



Number 17 of 2018

Intoxicating Liquor (Breweries and Distilleries) Act 2018



Number 17 of 2018

INTOXICATING LIQUOR (BREWERIES AND DISTILLERIES) ACT 2018

CONTENTS

Section

1. Licence for sale of intoxicating liquor at brewery, distillery, etc.
2. Restriction of certain provisions of Licensing Acts
3. Amendment of section 13 of Licensing (Ireland) Act 1833
4. Amendment of section 1094 of Taxes Consolidation Act 1997
5. Short title, commencement, collective citation and construction

ACTS REFERRED TO

Finance (1909-1910) Act 1910 (10 Edw. 7, c.8)

Finance Act 1940 (No. 14)

Intoxicating Liquor Act 1927 (No. 15)

Intoxicating Liquor Act 1962 (No. 21)

Licensing (Ireland) Act 1833 (Ch LXVIII)

Licensing Acts 1833 to 2018

Taxes Consolidation Act 1997 (No. 39)



Number 17 of 2018

INTOXICATING LIQUOR (BREWERIES AND DISTILLERIES) ACT 2018

An Act to provide for the grant of a licence authorising the sale of intoxicating liquor to visitors at breweries and distilleries and similar premises, and to provide for related matters. [22nd July, 2018]

Be it enacted by the Oireachtas as follows:

Licence for sale of intoxicating liquor at brewery, distillery, etc.

1. (1) Where a person who holds a relevant licence (in this section referred to as “the applicant”) duly gives notice of his or her intention to apply for a licence under this section in respect of a relevant premises and, at the proceedings in relation to the application, the applicant shows to the satisfaction of the Court that—

- (a) a relevant licence is in force in respect of the premises, and
- (b) an appropriate mechanism is in place to restrict the sale pursuant to a licence granted under this section of intoxicating liquor on the premises to persons who have completed a guided tour of the premises,

the Court shall cause a certificate to be granted to the applicant entitling him or her to receive a licence in respect of the relevant premises (in this section referred to as a “producer’s retail licence”), unless the Court prohibits the issuing of the licence on the grounds of—

- (i) the character, misconduct or unfitness of the applicant,
 - (ii) the unfitness or inconvenience of the premises, or
 - (iii) the unsuitability of the premises for the needs of persons residing in the neighbourhood.
- (2) Notwithstanding anything contained in the Licensing Acts 1833 to 2018, the Revenue Commissioners shall, subject to *subsections (7) and (8)*, on application to them being made in that behalf by an applicant and on presentation of a certificate granted under *subsection (1)*, issue a producer’s retail licence in respect of the relevant premises concerned.
- (3) A licence issued by the Revenue Commissioners in accordance with *subsection (2)*—
- (a) shall expire at midnight on the next following 30 September after the commencement of the period to which the licence relates, and
 - (b) may be renewed.

- (4) Subject to *subsections (7) and (8)*, the Revenue Commissioners shall renew a licence issued in accordance with *subsection (2)*.
- (5) On the issue of a producer's retail licence in respect of a premises, any other licence issued under the Licensing Acts 1833 to 2018 attached to the premises, other than a relevant licence, shall be extinguished.
- (6) Notwithstanding anything contained in the Licensing Acts 1833 to 2018, a licence issued or renewed under this section shall operate to authorise the sale on the premises to which the licence is attached of intoxicating liquor manufactured in accordance with a relevant licence on the premises—
 - (a) between the hours of 10.00 a.m. and 7.00 p.m. each day other than Christmas Day, for consumption on or off the premises, to persons who have completed a guided tour of the premises, where the certificate referred to in *subsection (1)* has been granted by the Circuit Court,
 - (b) between the hours of 10.00 a.m. and 7.00 p.m. each day other than Christmas Day, for consumption off the premises, to persons who have completed a guided tour of the premises, where the certificate referred to in *subsection (1)* has been granted by the District Court, or
 - (c) between the hours of—
 - (i) 10.00 a.m. and 7.00 p.m. each day other than Christmas Day or a day to which *subparagraph (ii)* applies, and
 - (ii) 12.30 p.m. and 7.00 p.m. on a Sunday, other than a Christmas Day which falls on a Sunday, and St. Patrick's Day,for consumption off the premises, to persons who have not completed a guided tour of the premises, where the certificate referred to in *subsection (1)* has been granted by the Circuit Court or the District Court.
- (7) There shall be charged, levied and paid on every licence issued pursuant to this section and on its renewal, a duty of excise of €500.
- (8) A licence shall not be issued or renewed by the Revenue Commissioners under this section unless a tax clearance certificate has been issued to the applicant in accordance with section 1094 of the Taxes Consolidation Act 1997 and such tax clearance certificate has not been rescinded under subsection (2A) of that section at the time of the issue or renewal, as the case may be.
- (9) A person who sells intoxicating liquor, or who permits the sale of intoxicating liquor, for the sale of which he or she is required to take out a licence under this section, without taking out such a licence, shall be guilty of an offence and shall be liable on summary conviction to a Class A fine.
- (10) A person who holds a licence issued under this section and who contravenes the terms of the licence or who sells intoxicating liquor, or who permits the sale of intoxicating liquor, otherwise than he or she is authorised by the licence shall be guilty of an offence and shall be liable on summary conviction to a Class A fine.

(11) In this section—

“brewer of beer for sale licence” means a licence for the manufacture of intoxicating liquor to be taken out annually pursuant to section 49 of the Finance (1909-1910) Act 1910 by a brewer of beer for sale;

“Court” means—

- (a) in relation to an application under this section for a certificate entitling the applicant to receive a producer’s retail licence authorising the sale of intoxicating liquor for consumption on or off the relevant premises, the Circuit Court, and
- (b) in relation to an application under this section for a certificate entitling the applicant to receive a producer’s retail licence authorising the sale of intoxicating liquor for consumption off the relevant premises only, the District Court;

“distiller of spirits licence” means a licence for the manufacture of intoxicating liquor to be taken out annually pursuant to section 49 of the Finance (1909-1910) Act 1910 by a distiller of spirits;

“guided tour”, in relation to a relevant premises, means a tour of the premises that—

- (a) includes an explanation of, or information relating to, the process whereby the intoxicating liquor is manufactured on the premises in accordance with a relevant licence,
- (b) is carried out in person, whether the tour is guided by another person or not, and
- (c) requires a ticket to be issued to the person participating in the tour, whether a fee is paid for the ticket or not;

“maker of cider or perry for sale licence” means a licence for the manufacture of intoxicating liquor to be taken out annually pursuant to section 10 of the Finance Act 1940 by a person who makes cider or perry for sale;

“maker for sale of sweets licence” means a licence for the manufacture of intoxicating liquor to be taken out annually pursuant to section 49 of the Finance (1909-1910) Act 1910 by a maker for sale of sweets;

“rectifier or compounder of spirits licence” means a licence for the manufacture of intoxicating liquor to be taken out annually pursuant to section 49 of the Finance (1909-1910) Act 1910 by a rectifier or compounder of spirits;

“relevant licence” means—

- (a) a brewer of beer for sale licence,
- (b) a distiller of spirits licence,
- (c) a maker of cider or perry for sale licence,
- (d) a maker for sale of sweets licence, or
- (e) a rectifier or compounder of spirits licence;

“relevant premises” means a premises to which a relevant licence is attached.

Restriction of certain provisions of Licensing Acts

2. Sections 4 and 5 and Part III of the Intoxicating Liquor Act 1927 and section 11 of the Intoxicating Liquor Act 1962 do not apply in relation to the premises licenced under *section 1*.

Amendment of section 13 of Licensing (Ireland) Act 1833

3. Section 13 of the Licensing (Ireland) Act 1833 is amended by the deletion of—
- (a) “Distiller,” and
 - (b) “Rectifier or Compounder of Spirits.”

Amendment of section 1094 of Taxes Consolidation Act 1997

4. Section 1094(1) of the Taxes Consolidation Act 1997 is amended—
- (a) in the definition of “licence”—
 - (i) in paragraph (o), by the substitution of “2003,” for “2003, and”,
 - (ii) in paragraph (p), by the substitution of “2010, and” for “2010;”, and
 - (iii) by the insertion of the following paragraph after paragraph (p):

“(q) *section 1 of the Intoxicating Liquor (Breweries and Distilleries) Act 2018;*”
- and
- (b) in the definition of “specified date”, by the substitution of “paragraphs (a) to (q);” for “paragraphs (a) to (p);”.

Short title, commencement, collective citation and construction

5. (1) This Act may be cited as the Intoxicating Liquor (Breweries and Distilleries) Act 2018.
- (2) This Act shall come into operation on such day as the Minister for Justice and Equality may by order appoint.
- (3) The Licensing Acts 1833 to 2018 and this Act may be cited together as the Licensing Acts 1833 to 2018, and shall be construed together as one Act.