



**BYE-LAWS FOR THE REGULATION AND CONTROL
OF THE CONSUMPTION OF INTOXICATING LIQUOR
On the roads and in public places
within the administrative County of Dun Laoghaire Rathdown Council
2003**

MADE PURSUANT TO THE LOCAL GOVERNMENT ACT 1994

**BYE-LAWS
MADE BY
DUN LAOGHAIRE-RATHDOWN COUNTY COUNCIL BY VIRTUE OF THE POWER
CONFERRED ON THE COUNCIL BY PART VII OF THE LOCAL GOVERNMENT ACT,
1994.**

**PROVIDING FOR THE REGULATION AND CONTROL OF THE CONSUMPTION OF
INTOXICATING LIQUOR
ON THE ROADS AND IN PUBLIC PLACES WITHIN
THE ADMINISTRATIVE COUNTY OF DUN LAOGHAIRE-RATHDOWN**

Whereas The Council of the county of Dun Laoghaire-Rathdown has power by virtue of S.37(1) of the Local Government Act, 1994 to make Bye-Laws for or in relation to the use, operation, protection, regulation or management of any land, services, or any other thing whatsoever provided by or under the control of Dun Laoghaire-Rathdown County Council, or in relation to any matter connected therewith **AND** Whereas Dun Laoghaire-Rathdown County Council is of the opinion that activity consisting of the consumption of intoxicating liquor on roads and in other public places is contrary to the common good of the community and contrary to the proper use, operation, protection, regulation or management of such roads and other public places under its control or management **AND** that said activity causes a nuisance and be regulated and controlled in the manner set out in these Bye-Laws.

NOW BE IT KNOWN that Dun Laoghaire-Rathdown County Council has hereby made the following Bye-Laws:

1. 1. In these Bye-Laws, except where the context otherwise requires:-

"road" means any street, lane, footpath, square, court, alley or passage, any bridge, viaduct, underpass, subway, tunnel, overpass, overbridge, flyover, carriageway (whether single or multiple), pavement or footway, together with such areas or space as is contiguous with any of the foregoing places **AND** which is in the control or management of Dun Laoghaire-Rathdown County Council.

"public place" means a place to which the public has access whether as of right or by permission and whether subject to or free of charge and shall include open spaces, public parks, together with such area or spaces contiguous with any of the foregoing places **AND** which is within the control or management of Dun Laoghaire-Rathdown County Council.

“intoxicating liquor” means liquor the sale of which is regulated by the Licencing Acts, 1833 to 2000 and shall include spirits, wine, beer, porter, stout, cider, perry and any fermented, distilled or spirituous liquor which cannot, according to any law for the time being in force, be legally sold without a licence pursuant to the said Licencing Acts or any drink or other liquid containing alcohol.

“authorised person” means a person authorised in writing by the Authority pursuant to the Local Government Act, 1994.

“the Authority” means Dun Laoghaire-Rathdown County Council.

“functional Area” means the Administrative County of Dun Laoghaire-Rathdown for the purposes of the Local Government (Dublin) Act, 1993, as amended and extended.

2. 2. Subject to paragraphs 7 and 9 hereof, any person who consumes intoxicating liquor on a road or in a public place shall be guilty of an offence and liable on summary conviction in the District Court to a fine not exceeding €1,269.73.

3. 3. Where an authorised person or a member of the Garda Síochána has reasonable grounds for believing that a person is contravening or has contravened a provision of these Bye-Laws, such authorised person or member may direct such person to do any one or more of the following, that is to say:

(i) To refrain from contravening these Bye-Laws
(ii) leave immediately the vicinity of the road or public place concerned in a peaceable and orderly manner

4. 4.
(i) Where an authorised person and/or a member of the Garda Síochána suspect, with reasonable cause, that an offence under this Bye-Law has been committed, or is being committed, such authorised person and/or a member of the Garda Síochána may seize and confiscate, without warrant, any bottle or container which contains an intoxicating substance together with its contents that is in the possession of such person or persons.

(ii) Where an authorised person and/or a member of the Garda Síochána suspects with reasonable cause that a bottle or container in a public place situate in the functional area (whether or not in the possession of a person) holds an intoxicating substance and further suspects, with reasonable cause, that an offence under this Bye-Law has been or is being or may be committed, such authorised person and/or member of the Garda Síochána may seize and confiscate without warrant any such bottle or container together with its contents.

5. 5.
(a) Where an authorised person or a member of the Garda Síochána is of the opinion that an offence is being committed or has been committed under any provision of these Bye-Laws, the authorised person or a member of the Garda Síochána may:-

(i) demand the name and address of any person whom the authorised person or member of the Garda Síochána suspects, with reasonable cause, has committed or whom the authorised person or a member of the Garda Síochána finds committing such an offence and if that demand is refused or the person gives a name or address which is false or misleading that person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,269.73.

(b) Where a member of the Garda Síochána is of the opinion with reasonable cause, that a person is committing or has committed an offence under these Bye-Laws, that member may arrest such person without warrant.

6. 6. It shall not be an offence under these Bye-Laws to consume intoxicating liquor while seated at tables and chairs provided on a street or a public place immediately adjacent to a hotel, restaurant or public house or other premises licenced pursuant to the Licencing Acts 1833 to 2000 provided that the consumption of such intoxicating liquor is in strict compliance with a licence attaching to such hotel, restaurant or public house or any occasional licence pursuant to the Licencing Acts as aforesaid granted in respect of such premises **and** provided the authority is in strict compliance with the general laws concerning the sale and consumption of intoxicating liquor **and** provided that the arrangements for the siting of such tables and chairs is strictly compliant with the provisions of the Local Government (Planning and Development) Acts, 1963-2002 and the Roads Act 1993 or as are amended from time to time or the Regulations made thereunder **and** provided that the tables and chairs aforesaid have been provided, for the use of patrons only, by the proprietor(s) of the hotel, restaurant or public house licenced as aforesaid **and** provided that the consumption of intoxicating liquor in the manner aforesaid occurs within the hours of trading permitted under the general law relating to the sale and consumption of such liquor pursuant to the Licencing Acts.

7. Where an authorised person or a member of the Garda Síochána is of the opinion that an offence is being committed or has been committed under any provision of these Bye-Laws the authorised person or a member of the Garda Síochána may serve such person with a notice, the general form of the notice is set out in the first schedule to these Bye-Laws, specifying a fixed payment, not exceeding such amount as may be prescribed, in respect of the contravention of these Bye-Laws as an alternative to a prosecution for such contravention. The said Notice shall specify-

- (i) the amount of the fixed payment, and
- (ii) the period within which it must be paid in order to avoid prosecution.

The said notice shall specify-

- (a) (a) the name and address of the alleged offender;
- (b) (b) in general terms the nature of the contravention alleged to have been committed
- (c) (c) the date and place of the alleged contravention
- (d) (d) the amount of the payment
- (e) (e) the period within which and the place where the fixed payment may be made; and
- (f) (f) that the alleged offender is entitled to disregard the notice and defend a prosecution of the alleged contravention in court.

The amount of the fixed payment for the purposes of this Bye-Law shall be €63.49.

8. 8. Notwithstanding the provisions of these Bye-Laws the Authority, on written Application to be made to it, not less than 6 weeks before the event, may at its discretion and after consultation with the Gardai suspend the operation/implementation of these Bye-Laws in whole or in part on the occasion of:

- (i) "major" civic celebrations
- (ii) "major" sporting events.
- (iii) "approved" local community events

9. The provisions of these Bye-Laws shall not apply to the sale and, or consumption in a park defined in Paragraph 1 (a) of the Dun Laoghaire Rathdown County Council Parks Bye-Laws of 1/12/1996 (or as replaced) of Intoxicating Liquor from premises/facilities provided by or on behalf of the Authority within the said Parks, provided that the sale of intoxicating liquor at such premises/facilities in said parks are licensed pursuant to the said licensing acts.

11. Any person who contravenes any provision of these Bye-Laws shall be guilty of an offence and shall be liable on summary conviction in the District Court to a fine not exceeding €1,269.73

12. These Bye-Laws may be cited as the *Dun Laoghaire Rathdown County Council (Regulation and Control of consumption of Intoxicating Liquor on Roads and in Public Places) Bye-Laws, 2003.*

The operation of these Bye-Laws shall commence on the 12 day of June 2003.

Dated this _____ day of _____ 2003.

OFFENCES

(1) (1) Bye-Law 2:

Consuming intoxicating liquor on a road or in a public place.

(2) (2) Bye-Law 3(i):

Failing to comply with a direction to refrain from contravening the Bye-Laws.

(3) (3) Bye-Law 3(ii):

Failing to comply with a direction to leave immediately the vicinity of the road or public place concerned in a peaceable and orderly manner.

(4) (4) Bye-Law 5(a)(i):

Refusing to give a name and address or giving a name and address which is false and misleading.