

BE IT ENACTED BY THE OIREACTHAS 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” 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 — ...

(d) the Intoxicating Liquor Act 2003 (No. 31 of 2003),

...

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.

...

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.

PART 1

PRELIMINARY AND GENERAL

Short title,
collective
citations,
construction and
commencement.

1. —(1) This Act may be cited as **the Intoxicating Liquor Act 2003**.

(2) The Acts and this Act, in so far it amends and extends the Acts, may be cited together as the Licensing Acts 1833 to 2003 and shall be construed together as one.

(3) The Registration of Clubs Acts 1904 to 2003 and this Act, in so far as it amends and extends those Acts, may be cited together as the Registration of Clubs Acts 1904 to 2003 and shall be construed together as one.

(4) **The Equal Status Act 2000** and *section 25* may be cited together as the Equal Status Acts 2000 and 2003 and shall be construed together as one.

(5) This Act shall come into operation on such day or days as the Minister may fix by order, either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions.

Annotations**Editorial Notes:**

E2 Power pursuant to subs. (5) exercised (18.08.2003, 29.09.2003) by *Intoxicating Liquor Act 2003 (Commencement) Order 2003* (S.I. No. 362 of 2003).

2. The 18th day of August 2003 is fixed as the day on which the *Intoxicating Liquor Act 2003* (No. 31 of 2003), other than the following provisions, comes into operation:

(a) sections 10, 14, 15, 16(b)(ii) and 19;

(b) section 23 (in so far as it relates to section 19 of that Act and to *section 34A* of the Act of 1988);

(c) section 25 (in so far as it inserts *subsection (3)* of *section 15* of the *Equal Status Act 2000*).

3. The 29th day of September 2003 is fixed as the day on which the following provisions of the *Intoxicating Liquor Act 2003* (No. 31 of 2003) come into operation:

(a) sections 10, 14, 15, 16(b)(ii) and 19;

(b) section 23 (in so far as it relates to *section 19* of that Act and to *section 34A* of the Act of 1988);

(c) *section 25* (in so far as it inserts *subsection (3)* of *section 15* of the *Equal Status Act 2000*).

Interpretation.

2. —(1) In this Act, unless the context otherwise requires—

“Act of 1924” means **the Intoxicating Liquor (General) Act 1924**;

“Act of 1927” means **the Intoxicating Liquor Act 1927**;

“Act of 1962” means **the Intoxicating Liquor Act 1962**;

“Act of 1988” means **the Intoxicating Liquor Act 1988**;

“Act of 2000” means **the Intoxicating Liquor Act 2000**;

“Acts” means the *Licensing Acts 1833 to 2003*;

“bar” means any open bar or any part of licensed premises exclusively or mainly used for the sale and consumption of intoxicating liquor and includes any counter or barrier across which drink is or can be served to the public;

“disorderly conduct” means any unreasonable behaviour by a person on licensed premises which, having regard to all the circumstances, is likely to cause injury, fear or distress to any other person on the premises and includes, but is not limited to—

- (a) violent, threatening, abusive, quarrelsome or insulting behaviour,
- (b) conduct causing damage to property,
- (c) conduct constituting an offence under the Firearms Acts 1925 to 2000 or [the Non-Fatal Offences Against the Person Act 1997](#),
- (d) conduct in breach of the duty (imposed by section 18(3) of [the Fire Services Act 1981](#)) to ensure that as far as is reasonably practicable any person on premises is not exposed to danger from fire as a consequence of any act or omission,
- (e) conduct likely to constitute a risk to the health, safety or welfare of any person;

“drunken person” means a person who is intoxicated to such an extent as would give rise to a reasonable apprehension that the person might endanger himself or herself or any other person, and “drunk” and “drunkenness” are to be construed accordingly;

“guardian” includes a person acting in good faith in place of a parent;

“licence” means a licence for the sale of intoxicating liquor, whether granted on production or without production of a certificate of the Circuit Court or District Court;

“licensed premises” means premises in respect of which a licence is in force and, in relation to a licensee, means the licensed premises of the licensee;

“licensee” means the holder of a licence;

“Minister” means the Minister for Justice, Equality and Law Reform.

(2) In this Act, unless the context otherwise requires—

- (a) a reference to a Part or section is to a Part or section of this Act,
- (b) a reference to a subsection is a reference to a subsection of the section in which the reference occurs, and
- (c) references to any enactment are references to that enactment as amended by any subsequent enactment, including this Act.

Repeals.

3. —The following enactments are repealed:

- (a) sections 31 and 42 of the Refreshment Houses (Ireland) Act 1860;
- (b) sections 13 and 18 of the Licensing Act 1872;
- (c) [section 13 of the Intoxicating Liquor \(General\) Act 1924](#);
- (d) subsection (2), as inserted by section 5(2) of the Act of 2000, of [section 4 of the Public Dance Halls Act 1935](#);
- (e) section 17 of the Act of 2000.

PART 2

CONDUCT ON LICENSED PREMISES

Drunken persons. **4.** —(1) A licensee shall not, on the licensed premises—

(a) supply, or permit any person to supply, intoxicating liquor—

(i) to a drunken person, or

(ii) to any person for consumption by a drunken person;

(b) permit a drunken person to consume intoxicating liquor;

(c) permit drunkenness to take place in the bar; or

(d) admit any drunken person to the bar.

(2) A licensee who contravenes *subsection (1)* is guilty of an offence under this section and liable on summary conviction to a fine not exceeding—

(a) for a first offence, F1[€3,000], or

(b) for a second or any subsequent offence, F1[€5,000].

(3) A person who is drunk on leaving licensed premises is presumed, until the contrary is proved, to have been drunk while on those premises.

(4) In a prosecution for an offence under *subsection (1)(c)* it is a defence to prove that the licensee took reasonable steps to prevent the drunkenness concerned taking place.

Annotations

Amendments:

F1 Substituted (30.07.2008) by *Intoxicating Liquor Act 2008 (17/2008)*, s. 17 and sch. 1, S.I. No. 286 of 2008. A fine of €3,000 translates into a class B fine, not greater than €4,000, as provided (4.01.2011) by *Fines Act 2010 (8/2010)*, ss. 3, 5(3) and table ref. no. 1, S.I. No. 662 of 2010.

A fine of €5,000 translates into a class A fine, not greater than €5,000, as provided (4.01.2011) by *Fines Act 2010 (8/2010)*, ss. 3, 4(3) and table ref. no. 1, S.I. No. 662 of 2010.

Supply of intoxicating liquor to drunken persons by non-licensees.

5. —(1) A person (not being a licensee) shall not—

(a) purchase intoxicating liquor for supply to, or consumption by, a drunken person on licensed premises, or

(b) supply intoxicating liquor to a drunken person on any such premises.

(2) A person who contravenes *subsection (1)* is guilty of an offence under this section and liable on summary conviction to a fine not exceeding—

(a) for a first offence, F2[€3,000], or

(b) for a second or any subsequent offence, F2[€5,000]

Annotations

Amendments:

F2 Substituted (30.07.2008) by *Intoxicating Liquor Act 2008 (17/2008)*, s. 17 and sch. 1, S.I. No. 286 of 2008. A fine of €3,000 translates into a class B fine, not greater than €4,000, as provided (4.01.2011) by *Fines Act 2010 (8/2010)*, ss. 3, 5(3) and table ref. no. 1, S.I. No. 662 of 2010.

A fine of €5,000 translates into a class A fine, not greater than €5,000, as provided (4.01.2011) by *Fines Act 2010 (8/2010)*, ss. 3, 4(3) and table ref. no. 1, S.I. No. 662 of 2010.

Offences by drunken persons. **6.** —(1) A drunken person shall leave licensed premises on being requested to do so by the licensee or a member of the Garda Síochána.

(2) A drunken person shall not seek entry to the bar of licensed premises.

(3) A person who contravenes *subsection (1)* or *(2)* is guilty of an offence under this section and liable on summary conviction to a fine not exceeding—

(a) for a first offence, €300, or

(b) for a second or any subsequent offence, €500.

(4) A member of the Garda Síochána may arrest without warrant any person committing an offence under this section or whom the member, with reasonable cause, suspects of being guilty of such an offence.

Annotations

Editorial Notes:

E3 A fine of €300 translates into a class E fine, not greater than €500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 8(2) and table ref. no. 1, S.I. No. 662 of 2010.

A fine of €500 translates into a class E fine, not greater than €500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 8(2) and table ref. no. 1, S.I. No. 662 of 2010.

Duty of licensee to preserve order.

7. —(1) A licensee shall not permit disorderly conduct to take place on the licensed premises.

(2) A licensee who contravenes *subsection (1)* is guilty of an offence under this section and liable on summary conviction to a fine not exceeding—

(a) for a first offence, F3[€3,000], or

(b) for a second or any subsequent offence, F3[€5,000]

Annotations

Amendments:

F3 Substituted (30.07.2008) by *Intoxicating Liquor Act 2008* (17/2008), s. 17 and sch. 1, S.I. No. 286 of 2008. A fine of €3,000 translates into a class B fine, not greater than €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 5(3) and table ref. no. 1, S.I. No. 662 of 2010.

A fine of €5,000 translates into a class A fine, not greater than €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(3) and table ref. no. 1, S.I. No. 662 of 2010.

Disorderly conduct.

8. —(1) A person shall not engage in disorderly conduct on licensed premises.

(2) A person who engages in such disorderly conduct—

(a) shall leave the licensed premises concerned on being requested to do so by the licensee or a member of the Garda Síochána, and

(b) shall not re-enter the bar of the licensed premises within a period of 24 hours after so acting.

(3) A person who contravenes *subsection (1)* or *(2)* is guilty of an offence under this section and liable on summary conviction to a fine not exceeding—

(a) for a first offence, €300, or

(b) for a second or any subsequent offence, €500.

(4) A member of the Garda Síochána may arrest without warrant any person committing an offence under this section or whom the member, with reasonable cause, suspects of being guilty of such an offence.

(5) It shall not be unlawful for a licensee to refuse admission to the licensed premises to any person convicted of a offence under this section where, having regard to the obligations of the licensee under the Acts and this Act, admission could reasonably be regarded as involving a substantial risk that the person would engage in disorderly conduct.

Annotations

Editorial Notes:

E4 A fine of €300 translates into a class E fine, not greater than €500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 8(2) and table ref. no. 1, S.I. No. 662 of 2010.

A fine of €500 translates into a class E fine, not greater than €500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 8(2) and table ref. no. 1, S.I. No. 662 of 2010.

Temporary closure of premises.

9. —(1) This section applies to an offence under *sections 4, 7 and 17* and section 34A (as inserted by *section 15*) of the Act of 1988 and to an offence under regulations made by the Minister under *section 22*.

(2) Subject to *subsection (3)*, where a licensee is convicted by the District Court of an offence to which this section applies, the Court shall, in addition to any penalty imposed, make an order (in this section referred to as a “temporary closure order”) for the closure of the premises concerned or any part thereof for a period—

(a) F4[*of not less than 2 and not more than*] 7 days for a first such offence, or

(b) of not less than 7 and not more than 30 days for a second or any subsequent such offence.

(3) Where a licensee—

(a) is convicted of more than one offence to which this section applies, and

(b) all the offences were committed on the same occasion,

only one temporary closure order may be made in respect of the offences.

(4) In determining the duration of a temporary closure order, the Court may seek from a member of the Garda Síochána involved in the investigation of the offence a report on the circumstances in which it was committed and any other information which the Court may consider to be of assistance to it in dealing with the case.

(5) The period of closure specified in a temporary closure order shall commence—

(a) if no appeal is made against the conviction or period of closure concerned, on the 30th day after the order is made, or

(b) if such an appeal is made and the conviction or period of closure is affirmed, on the 30th day after the conviction or such period is affirmed,

and shall end—

(i) if no appeal is made against the conviction or period of closure, on the expiration of the period specified in the order,

(ii) if such an appeal is made and the conviction or period of closure is affirmed, on the expiration of the period so specified, or

(iii) if on appeal the period of closure is varied, on the expiration of the period as so varied.

(6) A temporary closure order which is in force in respect of any premises or part thereof shall have effect for the purposes of the Acts and this Act as if the premises or that part were not licensed for the sale of intoxicating liquor during the period of closure mentioned in *subsection (5)*.

(7) If on appeal a conviction for an offence to which this section applies is reversed, the temporary closure order concerned shall thereupon cease to have effect.

(8) While licensed premises or any part thereof are closed in compliance with a temporary closure order, the licensee shall affix to the exterior of the premises, in a conspicuous place, a notice specifying the period of closure and stating that the closure is in compliance with the order.

(9) A licensee who contravenes *subsection (8)* is guilty of an offence and liable on summary conviction to a fine not exceeding—

(a) for a first offence, €300, or

(b) for a second or subsequent offence, €500.

(10) No employee who is working in the premises to which a temporary closure order applies shall be disadvantaged in his or her employment by reason of the order during the period of closure under it.

(11) For the purposes of *subsection (10)*, “employee” means any person who works under a contract of employment with an employer, and includes a part-time employee within the meaning of [the Protection of Employees \(Part-Time Work\) Act 2001](#).

(12) Nothing in the Acts shall prohibit the Court from ordering that a conviction for an offence to which this section applies be recorded on the licence held by the person so convicted, and accordingly, where the Court so orders, the offence concerned shall be deemed for the purposes of Part III (endorsement of licences) of the Act of 1927 to be an offence to which that Part of that Act applies.

(13) If—

(a) the conviction for an offence to which this section applies is affirmed by the Circuit Court on appeal, or

(b) the appeal relates to the period of closure specified in the temporary closure order,

the Court may vary the period of closure specified in the relevant temporary closure order.

Annotations

Amendments:

F4 Substituted (30.07.2008) by *Intoxicating Liquor Act 2008* (17/2008), s. 15, S.I. No. 286 of 2008.

Modifications (not altering text):

C2 Section applied with modifications and reference to “a member of the Garda Síochána” construed (12.11.2018) by *Public Health (Alcohol) Act 2018* (24/2018), s. 23(5), S.I. No. 448 of 2018.

Regulations relating to sale and supply of alcohol products

23.— ...

(5) Section 9 of the Act of 2003 shall apply to an offence under subsection (4), subject to the reference in subsection (4) of the said section 9 to “a member of the Garda Síochána” being construed as a reference to “an authorised officer” and any other necessary modifications.

...

Editorial Notes:

E5 A fine of €300 translates into a class E fine, not greater than €500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 8(2) and table ref. no. 1, S.I. No. 662 of 2010.

A fine of €500 translates into a class E fine, not greater than €500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 8(2) and table ref. no. 1, S.I. No. 662 of 2010.

PART 3

OTHER AMENDMENTS OF INTOXICATING LIQUOR ACTS

Amendment of prohibited hours on Thursdays.

10. —Section 2 (a19.s amended by section 3 of the Act of 2000) of the Act of 1927 is amended in subsection (1)(b) by the substitution of the following subparagraphs for subparagraphs (vi) and (vii):

“(vi) any other Monday, Tuesday, Wednesday or Thursday: between 10.30 a.m. and 11.30 p.m.; and

(vii) any other Friday or Saturday: between 10.30 a.m. and 12.30 a.m. on the following day.”.

Special exemption orders.

11. —The Act of 1927 is amended by the substitution of the following section for section 5 (special exemption orders), as amended by section 5 of the Act of 2000:

“5.—(1) In this section—

‘local authority’ means a county council, city council or town council;

‘special exemption order’ means an order of the District Court exempting the holder of an on-licence from the provisions of this Act relating to prohibited hours in respect of licensed premises during the hours and on the occasion specified in the order;

‘special occasion’ means—

(a) (i) the occasion of a special event that is organised for the entertainment of the members of a particular association, organisation or other like group, or

(ii) the occasion of a private function,

in the premises in relation to which the special exemption order is sought and at which a substantial meal (the price, if any, of which is included in the price, if any, of admission to the event) is served to the persons attending the event,

(b) the occasion of a dance that is held in a ballroom licensed under the Public Dance Halls Acts 1935 to 2003 and forming part of the premises in relation to which the special exemption order is sought, or

(c) the occasion of a dance that is held in such a ballroom on a day that, in the opinion of the Court, is a day of special festivity generally or in the locality in which the premises are situated.

(2) A special exemption order shall not be granted unless the applicant therefor has, not less than forty-eight hours before making the application, served upon the officer in charge of the Garda Síochána for the licensing area concerned a notice of intention to apply for the order, setting out the applicant's name and address and the special occasion, premises and hours in relation to which the order is sought.

(3) The District Court may make a special exemption order if it thinks fit to do so, having heard the officer in charge of the Garda Síochána for the licensing area concerned and having had regard to the terms of any resolution adopted by a local authority pursuant to subsection (7) of this section in relation to the expiry times of such orders.

(4) A special exemption order—

(a) shall contain the following conditions:

- (i) that intoxicating liquor shall not be sold at the event, function or dance to which the order relates during the hours specified in the order to persons other than those attending the event,
- (ii) that members of the public, other than persons so attending, shall not be admitted to the part of the premises in which intoxicating liquor is being supplied or consumed pursuant to the order, and
- (iii) that the event, function or dance is held in compliance with the relevant provisions of the definition of special occasion in subsection (1) of this section,

and

(b) may contain such other conditions as the Court thinks proper, including, as appropriate, a requirement to install a closed circuit television system.

(5) A special exemption order shall expire—

(a) in case it extends to any Monday that is not a public holiday, at 1.00 a.m.,
or

(b) in any other case, at 2.30 a.m.,

unless the Court, for stated reasons, considers it expedient to grant the order for a shorter period.

(6) The Court shall not grant a special exemption order in respect of any premises unless it is satisfied that the special occasion will be conducted in a manner that will not cause undue inconvenience or nuisance to persons residing in the locality or create an undue risk to public order therein.

(7) (a) A local authority may adopt a resolution concerning the expiry times referred to in subsection (5) of this section in respect of the whole or a specified part of its administrative area and may by resolution amend or rescind such a resolution.

(b) Such a resolution shall not have effect unless—

- (i) at least one month's notice of intention to propose the resolution and of the expiry times to be included in it has been given in writing to each member of the local authority,
- (ii) the notice and expiry times have been published in at least two newspapers circulating in the area to which the proposed resolution relates, and

(iii) the notice invites interested parties to submit their views on the proposed resolution.

(c) Before any such resolution is adopted the local authority shall consult with the officer in charge of the Garda Síochána for the licensing area concerned and consider any views submitted by that officer and any other persons, including views in relation to any health aspects of the making of a special exemption order.

(d) The local authority shall cause notice of the adoption of such a resolution to be published in at least two newspapers circulating in the area to which the resolution relates and send a copy of the resolution to the district court clerk for the district court district in which is situated the area to which the resolution relates.

(e) In any proceedings evidence of the passing of such a resolution may be given by the production of a copy of a newspaper containing the notice referred to in paragraph (d) of this subsection or by the production of a certificate to that effect purporting to be under the seal of the local authority concerned.

(8) Any person to whom a special exemption order has been granted shall, if and so long as the person complies with the conditions upon which it has been granted, be exempt during the hours and on the special occasion specified in the order from any penalty for contravention of the provisions of this Act relating to prohibited hours in respect of the premises to which the order relates but not from any other penalty under this or any other Act.

(9) Special exemption orders shall not be made in respect of more than twelve days in a year for any dance referred to in paragraph (c) of the definition of "special occasion" in subsection (1)."

Annotations

Modifications (not altering text):

C3 References to "county council", "city council" and "town council" construed (1.06.2014) by *Local Government Reform Act 2014* (1/2014), ss. 9(2) and 25(2), S.I. No. 214 of 2014.

Cesser and amalgamation of certain local government areas

9.—...

(2) Except where otherwise provided for by this Act, a reference, however expressed, in any enactment—

(a) to a county council or a city council (including a reference construed by section 3(2) of, and Schedule 2 to, the Principal Act as a reference to a county council or to a city council, as the case may be) shall, if the context permits, be read as a reference to a county council, a city council or a city and county council, and

(b) to a county council and a city council (including a reference so construed) shall, if the context permits, be read as a reference to a county council, a city council and a city and county council.

...

Dissolution of town councils — consequential provisions

25.— ...

(2) A function of a town council (including a reference construed by section 3(2) of, and Schedule 2 to, the Principal Act as a reference to a town council and whether of general application to town councils or otherwise under an enactment) that—

(a) has not been repealed or otherwise provided for by this Act, or

(b) is neither spent nor obsolete,

shall, if the context permits in respect of one or more than one town council concerned, be read as a reference to a function of the local authority in whose administrative area the town council so dissolved is situated.

Prohibition of entertainment during drinking-up time.

12. —(1) Section 7 (drinking-up time) of the Act of 1962 is amended by the insertion of the following subsections:

“(3) A licensee shall not provide or permit entertainment to be provided during the period of thirty minutes referred to in subsections (1) and (2).

(4) Any licensee who contravenes subsection (3) is guilty of an offence under this section and liable on summary conviction to a fine not exceeding—

(a) for a first offence, €1,500, or

(b) for a second or any subsequent offence, €2,000.”.

(2) The reference in *subsection (1)* to [section 7 of the Intoxicating Liquor Act 1962](#) is to that section as amended by [section 27 of the Intoxicating Liquor Act 1988](#) and [section 8 of the Intoxicating Liquor Act 2000](#).

Provision of intoxicating liquor for persons under 18 years.

13. —The Act of 1988 is amended by the substitution of the following section for section 32:

“Provision of intoxicating liquor for persons under the age of 18 years. 32.—(1) Subject to subsection (2) of this section, a person (other than the holder of a licence of licensed premises) shall not—

(a) purchase intoxicating liquor for delivery to, or consumption by, a person under the age of 18 years, or

(b) deliver intoxicating liquor to such a person.

(2) It shall not be unlawful for a person (other than the holder of a licence of licensed premises) to purchase or deliver intoxicating liquor for consumption by a person under the age of 18 years in a private residence with the explicit consent of that person's parent or guardian.

(3) A person shall not send a person under the age of 18 years to any place where intoxicating liquor is sold, delivered or distributed for the purpose of obtaining intoxicating liquor.

(4) A person who contravenes subsection (1) or (3) of this section is guilty of an offence and liable on summary conviction to a fine not exceeding—

(a) for a first offence, €1,500, or

(b) for a second or any subsequent offence, €2,000.”.

Restrictions on presence in bars of persons under 18 years.

14. —The Act of 1988 is amended by the substitution of the following section for section 34:

“Restriction on presence in bars of persons under 18 years. 34.—(1) The holder of a licence of licensed premises shall not, subject to subsections (2) to (4) of this section, allow a person under the age of 18 years to be in the bar of the licensed premises at any time.

(2) (a) It shall not be unlawful for such a holder to allow a child who is accompanied by his or her parent or guardian to be in the bar

of the licensed premises between 10.30 a.m. (12.30 p.m. on a Sunday) and 9.00 p.m.

(b) Paragraph (a) of this subsection does not apply in relation to a child where it appears to the holder that the child's presence in the bar could reasonably be regarded as injurious to his or her health, safety or welfare.

(3) It shall not be unlawful for such a holder to allow a person who is aged at least 15 years but under the age of 18 years to be in the bar between 10.30 a.m. (12.30 p.m. on Sundays) and 9.00 p.m.

(4) It shall not be unlawful for such a holder to allow a child who is accompanied by his or her parent or guardian or a person who is aged at least 15 years but under the age of 18 years to be in the bar on the occasion of a private function at which a substantial meal is served to persons attending the function.

(5) Subsection (1) of this section does not apply in relation to a person under the age of 18 years who—

(a) is a son or daughter of the licensee,

(b) resides in the licensed premises,

(c) is passing through the bar solely for the purpose of entering or leaving another part of the premises, or

(d) is employed in the licensed premises in accordance with section 38 of this Act.

(6) A person who contravenes subsection (1) of this section or causes or procures or attempts to cause or procure a person to go to or to be in the bar of licensed premises in contravention of that subsection is guilty of an offence under this section and liable on summary conviction to a fine not exceeding—

(a) for a first offence, €300, or

(b) for a second or any subsequent offence, €500.

(7) If a child is present in a bar at a time or in circumstances where the child's presence is not allowed under subsection (1) of this section, the parent or guardian of the child is guilty of an offence and liable on summary conviction to a fine not exceeding €300, unless he or she establishes that the child was so present—

(a) without his or her knowledge or consent, or

(b) in the circumstances specified in subsection (5).

(8) In any proceedings against the holder of a licence of licensed premises for a contravention of subsection (1) of this section it shall be a defence to prove that the holder used all due diligence to prevent the person concerned from being admitted to or remaining in the bar.”.

Production of
evidence of age
by persons
between 18 and
21 years.

15. —The Act of 1988 is amended by inserting the following section after section 34:

“Production of evidence of age by persons between 18 and 21 years.

34A.—(1) The holder of a licence of any licensed premises shall not allow a person who is aged at least 18 years but under the age of 21 years to be in the bar of those premises between 9.00 p.m. and 10.30 a.m. on the following day (12.30 p.m. if the following day is a Sunday) if the person does not produce an age document to the holder.

(2) For the purposes of subsection (1) of this section ‘age document’ means a document containing a photograph of the person in respect of whom it was issued and information that enables the age of the person to be determined and being one of the following documents relating to a person referred to in that subsection:

- (a) an age card referred to in section 40 of this Act,
- (b) a passport,
- (c) an identity card issued by a member state of the European Communities,
- (d) a driver licence, or
- (e) a document issued by a body, and in a form, prescribed by regulations made by the Minister.

(3) A person referred to in subsection (1) of this section shall not be in the bar of licensed premises between the times referred to in that subsection while not having with him or her an age document.

(4) A person who contravenes subsection (1) of this section is guilty of an offence under this section and liable on summary conviction to a fine not exceeding—

- (a) for a first offence, €1,500, or
- (b) for a second or any subsequent offence, €2,000.

(5) A person who contravenes subsection (3) of this section is guilty of an offence and liable on summary conviction to a fine not exceeding €300.”.

Further amendments of Act of 1988.

16. —The Act of 1988 is amended—

(a) in section 31(2), by the substitution, for “other than a private residence”, of “except with the explicit consent of the person’s parent or guardian in a private residence in which he or she is present either as of right or with permission”,

(b) in section 33,

(i) by the substitution of the following paragraph for paragraph (b) of subsection (1):

“(b) consume intoxicating liquor in any place, except with the explicit consent of the person’s parent or guardian in a private residence in which he or she is present either as of right or with permission, or”,

and

(ii) by the substitution of the following subsections for subsection (2):

“(1A) Subject to subsection (1B), a person who is aged at least 15 years but under the age of 18 years shall not be in the bar of licensed premises

after 9.00 p.m. and before 10.30 a.m. on the following day (12.30 p.m. if the following day is a Sunday).

(1B) It shall not be unlawful for a person who is aged at least 15 years but under the age of 18 years to be in the bar of licensed premises on the occasion of a private function at which a substantial meal is served to persons attending the function.

(2) A person who contravenes subsection (1) or (1A) of this section is guilty of an offence and liable on summary conviction to a fine not exceeding €100.”,

and

(c) in section 36A (inserted by section 13 of the Act of 2000), by the insertion of the following subsection after subsection (8):

“(8A) The holder of a licence who contravenes subsection (8) is guilty of an offence and liable on summary conviction to a fine not exceeding—

(a) for a first offence, €300, or

(b) for a second or any subsequent offence, €500.”.

Consumption of
intoxicating
liquor near
licensed premises
or in an off-
licence.

17. —(1) In this section “place” means—

(a) any premises (other than the licensed premises of a licensee) owned or controlled by the licensee or used with the licensee's permission, and

(b) any public place.

(2) A licensee is guilty of an offence if, with the licensee's privity or consent, intoxicating liquor supplied by the licensee in a closed container for consumption off the premises is consumed in a place which is within 100 metres of those premises.

(3) A licensee is guilty of an offence if, with intent to evade the conditions of the licence, the licensee—

(a) takes intoxicating liquor from the licensed premises for the purpose of its being sold on the account, or for the benefit or profit, of the licensee, or

(b) permits any person so to take intoxicating liquor.

(4) On summary conviction of an offence under *subsection (2) or (3)* a licensee is liable—

(a) for a first offence, to a fine not exceeding €1,500, and

(b) for any subsequent offence, €2,000.

(5) Any person who consumes any intoxicating liquor supplied by the licensee in a closed container for consumption off the licensed premises in a place which is within 100 metres of those premises is guilty of an offence and liable on summary conviction to a fine not exceeding €300.

(6) If in any proceedings for an offence under *subsection (3)* it is proved that the premises to which the intoxicating liquor was taken were owned or controlled by the licensee or used with the licensee's permission the burden of proving that the licensee did not intend to evade the conditions of the licence shall lie on the licensee.

(7) (a) References in this subsection to a licence are to a licence which authorises the sale of intoxicating liquor only for consumption off the licensed premises.

- (b) A holder of any such licence who permits intoxicating liquor purchased from the licensee to be consumed on the licensed premises is guilty of an offence and liable on summary conviction to a fine not exceeding—
- (i) for a first offence, €1,500, or
 - (ii) for a second or any subsequent offence, €2,000.
- (c) Any person who consumes on such licensed premises intoxicating liquor purchased from the licensee is guilty of an offence and liable on summary conviction to a fine not exceeding €300.

Annotations**Editorial Notes:**

- E6** A fine of €1,500 translates into a class C fine, not greater than €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 6(2) and table ref. no. 1, S.I. No. 662 of 2010.
- A fine of €2,000 translates into a class C fine, not greater than €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 6(2) and table ref. no. 1, S.I. No. 662 of 2010.
- A fine of €300 translates into a class E fine, not greater than €500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 8(2) and table ref. no. 1, S.I. No. 662 of 2010.

Entry, inspection, etc. of licensed premises by member of Garda Síochána.

18. —(1) Any member of the Garda Síochána, whether in uniform or not, may enter without a warrant any licensed premises at any time and there make such inspection, examination, observation and enquiry as he or she may think proper for the prevention or detection of offences under the Acts or this Act.

(2) Any person who—

- (a) prevents or attempts to prevent a member of the Garda Síochána from exercising the power conferred by *subsection (1)*, or
- (b) obstructs or attempts to obstruct any such member in the exercise of that power,

is guilty of an offence and liable on summary conviction to a fine not exceeding—

- (i) for a first offence, €1,500, or
- (ii) for a second or any subsequent offence, €2,000.

Annotations**Editorial Notes:**

- E7** A fine of €1,500 translates into a class C fine, not greater than €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 6(2) and table ref. no. 1, S.I. No. 662 of 2010.
- A fine of €2,000 translates into a class C fine, not greater than €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 6(2) and table ref. no. 1, S.I. No. 662 of 2010.

PART 4

MISCELLANEOUS

Jurisdiction of District Court in cases of prohibited conduct on licensed premises.

19. —(1) In this section—

“Act of 2000” means the [Equal Status Act 2000](#);

“Authority” means the Equality Authority;

“Court” means the District Court;

“discrimination” means discrimination within the meaning of the Act of 2000, but does not include discrimination in relation to—

(a) the provision of accommodation or any services or amenities related to accommodation, or

(b) ceasing to provide accommodation or any such services or amenities;

“prohibited conduct” means discrimination against, or sexual harassment or harassment of, or permitting the sexual harassment or harassment of a person in contravention of Part II (Discrimination and Related Activities) of the Act of 2000 on, or at the point of entry to, licensed premises.

(2) A person who claims that prohibited conduct has been directed against him or her on, or at the point of entry to, licensed premises may apply to the District Court for redress.

(3) On such an application the Court may, if satisfied that the applicant is entitled to redress, make such order as it considers appropriate in the circumstances, including one or more of the following orders:

(a) an order for compensation for the effects of the prohibited conduct to be paid to the applicant by the licensee,

(b) an order that the licensee of the licensed premises concerned take a course of action specified in the order,

(c) an order for temporary closure of the premises in accordance with [section 9](#), which section shall have effect, with the necessary modifications, in relation to the order.

(4) The maximum amount which may be ordered under *subsection (3)(a)* by way of compensation is the maximum amount that can be awarded by the District Court in civil cases in contract.

(5) An order under this section may, if the Court thinks fit, include a statement of the reasons for its decision and shall, if any of the parties so requests, include such a statement.

(6) (a) Where it appears to the Authority that prohibited conduct—

(i) is being generally directed against persons, or

(ii) has been directed against a person who has not applied to the District Court for redress and who could not reasonably be expected to do so,

the Authority may apply to the Court for redress in respect of the prohibited conduct concerned.

(b) The Court shall deal with any such application in the same manner and to the same extent as if—

(i) it had been made under *subsection (2)*, and

(ii) the Authority were the applicant and the person alleged to have engaged in the prohibited conduct were the respondent.

- (c) Any order for compensation made by the Court on the application shall not be made in favour of the Authority.
- (7) (a) A person who considers that prohibited conduct has been directed against him or her on, or at the point of entry to, licensed premises may request the Authority for assistance in applying to the Court for redress.
- (b) Where—
- (i) the Authority is satisfied that the case to which the request relates raises an important matter of principle, or
- (ii) it appears to it that it is not reasonable to expect the person making the request adequately to present the case before the Court without assistance,
- the Authority may, and at any stage, provide such assistance to the person in such form as it thinks fit.
- (c) Any function of the Authority under this section may be exercised by an officer of the Authority to whom the function is delegated and any such delegation may specify criteria or other guidelines by reference to which the Authority considers that the delegated function should be exercised.
- (8) An appeal to the High Court shall lie from an order of the Circuit Court on an appeal against the District Court's decision on an application for redress, but only on a point of law.
- (9) (a) Anything done in the course of a person's employment shall, in any proceedings under this section, be treated for the purposes of this section as done also by the person's employer, whether or not it was done with the employer's knowledge or approval.
- (b) Anything done by a person as agent for another person, with the authority (whether express or implied and whether precedent or subsequent) of that other person shall, in any such proceedings, be treated for the purposes of this section as done also by that other person.
- (c) In any such proceedings against an employer in respect of an act alleged to have been done by an employee of the employer it shall be a defence for the employer to prove that the employer took such steps as were reasonably practicable to prevent the employee—
- (i) from doing the act, or
- (ii) from doing in the course of the employment acts of that description.
- (10) Where an order has been made under *subsection (3)*, any person may make an objection, related to the prohibited conduct concerned, to the renewal of the licence of the licensed premises, and [section 4 of the Courts \(No. 2\) Act 1986](#) is to be construed accordingly.
- (11) (a) The Act of 2000 shall cease to apply in relation to prohibited conduct occurring on, or at the point of entry to, licensed premises on or after the commencement of this section.
- (b) Claims relating to prohibited conduct so occurring before such commencement shall be dealt with as if this Act had not been passed.

Annotations**Modifications (not altering text):**

- C4** References to “Equality Authority” construed (1.11.2014) by *Irish Human Rights and Equality Commission Act 2014* (25/2014), s. 44(2), S.I. No. 449 of 2014.

Transfer of functions to Commission**44.— ...**

(2) References in any enactment or instrument under an enactment to the Human Rights Commission or the Equality Authority, as the case may be (howsoever described) shall be construed as references to the Commission save where other provision is made as respects the construction of the first-mentioned references by any enactment passed before the passing of this Act.

...

Editorial Notes:

- E8** Institution of proceedings under section included in Irish Human Rights and Equality Commission's functions (1.11.2014) by *Irish Human Rights and Equality Commission Act 2014* (25/2014), s. 110(2)(g), S.I. No. 449 of 2014, art. 4.
- E9** Power granted to Irish Human Rights and Equality Commission to provide legal and other assistance in relation to the making of a reference or application under section (1.11.2014) by *Irish Human Rights and Equality Commission Act 2014* (25/2014), s. 40(1)(c)(iv), S.I. No. 449 of 2014, art. 4.

Prohibition on supply of intoxicating liquor at reduced price.

20. — F5[...]**Annotations****Amendments:**

- F5** Repealed (24.11.2021) by *Public Health Act 2018* (24/2018), s. 10(1)(a), S.I. No. 613 of 2021.

Licences to national sporting arenas.

21. —(1) In this section—

“designated national sporting arena” means a major arena or stadium used primarily for sport which is designated as a national sporting arena in regulations made by the Minister under this section;

“event” means an event, whether of a sporting or non-sporting nature, which is held at a designated national sporting arena and involves the use of some or all of the playing area or pitch in the arena;

“function” means a conference, exhibition, seminar or reception which is held at a designated national sporting arena but does not involve the use of the playing area or pitch;

“Minister” means the Minister for Arts, Sport and Tourism;

“prescribed” means prescribed by regulations made by the Minister.

(2) The Minister may issue to the owner or owners of a designated national sporting arena a certificate approving of the issue of a licence in respect of the arena.

(3) The Revenue Commissioners shall, subject to *subsection (5)* and *(6)* —

(a) on presentation of the certificate, issue a licence for the sale of intoxicating liquor in respect of the designated national sporting arena concerned, and

(b) renew a licence so issued.

(4) Notwithstanding anything contained in the Acts, a licence issued or renewed under this section shall operate to authorise the sale of intoxicating liquor—

(a) to persons attending an event in the designated national sporting arena concerned for consumption in prescribed areas of the arena during the period beginning at the time members of the public are permitted to attend the event and ending one hour after its conclusion, and

(b) subject to section 2 of the Act of 1927, to persons attending a function in such an arena for consumption in prescribed areas thereof.

(5) There shall be charged, levied and paid on every licence issued pursuant to this section, and on its due renewal, a duty of excise of €250.

(6) A licence shall not be issued or renewed by the Revenue Commissioners under this section unless a tax clearance certificate has been issued in relation to the licence or its renewal in accordance with [section 1094 of the Taxes Consolidation Act 1997](#).

(7) (a) The definition of “licence” in section 1094(1), as amended, of the said Act of 1997 is further amended—

(i) by the substitution of “1992,” for “1992, and” in paragraph (m) and of “1910, and” for “1910;” in paragraph (n), and

(ii) by insertion of the following paragraph after paragraph (n):

“(o) [section 21](#) of the *Intoxicating Liquor Act 2003*;”.

(b) The definition of “specified date” in the said section 1094(1) is amended by the substitution of “(o)” for “(n)”.

(8) Regulations made by the Minister under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

(9) The reference in *subsection (4)(b)* to section 2 of the Act of 1927 is to that section as amended by section 3 of the Act of 2000 and [section 10](#).

Annotations

Editorial Notes:

- E10** Excise duty waived under subs. (5) for the renewal from 1 October 2021 to 30 September 2022 of a licence issued under subs. (3) which expired on 30 September 2021 as provided (21.12.2021) by *Finance Act 2021* (45/2021), s. 45(2)(c), (3), commenced on enactment.
- E11** Excise duty waived under subs. (5) for the renewal from 1 October 2020 to 30 September 2021 of a licence issued under subs. (3) which expired on 30 September 2020 as provided (19.12.2020) by *Finance Act 2020* (26/2020), s. 31(2)(c), (3), commenced on enactment.
- E12** Power pursuant to section exercised (25.04.2018) by *Intoxicating Liquor Act 2003 (Section 21) (Páirc Uí Chaoimh, Cork) Regulations 2018* (S.I. No. 129 of 2018).
- E13** Power pursuant to section exercised (20.04.2015) by *Intoxicating Liquor Act 2003 (Designation of National Sporting Arena) (National Stadium) Regulations 2015* (S.I. No. 156 of 2015).
- E14** Power pursuant to section exercised (9.02.2012) by *Intoxicating Liquor Act 2003 (Section 21) (Royal Dublin Society) Regulations 2012* (S.I. No. 47 of 2012).

- E15** Power pursuant to section exercised (23.03.2011) by *Intoxicating Liquor Act 2003 (Section 21) (Croke Park, Dublin) Regulations 2011* (S.I. No. 149 of 2011).
- E16** Power pursuant to section exercised (23.03.2011) by *Intoxicating Liquor Act 2003 (Section 21) (Semple Stadium, Thurles) Regulations 2011* (S.I. No. 124 of 2011).
- E17** Power pursuant to section exercised (20.04.2010) by *Intoxicating Liquor Act 2003 (Section 21) Regulations 2010* (S.I. No. 160 of 2010).
- E18** Power pursuant to section exercised (26.09.2008) by *Intoxicating Liquor Act 2003 (Section 21) Regulations 2008* (S.I. No. 388 of 2008).
- E19** Previous affecting provision: power pursuant to section exercised (30.06.2017) by *Intoxicating Liquor Act 2003 (Section 21) (Páirc Uí Chaoimh, Cork) Regulations 2017* (S.I. No. 281 of 2017); revoked (25.04.2018) by *Intoxicating Liquor Act 2003 (Section 21) (Páirc Uí Chaoimh, Cork) Regulations 2018* (S.I. No. 129 of 2018), reg 6.
- E20** Previous affecting provision: power pursuant to section exercised (10.01.2006) by *Intoxicating Liquor Act 2003 (Section 21) Regulations 2005* (S.I. No. 824 of 2005), in effect as per reg. 1(2); revoked (9.02.2012) by *Intoxicating Liquor Act 2003 (Section 21) (Royal Dublin Society) Regulations 2012* (S.I. No. 47 of 2012), reg. 6.
- E21** Previous affecting provision: power pursuant to section exercised (1.07.2004) by *Intoxicating Liquor Act 2003 (Section 21) Regulations 2004* (S.I. No. 271 of 2004), in effect as per reg. 1(2); revoked (23.03.2011) by *Intoxicating Liquor Act 2003 (Section 21) (Croke Park, Dublin) Regulations 2011* (S.I. No. 149 of 2011), reg. 6.

Regulations.

22. — F6[...]**Annotations****Amendments:**

- F6** Repealed (24.11.2021) by *Public Health Act 2018 (24/2018)*, s. 10(1)(b), S.I. No. 613 of 2021.

Application of this Act to registered clubs.

23. —(1) *Part 2, sections 12, 18, 19 and 22* and section 34A (inserted by [section 15](#)) of the Act of 1988 shall apply in relation to a club registered under the *Registration of Clubs Acts 1904 to 2003*, as if references in those provisions to a licensee and to licensed premises were references to the secretary of such a club and to that club's premises and with any other necessary modifications.

(2) When considering the grant of an authorisation under section 21 (authorisation for extension of club hours) of the Act of 1924, as amended by section 8 of the Act of 1962, the District Court shall have regard to the terms of any resolution adopted by a local authority under subsection (7) of section 5 (as substituted by [section 11](#)) of the Act of 1927.

Exercise of jurisdiction.

24. —The jurisdiction of the District Court and Circuit Court under [section 9](#) or [19](#) shall be exercised by the judge for the time being assigned—

(a) in the case of the District Court, to the district court district, and

(b) in the case of the Circuit Court, to the circuit,

in which the relevant licensed premises are situated.

Amendment of section 15 of Equal Status Act 2000.

25. — Section 15 of the Equal Status Act 2000 is amended by the addition of the following subsections:

“(3) (a) This subsection applies to the option given under subsection (2), (3) or (4) of section 34 of the Intoxicating Liquor Act 1988 to the holder of a licence of any licensed premises to allow a person under 18 to be in the bar of those premises at the times, or in the circumstances, specified in those subsections.

(b) The non-exercise of the option to which this subsection applies shall not of itself constitute discrimination.

(c) The reference in paragraph (a) to section 34 is to that section as substituted by section 14 of the Intoxicating Liquor Act 2003.

(4) If—

(a) the holder of a licence or other authorisation which permits the sale of intoxicating liquor adopts a policy of refusing to supply intoxicating liquor to any person below a specified age which exceeds 18 years,

(b) a notice setting out the policy is displayed in a conspicuous place in or on the exterior of the premises, and

(c) the policy is implemented in good faith,

a refusal to serve intoxicating liquor to such a person shall not constitute discrimination on the age ground.

(5) Subsections (3) and (4) are without prejudice to subsections (1) and (2).”.



INTOXICATING LIQUOR ACT 2003

EXPLANATORY MEMORANDUM

[This memorandum is not part of the Act and does not purport to be a legal interpretation.]

General

The primary purpose of the Act is to amend the Licensing Acts 1833 to 2003 in order to respond to certain recommendations of the Commission on Liquor Licensing set out in the Report on Admission and Service in Licensed Premises (December 2002) and the Final Report (April 2003), and to concerns outlined in the Interim Report of the Strategic Task Force on Alcohol (May 2002). Also relevant in this context is the special initiative on tackling alcohol misuse set out in chapter 2 of *Sustaining Progress* (Social Partnership Agreement 2003-2005).

The Commission on Liquor Licensing, which was established in late 2000 and completed its work in March 2003, was charged with reviewing the liquor licensing system. It submitted four reports containing over 130 recommendations:

(a) Interim Report on Off-Licensing (May 2001);

(b) Second Interim Report (July 2002);

(c) Report on Admission and Service in Licensed Premises (December 2002);

(d) Final Report (April 2003).

This Act is mainly concerned with combating drunkenness and disorderly conduct as well as addressing the problems of underage and binge drinking. This package of urgent reforms is intended to improve compliance with, and enforcement of, the intoxicating liquor code. Other reforms recommended by the Commission on Liquor Licensing, including far-reaching structural reform of the licensing system, will be addressed in the codification of the entire liquor licensing code which has also been recommended by the Commission. It is intended that an outline of the codification Bill will be available by mid-2004.

The main provisions of the Act are as follows:

- *Sections 4 to 6*: Provisions relating to the sale and supply of intoxicating liquor to drunken persons and drunkenness on licensed premises.
- *Sections 7 and 8*: Duty on licensees to preserve order and prevention of disorderly conduct on licensed premises.
- *Section 9*: Temporary closure of premises in relation to certain offences.
- *Section 10*: Amendment of prohibited hours on Thursdays.
- *Section 11*: Revised provisions relating to special exemption orders, including a role for local authorities in determining the duration of such orders in their areas.
- *Section 12*: Prohibition of entertainment during drinking-up time.
- *Sections 13 to 16*: Provision of intoxicating liquor to persons under 18; restrictions on persons under 18 in bars of licensed premises; production of evidence of age by persons between 18 and 21; further consequential amendments of [the Intoxicating Liquor Act 1988](#).
- *Section 17*: Consumption of intoxicating liquor in the vicinity of licensed premises or in an off-licence.
- *Section 18*: Entry, inspection, etc., of licensed premises by members of Garda Síochána.
- *Section 19*: Jurisdiction of the District Court in cases of prohibited conduct on licensed premises. This involves a transfer of jurisdiction from the Equality Tribunal (ODEI) in such cases.
- *Section 20*: Prohibition on supply of intoxicating liquor at reduced price.
- *Section 21*: Licences to national sporting areas. This provides that the Minister for Arts, Sport and Tourism may issue certificates to national sporting arenas, designated by regulations, to obtain an intoxicating liquor licence, subject to certain conditions.
- *Section 22*: Provision for ministerial regulations in relation to prohibiting or restricting practices likely to encourage excessive consumption of alcohol, and the particulars to be affixed to containers in which intoxicating liquor is sold for consumption off the premises.
- *Section 23*: Application of the Act to registered clubs.
- *Section 24*: Exercise of jurisdiction (determined by location of the licensed premises).
- *Section 25*: Amendment of section 15 of Equal Status Act 2000.

Preliminary and general

Section 1 contains the short title, collective citations, construction and commencement provisions. These are standard provisions in legislation of this type.

Section 2 contains relevant definitions. The definition of “bar” is similar to that in the *Intoxicating Liquor Act 1988*. The definition is important because a distinction is made in sections of the Act between licensed premises and the bar of licensed premises. Where admission to the bar is prohibited, access to other parts of the premises is not affected, e.g. in certain cases a dining room.

The section also contains important definitions of “drunken person” and “disorderly conduct”. The former is similar to that in section 4(1) of the *Criminal Justice (Public Order) Act 1994* which provides that it shall be an offence for any person to be present in any public place while intoxicated to such an extent as would give rise to a reasonable apprehension that the person might endanger themselves or any other person in the vicinity. The definition of “disorderly conduct” takes account of recommendations of the Commission on Liquor Licensing in its Report on Admission and Service in Licensed Premises.

Section 3 repeals a number of provisions that are replaced in the Act.

Conduct on licensed premises

The provisions set out in *Part 2* of the Act update the law in relation to conduct on licensed premises. *Sections 4, 5* and *6* deal with drunken persons and drunkenness, while *sections 7* and *8* deal with disorderly conduct. They replace provisions in the Refreshment Houses (Ireland) Act 1860 and the Licensing Act 1872.

Section 4 prohibits the supply of intoxicating liquor to drunken persons by licensees, as well as drunkenness in the bar of licensed premises. It provides that a licensee shall not admit a drunken person to the bar, and that where a person is drunk on leaving licensed premises, it shall be presumed that the person was drunk while on the premises until the contrary is proved. This section replaces and expands on provisions in sections 13 and 18 of the Licensing Act 1872 which are repealed.

Section 5 prohibits the supply of intoxicating liquor to drunken persons in licensed premises by a person other than the licensee.

Offences by drunken persons are set out in *section 6*. A drunken person shall leave licensed premises on being requested to do so by the licensee or by a Garda. Moreover, such a person shall not seek entry to the bar of any licensed premises (access to a restaurant or other facilities within a hotel will not be affected). A Garda power of arrest is also included.

Section 7 places a duty on licensees to preserve order on licensed premises, while *section 8* prohibits disorderly conduct on such premises. A person engaging in disorderly conduct must leave the premises on being requested to do so by the licensee or a member of the Gardaí and shall not re-enter the bar of the premises within a period of 24 hours. A Garda power of arrest is included. The section also provides that a licensee may refuse admission to a person convicted of an offence under the section where such admission could reasonably be regarded as involving a substantial risk that the person would engage in disorderly conduct.

Section 9 extends the temporary closure of premises penalty to include offences under several sections, including *section 4* (supplying intoxicating liquor to drunken persons and permitting drunkenness) and *section 7* (duty of licensee to preserve order). While temporary closure will be mandatory in cases of conviction, the District Court will retain a margin of discretion with regard to the duration of the closure period. This penalty is confined under existing legislative provisions to convictions for underage drinking.

Other amendments of Intoxicating Liquor Acts

Part 3 contains amendments to existing legislative provisions, including those relating to persons under the age of 18 years set out in Part IV of [the Intoxicating Liquor Act 1988](#).

[Section 10](#) provides that Thursday night closing time will revert to 11.30 p.m. (instead of 12.30 a.m.). The Commission on Liquor Licensing has recommended this change and it is also in line with the recommendations of the Strategic Task Force on Alcohol.

[Section 11](#) replaces section 5 of the Act of 1927 which makes provision for the grant of special exemption orders. It provides for a local authority role in determining the duration of special exemption orders in its administrative area. The District Court will retain discretion in granting such orders but shall have regard to any resolution adopted by a local authority in the area in which the premises are located. The local authority must consult with the Gardai and consider the views submitted by the Gardai and any other person, including views on health aspects, in advance of adopting any resolution. The grounds on which objections to the grant of such orders may be made are extended to include undue inconvenience or nuisance to persons residing in the locality or an undue risk to public order in the locality. These changes are in line with the views of the Commission on Liquor Licensing and the Strategic Task Force on Alcohol.

[Section 12](#) prohibits the provision of entertainment during the 30 minutes drinking-up time that is permitted under existing provisions. Section 4(2) of [the Public Dance Halls Act 1935](#) which permits dancing during the 30 minute period following expiry of a special exemption order is repealed. The Commission on Liquor Licensing has recommended this change in order to ensure that the original purpose of allowing an orderly clearing of premises is not defeated.

[Section 13](#) substitutes a new section for section 32 of the 1988 Act. It prohibits the purchase of alcohol for, or delivery to, persons under the age of 18 by persons other than licensees. The law in relation to licensees is set out in section 31 of the 1988 Act. However, the purchase or delivery of intoxicating liquor for consumption by a person under 18 in a private residence where a parent or guardian has given explicit consent shall not be unlawful.

[Section 14](#) substitutes a new section for section 34 of the 1988 Act. It prohibits persons under 18 from bars of licensed premises. Under subsection (2), a licensee may, however, permit a child (under 15) to be in the bar if accompanied by a parent or guardian but not after 9.00 p.m. This discretion does not apply where it appears to the licensee that the child's presence in the bar could reasonably be regarded as injurious to the child's health, safety or welfare. Under subsection (3), a licensee may permit a person aged 15 to 17 to be in the bar unaccompanied by a parent or guardian but not after 9.00 p.m. Subsection (4) permits a licensee to allow a child accompanied by a parent or guardian or a person aged 15 to 17 to be in the bar after 9.00 p.m. on the occasion of a private function at which a substantial meal is served to persons attending the function, e.g. a wedding reception. The existing provision in section 35 of the 1988 Act which prohibits persons under 18 from being in the bar where an exemption order is in force remains unchanged. Subsection (5) contains a number of exemptions to the general prohibition. The remaining subsections are broadly similar to existing provisions in section 34 of the 1988 Act.

[Section 15](#) introduces an entirely new provision and inserts a new section in the 1988 Act (a new section 34A). It requires that persons aged 18 to 20 carry an "age document" in order to be in the bar of licensed premises after 9.00 p.m. An age document may be one of the following: a Garda age card; passport; identity card of a member state of the European Communities; driver's licence; a document prescribed in regulations to be made by the Minister. An age document is not required in order to gain access to other parts of the premises. This new obligation to produce an age document in order to gain admission to bars is intended to assist licensees in complying with provisions relating to underage consumption of alcohol and to assist Gardaí in enforcing the law.

Arising from the preceding changes, *section 16* contains a number of further amendments to the 1988 Act. It amends sections 31(2) and 33(1) to make it clear that the consumption of intoxicating liquor by a person under 18 in a private residence is conditional on the explicit consent of that person's parent or guardian. Secondly, it makes it an offence for persons aged 15 to 17 to be in bars of licensed premises after 9.00 p.m. unless attending a private function at which a substantial meal is served to persons attending the function. Finally, it amends the existing temporary closure order provision (section 36A of the 1988 Act as inserted by *the Intoxicating Liquor Act 2000*) in order to make it an offence not to affix a conspicuous notice giving details of the closure order as required by that provision.

Section 17 contains provisions dealing with the consumption of intoxicating liquor purchased for consumption off the premises and, for this purpose, updates and replaces *section 13 of the Intoxicating Liquor (General) Act 1924*.

This section provides that a licensee shall be guilty of an offence if, with the licensee's privity or consent, intoxicating liquor supplied by the licensee in a closed container for consumption off the premises is consumed in another premises owned or controlled by the licensee or in a public place within 100 metres of the licensed premises (this limit of 100 metres is also referred to in *the Criminal Justice (Public Order) Act 2003*). The person who consumes such intoxicating liquor shall also be guilty of an offence. The section also restates the existing prohibition on the consumption of intoxicating liquor in an off-licence.

Section 18 is intended to permit any member of the Gardaí, whether in uniform or not, to enforce the licensing laws. This has been recommended by the Commission on Liquor Licensing.

Miscellaneous

Part 4 deals with a number of miscellaneous matters, including a transfer of jurisdiction from the Equality Tribunal to the District Court and a prohibition on the supply of intoxicating liquor at reduced prices.

Section 19 provides that a person who claims that prohibited conduct has been directed against him or her on, or at the point of entry to, licensed premises may seek redress before the District Court. For this purpose, prohibited conduct is defined as discrimination against, or sexual harassment or harassment, of a person contrary to Part II of *the Equal Status Act 2000* on, or at the point of entry to, licensed premises. The means of redress currently available under the Equal Status Act are extended to include temporary closure of the premises concerned. Where the District Court is satisfied that a person is entitled to redress and makes such an order, a person may object to the renewal of the licence of the premises concerned.

Provision is made in section 19 for the Equality Authority to apply to the District Court for redress in certain cases (subsection (6)), and the Authority may also provide assistance to persons applying to the courts for redress (subsection (7)).

Section 20 prohibits the supply of intoxicating liquor at a reduced price during a limited period after 10.30 a.m. on any day, e.g. "happy hours". This is intended to discourage practices which may lead to excessive consumption of intoxicating liquor. It is not intended to prohibit retail practices such as "sales" or product promotions over a number of days.

Section 21 will allow limited and controlled sale of alcohol at both sporting and non-sporting events in designated areas of national sporting arenas and will regularise the licensing position of these arenas. The Minister for Arts, Sport and Tourism may designate by means of regulation certain national sporting arenas. Such designated venues may then apply to the Minister for a certificate which will enable them to secure a licence for the sale and consumption of intoxicating liquor in designated areas of the arena.

Section 22 provides for the making of regulations to prohibit or restrict licensees from engaging in promotional practices that are intended or likely to encourage persons to consume alcohol to an excessive extent and, secondly, to specify particulars to be affixed to any container in which intoxicating liquor is sold for consumption off the premises which enable the licensee and the licensed premises concerned to be identified.

As regards the former, the Commission on Liquor Licensing recommended that promotional practices that are conducive to or likely to result in excessive consumption of alcohol should be prohibited by law. This view is supported by the Strategic Task Force on Alcohol.

As regards labelling requirements, *section 17 of the Intoxicating Liquor Act 2000* provides that the name of the owner, and the address, of premises shall be clearly indicated on a label to be affixed to any container in which intoxicating liquor is sold for consumption off the premises. This section has not been commenced and is now repealed.

Implementation of these provisions by means of regulations is intended to avoid any later challenge to the legislation on the grounds that proper procedures had not been followed. It is intended to notify the European Commission of proposed regulations under this section in accordance with the so-called Technical Standards or Transparency Directives (Directives 98/34/EC and 98/48/EC). These Directives are intended to enable the European Commission and the member states to examine in advance proposed national technical rules in the interests of transparency and the smooth functioning of the internal market.

Section 23 deals with the application of the Act's provisions to registered clubs. Sections that amend, or replace, existing sections in *the Intoxicating Liquor Act 1988* already apply to registered clubs by virtue of *section 16 of the Intoxicating Liquor Act 2000*.

Section 24 determines the exercise of jurisdiction by the courts in relation to *section 9* and *19*.

Section 25 contains two amendments to *the Equal Status Act 2000*. The first amendment safeguards the discretion of licensees in relation to the presence of persons under the age of 18 in bars of licensed premises (*section 34 of the Intoxicating Liquor Act 1988* as substituted by *section 14* of this Act). This is in line with recommendations of the Commission on Liquor Licensing and the Strategic Task Force on Alcohol. The second amendment provides that a licensee may set a minimum age for the sale and consumption of alcohol which is above the statutory minimum of 18 as long as the policy is publicly displayed and is implemented in a non-discriminatory manner.

An Roinn Dí agus Cirt, Comhionannais agus Athchóirithe Dí, Iúil, 2003.



Number 31 of 2003

INTOXICATING LIQUOR ACT 2003

REVISED

Updated to 8 December 2023

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

Equal Status Acts 2000 to 2018: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Education (Admission to Schools) Act 2018* (14/2018), s. 13(3)). The Acts in this group are:

- *Equal Status Act 2000* (8/2000)
- *Intoxicating Liquor Act 2003* (31/2003), s. 25
- *Equality Act 2004* (24/2004), Part 3 (ss. 47-65)
- *Civil Law (Miscellaneous Provisions) Act 2008* (14/2008), Part 14 (s. 76)
- *Civil Law (Miscellaneous Provisions) Act 2011* (23/2011), s. 21 insofar as it refers to s. 21 of the *Equal Status Act 2000* and ss. 27-29
- *Equal Status (Amendment) Act 2012* (41/2012)
- *Equality (Miscellaneous Provisions) Act 2015* (43/2015), ss. 12-15
- *Education (Admission to Schools) Act 2018* (14/2018), s. 11

Licensing Acts 1833 to 2018: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Intoxicating Liquor (Breweries and Distilleries) Act 2018* (17/2018), s. 5(3)). The Acts in this group are:

- *Licensing (Ireland) Act 1833* (3 & 4 Will. 4. c. 68)
- *Licensing (Ireland) Act 1836* (6 & 7 Will. 4. c. 38)
- *Licensing (Ireland) Act 1855* (18 & 19 Vict. c. 62)
- *Public House (Ireland) Act 1855* (18 & 19 Vict. c. 114)
- *Licensing (Ireland) Act 1860* (23 & 24 Vict. c. 35)
- *Beerhouse (Ireland) Act 1864* (27 & 28 Vict. c. 35)
- *Beerhouse (Ireland) Act (1864) Amendment Act 1871* (34 & 35 Vict. c. 111)
- *Licensing Act 1872* (35 & 36 Vict. c. 94)
- *Licensing Act (Ireland) 1874* (37 & 38 Vict. c. 69)
- *Beer Licences Regulation (Ireland) Act 1877* (40 & 41 Vict. c. 4)
- *Beer Dealers' Retail Licences (Amendment) Act 1882* (45 & 46 Vict. c. 34)
- *Intoxicating Liquors (Sale to Children) Act 1886* (49 & 50 Vict. c. 56) (*Repealed*)
- *Beer Retailers' & Spirit Grocers' Retail Licences (Ireland) Act 1900* (63 & 64 Vict. c. 30)
- *Licensing (Ireland) Act 1905* (5 Edw. 7. c. 3), Parts I, II and V (*Repealed*)
- *Intoxicating Liquor (General) Act 1924* (62/1924), Parts I (ss. 1-6), II (ss. 7-18) and V (ss. 28-32)

- *Intoxicating Liquor Act 1927* (15/1927), Parts I (s. 1), II (ss. 2-23), III (ss. 24-35), IV (ss. 36-54), and VI (ss. 60-64)
- *Intoxicating Liquor (Amendment) Act 1929* (14/1929) (*Spent*)
- *Intoxicating Liquor (Amendment) (No. 2) Act 1929* (20/1929)
- *Intoxicating Liquor Act 1943* (7/1943)
- *Intoxicating Liquor Act 1946* (33/1946)
- *Tourist Traffic Act 1952* (15/1952), Part VI (ss. 38-54)
- *Intoxicating Liquor Act 1953* (30/1953)
- *Intoxicating Liquor Act 1960* (18/1960), in so far as it amends and extends the *Licensing Acts 1833 to 1953*
- *Intoxicating Liquor Act 1962* (21/1962), in so far as it amends and extends the *Licensing Acts 1833 to 1960*
- *Intoxicating Liquor Act 1977* (8/1977)
- *Intoxicating Liquor Act 1981* (5/1981), in so far as it amends the *Licensing Acts 1833 to 1977*
- *Intoxicating Liquor (National Concert Hall) Act 1983* (34/1983)
- *Courts (No. 2) Act 1986* (26/1986), ss. 4, 6 and 7 and, in so far as they relate to the law on intoxicating liquor, s. 9 and sch. 1
- *Intoxicating Liquor Act 1988* (16/1988), in so far as it amends and extends the *Licensing Acts 1833 to 1986*
- *Irish Horseracing Industry Act 1994* (18/1994), Part IX (ss. 65-68)
- *Intoxicating Liquor Act 1995* (33/1995), other than s. 5(2)
- *National Cultural Institutions Act 1997* (11/1997), in so far as it amends or extends the *Licensing Acts 1833 to 1995*
- *Licensing (Combating Drug Abuse) Act 1997* (33/1997), ss. 2 and 21, in so far as they relate to intoxicating liquor licences and ss. 17 and 20
- *Intoxicating Liquor Act 1999* (32/1999), in so far as it amends and extends the *Licensing Acts 1833 to 1997*
- *Intoxicating Liquor Act 2000* (17/2000), in so far as it amends and extends the *Licensing Acts 1833 to 1999*
- *Criminal Justice (Public Order) Act 2003* (16/2003)
- *Intoxicating Liquor Act 2003* (31/2003), in so far as it amends and extends the *Licensing Acts 1833 to 2003*
- *Intoxicating Liquor Act 2004* (34/2004)
- *Intoxicating Liquor Act 2008* (17/2008), s. 3, Part 2 (ss. 4-17) and sch. 1, in so far as they amend and extend the *Licensing Acts 1833 to 2004*
- *Intoxicating Liquor (National Conference Centre) Act 2010* (9/2010), s. 1
- *Civil Law (Miscellaneous Provisions) Act 2011* (23/2011), s. 17
- *Intoxicating Liquor (Amendment) Act 2018* (1/2018)
- *Intoxicating Liquor (Breweries and Distilleries) Act 2018* (17/2018)

Registration of Clubs Acts 1904 to 2008: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Intoxicating Liquor Act 2008* (17/2008), s. 1(4)). The Acts in this group are:

- *Registration of Clubs (Ireland) Act 1904* (4 Edw. 7 c. 9)
- *Intoxicating Liquor (General) Act 1924* (62/1924), Part III (ss. 19-25)
- *Intoxicating Liquor Act 1927* (15/1927), Part V (ss. 55-59)
- *Intoxicating Liquor Act 1960* (18/1960), in so far as it amends and extends the *Registration of Clubs Acts, 1904 to 1927*
- *Intoxicating Liquor Act 1962* (21/1962), in so far as it amends and extends the *Registration of Clubs Acts*
- *Intoxicating Liquor Act 1981* (5/1981), in so far as it amends the *Registration of Clubs Acts 1904 to 1981*
- *Courts (No. 2) Act 1986* (26/1986), s. 9 and sch. 1, in so far as they relate to the *Registration of Clubs Acts 1904 to 1981*
- *Intoxicating Liquor Act 1988* (16/1988), in so far as it amends the *Registration of Clubs Acts 1904 to 1986*
- *Intoxicating Liquor Act 1995* (33/1995), s. 5(2)
- *Intoxicating Liquor Act 1999* (32/1999), in so far as it amends and extends the *Registration of Clubs Acts 1904 to 1995*,
- *Intoxicating Liquor Act 2000* (17/2000), in so far as it amends and extends the *Registration of Clubs Acts 1904 to 1999*
- *Criminal Justice (Public Order) Act 2003* (16/2003)

- *Intoxicating Liquor Act 2003* (31/2003), in so far as it amends and extends the Registration of Clubs Acts 1904 to 2003
- *Intoxicating Liquor Act 2004* (34/2004)
- *Intoxicating Liquor Act 2008* (17/2008), ss. 14 and 16, in so far as they amend and extend the Registration of Clubs Acts 1904 to 2004

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

- *Finance Act 2021* (45/2021)
- *Finance Act 2020* (26/2020)
- *Public Health (Alcohol) Act 2018* (24/2018)
- *Irish Human Rights and Equality Commission Act 2014* (25/2014)
- *Local Government Reform Act 2014* (1/2014)
- *Fines Act 2010* (8/2010)
- *Finance (No. 2) Act 2008* (25/2008)
- *Intoxicating Liquor Act 2008* (17/2008)

All Acts up to and including *Judicial Appointments Commission Act 2023* (33/2023), enacted 8 December 2023, 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)
- *Intoxicating Liquor Act 2003 (Section 21) (Páirc Uí Chaoimh, Cork) Regulations 2018* (S.I. No. 129 of 2018)
- *Intoxicating Liquor Act 2003 (Section 21) (Páirc Uí Chaoimh, Cork) Regulations 2017* (S.I. No. 281 of 2017)
- *Intoxicating Liquor Act 2003 (Designation of National Sporting Arena) (National Stadium) Regulations 2015* (S.I. No. 156 of 2015)
- *Intoxicating Liquor Act 2003 (Section 21) (Royal Dublin Society) Regulations 2012* (S.I. No. 47 of 2012)
- *Intoxicating Liquor Act 2003 (Section 21) (Croke Park, Dublin) Regulations 2011* (S.I. No. 149 of 2011)
- *Tourism and Sport (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 140 of 2011)
- *Tourism and Sport (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 124 of 2011)
- *Intoxicating Liquor Act 2003 (Section 21) (Semple Stadium, Thurles) Regulations 2011* (S.I. No. 124 of 2011)
- *Intoxicating Liquor Act 2003 (Section 21) Regulations 2010* (S.I. No. 160 of 2010)

- *Intoxicating Liquor Act 2003 (Section 21) Regulations 2008* (S.I. No. 388 of 2008)
- *Intoxicating Liquor Act 2003 (Section 21) Regulations 2005* (S.I. No. 824 of 2005)
- *Intoxicating Liquor Act 2003 (Section 21) Regulations 2004* (S.I. No. 271 of 2004)
- *Intoxicating Liquor Act 2003 (Commencement) Order 2003* (S.I. No. 362 of 2003)

All statutory instruments up to and including *Appointment of Special Adviser (Minister of State at the Department of Justice) Order 2023* (S.I. No. 632 of 2023), made 7 December 2023, were considered in the preparation of this revision.