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

*Number*17 *of* 2008

INTOXICATING LIQUOR ACT 2008

REVISED

Updated to 4 May 2022

This Revised Act is an administrative consolidation of the *Intoxicating Liquor Act 2008*. 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 *Garda Síochána (Functions and Operational Areas) Act 2022* (7/2022), enacted 4 May 2022, and all statutory instruments up to and including the *Merchant Shipping (Radio Installations Survey) Rules 2022* (S.I. No. 222 of 2022), made 4 May 2022, 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 17 *of* 2008

INTOXICATING LIQUOR ACT 2008

REVISED

Updated to 4 May 2022

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title, collective citations, construction and commencement.
2. Interpretation.
3. Repeal.

PART 2

SALE AND CONSUMPTION OF INTOXICATING LIQUOR

4. Amendment of section 2 of Act of 1927.
5. Amendment of section 4 of Act of 1927.
6. New wine retailer's off-licence shall not be granted except pursuant to certificate issued by District Court.
7. Grounds on which District Court may refuse to give certificate in respect of new relevant off-licences.
8. Provisions supplementary to *sections 6* and *7*.
9. Amendment of section 3 of Act of 1927.
10. Amendment of section 5 of Act of 1927.
11. Amendment of section 21 of Act of 1927.
12. Amendment of section 30 of Act of 1988.
13. Amendment of section 36A of Act of 1988.
14. Insertion of new sections 37A, 37B and 37C into Act of 1988.
15. Amendment of section 9 of Act of 2003.
16. Regulations relating to sale, supply and consumption of intoxicating liquor.
17. Increase of certain fines in Licensing Acts 1833 to 2004.

PART 3

AMENDMENT OF CRIMINAL JUSTICE (PUBLIC ORDER) ACT 1994

18. Amendment of section 4 of Act of 1994.

19. Insertion of new sections 8A and 8B into Act of 1994.

20. Amendment of section 23A of Act of 1994.

21. Amendment of section 23B of Act of 1994.

22. Increase of certain fines in Act of 1994.

SCHEDULE 1

Increase of Certain Fines in Licensing Acts 1833 to 2004

SCHEDULE 2

Increase of Certain Fines in Criminal Justice (Public Order) Act 1994

ACTS REFERRED TO

Building Control Act 1990	1990, No. 3
Courts (No. 2) Act 1986	1986, No. 26
Courts of Justice Act 1924	1924, No. 10
Courts of Justice Acts 1924 to 1961	
Criminal Justice Act 2006	2006, No. 26
Criminal Justice (Public Order) Act 1994	1994, No. 2
Criminal Justice (Public Order) Act 2003	2003, No. 16
Criminal Justice (Public Order) Acts 1994 and 2003	
Finance (1909-10) Act 1910	10 Edw. 7 & 1 Geo. 5, c.8
Housing (Miscellaneous Provisions) Act 2002	2002, No. 9
Intoxicating Liquor Act 1927	1927, No. 15
Intoxicating Liquor Act 1943	1943, No. 7
Intoxicating Liquor Act 1960	1960, No. 18
Intoxicating Liquor Act 1962	1962, No. 21
Intoxicating Liquor Act 1988	1988, No. 16
Intoxicating Liquor Act 2000	2000, No. 17
Intoxicating Liquor Act 2003	2003, No. 31
Licensing Act (Ireland) 1874	37 & 38 Vict., c.69
Licensing Acts 1833 to 2004	
Private Security Services Act 2004	2004, No. 12
Registration of Clubs Acts 1904 to 2004	

Number 17 *of* 2008

INTOXICATING LIQUOR ACT 2008

REVISED

Updated to 4 May 2022

AN ACT TO AMEND AND EXTEND THE LICENSING ACTS 1833 TO 2004, THE COURTS OF JUSTICE ACTS 1924 TO 1961, THE REGISTRATION OF CLUBS ACTS 1904 TO 2004 AND THE CRIMINAL JUSTICE (PUBLIC ORDER) ACT 1994, AND TO PROVIDE FOR RELATED MATTERS.

[21*st July*, 2008]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

Preliminary and General

Short title, collective citations, construction and commencement.

1.— (1) This Act may be cited as the Intoxicating Liquor Act 2008.

(2) The Licensing Acts 1833 to 2004 and *section 3*, *Part 2* and *Schedule 1*, in so far as they amend and extend those Acts, may be cited together as the Licensing Acts 1833 to 2008 and shall be construed together as one.

(3) The Courts of Justice Acts 1924 to 1961 and *section 8(a)*, to the extent that it extends those Acts, may be cited together as the Courts of Justice Acts 1924 to 2008 and shall be construed together as one.

(4) The Registration of Clubs Acts 1904 to 2004 and *sections 14* and *16*, in so far as they amend and extend those Acts, may be cited together as the Registration of Clubs Acts 1904 to 2008 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:

E1 Power pursuant to subs. (5) exercised (1.10.2010) by *Intoxicating Liquor Act 2008 (Commencement) Order 2010* (S.I. No. 449 of 2010).

2. The 1st October 2010 is fixed as the day on which section 14 of the Intoxicating Liquor Act 2008 (No. 17 of 2008) in so far as it relates to inserting section 37C into the Intoxicating Liquor Act 1988 (No. 16 of 1988) shall come into operation.

E2 Power pursuant to subs. (5) exercised (30.07.2008) by *Intoxicating Liquor Act 2008 (Commencement) Order 2008* (S.I. No. 286 of 2008).

2. The 30th day of July 2008 is fixed as the day on which the Intoxicating Liquor Act 2008 (No. 17 of 2008), other than—

(*a*) section 9, and

(*b*) section 14 in so far as it relates to inserting section 37C into the Intoxicating Liquor Act 1988 (No. 16 of 1988),

shall come into operation.

Interpretation.

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

" Act of 1910 " means the Finance (1909-10) Act 1910;

" Act of 1927 " means the Intoxicating Liquor Act 1927;

" Act of 1960 " means the Intoxicating Liquor Act 1960;

" Act of 1962 " means the Intoxicating Liquor Act 1962;

" Act of 1986 " means the Courts (No. 2) Act 1986;

" Act of 1988 " means the Intoxicating Liquor Act 1988;

" Act of 1994 " means the Criminal Justice (Public Order) Act 1994;

" Act of 2000 " means the Intoxicating Liquor Act 2000;

" Act of 2003 " means the Intoxicating Liquor Act 2003;

" Act of 2006 " means the Criminal Justice Act 2006;

"beer retailer's off-licence" has the meaning assigned to it by the Act of 1910;

"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;

"off-licence" means a licence for the sale of intoxicating liquor for consumption off the premises;

"on-licence" means a licence for the sale of intoxicating liquor for consumption either on or off the premises;

" spirit retailer's off-licence " has the meaning assigned to it by the Act of 1910;

" wine retailer's off-licence " has the meaning assigned to it by the Act of 1910.

Repeal.

3.— Subsection (2) (inserted by section 4 of the Act of 2000) of section 3 of the Act of 1927 is repealed.

PART 2

Sale and Consumption of Intoxicating Liquor

Amendment of section 2 of Act of 1927.

4.— Section 2 (inserted by section 25 of the Act of 1988 and as amended by section 3 of the Act of 2000 and section 10 of the Act of 2003) of the Act of 1927 is amended—

(*a*) in subsection (1)(*b*), by inserting "subject to subsections (1C) and (1D)," before "on any other day",

(*b*) in subsection (1A), by substituting "Without prejudice to subsection (1C), the" for "The", and

(*c*) by inserting the following subsections after subsection (1B):

"(1C) Without prejudice to subsection (1)(*a*), it shall not be lawful for any person to sell any intoxicating liquor, for consumption off the premises concerned (whether or not it is an on-licence or an off-licence attached to the premises), on any day, as specified hereunder, outside the times so specified in respect of it—

(*a*) Saint Patrick's Day: between 12.30 p.m. and 10.00 p.m.,

(*b*) any Sunday: between 12.30 p.m. and 10.00 p.m., and

(*c*) any day other than Saint Patrick's Day or a Sunday: between 10.30 a.m. and 10.00 p.m.

(1D) It shall not be lawful for any person to sell any intoxicating liquor, for consumption off the premises concerned, being premises the subject of a general exemption order, on any day during the period—

(*a*) beginning on that day on which it is lawful, pursuant to such order, to sell intoxicating liquor for consumption on the premises, and

(*b*) ending at 10.30 a.m. on that day.".

Amendment of section 4 of Act of 1927.

5.— Section 4 (as amended by section 10 of the Act of 1960) of the Act of 1927 is amended—

(*a*) in subsection (1), by substituting "Subject to the other provisions of this section, the" for "The", and

(*b*) by substituting the following for subsection (7):

"(7) No general exemption order shall be granted—

(*a*) in respect of premises unless a general exemption order was in force in respect of the premises on 30 May 2008, or

(*b*) for any time on any Sunday or Saint Patrick's Day, Christmas Day or Good Friday.".

New wine retailer's off-licence shall not be granted except pursuant to certificate issued by District Court.

6.— The Revenue Commissioners shall not grant a new wine retailer's off-licence to a person unless a certificate is presented to them which has been received by the person from the District Court and which entitles the person to a wine retailer's off-licence.

Grounds on which District Court may refuse to give certificate in respect of new relevant off-licences.

7.— (1) The District Court may refuse to give to a person a certificate entitling him or her to receive a new relevant off-licence in respect of premises on the grounds of—

(*a*) the character, misconduct or unfitness of the person,

(*b*) the unfitness or inconvenience of the premises,

(*c*) the unsuitability of the premises for the needs of persons residing in the neighbourhood, or

(*d*) the adequacy of the existing number of licensed premises of the same character in the neighbourhood.

(2) The District Court may impose a condition, on giving a certificate referred to in *subsection (1)*, relating to the installation, use or operation, or any combination thereof, of a closed circuit television system in respect of the premises concerned and, accordingly, if there is any failure to comply with such condition, such failure shall relate to the good character of the licensee for the purposes of the renewal under the Act of 1986 of the relevant off-licence concerned.

(3) At the hearing by the District Court of an application by a person to give to the person a certificate entitling him or her to receive a new relevant off-licence in respect of premises—

(*a*) the Superintendent of the Garda Síochána within whose district the premises are situate, and

(*b*) any person who resides in the neighbourhood,

may object to the application and, for that purpose, may appear and give evidence.

(4) Notwithstanding the Licensing Acts 1833 to 2004—

(*a*) the District Court may not refuse to give a certificate referred to in *subsection (1)* on grounds where it has a discretion to so refuse except on the grounds specified in that subsection, and

(*b*) only a person who falls within *paragraph (a)* or *(b)* of *subsection (3)* in respect of the application concerned may object to the application.

(5) For the purposes of the application of section 4 of the Act of 1986 to any renewal of a wine retailer's off-licence, the Superintendent of the Garda Síochána within whose district the licensed premises concerned are situate shall be deemed to be a person who, pursuant to subsection (6) of that section, may object to the renewal of such licence.

(6) This section shall not apply to an application, made by a person to give to the person a certificate entitling him or her to receive a new relevant off-licence in respect of premises, in respect of which service of the notice of the application has been effected in accordance with the District Court Rules 1997 (S.I. No. 93 of 1997) before the commencement of this section.

(7) In this section, " relevant off-licence " means—

(*a*) a spirit retailer's off-licence,

(*b*) a beer retailer's off-licence, and

(*c*) a wine retailer's off-licence.

Annotations

Amendments:

F1 Substituted by *Garda Síochána (Functions and Operational Areas) Act 2022* (7/2022), s. 4(1) and sch. 1 ref. 26, not commenced as of date of revision.

Modifications (not altering text):

C1 Prospective affecting provision: subss. (3)(a), (5) amended by *Garda Síochána (Functions and Operational Areas) Act 2022* (7/2022), s. 4(1) and sch. 1 ref. 26, not commenced as of date of revision.

(*a*) F1**[**a Superintendent of the Garda Síochána in the Garda division in which the premises are situate**]** the premises are situate, and

...

(5) For the purposes of the application of section 4 of the Act of 1986 to any renewal of a wine retailer's off-licence, F1**[**a Superintendent of the Garda Síochána in the Garda division in which**]** the licensed premises concerned are situate shall be deemed to be a person who, pursuant to subsection (6) of that section, may object to the renewal of such licence.

...

Provisions supplementary to *sections 6* and *7*.

8.— For the purposes of *sections 6* and *7*—

(*a*) the District Court shall have and may exercise, in relation to a wine retailer's off-licence and with any necessary modifications, all the powers, jurisdictions and authorities which the District Court has and may exercise, in relation to a spirit retailer's off-licence, pursuant to section 77 of the Courts of Justice Act 1924 except any such powers, jurisdictions and authorities to the extent that they are applicable to the transfer of a spirit retailer's off-licence, and

(*b*) section 10 (inserted by section 9 of the Act of 1986) of the Licensing Act (Ireland) 1874 shall apply, in relation to a new wine retailer's off-licence and with any necessary modifications, as such section 10 applies to a new spirit retailer's off-licence.

Amendment of section 3 of Act of 1927.

9.— F2**[**...**]**

Annotations

Amendments:

F2 Repealed (24.11.2021) by *Public Health (Alcohol) Act 2018* (24/2018), s. 10(c), S.I. No. 613 of 2021.

Amendment of section 5 of Act of 1927.

10.— Section 5 (inserted by section 11 of the Act of 2003) of the Act of 1927 is amended—

(*a*) in subsection (1), in the definition of " special exemption order ", by inserting ", or the holder of a theatre licence," after "on-licence",

(*b*) by substituting the following subsections for subsection (4):

"(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;

(iii) that the event, function or dance is held in compliance with the relevant provisions of the definition of 'special occasion' in subsection (1);

(iv) that, in the case of a special occasion which does not fall within paragraph (*a*)(ii) of the definition of 'special occasion' in subsection (1), a closed circuit television system be in operation on the premises concerned during the course of the special occasion;

(v) if subparagraph (iv) is applicable but the premises concerned do not have a closed circuit television system installed in them, that a closed circuit television system be installed in them for the purposes of that subparagraph; and

(vi) that any person providing, in respect of the event, function or dance, a security service as a door supervisor, within the meaning of section 2(1) of the Private Security Services Act 2004, be the holder of a licence required under that Act to provide such service;

and

(*b*) may contain such other conditions as the Court thinks proper.

(4A) Nothing in subparagraphs (i) to (vi) of paragraph (*a*) of subsection (4) shall prejudice the generality of paragraph (*b*) of that subsection.",

(*c*) in subsection (5), by inserting "(including reasons related to maintaining public order)" after "reasons", and

(*d*) by substituting the following subsection for subsection (6):

"(6) The Court shall not grant a special exemption order in respect of any premises unless it is satisfied that—

(*a*) the premises comply with the fire safety standards under the Building Control Act 1990 applicable to such premises, and

(*b*) the special occasion will be conducted in a manner that will not—

(i) cause undue inconvenience or nuisance to persons residing in the locality, or

(ii) create an undue threat to public order or public safety in the locality.".

Amendment of section 21 of Act of 1927.

11.— Section 21 of the Act of 1927 is amended—

(*a*) in subsection (1), by deleting "not", and

(*b*) in subsection (2), by substituting "Subject to subsection (1), in" for "In".

Amendment of section 30 of Act of 1988.

12.— Section 30 of the Act of 1988 is amended by inserting the following definition after the definition of " age card ":

" ' bottle or container ' means a bottle or container irrespective of whether—

(*a*) the bottle or container is opened or unopened, and

(*b*) any or all of the contents of the bottle or container have been or are being consumed,

and includes the contents of the bottle or container;".

Amendment of section 36A of Act of 1988.

13.— Section 36A (inserted by section 13 of the Act of 2000) of the Act of 1988 is amended, in subsection (2), in paragraph (*a*), by substituting "of not less than 2 and not more than" for "not exceeding".

Insertion of new sections 37A, 37B and 37C into Act of 1988.

14.— The Act of 1988 is amended by inserting the following sections after section 37:

"Power to seize intoxicating liquor in possession of person under age of 18 years, etc.

37A.— (1) This section applies where a member of the Garda Síochána believes with reasonable cause that—

(*a*) a person under the age of 18 years is in a relevant place alone or accompanied by another person,

(*b*) a bottle or container which contains intoxicating liquor is in the possession of the relevant person or the accompanying person, and

(*c*) such intoxicating liquor (whether in whole or in part) has been, is being, or is intended to be, consumed by the relevant person in such relevant place or another relevant place.

(2) Where this section applies, the member may—

(*a*) seek an explanation from the relevant person or, as appropriate, the accompanying person, as to all or any of the matters to which the relevant belief relates, and

(*b*) do one or more of the following, if such person fails or refuses to give such an explanation or if such an explanation is given, and in either case the member remains of the relevant belief:

(i) request such person in possession of the bottle or container to immediately give it to the member (or to another member of the Garda Síochána accompanying the member) and at the same time as the request is made give to such person a warning in ordinary language that a failure or refusal to comply with the request may lead to the seizure of the bottle or container or to his or her arrest or to both (or words to the like effect);

(ii) if such person fails or refuses to comply with the request, seize, detain and remove, without warrant, the bottle or container with the use, if necessary, of such force as is reasonable in the circumstances;

(iii) request the relevant person to provide the member with his or her name, address and age.

(3) Where—

(*a*) a person fails or refuses to comply with a request made by the member under subparagraph (i) or (iii) of paragraph (*b*) of subsection (2), or

(*b*) the member has reasonable grounds for believing that the name, address or age provided to the member, in compliance with a request made by the member under subparagraph (iii) of paragraph (*b*) of subsection (2), is false or misleading,

the member may arrest such person without warrant.

(4) A person who—

(*a*) fails or refuses to comply with a request made by the member under subparagraph (i) or (iii) of paragraph (*b*) of subsection (2), or

(*b*) in purported compliance with a request made by the member under subparagraph (iii) of paragraph (*b*) of subsection (2), provides to the member a name, address or age which is false or misleading,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €500.

(5) Where the member or another member of the Garda Síochána has been given, or has seized, detained and removed, a bottle or container pursuant to this section, the member shall—

(*a*) dispose of the bottle or container in such manner as he or she considers appropriate, and

(*b*) make and retain, or cause to be made and retained, a record in writing of the manner, date and place of such disposal.

(6) Nothing in this section shall prejudice the operation of the other provisions of this Act or of the Criminal Justice (Public Order) Acts 1994 and 2003.

(7) In this section—

‘ relevant belief ’, in relation to a member of the Garda Síochána, means the belief referred to in subsection (1) of the member;

‘ relevant person ’ means the person first-mentioned in paragraph (*a*) of subsection (1);

‘ relevant place ’ means a place other than a place used as a private dwelling.

Power of entry for purposes of section 37A, etc.

37B.— A member of the Garda Síochána may enter without warrant a place other than a place used as a private dwelling if the member has reasonable grounds for believing that—

(*a*) the matters specified in paragraphs (*a*), (*b*) and (*c*) of subsection (1) of section 37A, or

(*b*) the matters specified in paragraphs (*a*), (*b*) and (*c*) of subsection (1) of section 8A (inserted by *section 19* of the *Intoxicating Liquor Act 2008*) of the Criminal Justice (Public Order) Act 1994,

are occurring in such place.

Test purchasing of intoxicating liquor.

37C.— (1) A member of the Garda Síochána may, in the course of his or her duty as such member and in accordance with guidelines issued under subsection (4), send a person who is at least 15 years of age but under the age of 18 years into licensed premises for the purpose of the person purchasing intoxicating liquor therein if but only if—

(*a*) the parent or guardian of the person has consented, in writing, to him or her being sent into those premises for that purpose, and

(*b*) the member is satisfied that all reasonable steps have been or will be taken to avoid harm to the welfare of the person.

(2) Section 32(3) (inserted by section 13 of the Intoxicating Liquor Act 2003) shall not apply to a member of the Garda Síochána in any case where the member sends a person into licensed premises in accordance with subsection (1).

(3) Paragraphs (*a*) and (*c*) of section 33(1) shall not apply to a person in any case where a member of the Garda Síochána sends the person into licensed premises in accordance with subsection (1) and the person, whilst in those premises—

(*a*) purchases intoxicating liquor, or

(*b*) represents himself or herself for the purpose of obtaining, or being permitted to consume, intoxicating liquor, to be over the age of 18 years,

as the case requires.

(4) The Minister shall, after consulting with the Commissioner of the Garda Síochána and the Minister for Health and Children, from time to time issue guidelines in respect of the procedures to be followed with respect to the practical operation of this section, including guidelines as to—

(*a*) prohibiting any active instigation of a contravention of the *Licensing Acts 1833 to 2008*, such as a false representation, whether made orally or by means of the production of any document, that a person is over the age of 18 years, and

(*b*) the basis on which licensed premises will be selected for the purposes of the application of this section, whether by reference to the location of the premises, complaints received by the Garda Síochána concerning the premises, the number and kind of contraventions (if any) of the *Licensing Acts 1833 to 2008* relating to the premises, or the clientele attracted to the premises, or any combination thereof.

(5) This section (including guidelines issued under subsection (4)) shall also apply in relation to a club registered under the *Registration of Clubs Acts 1904 to 2008* as if references in this section (or such guidelines) to licensed premises were references to such a club and with any other necessary modifications.".

Amendment of section 9 of Act of 2003.

15.— Section 9(2)(*a*) of the Act of 2003 is amended by substituting "of not less than 2 and not more than" for "not exceeding".

Regulations relating to sale, supply and consumption of intoxicating liquor.

16.—F3**[**...**]**

Annotations

Amendments:

F3 Repealed (24.11.2021) by *Public Health (Alcohol) Act 2018* (24/2018), s. 10(d), S.I. No. 613 of 2021.

Increase of certain fines in Licensing Acts 1833 to 2004.

17.— Each provision mentioned in *column (2)* of *Schedule 1* of an enactment mentioned in *column (1)* of that Schedule opposite the mention of that provision is amended as specified in *column (3)* of that Schedule opposite the mention of that provision.

PART 3

Amendment of Criminal Justice (Public Order) Act 1994

Amendment of section 4 of Act of 1994.

18.— Section 4(4) of the Act of 1994 is amended by substituting the following definition for the definition of "bottle or container":

" 'bottle or container' means a bottle or container irrespective of whether—

(*a*) the bottle or container is opened or unopened, and

(*b*) any or all of the contents of the bottle or container have been or are being consumed,

and includes the contents of the bottle or container, but does not include a bottle or container for a substance which is in the possession of the person concerned for a purpose other than the intoxication of that or any other person;".

Insertion of new sections 8A and 8B into Act of 1994.

19.— The Act of 1994 is amended by inserting the following sections after section 8:

"Power to direct persons who are in possession of intoxicating substances, etc.

8A.— (1) This section applies where a member of the Garda Síochána believes with reasonable cause that—

(*a*) a person is in a relevant place alone or accompanied by other persons,

(*b*) a bottle or container which contains an intoxicating substance is in the possession of the relevant person, and

(*c*) the relevant person is acting in that place, or the relevant person and some or all of the accompanying persons are acting in that place, in a manner that—

(i) gives rise to a reasonable apprehension for the safety of persons or the safety of property or for the maintenance of the public peace, or

(ii) is causing, or gives rise to a reasonable apprehension is likely to cause, annoyance and nuisance to another person or persons or interference with that other person's or persons' peaceful possession and enjoyment by that other person or persons of his or her, or their, as the case may be, property.

(2) Where this section applies, the member may—

(*a*) seek an explanation from the relevant person as to all or any of the matters to which the relevant belief relates, and

(*b*) do one or more of the following, if the relevant person fails or refuses to give such an explanation or if such an explanation is given, and in either case the member remains of the relevant belief:

(i) request the relevant person to immediately give the bottle or container to the member (or to another member of the Garda Síochána accompanying the member) and at the same time as the request is made give to the relevant person a warning in ordinary language that a failure or refusal to comply with the request may lead to the seizure of the bottle or container or to his or her arrest or to both (or words to the like effect);

(ii) if the relevant person fails or refuses to comply with the request, seize, detain and remove, without warrant, the bottle or container with the use, if necessary, of such force as is reasonable in the circumstances;

(iii) direct the relevant person and, if appropriate, some or all of the accompanying persons, to desist from acting in the manner referred to in paragraph (*c*) of subsection (1);

(iv) direct the relevant person and, if appropriate, some or all of the accompanying persons, to leave immediately the place in a peaceable or orderly manner;

(v) request the relevant person to provide the member with his or her name and address.

(3) Where—

(*a*) a person fails or refuses to comply with a request made by the member under subparagraph (i) or (v) of paragraph (*b*) of subsection (2),

(*b*) a person fails or refuses to comply with a direction given by the member under subparagraph (iii) or (iv) of paragraph (*b*) of subsection (2), or

(*c*) the member has reasonable grounds for believing that the name or address provided to the member, in compliance with a request made by the member under subparagraph (v) of paragraph (*b*) of subsection (2), is false or misleading,

the member may arrest such person without warrant.

(4) A person who—

(*a*) fails or refuses to comply with a request made by the member under subparagraph (i) or (v) of paragraph (*b*) of subsection (2), or

(*b*) in purported compliance with a request made by the member under subparagraph (v) of paragraph (*b*) of subsection (2), provides to the member a name or address which is false or misleading,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €500.

(5) It shall be an offence for any person, without lawful authority or reasonable excuse, to fail to comply with a direction given by the member under subparagraph (iii) or (iv) of paragraph (*b*) of subsection (2).

(6) A person who is guilty of an offence under subsection (5) shall be liable on summary conviction to a fine not exceeding €1,000.

(7) Where the member or another member of the Garda Síochána has been given, or has seized, detained and removed, a bottle or container pursuant to this section, the member shall—

(*a*) dispose of the bottle or container in such manner as he or she considers appropriate, and

(*b*) make and retain, or cause to be made and retained, a record in writing of the manner, date and place of such disposal.

(8) Nothing in this section shall prejudice the operation of the other provisions of this Act or of the Criminal Justice (Public Order) Act 2003.

(9) In this section—

‘ bottle or container ’ means a bottle or container irrespective of whether—

(*a*) the bottle or container is opened or unopened, and

(*b*) any or all of the contents of the bottle or container have been or are being consumed,

and includes the contents of the bottle or container;

‘ relevant belief ’, in relation to a member of the Garda Síochána, means the belief referred to in subsection (1) of the member;

‘ relevant person ’ means the person first-mentioned in paragraph (*a*) of subsection (1);

‘ relevant place ’ means a place other than a place used as a private dwelling.

Power of entry for purposes of section 8A, etc.

8B.— A member of the Garda Síochána may enter without warrant a place other than a place used as a private dwelling if the member has reasonable grounds for believing that—

(*a*) the matters specified in paragraphs (*a*), (*b*) and (*c*) of subsection (1) of section 8A, or

(*b*) the matters specified in paragraphs (*a*), (*b*) and (*c*) of subsection (1) of section 37A (inserted by *section 14* of the *Intoxicating Liquor Act 2008*),

are occurring in such place.”.

Amendment of section 23A of Act of 1994.

20.— Section 23A (inserted by section 184 of the Act of 2006) of the Act of 1994 is amended—

(*a*) in subsection (5)(*c*)—

(i) in subparagraph (i), by deleting “to a member of the Garda Síochána at a specified Garda Síochána station or to another specified person at a specified place” and substituting “in accordance with the notice”, and

(ii) in subparagraph (ii), by deleting “so pays” and substituting “pays in accordance with the notice”,

(*b*) in subsection (7), by substituting the following paragraph for paragraph (*b*):

“(*b*) the payment shall be received in accordance with the notice and the person receiving the payment shall issue a receipt for it,”,

and

(*c*) in subsection (8), by substituting the following paragraph for paragraph (*a*):

"(*a*) In a prosecution for a fixed charge offence it shall be presumed until the contrary is shown that—

(i) the relevant notice under this section has been served or caused to be served, and

(ii) a payment pursuant to the relevant notice under this section accompanied by the notice, duly completed (unless the notice provides for payment without the notice accompanying the payment), has not been made.".

Amendment of section 23B of Act of 1994.

21.— Section 23B (inserted by section 184 of the Act of 2006) of the Act of 1994 is amended, in subsection (2), by deleting "after serving on the person personally a notice in the prescribed form stating the matters specified in section 23A(5) or cause it to be so served." and substituting the following:

"after—

(i) serving on the person personally a notice in the prescribed form stating the matters specified in section 23A(5) or causing it to be so served, or

(ii) informing him or her that such notice will be served on him or her by post.".

Increase of certain fines in Act of 1994.

22.— Each provision of the Act of 1994 mentioned in *column (1)* of *Schedule 2* is amended as specified in *column (2)* of that Schedule opposite the mention of that provision.

Section 17.

SCHEDULE 1

Increase of Certain Fines in Licensing Acts 1833 to 2004

Enactment (1)	Provision (2)	Amendment (3)
Intoxicating Liquor Act 1988	Section 31 (sale of intoxicating liquor to under-age person) (as amended by section 25 of the Act of 2000)	In subsection (3), by substituting "€3,000" for "£1,000" and "€5,000" for "£1,500"
Intoxicating Liquor Act 1988	Section 32 (provision of intoxicating liquor for persons under the age of 18 years) (inserted by section 13 of the Act of 2003)	In subsection (4), by substituting "€3,000" for "€1,500" and "€5,000" for "€2,000"
Intoxicating Liquor Act 2003	Section 4 (drunken persons)	In subsection (2), by substituting "€3,000" for "€1,500" and "€5,000" for "€2,000"
Intoxicating Liquor Act 2003	Section 5 (supply of intoxicating liquor to drunken persons by non-licensees)	In subsection (2), by substituting "€3,000" for "€1,500" and "€5,000" for "€2,000"
Intoxicating Liquor Act 2003	Section 7 (duty of licensee to preserve order)	In subsection (2), by substituting "€3,000" for "€1,500" and "€5,000" for "€2,000"

Section 22.

SCHEDULE 2

Increase of Certain Fines in Criminal Justice (Public Order) Act 1994

Provision (1)	Amendment (2)
Section 4 (intoxication in public place)	In subsection (2), by substituting "€500" for "£100"
Section 5 (disorderly conduct in public place)	In subsection (2), by substituting "€1,000" for "£500"
Section 6 (threatening, abusive or insulting behaviour in public place)	In subsection (2), by substituting "€1,000" for "£500"
Section 7 (distribution or display in public place of material which is threatening, abusive, insulting or obscene)	In subsection (2), by substituting "€1,000" for "£500"
Section 8 (failure to comply with direction of member of Garda Síochána)	In subsection (3), by substituting "€1,000" for "£500"
Section 9 (wilful obstruction)	By substituting "€400" for "£200"
Section 11 (entering building with intent to commit offence)	In subsection (2), by substituting "€2,500" for "£1,000"
Section 13 (trespass on building, etc.)	In subsection (3), by substituting "€2,500" for "£1,000" and "€1,000" for "£500"

Section 16 (affray)	In subsection (4)(*a*), by substituting "€1,000" for "£500"
Section 17 (blackmail, extortion and demanding money with menaces)	In subsection (3)(*a*), by substituting "€2,500" for "£1,000"
Section 18 (assault with intent to cause bodily harm or commit indictable offence)	In subsection (2)(*a*), by substituting "€2,500" for "£1,000"
Section 19G (penalties and proceedings) (inserted by section 24 of the Housing (Miscellaneous Provisions) Act 2002)	In subsection (1), by substituting "€4,000" for "€3,000"
Section 21 (control of access to certain events, etc.)	In subsection (5), by substituting "€1,000" for "£500"
Section 22 (surrender and seizure of intoxicating liquor, etc.)	In subsection (4), by substituting "€1,000" for "£500"
Section 23 (prohibition of advertising of brothels and prostitution)	In subsection (2), by substituting "€2,500" for "£1,000" and "€25,000" for "£10,000"
Section 24 (arrest without warrant)	In subsection (4), by substituting "€1,000" for "£500"

Number 17 *of* 2008

INTOXICATING LIQUOR ACT 2008

REVISED

Updated to 4 May 2022

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

Courts of Justice Acts 1924 to 2019: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Copyright and Other Intellectual Property Law Provisions Act 2019* (19/2019), s. 1(2)). The Acts in this group are:

- *Courts of Justice Act 1924* (10/1924)
- *Courts of Justice Act 1926* (1/1926)
- *Courts of Justice Act 1928* (15/1928)
- *Courts of Justice Act 1936* (48/1936)
- *Courts of Justice (District Court) Act 1946* (21/1946)
- *Courts of Justice Act 1947* (20/1947)
- *Courts of Justice (District Court) Act 1949* (8/1949)
- *Courts of Justice Act 1953* (32/1953)
- *Courts of Justice Act and Courts Officers (Superannuation) Act 1961* (16/1961), in so far as it amends or extends the previous Acts
- *Intoxicating Liquor Act 2008* (17/2008), s. 8(a) to the extent that it extends the previous Acts
- *Court of Appeal Act 2014* (18/2014), to the extent that it amends or extends the previous Acts
- *Copyright and Other Intellectual Property Law Provisions Act 2019* (19/2019), s. 40

Acts previously included in the group but now repealed are:

- *Courts of Justice Act 1927* (29/1927)
- *Courts of Justice Act 1928* (35/1928)
- *Courts of Justice Act 1929* (37/1929)
- *Courts of Justice Act 1931* (1/1931)
- *Courts of Justice (No. 2) Act 1931* (40/1931)
- *Courts of Justice Act 1959* (35/1959)

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)
- *Beer Retailers' & Spirit Grocers' Retail Licences (Ireland) Act 1900* (63 & 64 Vict. c. 30)
- *Licensing (Ireland) Act 1902* (2 Edw. 7 c. 18)
- *Intoxicating Liquor (General) Act 1924* (62/1924), parts I, II and V
- *Intoxicating Liquor Act 1927* (15/1927), parts I, II, III, IV, and VI
- *Intoxicating Liquor Act 1943* (7/1943)
- *Intoxicating Liquor Act 1946* (33/1946)
- *Tourist Traffic Act 1952* (15/1952), part VI
- *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
- *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 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)

Acts previously included in the group but now repealed or spent are:

- *Intoxicating Liquors (Sale to Children) Act 1886* (49 & 50 Vict. c. 56)
- *Licensing (Ireland) Act 1905* (5 Edw. 7. c. 3), parts I, II and V
- *Intoxicating Liquor (Amendment) Act 1929* (14/1929)
- *Intoxicating Liquor (Amendment) (No. 2) Act 1929* (20/1929)

Acts previously to be construed with the group but now repealed are:

- *Intoxicating Liquors (Sale to Children) Act 1901* (1 Edw. 7 c. 27)
- *Intoxicating Liquor (Occasional Licences) Act 1932* (6/1932)

Registration of Clubs Acts 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 previous Acts
- *Intoxicating Liquor Act 1962* (21/1962), in so far as it amends and extends previous Acts
- *Intoxicating Liquor Act 1981* (5/1981), in so far as it amends and extends previous Acts
- *Intoxicating Liquor Act 1988* (16/1988), in so far as it amends previous Acts
- *Courts (No. 2) Act 1986* (26/1986), s. 9 and First Schedule in so far as they relate to previous Acts
- *Intoxicating Liquor Act 1995* (33/1995), s. 5(2)
- *Intoxicating Liquor Act 1999* (32/1999), in so far as it amends and extends previous Acts
- *Intoxicating Liquor Act 2000* (17/2000), in so far as it amends and extends previous Acts
- *Criminal Justice (Public Order) Act 2003* (16/2003)
- *Intoxicating Liquor Act 2003* (31/2003), in so far as it amends and extends previous Acts
- *Intoxicating Liquor Act 2004* (34/2004)
- *Intoxicating Liquor Act 2008* (17/2008), ss. 14, 16 in so far as they amend and extend previous Acts

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

- *Garda Síochána (Functions and Operational Areas) Act 2022* (7/2022)
- *Public Health (Alcohol) Act 2018* (24/2018)

All Acts up to and including *Garda Síochána (Functions and Operational Areas) Act 2022* (7/2022), enacted 4 May 2022, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

None

All statutory instruments up to and including *Merchant Shipping (Radio Installations Survey) Rules 2022* (S.I. No. 222 of 2022), made 4 May 2022, were considered in the preparation of this revision.