



LIMERICK COUNTY COUNCIL
COMHAIRLE CHONTAE LUIMNIGH

INTOXICATING LIQUOR BYE-LAWS

**MADE UNDER PART 19 OF THE
LOCAL GOVERNMENT ACT, 2001.**

**County Hall,
Dooradoyle,
Co. Limerick.**

LIMERICK COUNTY COUNCIL

INTOXICATING LIQUOR BYE LAWS

Made under Part 19 of the Local Government Act, 2001

The Chairman and Members of Limerick County Council, the Local Authority for the County of Limerick, being of the opinion that it is desirable in the interest of the common good of the local community that the consumption of intoxicating liquor in public places should be regulated or controlled or that the nuisance arising therefrom should be controlled or suppressed, in exercise of the powers vested in them by Part 19 of the Local Government Act, 2001 hereby make the following bye-laws.

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| <i>Short Title</i> | 1. | These Bye Laws may be cited as the Limerick County Council (Regulation and Control of the Consumption of Intoxicating Liquor in Public Places) Bye-Laws, 2007. |
| <i>Commencement</i> | 2. | These bye-laws shall come into operation on the 1 st July 2007. |
| <i>Area of Application</i> | 3. | These bye-laws apply to the areas comprising the functional area of <i>the Council</i> . |
| <i>Interpretation</i> | 4. | Throughout these bye-laws the following words and expressions shall have the meaning hereinafter respectively assigned to them unless the context otherwise requires, that is to say:- |

- (a) “Public Place” includes –
- (i) any public road, roadway, footpath or road,
 - (ii) any highway,
 - (iii) any cemetery, church, churchyard or the curtilage of any church,
 - (iv) any premises, public open space, outdoor area, or other place to which members of the public have or are permitted to have access, whether as of right, or as a trespasser or otherwise, or by express or implied permission, or whether on payment or otherwise.

but does not include:-

- (i) a private house or dwelling or the garden or curtilage of such private house or dwelling in circumstances where a person consumes or attempts to consume intoxicating liquor therein with the express or implied permission of the owner or occupier thereof.
 - (ii) any premises licensed for the consumption of intoxicating liquor during the hours authorised for the sale and consumption of the same pursuant to the Licensing Acts, 1833 to 2003 or any Act extending or amending the same and to any area within 30 metres of such premises.
 - (iii) any foreshore or coastal waters within or adjoining the County.
- (b) “*Public Road*”, “*roadway*”, “*footway*”, “*footpath*” and “*road*” have the meanings assigned to them respectively by the Roads Act, 1993.

- (c) *“Intoxicating Liquor”* includes any alcoholic drink, spirits, wine, beer, porter, cider, perry, sweets and any fermented, distilled or spirituous liquid or liquor which cannot according to any law for the time being in force, be legally sold without a licence from the Revenue Commissioners or any drink or other liquid containing alcohol.
- (d) *“Authorised Person”* means a person authorised in writing by the Authority pursuant to the Local Government Act, 2001.

Prohibition on the consumption of Intoxicating liquor in a public place

- 5. A person shall not consume or attempt to consume intoxicating liquor in a public place and a person shall not have in his or her possession intoxicating liquor or an alcoholic drink in a public place with the intention of consuming it in a public place or of supplying it to any person for consumption in a public place **PROVIDED ALWAYS** that a person shall not contravene this bye-law if such person consumes or attempts to consume intoxicating liquor during hours authorised for the sale and consumption of intoxicating liquor pursuant to the Licensing Acts, 1833 – 2003 or any Act extending or amending the same while seated at tables and chairs provided on that part of a public road comprising a footway or footpath outside or in the vicinity of a hotel, restaurant or public house by the proprietor of such hotel, restaurant, or public house, as the case may be, on foot of a licence granted by Limerick County Council under the Local Government (Planning & Development) Act, 2000, as amended, and which is for the time being in force.

Powers of a Member of the Garda Siochana

- 6. (a) Where a person appears to be committing or appears to have committed a contravention of Bye-Law 5 of these Bye-Laws a member of the Garda Siochana may verbally request such person to leave the vicinity and move off or to refrain

from committing any such contravention.

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- (b) Where a member of the Garda Siochana suspects, with reasonable cause, that a person is committing or has committed a contravention of Bye-Law 5 of these Bye-Laws such member of the Garda Siochana may stop, search or cause to be searched such person and may seize and confiscate, without warrant, any bottle or container together with its contents which is in the possession of such person.
- (c) Where a member of the Garda Siochana suspects, with reasonable cause, that a bottle or container in a public place (whether or not in the possession of a person) holds intoxicating liquor and further suspects with reasonable cause that a person is committing or has committed a contravention of Bye-Law 5 of these Bye-Laws such member of the Garda Siochana may seize and confiscate, without warrant, any such bottle or container together with its contents.
- (d) The person from whom the bottle or container referred to in the preceding sub-paragraph will have a right to retrieve same from the Garda Siochana within fourteen days of same being seized or confiscated. In the event of same not being retrieved within the said fourteen day period the Garda Siochana shall be at liberty to dispose of the said bottle or container in any manner that they consider appropriate. Provided however that in the event of such seizure or confiscation being made from a person under 18 years of age the person entitled to retrieve such bottle or container shall be a parent or guardian of the person.

*Prohibition on
resisting etc.
Authorised Person
or a Member of the*

- 7. [1] A person shall not obstruct or impede an authorised person or a member of the Garda Siochana acting in the exercise of the functions conferred on an authorised person and a member of the Garda Siochana by these Bye-Laws.

*Powers of an
Authorised Person
and additional powers
of a Member of the
Garda Siochana*

- [2] An authorised person or a member of the Garda Siochana who-
- (a) has reasonable grounds for believing that a person is committing or has committed a contravention of a provision of these Bye-Laws may request such person to give his or her name and address, and may request that the information given be verified, and
 - (b) is dissatisfied with the verification provided pursuant to a request under Bye-Laws 7(2)(a) of these Bye Laws may request that the person accompany the authorised person or member to a local authority office or Garda station for the purpose of the verification.
- [3] A person shall not –
- (a) fail to give his or her name and address when requested to do so under Bye-Law 7(2)(a) of these Bye-Laws or give a name or address that is false or misleading, or
 - (b) fail to comply with a request made by a member of the Garda Siochana under Bye-Law 7(2)(b) of these Bye-Laws.
- [4] Where an authorised person makes a request of a person under this Bye-Law, the authorised person shall where the person requires proof of the authorised person’s authority, produce to the person a certificate or other evidence of such authority.

[5] An authorised person who believes that the assistance of a member of the Garda Síochána is required in any particular instance to prevent the obstruction of the authorised person in exercising the authorised person's functions under these Bye-Laws may request such member to assist to prevent the obstruction and the member shall comply with the request.

Saving

8. Nothing in these Bye-Laws shall take away, abridge or limit any remedy existing for the time being by way of indictment or summarily, or shall interfere with the powers of the Garda Síochána or any authority legally existing for preventing or punishing offences.

Penalties

9. A person who contravenes a provision of these bye-laws shall be guilty of an offence under the Local Government Act, 2001 and shall be liable on summary conviction to a fine not exceeding €1,904.60.

Fixed Payment

10.(1) If an authorised person as defined in the Local Government

Notice

Act 2001. has reasonable grounds for believing that a person is committing a contravention or has committed a contravention of a provision of these Bye-Laws the authorised person may give to the person a fixed payment notice as prescribed by the Local Government Act, 2001, Section 206 stating-

- (a) that the person is alleged to have committed the contravention,
- (b) that the person may during the period of 21 days beginning on the date of the notice, make to the Council a payment of €75.00 accompanied by the notice, and

- (c) that a prosecution in respect of the alleged contravention will not be instituted during the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged contravention will be instituted.

- (2) Where a notice is given under subsection (1)-
 - (a) a person to whom the notice applies may, during the period specified in the notice, make to Limerick County Council the payment specified in the notice, accompanied by the notice,
 - (b) Limerick County Council shall receive the payment and issue a receipt for it and may retain the money so paid and no payment so received shall in any circumstances be recoverable by the person who made it, and
 - (c) a prosecution in respect of the alleged contravention shall not be instituted in the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged contravention shall be instituted.

- (3) In a prosecution for a contravention referred to in subsection (1), the onus of showing that a payment pursuant to a notice under this section has been made shall lie on the accused.

- Service of Notices* 11. Any notice required to be served by or under Bye-Law 10 of these Bye-Laws shall be served in one of the following ways-
- (a) by delivering it to the person,

- (b) by leaving it at the address at which the person ordinarily resides,

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- (c) by sending it by post in a prepaid registered letter addressed to the person at the address at which the person ordinarily resides,
- (d) if an address for the service of notices has been furnished by the person, by leaving it at, or sending it by prepaid registered post addressed to the person to, that address.

THE SEAL OF THE COUNCIL OF THE COUNTY OF LIMERICK

WAS AFFIXED HERETO BY:

Director/Approved Officer

AUTHENTICATED BY

County Secretary