



Number 34 of 2004

INTOXICATING LIQUOR ACT 2004

ARRANGEMENT OF SECTIONS

Section

1. Presence of persons on licensed premises.
 2. Short title, collective citations and construction.
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[No. 34.] *Intoxicating Liquor Act 2004.* [2004.]

ACTS REFERRED TO

Intoxicating Liquor Act 1988	1988, No. 16
Intoxicating Liquor Act 2000	2000, No. 17
Intoxicating Liquor Act 2003	2003, No. 31
Licensing Acts 1833 to 2003	
Registration of Clubs Acts 1904 to 2003	



Number 34 of 2004

INTOXICATING LIQUOR ACT 2004

AN ACT TO AMEND THE INTOXICATING LIQUOR ACT
1988. [15th October, 2004]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) For the purposes of section 34 of the Intoxicating Liquor Act 1988 (in this section referred to as the “Act of 1988”), it shall not be unlawful for the holder of a licence of licensed premises to allow a person under the age of 18 years to be on the licensed premises or any part of those premises at a time when—

Presence of persons
on licensed
premises.

- (a) intoxicating liquor is not being sold, supplied or consumed on the premises or, as the case may be, that part, and
- (b) physical access to intoxicating liquor on those premises or, as the case may be, that part is securely prevented.

(2) For the purposes of section 34A of the Act of 1988, it shall not be unlawful for the holder of a licence of any licensed premises to allow a person who is aged at least 18 years but under the age of 21 years and who has not produced an age document to the holder to be on the licensed premises or any part of those premises in the circumstances mentioned in *subsection (1)* of this section.

(3) For the purposes of sections 33 and 34 of the Act of 1988, it shall not be unlawful for a person under the age of 18 years to be on licensed premises or any part of those premises in the circumstances mentioned in *subsection (1)* of this section.

(4) For the purposes of section 34A of the Act of 1988, it shall not be unlawful for a person who is aged at least 18 years but under the age of 21 years and who does not have an age document with him or her to be on licensed premises or any part of those premises in the circumstances mentioned in *subsection (1)* of this section.

(5) It shall be a defence for a person charged with an offence under section 33, 34 or 34A of the Act of 1988 to prove that at the time of the alleged offence intoxicating liquor was not being sold, supplied or consumed on the licensed premises concerned or, as the

[No. 34.] *Intoxicating Liquor Act 2004.* [2004.]

S.1

case may be, the part concerned of those premises and that any bar counter thereon was securely closed.

(6) Nothing in this Act shall prevent a person raising any point of law or plea or objection which, apart from this section, would be open to the person to raise in any proceedings for an offence under section 33, 34 or 34A of the Act of 1988.

(7) (a) Sections 33 and 34A of the Act of 1988 are amended by the substitution of “9.00 p.m. (10.00 p.m. during the period commencing on 1 May and ending on 30 September)” for “9.00 p.m.”.

(b) Section 34 of that Act is amended by the substitution of “9.00 p.m. (10.00 p.m. during the period commencing on 1 May and ending on 30 September).” for “9.00 p.m.”, where it occurs.

(8) In this section references to sections of the Act of 1988 are to those sections as extended or amended by the Intoxicating Liquor Act 2000 and the Intoxicating Liquor Act 2003.

Short title,
collective citations
and construction.

2.—(1) This Act may be cited as the Intoxicating Liquor Act 2004.

(2) The Licensing Acts 1833 to 2003 and this Act may be cited together as the Licensing Acts 1833 to 2004 and shall be construed together as one.

(3) The Registration of Clubs Acts 1904 to 2003 and this Act may be cited together as the Registration of Clubs Acts 1904 to 2004.