



# **TOURIST TRAFFIC ACTS 1939 to 2003 RESTATEMENT**

**Certified by the Attorney General on 17 May 2004 under  
section 2(1) of the Statute Law (Restatement) Act 2002 (No. 33 of 2002)  
to be a statement of the law contained in the  
Tourist Traffic Acts 1939 to 2003.**

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## Foreword

This publication is a Restatement of the Tourist Traffic Acts 1939 to 2003. The restated Acts comprise of the following—

- **The Tourist Traffic Act 1939 (No. 24 of 1939),**
- **The Tourist Traffic Act 1952 (No. 15 of 1952),**
- **The Tourist Traffic Act 1955 (No. 5 of 1955),**
- **The Tourist Traffic Act 1957 (No. 27 of 1957),**
- **The Tourist Traffic Act 1970 (No. 16 of 1970),**
- **The Tourist Traffic Act 1983 (No. 31 of 1983),** and
- **The National Tourism Development Authority Act 2003 (No. 10 of 2003).**

There were 19 Tourist Traffic Acts enacted between 1939 and 2003, ten of which have been repealed. Two further Acts (the Tourist Traffic Acts 1966 and 1995) do not require to be restated as their provisions have been fully incorporated in this text. Details of all the legislation is included at the end of this Foreword.

The long title to the **Tourist Traffic Act 1939 (the Principal Act)** states that it is —

*“an Act to make further and better provision for the encouragement and development of the tourist traffic, and for that purpose to establish a board having powers of regulation, registration, and control in matters relating to the tourist traffic and, in particular, the accommodation and attractions available for tourists, and to provide for the charging of fees by such board in respect of registers kept by them, and to provide for divers matters ancillary to or connected with the matters aforesaid”.*

This Act came into operation on its passing on 27 July 1939, except for sections 33 to 37 which came into operation on 1 April 1944 by virtue of S.I. 52/1944 and section 37B which came into operation on 1 May 1969 by virtue of S.I. 61/1969.

The long title to the **Tourist Traffic Act 1952**, which came into operation on its passing on 3 July 1952, states that it is —

*“an Act to make further and better provision for the encouragement and development of the tourist traffic and, in particular, to establish a body to engage in publicity in connection with such traffic, to amend and extend the Tourist Traffic Acts 1939 and 1946, to amend the law relating to the licensing of hotels and holiday camps for the sale of intoxicating liquor, and to provide for other matters connected with the matters aforesaid”.*

The long title to the **Tourist Traffic Act 1955**, which came into operation on 1 July 1955 by virtue of S.I. 113/1955, states that it is —

*“an Act to dissolve Fógra Fáilte and transfer its functions to An Bord Fáilte and to provide for other matters connected therewith”.*

The long title to the **Tourist Traffic Act 1957**, which came into operation on its passing on 17 December 1957, states that it is —

*“an Act to amend the Tourist Traffic Acts 1939 to 1955”.*

The long title to the **Tourist Traffic Act 1970**, which came into operation on its passing on 5 August 1970, states that it is —

*“an Act to amend and extend the Tourist Traffic Acts 1939 to 1968”.*

The long title to the **Tourist Traffic Act 1983**, which came into operation on its passing on 15 November 1983, states that it is —

*“an Act to amend and extend the Tourist Traffic Acts 1939 to 1979”.*

The long title to the **National Tourism Development Authority Act 2003** states that it is—

*“an Act to provide for the establishment of a body to be known as an tÚdarás Náisiúnta Forbartha Turasoíreachta or in the English language the National Tourism Development Authority; to provide for the dissolution of Bord Fáilte Éireann and C.E.R.T. Limited; to provide for the promotion of tourism and the development of tourism facilities and services; to provide for the transfer of certain functions from Bord Fáilte Éireann and C.E.R.T. Limited to the National Tourism Development Authority; to provide for the repeal of certain provisions of the Tourist Traffic Acts 1939 to 1998; and to provide for matters connected therewith”.*

This Act came into operation on 28 May 2003 by virtue of S.I. 204 and S.I. 205 of 2003.

This Restatement is an administrative consolidation of the Tourist Traffic Acts 1939 to 2003. It is certified by the Attorney General under the Statute Law (Restatement) Act 2002 (No. 33 of 2002) to be prima facie evidence of the law restated in it.

To assist in understanding the content and layout of this Restatement, it is recommended that you read the document entitled “Modernising Legislation in Ireland, A Guide to Restatement” produced by the Statute Law Revision Unit of the Office of the Attorney General. This paper is available on the Office website at [www.attorneygeneral.ie](http://www.attorneygeneral.ie).

## Contents

The Restatement has 7 Chapters:

- Chapter 1** — Tourist Traffic Act 1939 (the Principal Act),
- Chapter 2** — Tourist Traffic Act 1952,
- Chapter 3** — Tourist Traffic Act 1955,
- Chapter 4** — Tourist Traffic Act 1957,
- Chapter 5** — Tourist Traffic Act 1970,
- Chapter 6** — Tourist Traffic Act 1983,
- Chapter 7** — National Tourism Development Authority Act 2003 (the Act of 2003).

## Layout

Within the Chapters, the sections of the Acts are restated in paragraphs. In Chapter 1, the paragraph numbers correspond to the original section numbers of the Principal Act and in this way, the integrity of that Act is retained.

Each paragraph has a blue heading that corresponds to the side note of the section being restated. The blue paragraph heading is followed by square brackets containing a reference to the source of the paragraph, i.e. the original section number, followed by the number and year of enactment of the particular Act.

*Example*

Paragraph 1, the heading reads — **Short title. [s.1: 24/1939]**

In Chapter 2 and subsequent chapters, there is no requirement to preserve the integrity of the amending Acts, so the paragraph numbers of the Restatement and the original section numbers in those Acts do not correspond. Accordingly, where there is a cross-reference to a section of an Act, the reader is referred to the paragraph number where the relevant materials are found. The Restatement does not therefore reproduce the arrangement of sections set out at the beginning of the original Acts.

**Textual amendments**

Where a section of one of the restated Acts has been affected by a textual amendment, the corresponding paragraph is set out in the manner in which it has been affected. The paragraph is followed by details of the relevant affecting provision or provisions. The word 'textual' indicates the type of amendment.

*Example*

Paragraph 23 sets out section 23 of the Principal Act. That section was textually amended by section 2(1)(a) of the Tourist Traffic Act 1966 (No. 3 of 1966) by the inclusion of an additional definition for 'premises'. Section 23 is therefore restated with the new definition for premises included. The paragraph is followed by details of the relevant affecting provision —

*Note: Affecting provision (textual) — 3/1996, s.2(1)(a)*

**Non-textual amendments**

Where a section has been amended by a non-textual amendment, details of the affecting provision are set out in a similar fashion to the textual amendment in the previous example. The words 'non-textual' indicate this type of amendment. In addition the text of the amending provision is set out at the end of the paragraph. The text is set out in blue font, indented and italicised.

Although the specific portion of the non-textually amending provision is reproduced, in some instances it may be difficult to understand the nature of the non-textual amendment without consulting the text of the amending Act or the remainder of the affecting provision. To clarify most of these provisions, additional extracts from the relevant legislation are included.

*Example***Offences. [s.47: 24/1939]**

47. (1) Any offence under any section of this Part of this Act may be prosecuted by, or at the suit of, the Board as prosecutor.
- (2) Where an offence under any section of this Act was committed by a body corporate and is proved to have been so committed with the consent or approval of, or to have been facilitated by any neglect on the part of, any director, manager, secretary, or other officer of such body corporate, such director, manager, secretary, or other officer shall also be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly.

*Affecting provision (non-textual) — 31/1983, s.8 (2).*

**[31/1983 — s.8(2) Tourist Traffic Act 1983]****Display of certain information.**

8. (1) A registered proprietor shall display in the interior of the registered premises in respect of which he is the registered proprietor such information as may be required in writing from time to time by the Board to be so displayed, and such display shall be made in the manner or place so required.

(2) A registered proprietor who does not comply with a requirement under this section shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding £100, and section 47 of the Principal Act shall apply to such offence as if it were an offence under Part III [paragraphs 23-47] of that Act.

(3) In this section “registered proprietor” and “registered premises” have the same meanings as in Part III [paragraphs 23-47] of the Principal Act.

Where both textual and non-textual amendments have been made to a section, the textual details precede the non-textual details. Where a non-textual amendment affects a Part, Chapter or other division, it has been placed at the beginning of the division.

Some ‘affecting provisions’ have subsequently been amended. These amendments are set out in green and immediately follow the preceding amendment. Particular attention is drawn to section 12 of the Act of 2003. This is a complex non-textual amendment which affects quite a number of sections in the restated Acts.

**Spent and surplus provisions**

The textual and non-textual amending provisions are removed from the text of the amending Acts when restated. This means that some of the amending Acts are shortened to a considerable extent. For example, the Tourist Traffic Act 1983 (Chapter 6) originally contained 13 sections but is now reduced to 3.

To avoid confusion, where a section is omitted, an italicised entry containing abbreviated details is included to indicate the reason e.g. because it has been repealed or it is itself a repealing or an amending provision. A paragraph number is assigned to the original section or group of sections, both in the arrangement of paragraphs and the main text.

*Example*

55. *Repealing Provision* [s.3: 15/1952]

57. *Repealed by 10/2003, s.5, sch. 1* [ss.5-6: 15/1952]

58. *Amends s.19 of 24/1939* [s.7: 15/1952]

If applicable, a saving provision may also appear.

### **Notes**

Notes are provided throughout the Restatement text to explain or clarify certain affecting provisions. They are also used to highlight important commencement provisions and to provide information.

### **Schedules**

There were a number of Schedules to the original Acts being restated, all of which contained affecting provisions. The changes effected by these Schedules have therefore been incorporated into the text of the Restatement and the Schedules are not reproduced.

### **Abbreviations**

Abbreviations used are in accordance with the list in the database of the Chronological Tables of the Irish Statutes available on the website of the Office of the Attorney General.

### **Ministerial Powers**

By virtue of the Tourism, Sport and Recreation (Alteration of Name of Department and Title of Minister) Order 2002 (S.I. 309 of 2002), reference to the Minister in this Restatement means the Minister for Arts, Sport and Tourism.

**Tourist Traffic Legislation — a summary**

Tourist Traffic Act 1939 (No. 24 of 1939) — *Chapter 1*

Tourist Traffic (Amendment) Act 1946 (No. 14 of 1946) — *repealed*

Tourist Traffic Act 1952 (No. 15 of 1952) — *Chapter 2*

Tourist Traffic Act 1955 (No. 5 of 1955) — *Chapter 3*

Tourist Traffic Act 1957 (No. 27 of 1957) — *Chapter 4*

Tourist Traffic Act 1959 (No. 27 of 1959) — *repealed*

Tourist Traffic Act 1961 (No. 37 of 1961) — *repealed*

Tourist Traffic Act 1963 (No. 22 of 1963) — *repealed*

Tourist Traffic Act 1966 (No. 3 of 1966) — *provisions fully incorporated*

Tourist Traffic Act 1968 (No. 29 of 1968) — *repealed*

Tourist Traffic Act 1970 (No. 16 of 1970) — *Chapter 5*

Tourist Traffic Act 1972 (No. 28 of 1972) — *repealed*

Tourist Traffic Act 1975 (No. 26 of 1975) — *repealed*

Tourist Traffic Act 1979 (No. 22 of 1979) — *repealed*

Tourist Traffic Act 1983 (No. 31 of 1983) — *Chapter 6*

Tourist Traffic Act 1987 (No. 11 of 1987) — *repealed*

Tourist Traffic Act 1995 (No. 13 of 1995) — *provisions fully incorporated*

Tourist Traffic Act 1998 (No. 45 of 1998) — *repealed*

National Tourism Development Authority Act 2003 (No. 10 of 2003) — *Chapter 7*

# ARRANGEMENT OF CHAPTERS AND PARAGRAPHS

## CHAPTER 1 — THE TOURIST TRAFFIC ACT 1939

### PART I

#### PRELIMINARY AND GENERAL

##### Paragraph

1. Short title. [s.1: 24/1939]
2. Definitions. [s.2: 24/1939]
3. Expenses. [s.3: 24/1939]

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4. *Repealed by 10/2003, s.5, sch.1* [s.4: 24/1939]
5. *Repealed by 15/1952, s.3 (1)* [s.5: 24/1939]
6. *Repealed by 10/2003, s.5, sch.1* [s.6: 24/1939]
7. *Repealed by 10/2003, s.5, sch.1* [s.7: 24/1939]
8. *Repealed by 10/2003, s.5, sch.1* [s.8: 24/1939]
9. *Repealed by 10/2003, s.5, sch.1* [s.9: 24/1939]
10. *Repealed by 15/1952, s.3 (1)* [s.10: 24/1939]
11. *Repealed by 10/2003, s.5, sch.1* [s.11: 24/1939]
12. *Repealed by 10/2003, s.5, sch.1* [s.12: 24/1939]
13. *Repealed by 10/2003, s.5, sch.1* [s.13: 24/1939]
14. *Repealed by 15/1952, s.3 (1)* [s.14: 24/1939]
15. *Repealed by 15/1952, s.3 (1)* [s.15: 24/1939]
16. *Repealed by 10/2003, s.5, sch.1* [s.16: 24/1939]
17. *Repealed by 10/2003, s.5, sch.1* [s.17: 24/1939]
18. *Repealed by 10/2003, s.5, sch.1* [s.18: 24/1939]
19. Compulsory acquisition of land, etc., by the Board. [s.19: 24/1939]
20. Regulations. [s.20: 24/1939]
21. *Repealed by 10/2003, s.5, sch.1* [s.21: 24/1939]
22. *Repealed by 10/2003, s.5, sch.1* [s.22: 24/1939]

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23. Definitions for the purposes of Part III. [s.23: 24/1939]
24. The registers and their contents. [s.24: 24/1939]
25. Eligibility for registration in the respective registers. [s.25: 24/1939]
- 25A. Caravan sites and camping sites. [inserted by s.2 (1)(d): 3/1966]
26. Applications for registration. [s.26: 24/1939]
27. Registration of premises. [s.27: 24/1939]

28. Duration of registration. [s.28: 24/1939]
29. Applications for renewal of registration. [s.29: 24/1939]
30. Renewal of registration. [s.30: 24/1939]
31. Registration certificates. [s.31: 24/1939]
32. Amendment of register in certain circumstances. [s.32: 24/1939]
33. Restriction on describing premises as a hotel. [s.33: 24/1939]
34. Restriction on describing premises as a guest house. [s.34: 24/1939]
35. Restriction on describing premises as a holiday hostel, etc. [s.35: 24/1939]
36. Restriction on describing premises as a youth hostel. [s.36: 24/1939]
37. Restriction on describing premises as a holiday camp. [s.37: 24/1939]
- 37A. Motor hotels. [inserted by s.5 (1)(iii): 27/1957]
- 37B. Caravan sites and camping sites. [inserted by s.2 (1)(e): 3/1966]
- 37C. Amendment of Tourist Traffic Act, 1939. [inserted by s.6 (d): 16/1970]
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54. Construction. [s.2: 15/1952]

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55. *Repealing provision* [s.3: 15/1952]
56. *Repealed by 5/1955, s.4 (1)* [s.4: 15/1952]
57. *Repealed by 10/2003, s.5, sch.1* [ss.5-6: 15/1952]
58. *Amends s.19 of 24/1939* [s.7: 15/1952]
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69. *Amends s.31 of 24/1939* [s.30: 15/1952]
70. *Amends ss.33 to 37 of 24/1939* [s.31: 15/1952]
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- 76. *Repealed by 18/1960, ss.3,17 (3) (declarations ctd.) sch.* [s.41: 15/1952]
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95. Transfer of property. [s.11: 5/1955]  
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104. *Amends s.26 of 24/1939* [s.6: 27/1957]  
105. *Amends ss. 27 and 30 of 24/1939 and s.32 of 15/1952* [s.7: 27/1957]  
106. *Amends Part III of 24/1939 and Part IV of 15/1952* [s.8: 27/1957]  
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108. *Amends ss.29, 33, 34, 35, 36, 37 and 41 of 24/1939* [s.10: 27/1957]  
109. Short title and collective citation. [s.11: 27/1957]

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111. *Repealed by 10/2003, s.5, sch.* [ss.2-5: 16/1970]  
112. *Amends ss.24, 25 and 45, and inserts s.37C of 24/1939* [s.6: 16/1970]  
113. Short title and collective citation. [s.7: 16/1970]

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115. *Repealed by 10/2003, s.5, sch.1* [s.2: 31/1983]

116. *Amends ss.31, 33, 34, 35, 36, 37, 37A, 37B, 37C, 39, 41,43 and 44 of 24/1939* [s.3: 31/1983]
117. *Amends ss.33, 34, 35, 36, 37, 37A, 37B, 37C and 37D of 24/1939* [s.4: 31/1983]
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120. *Amends ss. 24, 25 and 45 and inserts s.37D of 24/1939* [s.7: 31/1983]
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133. *Conferral of additional functions on Authority.* [s.9: 10/2003]
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135. *Delegation of functions.* [s.11: 10/2003]
136. *Amends ss. 24, 26, 27, 29-32, 39, 40, 44 and 45 of 24/1939; ss.5, 26, 27 and 32 of 15/1952; and ss.6 and 7 of 27/1957* [s.12: 10/2003]
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139. *Conditions of office of members of Authority.* [s.15: 10/2003]
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151. Accounts and audits. [s.27: 10/2003]
152. Annual report and information. [s.28: 10/2003]
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154. Gifts. [s.30: 10/2003]
155. Chief Executive. [s.31: 10/2003]
156. Accountability of chief executive to Committee of Public Accounts. [s.32: 10/2003]
157. Accountability of chief executive to other Oireachtas Committees. [s.33: 10/2003]
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162. Transfer of functions to Authority. [s.38: 10/2003]
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## CHAPTER 1

### TOURIST TRAFFIC ACT 1939

#### PART I

##### PRELIMINARY AND GENERAL

###### Short title. [s.1: 24/1939]

1. This Act may be cited as the Tourist Traffic Act, 1939.

###### Definitions. [s.2: 24/1939]

2. In this Act—

the expression “the Minister” means the Minister for Industry and Commerce;

the expression “the Board” means the Irish Tourist Board established in pursuance of this Act;

‘contractor’ has the meaning assigned to it by section 12(1) of the National Tourism Development Authority Act, 2003;

the word “prescribed” means prescribed by regulations made by the Board under this Act.

*Affecting provisions (textual) — 13/1995, s.7;  
10/2003, s.12 (6).*

###### Expenses. [s.3: 24/1939]

3. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

#### PART II

##### ESTABLISHMENT AND GENERAL POWERS OF THE IRISH TOURIST BOARD

4. *Repealed by 10/2003, s.5, sch.1 [s.4: 24/1939]*
5. *Repealed by 15/1952, s.3 (1) [s.5: 24/1939]*
6. *Repealed by 10/2003, s.5, sch.1 [s.6: 24/1939]*
7. *Repealed by 10/2003, s.5, sch.1 [s.7: 24/1939]*

8. *Repealed by 10/2003, s.5, sch.1 [s.8: 24/1939]*
9. *Repealed by 10/2003, s.5, sch.1 [s.9: 24/1939]*
10. *Repealed by 15/1952, s.3 (1) [s.10: 24/1939]*
11. *Repealed by 10/2003, s.5, sch.1 [s.11: 24/1939]*
12. *Repealed by 10/2003, s.5, sch.1 [s.12: 24/1939]*
13. *Repealed by 10/2003, s.5, sch.1 [s.13: 24/1939]*
14. *Repealed by 15/1952, s.3 (1) [s.14: 24/1939]*
15. *Repealed by 15/1952, s.3 (1) [s.15: 24/1939]*
16. *Repealed by 10/2003, s.5, sch.1 [s.16: 24/1939]*
17. *Repealed by 10/2003, s.5, sch.1 [s.17: 24/1939]*
18. *Repealed by 10/2003, s.5, sch.1 [s.18: 24/1939]*

**Compulsory acquisition of land, etc., by the Board. [s.19: 24/1939]**

19. (1) In this section the word “land” includes land covered with water and also includes easements, way-leaves, water-rights, fishing rights, sporting rights, and other rights over or in respect of any land or water.

(2) If and whenever the Board thinks proper to acquire compulsorily any land for the purpose of the exercise of any of the powers or the performance of any of the duties or functions conferred or imposed on it by this Act, the Board may, with the consent of the Minister, by order declare its intention so to acquire such land and every such order shall operate to confer on the Board full power to acquire compulsorily the land mentioned therein under and in accordance with this section.

(3) Whenever the Board proposes to make an order under this section for the purpose of acquiring any land, it shall so inform the Irish Land Commission and if, within three months of their being so informed, the said Commission inform the Board that the said Commission are about to acquire such land for their purposes under the Land Purchase Acts, the Board shall not make such order.

(4) Before making an order under this section, the Board—

  - (a) shall deposit and keep open for inspection in its principal office or some other suitable place such plans, specifications, and other documents as will show fully and clearly the land intended to be acquired by virtue of the order, and
  - (b) shall give notice, in such manner as it may consider best adapted for informing persons likely to be affected by the order, of the intention of the Board to

consider the making thereof and of the manner in which representations and objections in respect of the order may be made, and

- (c) shall, if it considers it expedient so to do, cause a public inquiry to be held in regard to the making of the order.

(5) Whenever the Board acquires under this section any land which is subject, either alone or in conjunction with other land, to a purchase annuity, or an annual sum equivalent to a purchase annuity payable to the Irish Land Commission, the following provisions shall have effect, that is to say: —

- (a) if such purchase annuity or annual sum is payable in respect only of the land so acquired, the Irish Land Commission may require the Board to redeem such purchase annuity or annual sum;
- (b) if such purchase annuity or annual sum is payable in respect of the land so acquired and other land, the said Commission may apportion such purchase annuity or annual sum between the land so acquired and such other land and may require the Board to redeem the part of such purchase annuity or annual sum so apportioned on the land so acquired;
- (c) whenever the said Commission so requires the Board to redeem any such purchase annuity or annual sum, or such apportioned part thereof, the Board shall forthwith redeem such purchase annuity or annual sum, or such apportioned part thereof (as the case may be) under and in accordance with the Land Purchase Acts.

(6) Compensation shall be paid by the Board for land compulsorily acquired by virtue of an order under this section to the several persons entitled thereto or having estates or interests therein, and such compensation shall, in default of agreement, be fixed under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

(7) Sections 69 to 83 of the Lands Clauses Consolidation Act, 1845, shall apply to any compensation payable by the Board under this section and to the conveyance to the Board of any land compulsorily acquired by virtue of an order under this section, and for the purpose of such application the Board shall be deemed to be the promoter of the undertaking.

(8) The following provisions shall have effect in relation to any public inquiry held under this section—

- (a) the Minister shall appoint a fit and proper person to hold such inquiry;
- (b) such person is hereby authorised to administer oaths to persons appearing as witnesses at such inquiry;
- (c) any person interested in the subject matter of such inquiry shall be entitled to appear personally or by counsel or solicitor and to adduce evidence.

*Affecting provision (non-textual) — 15/1952, s.7.*

**[15/1952 — s.7 Tourist Traffic Act 1952]**

**Erection of notices and fences at, and provision of means of access to, historic sites, etc.**

7. (1) Where the Board proposes to erect a notice or fence at, or to provide or improve means of access to, any historic building, site or shrine, or other place which, in the opinion of the Board, is likely to be of particular interest to the public, and the owner refuses to permit the Board to carry out the proposed work, the Board shall have power to acquire, under section 19 of the Act of 1939, such land as the Board thinks proper to enable the work to be carried out.

(2) The Board shall not exercise its powers under this section in or over a national monument, within the meaning of the National Monuments Act, 1930 (No. 2 of 1930), which is, or is in the course of being, vested in or placed under the guardianship of the Commissioners of Public Works in Ireland or a local authority or made the subject of a preservation order under that Act.

*Note: Provision was affected by (non-textual) — 15/1952, s.9.*

**[15/1952 — s.9 Tourist Traffic Act 1952]**

**Restrictions of sections 7 and 8.**

9. Sections 7 and 8 shall not apply to any building which is for the time being used for ecclesiastical purposes.

**Regulations. [s.20: 24/1939]**

20. The Board may, with the consent of the Minister, make regulations prescribing any matter or thing which is referred to in this Act as prescribed or to be prescribed.
21. *Repealed by 10/2003, s.5, sch.1 [s.21: 24/1939]*
22. *Repealed by 10/2003, s.5, sch.1 [s.22: 24/1939]*

PART III

REGISTRATION OF PREMISES

*Affecting provision (non-textual) — 27/1957, s.8.*

**[27/1957 — s.8 Tourist Traffic Act 1957]**

**Extension of references to premises.**

8. In Part III of the Act of 1939 [paragraphs 23-47] and Part IV of the Act of 1952 [paragraphs 65-71], any reference to premises shall, in a case in which there is both a main building used or intended to be used to provide accommodation or service for guests and one or more annexes or other supplementary structures to the main building used or intended to be used to provide such accommodation or service, be construed as including both a reference to the

*main building and a reference to such one or more annexes or supplementary structures.*

**Definitions for the purposes of Part III. [s.23: 24/1939]**

23. In this Part of this Act—

the word “register” when used without qualification means a register kept under this Part of this Act;

the word “registration” when used without qualification means registration in a register;

the expression “registered premises” means premises registered in a register;

the expression “registered proprietor” means a person who is entered in a register as the proprietor of premises registered in that register.

‘premises’ includes land on which there are no buildings

*Affecting provision (textual) — 3/1966, s.2 (1)(a).*

**The registers and their contents. [s.24: 24/1939]**

24. (1) As soon as conveniently may be after the establishment of the Board, the Board shall establish and shall thereafter maintain and keep the following registers, that is to say: —

- (a) a register to be called and known and in this Act referred to as the register of hotels;
- (b) a register to be called and known and in this Act referred to as the register of guest houses;
- (c) a register to be called and known and in this Act referred to as the register of holiday hostels;
- (d) a register to be called and known and in this Act referred to as the register of youth hostels;
- (e) a register to be called and known and in this Act referred to as the register of holiday camps.
- (f) a register to be called and known and in this Act referred to as the register of motor hotels.
- (g) a register to be called and known and in this Act referred to as the register of caravan sites and camping sites.

- (h) a register to be called and known and in this Act referred to as the register of approved holiday cottages.
- (i) a register to be called and known (and referred to in this Act) as the register of holiday apartments.

(2) There shall be entered in the several registers respectively the following matters in respect of every premises registered therein, that is to say:—

- (a) the full name, address, and description of the proprietor of the premises;
- (b) the name of the premises and the address or situation thereof;
- (c) such other particulars as shall for the time being be prescribed.

(3) Premises registered in any one of the registers shall not, while so registered, be capable of being registered in any other of the registers.

*Affecting provisions (textual) — 27/1957, s.5 (1)(i);  
3/1966, s.2 (1)(b);  
16/1970, s.6 (b);  
31/1983, s.7 (1).*

*(non-textual) — 10/2003, ss.6, 12, 38, sch. 2.*

*Note: Section 38 of 10/2003 provided for the transfer of the functions vested in Bord Fáilte Éireann and C.E.R.T. Ltd. to the National Tourism Development Authority on its establishment day, which was appointed by order of the Minister under section 6 of that Act to be 28 May 2003. Under section 12 of 10/2003, the Authority may contract out certain of those functions as follows:*

**[10/2003 — s.12 National Tourism Development Authority Act 2003]  
Agreements for performance of functions of Authority by persons other than Authority.**

12. (1) The Authority may enter into an agreement with another person (in this section referred to as a ‘contractor’) for the performance by that person of the functions of the Authority under the provisions specified in Schedule 2.

(2) An agreement to which subsection (1) applies shall be subject to such terms and conditions as the Authority shall determine with the consent of the Minister.

(3) Where the Authority enters into an agreement to which subsection (1) applies references in the provisions specified in Schedule 2 that are, by virtue of section 38 [paragraph 162], to be construed as references to the Authority shall for the duration of the agreement be construed as references to the contractor.

(4) Where the Authority enters into an agreement to which subsection (1) applies references in the provisions specified in Schedule 2 that are, by virtue of section 38 [paragraph 162], to be construed as references to an officer of the Authority shall for the duration of the agreement be construed as references to a member of the staff of the contractor.

*(5) The Authority may terminate an agreement under subsection (1) where the contractor concerned fails to comply with any of the terms or conditions to which the agreement is subject.*

*(6) Note: Omitted — affecting provision incorporated at paragraph 2.*

*Note: Schedule 2, referred to in subsection (1) above, includes the functions performable by the Authority under 24/1939, section 24(1).*

**Eligibility for registration in the respective registers. [s.25: 24/1939]**

25. The Board shall, by regulations made by it under this Act, prescribe the following matters, that is to say:—
- (a) the general character, the type of accommodation and service provided, and the other qualifications which shall be requisite in respect of any premises in order that such premises may be eligible for registration in the register of hotels;
  - (b) the general character, the type of accommodation and service provided, and the other qualifications which shall be requisite in respect of any premises in order that such premises may be eligible for registration in the register of guest houses;
  - (c) the general character, the type of accommodation and service provided, and the other qualifications which shall be requisite in respect of any premises in order that such premises may be eligible for registration in the register of holiday hostels;
  - (d) the general character, the type of accommodation and service provided, and the other qualifications which shall be requisite in respect of any premises in order that such premises may be eligible for registration in the register of youth hostels;
  - (e) the general character, the type of accommodation and service provided, and the other qualifications which shall be requisite in respect of any premises in order that such premises may be eligible for registration in the register of holiday camps.
  - (f) the general character, the type of accommodation and service provided, and the other qualifications which shall be requisite in respect of any premises in order that such premises may be eligible for registration in the register of motor hotels.
  - (g) the general character, the type of accommodation and services provided and the other qualifications which shall be requisite in respect of any premises in order that such premises may be eligible for registration in the register of caravan sites and camping sites.
  - (h) the general character, the type of accommodation and services provided, and the other qualifications which shall be requisite in respect of any premises in order that such premises may be eligible for registration in the register of approved holiday cottages.

- (i) the general character, the type of accommodation and services provided, and the other qualifications which shall be requisite in respect of any premises in order that such premises may be eligible for registration in the register of holiday apartments.

*Affecting provisions (textual)* — 27/1957, s.5 (1)(ii);  
 3/1966, s.2 (1)(c);  
 16/1970, s.6(c);  
 31/1983, s.7 (2).

**Caravan sites and camping sites. [inserted by s.2(1)(d): 3/1966]**

- 25A.** The Minister shall, before giving his consent to the making of regulations under section 25 of this Act prescribing the matters referred to in paragraph (g) of that section, consult with the Minister for Local Government.

**Applications for registration. [s.26: 24/1939]**

- 26.** (1) The proprietor of any premises may apply to the Board for the registration of those premises in such register as he thinks proper and specifies in his application.
- (2) Every application under this section for the registration of any premises shall—
- (a) be made in writing in the prescribed form and manner,
  - (b) contain the prescribed particulars,
  - (c) be accompanied by such fee as shall be prescribed, and
  - (d) be also accompanied by a statement (in this Act referred to as a scale of charges) in the prescribed form of the charges which the applicant proposes to make for rooms, meals and services provided in such premises during the period between such registration (if granted) and the then next following 31st day of December.

*Affecting provisions (textual)* — 31/1983, s.5 (1).  
*(non-textual)* — 27/1957, s.6;  
 10/2003, ss.6, 12, 38, sch. 2.

**[27/1957 — s.6 Tourist Traffic Act, 1957]**

**Fee in the case of amended application for registration.**

6. *Where—*

(a) an application for registration is made to the Board under section 26 of the Act of 1939, and

(b) before a decision on the application has been reached by the Board, the application is amended so as to be for registration in a different register,

the fee paid in connection with the original application shall be applied by the Board towards the amount of the fee required under paragraph (c) of subsection (2) of the said section 26 to accompany an application for registration in such different register.

*Note: S. 26: 24/1939 and s.6: 27/1957 affected by (non-textual) — 10/2003, ss.6, 12, 38, sch. 2*

**[10/2003 — s.12 National Tourism Development Authority Act 2003]  
Agreements for performance of functions of Authority by persons other than Authority.**

*See paragraph 24 for full text. Schedule 2 referred to in section 12(1): 10/2003 includes the functions performable by the Authority under 27/1957, section 6; and 24/1939, section 26(1).*

**Registration of premises. [s.27: 24/1939]**

27. (1) Whenever an application is duly made to the Board for the registration of premises in a register, the Board shall cause such premises to be inspected by an officer of the Board.
- (2) Whenever premises in respect of which an application was duly made to the Board for registration in a register have been inspected under sub-section (1) of this section and the Board is of opinion that such premises are eligible for registration in such register, the Board shall inform the applicant that his premises will be registered in such register on payment to the Board of the appropriate prescribed fee.
- (3) Whenever premises in respect of which an application was duly made to the Board for registration in a register have been inspected under sub-section (1) of this section and the Board is of opinion that such premises are not eligible for registration in such register, the following provisions shall apply and have effect, that is to say:—
- (a) the Board shall serve notice upon the applicant that the Board is of opinion that such premises are not eligible for registration in such register and that the applicant may, within fourteen days after service of such notice make written representations to the Board with a view to showing that such premises are eligible for such registration;
  - (b) if during the said fourteen days no such written representations are received by the Board, the Board shall refuse such application;
  - (c) if during the said fourteen days such written representations are received by the Board, the Board shall cause, a second inspection of such premises to be made by a different officer of the Board;
  - (d) if the Board, notwithstanding such second inspection and having considered the written representations received as aforesaid, remains of opinion that such premises are not eligible for registration in such register, the Board shall refuse such application;
  - (e) if the Board, as a result of such second inspection and having considered the written representations received as aforesaid, becomes of opinion that such premises are eligible for registration in such register, the Board shall inform the

applicant that his premises will be registered in such register on payment to the Board of the appropriate prescribed fee.

(4) An applicant for registration of premises in a register who has been informed by the Board that such premises will be registered in such register on payment to the Board of the appropriate prescribed fee may pay the said fee to the Board, and thereupon the Board shall register such premises in such register.

(5) References in this section to the opinion of the Board that premises are not eligible for registration in any register shall be construed as references to such opinion formed by the Board itself and not by the Board acting through or by any of its officers or servants.

(6) The fees prescribed for the purposes of this section may be so prescribed as to vary in amount according to the register in which the relevant premises are to be registered and according to any other matters which the Board thinks proper.

*Affecting provisions (non-textual) — 15/1952, s.26;  
27/1957, s.7 (a);  
10/2003, ss.6, 12, 38, sch. 2.*

**[15/1952 — s.26 Tourist Traffic Act, 1952]**

**Payment of registration fee.**

*26. If an applicant for registration of premises in a register, having been served with notice by the Board that the premises will be registered on payment of the appropriate prescribed fee, does not pay the fee to the Board within three months after such service, then, notwithstanding subsection (4) of section 27 of the Act of 1939, his application shall be void.*

**[27/1957 — s.7 (a) Tourist Traffic Act, 1957]**

**Application for registration after refusal or cancellation of registration.**

*7. Where—*

- (a) an application for registration is refused by the Board under paragraph (b) or paragraph (d) of subsection (3) of section 27 of the Act of 1939,*
- (b) an application for the renewal of registration is refused by the Board under paragraph (b) or paragraph (d) of subsection (4) of section 30 of the Act of 1939, or*
- (c) a registration is cancelled by the Board under paragraph (b) or paragraph (d) of subsection (3) of section 32 of the Act of 1952,*

*no application for registration of the premises in the same register by the Board may be made during the period of nine months commencing on the day of the refusal or cancellation.*

*Note: S. 27:24/1939, s.26:15/1952 and s.7(a): 27/1957 affected by (non-textual) — 10/2003, ss.6, 12, 38, sch. 2.*

**[10/2003 — s.12 National Tourism Development Authority Act 2003]  
Agreements for performance of functions of Authority by persons other than Authority.**

*See paragraph 24 for full text. Schedule 2 referred to in section 12(1):10/2003 includes the functions performable by the Authority under 15/1952, section 26; 27/1957, section 7; and 24/1939, section 27 (1), section 27(2) other than the words “and the Board is of opinion that such premises are eligible for registration in such register,”, section 27(3)(a) and (b) other than the words “and the Board is of opinion that such premises are not eligible for registration in such register”, and section 27(4).*

**Duration of registration. [s.28: 24/1939]**

28. (1) Every registration of premises in a register shall (unless sooner terminated under this Act) continue in force until the next following 31st day of December and shall then terminate unless it is renewed under this Act.

(2) Save as is otherwise provided by this Act, the registration (whether original or by way of renewal) of any premises in a register may be renewed as from the 31st day of December on which, but for such renewal, it would terminate.

(3) Whenever the registration of any premises in a register is renewed under this Act, the registration of such premises in such register shall (unless sooner terminated under this Act) continue until the 31st day of December next after the day on which such renewal commences and shall then terminate unless it is further renewed under this Act.

**Applications for renewal of registration. [s.29: 24/1939]**

29. (1) The registered proprietor of any premises registered in a register may apply to the Board on or before the 15th day of October or, with the consent of the Board, on or before the 15th day of November in any year for the renewal of the registration of such premises as from the next following 31st day of December.

(2) Every application under this section for the renewal of the registration of any premises shall—

(a) be made in writing in the prescribed form and manner,

(b) contain the prescribed particulars,

(c) be accompanied by the prescribed fee, and

(d) be also accompanied by a statement (in this Act referred to as a scale of charges) in the prescribed form of the charges which the applicant proposes to make for rooms, meals, and services provided in such premises during the period while such registration, if it is renewed, will remain in force by virtue of such renewal.

(3) The fees prescribed for the purposes of this section may be so prescribed as to vary in amount according to the register in which the relevant premises are registered and according to any other matters which the Board thinks proper.

*Affecting provisions (textual) — 27/1957, s.10 (1).*

*(non-textual) — 10/2003, s.6, 12, 38, sch. 2.*

**[10/2003 — s.12 National Tourism Development Authority Act 2003]**

**Agreements for performance of functions of Authority by persons other than Authority.**

*See paragraph 24 for full text. Schedule 2 referred to in section 12(1):10/2003 includes the functions performable by the Authority under 24/1939, section 29(1).*

**Renewal of registration. [s.30: 24/1939]**

30. (1) Whenever an application is duly made to the Board for the renewal of the registration of premises in a register, the Board, if it is of opinion that such premises have not ceased to be eligible for registration in such register, shall, before the 31st day of December next after the date of such application, renew the registration of such premises in such register.

(2) Whenever an application is duly made to the Board for the renewal of the registration of premises in a register and the Board is of opinion that such premises have ceased to be eligible for registration in such register, the Board shall cause such premises to be inspected by an officer of the Board.

(3) Whenever premises in respect of which an application was duly made to the Board for the renewal of the registration thereof in a register have been inspected under subsection (2) of this section and the Board, as a result of such inspection, becomes of opinion that such premises have not ceased to be eligible for registration in such register, the Board shall, before the 31st day of December next after the date of such application, renew the registration of such premises in such register.

(4) Whenever premises in respect of which an application was duly made to the Board for the renewal of the registration thereof in a register have been inspected under subsection (2) of this section and the Board, notwithstanding such inspection, remains of opinion that such premises have ceased to be eligible for registration in such register, the following provisions shall apply and have effect, that is to say:—

- (a) the Board shall serve notice upon the applicant that the Board is of opinion that such premises have ceased on stated grounds to be eligible for registration in such register and that the applicant may, within fourteen days after service of such notice, make written representations to the Board with a view to showing that such premises have not ceased to be eligible for registration in such register;
- (b) if during the said fourteen days no such written representations are received by the Board, the Board shall refuse such application;

- (c) if during the said fourteen days such written representations are received by the Board, the Board shall cause a second inspection of such premises to be made by a different officer of the Board;
- (d) if the Board, notwithstanding such second inspection and having considered the written representations received as aforesaid, remains of opinion that such premises have ceased to be eligible for registration in such register, the Board shall refuse such application;
- (e) if the Board, as a result of such second inspection and having considered the written representations received as aforesaid, becomes of opinion that such premises have not ceased to be eligible for registration in such register, the Board shall before the 31st day of December next after the date of such application, renew the registration of such premises in such register.

(5) Notwithstanding anything contained in the foregoing sub-sections of this section, the Board may refuse an application duly made to the Board for the renewal of the registration of any premises if the Board is of opinion that either—

- (a) in case such application is the first application for the renewal of such registration, the applicant has, during the period between such registration and such application for renewal, wilfully failed, save with the consent of the Board, to adhere to charges not exceeding those specified in the scale of charges furnished by him with his application for such registration, or
- (b) in case such application is not the first application for the renewal of such registration, the applicant has, during the then current year, wilfully failed, save with the consent of the Board, to adhere to charges not exceeding those specified in the scale of charges furnished by him with his next previous application for renewal of such registration.

(6) References in this section to the opinion of the Board that premises have ceased to be eligible for registration in any register or that an applicant has wilfully failed to adhere to any charges shall be construed as references to such opinion formed by the Board itself and not by the Board acting through or by any of its officers or servants.

*Affecting provisions (textual) — 15/1952, ss.28, 29;*  
*(non-textual) — 27/1957 s.7 (b);*  
*10/2003, ss.6, 12, 38, sch. 2.*

**[27/1957 — s.7 (b) Tourist Traffic Act, 1957]**

**Application for registration after refusal or cancellation of registration.**

*See paragraph 27 for full text.*

*Note: S.30: 24/1939 and s.7(b):27/1957 affected by (non-textual) — 10/2003, ss.6, 12, 38, sch. 2.*

**[10/2003 — s.12 National Tourism Development Authority Act 2003]  
Agreements for performance of functions of Authority by persons other than Authority.**

*See paragraph 24 for full text. Schedule 2 referred to in section 12(1):10/2003 includes the functions performable by the Authority under 27/1957, section 7; and 24/1939, section 30(1) other than the words "if it is of the opinion that such premises have not ceased to be eligible for registration in such register,"; section 30(2) other than the words "and the Board is of opinion that such premises have ceased to be eligible for registration in such register", section 30(3) other than the words "and the Board, as a result of such inspection, becomes of the opinion that such premises has not ceased to be eligible for registration in such register," and section 30(4)(a) and (b) other than the words "and the Board, notwithstanding such inspection, remains of opinion that such premises have not ceased to be eligible for registration in such register,".*

**Registration certificates. [s.31: 24/1939]**

- 31.** (1) Whenever the Board registers any premises, the Board shall give, free of charge, a certificate (in this Act referred to as a registration certificate) of such registration to the registered proprietor.
- (2) Where the registered proprietor of any registered premises satisfies the Board that the registration certificate for the time being in force in respect of such premises has been accidentally destroyed, the Board may issue to such registered proprietor a new registration certificate in lieu of that so destroyed.
- (3) The following provisions shall have effect in respect of every registration certificate, that is to say:—
- (a) such certificate shall be in the prescribed form and shall contain a statement of the premises to which it relates, the name of the registered proprietor of such premises, and such other matters as shall be required by the prescribed form;
  - (b) such certificate shall be signed by an officer of the Board authorised in that behalf by the Board;
  - (c) such certificate shall, save as regards any period when it is returned to the Board in accordance with this Act, be displayed in a prominent position at or near the principal entrance to such premises during the continuance of the registration certified by it;
  - (d) such certificate shall be returned to the Board immediately after the registration expires or whenever the Board so request.
- (4) Whenever the registered proprietor of any registered premises fails to display, in accordance with paragraph (c) of subsection (3) of this section, the registration certificate for the time being in force in respect of such premises, he shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not

exceeding £200 together with, in the case of a continuing offence, a further fine (not exceeding £200 in all) not exceeding £10 for every day during which the offence continues.

(5) Whenever a registration certificate is not returned to the Board immediately upon the expiration thereof or at the request of the Board, the person to whom such certificate was given shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not exceeding £50 together with, in the case of a continuing offence, a further fine (not exceeding £200 in all) not exceeding £5 for every day during which the offence continues.

*Affecting provisions (textual) — 15/1952, ss.3 (1) and 30;  
31/1983, s.3.  
(non-textual) — 10/2003, ss.6, 12, 38, sch. 2.*

**[10/2003 — s.12 National Tourism Development Authority Act 2003]  
Agreements for performance of functions of Authority by persons other than Authority.**

*See paragraph 24 for full text. Schedule 2 referred to in section 12(1):10/2003 includes the functions performable by the Authority under 24/1939, section 31(1), (2) and (3)(b) and (d).*

**Amendment of register in certain circumstances. [s.32: 24/1939]**

32. The Board may, on its own motion or on the application of the registered proprietor, amend the registration of any premises in any respect in which such registration appears to the Board to be erroneous or misleading and may, where appropriate, amend the relevant registration certificate accordingly.

*Affecting provisions (non-textual) — 10/2003, ss.6, 12, 38, sch. 2.*

**[10/2003 — s.12 National Tourism Development Authority Act 2003]  
Agreements for performance of functions of Authority by persons other than Authority.**

*See paragraph 24 for full text. Schedule 2 referred to in section 12(1):10/2003 includes the functions performable by the Authority under 24/1939, section 32.*

**Restriction on describing premises as a hotel. [s.33: 24/1939]**

33. (1) It shall not be lawful for the proprietor of any premises to describe or hold out or permit any person to describe or hold out such premises as an hotel unless such premises are registered in the register of hotels and such proprietor is registered in that register as the registered proprietor of such premises.
- (2) Any person who acts in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £500 together with, in the case of a continuing offence, a further fine (not exceeding £300 in all) not exceeding £20 for every day during which the offence is continued.

(3) This section shall come into operation on such day as may be appointed in that behalf by order of the Minister.

*Note: Section came into operation on 15 February 1944 — S.I. 52/1944*

*Affecting provisions (textual) — 27/1957, s.10 (2);*

*31/1983, s.3.*

*(non-textual) — 15/1952, s.31;*

*31/1983, s.4.*

**[15/1952 — s.31 Tourist Traffic Act, 1952]**

**Extension of sections 33 to 37 of Act of 1939 to occupiers.**

31. The word “proprietor” shall, wherever it occurs (except as part of the expression “registered proprietor”) in sections 33 to 37 of the Act of 1939, be construed as including “occupier”.

**[31/1983 — s.4 Tourist Traffic Act, 1983]**

**Prohibition by Circuit Court of unauthorised use of titles protected by Tourist Traffic Acts, 1939 to 1983.**

4. (1) Where a person is acting in contravention of section 33, 34, 35, 36, 37, 37A, 37B, 37C or 37D of the Principal Act (as amended), the Court may, on the application of the Board, by order prohibit the continuance of the contravention.

(2) An application to the Court for an order under this section shall be by motion and the Court when considering the matter may make such interim or interlocutory order (if any) as it considers appropriate.

(3) The order by which an application under this section is determined may contain such terms and conditions (if any) as to the payment of costs as the Court considers appropriate.

(4) An application under this section shall be made to the judge of the circuit where the premises the subject of the application are situated.

(5) In this section “the Court” means the Circuit Court.

**Restriction on describing premises as a guest house. [s.34: 24/1939]**

34. (1) It shall not be lawful for the proprietor of any premises to describe or hold out or permit any person to describe or hold out such premises as a guest house unless such premises are registered in the register of guest houses and such proprietor is registered in that register as the registered proprietor of such premises.

(2) Any person who acts in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £500 together with, in the case of a continuing offence, a further fine (not exceeding £300 in all) not exceeding £20 for every day during which the offence is continued.

(3) This section shall come into operation on such day as may be appointed in that behalf by order of the Minister.

*Note: Section came into operation on 15 February 1944 — S.I. 52/1944*

*Affecting provisions (textual) — 27/1957, s.10 (2);*

*31/1983, s.3.*

*(non-textual) — 15/1952, s.31;*

*31/1983, s.4.*

**[15/1952 — s.31 Tourist Traffic Act, 1952]**

**Extension of sections 33 to 37 of Act of 1939 to occupiers.**

*See paragraph 33 for full text.*

**[31/1983 — s.4 Tourist Traffic Act, 1983]**

**Prohibition by Circuit Court of unauthorised use of titles protected by Tourist Traffic Acts, 1939 to 1983.**

*See paragraph 33 for full text.*

**Restriction on describing premises as a holiday hostel, etc. [s.35: 24/1939]**

35. (1) It shall not be lawful for the proprietor of any premises to describe such premises as a holiday hostel or holiday home or to hold out such premises as a holiday hostel or holiday home or to permit any person to so describe or so hold out such premises unless such premises are registered in the register of holiday hostels and such proprietor is registered in that register as the registered proprietor of such premises.

(2) Any person who acts in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £500 together with, in the case of a continuing offence, a further fine (not exceeding £300 in all) not exceeding £20 for every day during which the offence is continued.

(3) This section shall come into operation on such day as may be appointed in that behalf by order of the Minister.

*Note: Section came into operation on 15 February 1944 — S.I. 52/1944*

*Affecting provisions (textual) — 27/1957, s.10 (2);*

*31/1983, s.3.*

*(non-textual) — 15/1952, s.31;*

*31/1983, s.4.*

**[15/1952 — s.31 Tourist Traffic Act, 1952]**

**Extension of sections 33 to 37 of Act of 1939 to occupiers.**

*See paragraph 33 for full text.*

**[31/1983 — s.4 Tourist Traffic Act, 1983]**

**Prohibition by Circuit Court of unauthorised use of titles protected by Tourist Traffic Acts, 1939 to 1983.**

*See paragraph 33 for full text.*

**Restriction on describing premises as a youth hostel. [s.36: 24/1939]**

36. (1) It shall not be lawful for the proprietor of any premises to describe or hold out or permit any person to describe or hold out such premises as a youth hostel unless such premises are registered in the register of youth hostels and such proprietor is registered in that register as the registered proprietor of such premises.

(2) Any person who acts in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £500 together with, in the case of a continuing offence, a further fine (not exceeding £300 in all) not exceeding £20 for every day during which the offence is continued.

(3) This section shall come into operation on such day as may be appointed in that behalf by order of the Minister.

*Note: Section came into operation on 15 February 1944 — S.I. 52/1944*

*Affecting provisions (textual) — 27/1957, s.10 (2);*

*31/1983, s.3.*

*(non-textual) — 15/1952, s.31;*

*31/1983, s.4.*

**[15/1952 — s.31 Tourist Traffic Act, 1952]****Extension of sections 33 to 37 of Act of 1939 to occupiers.**

*See paragraph 33 for full text.*

**[31/1983 — s.4 Tourist Traffic Act, 1983]****Prohibition by Circuit Court of unauthorised use of titles protected by Tourist Traffic Acts, 1939 to 1983.**

*See paragraph 33 for full text.*

**Restriction on describing premises as a holiday camp. [s.37: 24/1939]**

37. (1) It shall not be lawful for the proprietor of any premises to describe or hold out or permit any person to describe or hold out such premises as a holiday camp unless such premises are registered in the register of holiday camps and such proprietor is registered in that register as the registered proprietor of such premises.

(2) Any person who acts in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £500 together with, in the case of a continuing offence, a further fine (not exceeding £300 in all) not exceeding £20 for every day during which the offence is continued.

(3) This section shall come into operation on such day as may be appointed in that behalf by order of the Minister.

*Note: Section came into operation on 15 February 1944 — S.I. 52/1944*

*Affecting provisions (textual) — 27/1957 s.10 (2);*

*31/1983, s.3.*

*(non-textual) — 15/1952, s.31;*

*31/1983, s.4.*

**[15/1952 — s.31 Tourist Traffic Act, 1952]**

**Extension of sections 33 to 37 of Act of 1939 to occupiers.**

*See paragraph 33 for full text.*

**[31/1983 — s.4 Tourist Traffic Act, 1983]**

**Prohibition by Circuit Court of unauthorised use of titles protected by Tourist Traffic Acts, 1939 to 1983.**

*See paragraph 33 for full text.*

**Motor hotels. [inserted by s.5 (1)(iii): 27/1957]**

**37A.** (1) It shall not be lawful for the proprietor or occupier of any premises to describe or hold out or permit any person to describe or hold out such premises—

(a) as a motor hotel,

(b) as a motel,

(c) as a coach hotel,

(d) as a motor inn,

(e) as a motor court,

(f) as a tourist court, or

(g) as being of any other description prescribed for the purposes of this section,

unless such premises are registered in the register of motor hotels and such proprietor or occupier is registered in that register as the registered proprietor of such premises.

(2) Any person who acts in contravention of this section shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding £500 together with, in the case of a continuing offence, a further fine (not exceeding £300 in all) not exceeding £20 for every day during which the offence is continued.

(3) This section shall come into operation on such day as may be appointed in that behalf by order of the Minister.

*Note: Section not yet in operation.*

*Affecting provisions (textual) — 31/1983, s.3.*

*(non-textual) — 31/1983, s.4.*

**[31/1983 — s.4 Tourist Traffic Act, 1983]****Prohibition by Circuit Court of unauthorised use of titles protected by Tourist Traffic Acts, 1939 to 1983.**

See paragraph 33 for full text.

**Caravan sites and camping sites. [inserted by s.2 (1)(e): 3/1966]**

**37B.** (1) It shall not be lawful for the proprietor or occupier of any premises to describe or hold out or permit any person to describe or hold out such premises as a caravan site, caravan park, caravan camp, caravan centre, caravan estate, caravan court, caravanel, camping site, camping park, camping centre, camping estate, camping court or autocamp or as being of any other description prescribed for the purposes of this section unless the premises are registered in the register of caravan sites and camping sites and such proprietor or occupier is registered in that register as the registered proprietor of such premises.

(2) Any person who acts in contravention of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500 together with, in the case of a continuing offence, a further fine (not exceeding £300 in all) not exceeding £20 for every day during which the offence is continued.

(3) This section shall come into operation on such day as may be appointed in that behalf by order of the Minister.

*Note: Section came into operation on 11 April 1969 — S.I. 61/1969*

*Affecting provisions (textual) — 31/1983, s.3.*

*(non-textual) — 31/1983, s.4.*

**[31/1983 — s.4 Tourist Traffic Act, 1983]****Prohibition by Circuit Court of unauthorised use of titles protected by Tourist Traffic Acts, 1939 to 1983.**

See paragraph 33 for full text.

**Amendment of Tourist Traffic Act, 1939. [inserted by s.6 (d): 16/1970]**

**37C.** (1) It shall not be lawful for the proprietor or occupier of any premises to describe or hold out or permit any person to describe or hold out such premises as an approved holiday cottage, approved holiday house, approved holiday home or approved holiday villa, or as being of any other description prescribed for the purposes of this section, unless the premises are registered in the register of approved holiday cottages and such proprietor or occupier is registered in that register as the registered proprietor of such premises.

(2) Any person who acts in contravention of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500 together with, in the case of a continuing offence, a further fine (not exceeding £300 in all) not exceeding £20 for every day during which the offence is continued.

(3) This section shall come into operation on such day as may be appointed in that behalf by order of the Minister.

*Note: Section not yet in operation.*

*Affecting provisions (textual) — 31/1983, s.3.*

*(non-textual) — 31/1983, s.4.*

**[31/1983 — s.4 Tourist Traffic Act, 1983]**

**Prohibition by Circuit Court of unauthorised use of titles protected by Tourist Traffic Acts, 1939 to 1983.**

*See paragraph 33 for full text.*

**Register of holiday apartments. [inserted by s.7 (4): 31/1983]**

**37D.** (1) It shall not be lawful for the proprietor or occupier of any premises to describe or hold out or permit any person to describe or hold out such premises as a holiday apartment, tourist apartment, apartotel or holiday flat, or as being of any other description prescribed for the purposes of this section, unless the premises are registered in the register of holiday apartments and such proprietor or occupier is registered in that register as the registered proprietor of such premises.

(2) Any person who acts in contravention of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500 together with, in the case of a continuing offence, a further fine (not exceeding £300 in all) not exceeding £20 for every day during which the offence is continued.

(3) This section shall come into operation on such day as may be appointed in that behalf by order of the Minister.

*Note: Section not yet in operation.*

*Affecting provision (non-textual) — 31/1983, s.4.*

**[31/1983 — s.4 Tourist Traffic Act, 1983]**

**Prohibition by Circuit Court of unauthorised use of titles protected by Tourist Traffic Acts, 1939 to 1983.**

*See paragraph 33 for full text.*

**Exemptions. [s.38: 24/1939]**

**38.** (1) Where the Board is satisfied that any premises are carried on by a charitable organisation, the Board, if in its absolute discretion it so thinks fit, may by order declare that any one of the four preceding sections shall not apply in respect of such premises and, so long as such order remains in force, such section shall not apply in respect of such premises.

(2) The Board may by order revoke any order made under the immediately preceding sub-section of this section.

*Note: Notwithstanding the addition of sections 37A to 37D, the text of subsection (1) of this section was left as originally enacted.*

**Grades. [s.39: 24/1939]**

39. (1) The Board may from time to time grade in such manner as it thinks proper the premises registered in any register.
- (2) Where the premises registered in any register have been graded under this section, the Board may at any time, if it so thinks proper, withdraw the grade then allotted to any of such premises and allot a different grade thereto.
- (3) Where the premises registered in any register have been graded under this section, it shall not be lawful for the registered proprietor of any of such premises to describe or hold out such premises as being of a grade other than that for the time being allotted thereto.
- (4) If the registered proprietor of any registered premises acts in contravention of the immediately preceding sub-section of this section, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £500.

*Affecting provisions (textual) — 31/1983, s.3.*

*(non-textual) — 10/2003, ss.6, 12, 38, sch. 2.*

**[10/2003 — s.12 National Tourism Development Authority Act 2003]  
Agreements for performance of functions of Authority by persons other than Authority.**

*See paragraph 24 for full text. Schedule 2 referred to in section 12(1):10/2003 includes the functions performable by the Authority under 24/1939, section 39(1) other than the words “in such manner as it thinks proper” and section 39(2) other than the words “if it so thinks proper”.*

**Devolution and transfer of registered premises. [s.40: 24/1939]**

40. (1) Where the registered proprietor of registered premises dies, the following provisions shall have effect, that is to say:—
- (a) the death of the said registered proprietor shall not of itself terminate the registration of such premises;
- (b) the personal representative of the said deceased registered proprietor or, with the assent of such personal representative, any other person shall be entitled, on application in the prescribed form and manner to the Board, to be registered as the registered proprietor of the said premises;
- (c) from the death of the said deceased registered proprietor until the registration of another person as registered proprietor of the said premises, the person actually carrying on the said premises shall be deemed to be the registered proprietor

thereof for the purposes of so much of this Act as relates to things to be done on the said premises or in the course of carrying them on as aforesaid.

(2) Where the registered proprietor (in this sub-section referred to as the transferor) of registered premises transfers, on sale or otherwise, the said premises and the business carried on therein to another person (in this sub-section referred to as the transferee), the following provisions shall have effect, that is to say:—

(a) the transferee shall be entitled, on application in the prescribed form and manner to the Board and on satisfying the Board that he has become the proprietor of the said premises, to be registered as the registered proprietor of the said premises;

(b) the transferee shall, on being registered as aforesaid, be entitled to the benefit of any application to the Board made by the transferor in relation to the said premises and then pending and shall be entitled to prosecute such application as if it had been made by him;

(c) until the transferee is registered as aforesaid, the transferor shall, notwithstanding the said transfer, continue to be for all the purposes of this Act the registered proprietor of the said premises.

(3) The immediately preceding sub-section of this section shall apply in every case where a receiver or manager appointed by a court or a mortgagee goes into possession of registered premises in like manner as if such premises had been transferred by the registered proprietor thereof to such receiver, manager or mortgagee (as the case may be).

*Affecting provision (non-textual) — 10/2003, ss.6, 12, 38, sch. 2.*

**[10/2003 — s.12 National Tourism Development Authority Act 2003]  
Agreements for performance of functions of Authority by persons other than Authority.**

*See paragraph 24 for full text. Schedule 2, referred to in section 12(1):10/2003 includes the functions performable by the Authority under 24/1939, sections 40(1)(b) and (2)(a) and (b).*

**Inspection. [s.41: 24/1939]**

41. (1) A registration officer shall be entitled at all reasonable times (subject to the production by him if so required of his appointment in writing as registration officer) to enter and inspect any registered premises or any premises in respect of which an application for registration has been made, and to require the registered proprietor or the applicant for registration (as the case may be) or any person employed in such premises to furnish to such registration officer such information in relation to such premises as may be reasonably necessary for the purposes of the administration of this Act.

(2) Every person who—

- (a) obstructs or impedes a registration officer in the exercise of any of the powers conferred by this section, or
- (b) fails or refuses to give to a registration officer on demand any information which such registration officer is entitled to demand under this section, or
- (c) wilfully gives to a registration officer information which is false or misleading in a material particular,

shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £50.

(3) In this section ‘registration officer’ means—

- (a) an officer of the Board appointed in writing by the Board, or
- (b) an employee of a contractor appointed in writing by the contractor,

to be a registration officer for the purposes of this section.

(4) A registration officer who is an employee of a contractor shall cease to be a registration officer upon the termination of any contract made between the Board and the contractor who employs the employee.

(5) The Board may, where it considers a registration officer who is an employee of a contractor is not performing the functions of a registration officer in a satisfactory manner, revoke the appointment of the officer.

*Affecting provisions (textual) — 27/1957, s.10 (3)(a)(b)(c);  
31/1983, s.3;  
13/1995, s.5.*

#### **Evidence of the contents of registers. [s.42: 24/1939]**

42. (1) Every register shall be—

- (a) deemed to be in the proper custody when in the custody of—
  - (i) the Board or any officer of the Board authorised in that behalf by the Board, or
  - (ii) a contractor or any employee of the contractor authorised in that behalf by the contractor, and
- (b) admissible in evidence without further proof on production from the proper custody.

(2) Prima facie evidence of any entry in any register may be given in any court or in any legal proceedings by the production of a copy of such entry purporting to be certified to be a true copy by an officer of the Board authorised in that behalf by the Board or an

employee of a contractor authorised in that behalf by the contractor and it shall not be necessary to prove the signature of such officer or employee or that he was in fact such officer or employee or was in fact so authorised.

(3) A certificate, purporting to be signed by an officer of the Board authorised in that behalf by the Board or an employee of a contractor authorised in that behalf by the contractor that any premises specified in such certificate are not entered in the register specified in such certificate shall be sufficient evidence until the contrary is shown of the matters so certified, and it shall not be necessary to prove the signature of such officer or employee, or that he was in fact such officer or employee, or was in fact so authorised.

(4) Any person may—

- (a) inspect any register on payment of such fee for each inspection as shall be prescribed;
- (b) obtain a copy, certified in manner hereinbefore mentioned to be a true copy, of any entry in any register on payment of such fee, for each folio of 72 words of the copy, as shall be prescribed;
- (c) obtain such certificate as is hereinbefore mentioned that any specified premises are not registered in a specified register on payment of such fee for each certificate as shall be prescribed.

*Affecting provisions (textual) — 31/1983, s.5 (2);  
13/1995, s.6.*

#### **Display of charges. [s.43: 24/1939]**

43. (1) The Board may require the registered proprietor of registered premises to display in such places in the said premises as it thinks proper such and so many lists in easily legible form as it thinks proper of the charges for the time being current in respect of rooms, meals, or other services provided in the said premises.

(2) If the registered proprietor of registered premises fails to comply with a requirement under this section, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £100 together with, in the case of a continuing offence, a further fine (not exceeding £100 in all) not exceeding £10 for every day during which the offence is continued.

*Affecting provision (textual) — 31/1983, s.3.*

#### **External signs. [s.44: 24/1939]**

44. (1) The Board may supply to the registered proprietor of registered premises a sign suitable for display on the outside of such premises and thereupon such registered proprietor shall keep such sign displayed in a prominent position outside and at or near the principal entrance to such premises.

(2) If the registered proprietor of registered premises to whom a sign has been supplied by the Board under this section fails to keep such sign displayed in a prominent position outside and at or near the principal entrance to such premises, such registered proprietor shall be guilty of an offence under this sub-section and shall be liable on summary conviction thereof to a fine not exceeding £100.

(3) Save with the consent in writing of the Board, it shall not be lawful for the registered proprietor of registered premises to display outside such premises any sign indicating the standard of such premises other than a sign supplied under this section by the Board

(4) If any person acts in contravention of the immediately preceding sub-section of this section, he shall be guilty of an offence under this sub-section and shall be liable on summary conviction thereof to a fine not exceeding £100.

(5) A sign supplied under this section may be in such form and contain such information in regard to the premises to which it relates as the Board thinks proper.

*Affecting provisions (textual) — 31/1983, s.3.*

*(non-textual) — 10/2003, ss.6, 12, 38, sch. 2.*

**[10/2003 — s.12 National Tourism Development Authority Act 2003]  
Agreements for performance of functions of Authority by persons other than Authority.**

*See paragraph 24 for full text. Schedule 2 referred to in section 12(1):10/2003 includes the functions performable by the Authority under 24/1939, section 44(1), (3) and (5).*

**Annual list of registered premises. [s.45: 24/1939]**

45. (1) The Board shall publish or cause to be published at least once in every year a list of registered premises arranged so as to show separately premises registered in the register of hotels, premises registered in the register of guest houses, premises registered in the register of holiday hostels, premises registered in the register of youth hostels, premises registered in the register of caravan sites and camping sites, premises registered in the register of approved holiday cottages, premises registered in the register of holiday apartments, premises registered in the register of motor hotels and premises registered in the register of holiday camps.
- (2) Notwithstanding anything contained in the immediately preceding sub-section, where the registered proprietor of any registered premises requests the Board to omit such premises from the list under this section in respect of any year, the Board may omit such premises from the said list if, having regard to all the circumstances of the case, it so thinks proper.
- (3) A list under this section may include in respect of any premises mentioned in such list such information as the Board thinks proper in relation to the standard of such premises, the charges made therein, and any other matter of interest to tourists.

*Affecting provisions (textual)* — 27/1957, s.5 (1)(iv);  
3/1966, s.2 (1)(f);  
16/1970, s.6 (e);  
31/1983, s.7 (3).  
*(non-textual)* — 10/2003, ss.6, 12, 38, sch. 2.

**[10/2003 — s.12 National Tourism Development Authority Act 2003]  
Agreements for performance of functions of Authority by persons other than Authority.**

*See paragraph 24 for full text. Schedule 2 referred to in section 12(1):10/2003 includes the functions performable by the Authority under 24/1939, section 45.*

**Service of notices. [s.46: 24/1939]**

46. (1) Where a notice is required by this Part of this Act to be served on any applicant for registration or renewal of registration, the notice shall be served in one of the following ways, that is to say:—
- (a) by delivering the notice to the applicant,
  - (b) by delivering the notice to any person, of not less than sixteen years of age, who is in the employment of the applicant, and
  - (c) by sending the notice by post in a prepaid letter addressed, in the case of an applicant for registration, at the address where he carries on business or at his last known place of abode or, in the case of an applicant for renewal of registration, at the premises in respect of which his application is made.
- (2) For the purposes of this section a body corporate registered within the State under the Companies Acts, 1908 to 1924, shall be deemed to carry on business at its registered office, and every other body corporate and every unincorporated body shall be deemed to carry on business at its principal office or place of business within the State.

**Offences. [s.47: 24/1939]**

47. (1) Any offence under any section of this Part of this Act may be prosecuted by, or at the suit of, the Board as prosecutor.
- (2) Where an offence under any section of this Act was committed by a body corporate and is proved to have been so committed with the consent or approval of, or to have been facilitated by any neglect on the part of, any director, manager, secretary, or other officer of such body corporate, such director, manager, secretary, or other officer shall also be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly.

*Affecting provision (non-textual)* — 31/1983, s.8 (2).

**[31/1983 — s.8 (2) Tourist Traffic Act 1983]****Display of certain information.**

8. (1) A registered proprietor shall display in the interior of the registered premises in respect of which he is the registered proprietor such information as may be required in writing from time to time by the Board to be so displayed, and such display shall be made in the manner or place so required.

(2) A registered proprietor who does not comply with a requirement under this section shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding £100, and section 47 of the Principal Act shall apply to such offence as if it were an offence under Part III [paragraphs 23-47] of that Act.

(3) In this section “registered proprietor” and “registered premises” have the same meanings as in Part III [paragraphs 23-47] of the Principal Act.

**PART IV****ESTABLISHMENT OF SPECIAL AREAS****Areas to which this Part of this Act applies. [s.48: 24/1939]**

48. The Minister may by order, if he so thinks proper on the application of the Board, declare that any area shall be an area to which this Part of this Act applies.

**Conferring of powers on the Board in respect of areas to which this Part of this Act applies. [s.49: 24/1939]**

49. (1) Whenever the Minister by order declares that an area shall be an area to which this Part of this Act applies, he may from time to time, if he so thinks proper on the application of the Board, by order do all or any of the following things, that is to say:—
- (a) authorise the Board to keep, in respect of such area, such registers as the Minister shall think proper and shall specify in such order of all or any of the following, that is to say:—
    - (i) boarding houses and other forms of residential accommodation,
    - (ii) camping sites,
    - (iii) restaurants, cafés, and similar establishments,
    - (iv) cinemas, theatres, sports grounds, band promenades, premises in which games or entertainment are provided for the public, and similar places of public entertainment, and
    - (v) local transport services;

- (b) apply in relation to any register so authorised to be kept by the Board such of the provisions of Part III of this Act as he thinks proper and so apply such provisions either with or without modification;
- (c) confer on the Board such powers as he thinks proper for the preservation of the amenities of such area;
- (d) confer on the Board such powers as he thinks proper in relation to the provision and control (including licensing) of guides, beach guards, and attendants at parking places in such area;
- (e) make such provisions (including provisions creating offences and providing for the prosecution and punishment of offenders) ancillary to or consequential upon the keeping of any register so authorised to be kept by the Board or the exercise of any power so conferred on the Board.

(2) Whenever the Minister confers by order under this section powers on the Board for the preservation of the amenities of an area to which this Part of this Act applies and the said area or any part thereof is or is part of the area to which a planning scheme under the Town and Regional Planning Act, 1934 (No. 22 of 1934) relates, the Minister shall have regard to the provisions of such planning scheme.

**Amendment and revocation of orders under this Part of this Act. [s.50: 24/1939]**

50. The Minister may by order amend or revoke any order (including an order under this section) made by him under this Part of this Act.

**Laying of orders under this Part of this Act before Houses of the Oireachtas. [s.51: 24/1939]**

51. Every order under this Part of this Act shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling such order is passed by either such House within the next subsequent twenty-one days on which such House has sat after such order is laid before it, such order shall be annulled accordingly, but without prejudice to the validity of anything previously done under such order.

PART V

52. *Amends s.3 of 15/1931 [s.52: 24/1939]*

## CHAPTER 2

### TOURIST TRAFFIC ACT 1952

#### PART I

##### PRELIMINARY AND GENERAL

###### Short title and collective citation. [s.1: 15/1952]

53. (1) This Act may be cited as the Tourist Traffic Act, 1952.
- (2) The Tourist Traffic Act, 1939, and this Act may be cited together as the Tourist Traffic Acts, 1939 and 1952.

###### Construction. [s.2: 15/1952]

54. (1) In this Act—
- “the Act of 1939” means the Tourist Traffic Act, 1939 (No. 24 of 1939);
- “An Bord Fáilte” means the body heretofore known as the Irish Tourist Board to which the said new name is given by section 4;
- “the Board” (except in Part V and the Schedule) means An Bord Fáilte;
- “the Minister” means the Minister for Industry and Commerce.
- (2) The Act of 1939 and this Act shall be construed as one.

#### PART II

##### AN BORD FÁILTE

55. *Repealing provision* [s.3: 15/1952]
56. *Repealed by 5/1955, s.4(1)* [s.4: 15/1952]
57. *Repealed by 10/2003, s.5, sch.1* [ss. 5-6: 15/1952]
58. *Amends s.19 of 24/1939* [s.7: 15/1952]

###### Power to enter on land. [s.8: 15/1952]

59. (1) A person, duly authorised in writing by the Board, may enter on land for the purpose of enabling the Board to carry out its functions under paragraph (f) of subsection (2) of section 5.

(2) Any person who obstructs or interferes with an authorised officer in the exercise of his powers under subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds.

*Note: Section 5 referred to above has been repealed.*

**Restrictions of sections 7 and 8. [s.9: 15/1952]**

60. Sections 7 and 8 [*paragraphs 19 and 59*] shall not apply to any building which is for the time being used for ecclesiastical purposes.
61. *Repealed by 5/1955, s.4 (1) [s.10: 15/1952]*
62. *Amends s.16 of 24/1939 [s.11: 15/1952]*
63. *Repealed by 10/2003, s.5, sch.1 [ss. 12-16: 15/1952]*

PART III

64. *Repealed by 10/2003, s.5, sch.1 [ss.17-24: 15/1952]*

PART IV

REGISTRATION OF PREMISES

*Affecting provision (non-textual) — 27/1957, s.8.*

**[27/1957 — s.8 Tourist Traffic Act, 1957]**

***Extension of references to premises.***

*8. In Part III of the Act of 1939 [paragraphs 23-47] and Part IV of the Act of 1952 [paragraphs 65-71], any reference to premises shall, in a case in which there is both a main building used or intended to be used to provide accommodation or service for guests and one or more annexes or other supplementary structures to the main building used or intended to be used to provide such accommodation or service, be construed as including both a reference to the main building and a reference to such one or more annexes or supplementary structures.*

**Construction. [s.25: 15/1952]**

65. This Part shall be construed as one with Part III of the Act of 1939 [*paragraphs 23-47*].

**Payment of registration fee. [s.26: 15/1952]**

66. If an applicant for registration of premises in a register, having been served with notice by the Board that the premises will be registered on payment of the appropriate prescribed fee, does not pay the fee to the Board within three months after such service, then, notwithstanding subsection (4) of section 27 of the Act of 1939, his application shall be void.

*Affecting provision (non-textual) — 10/2003, ss.6, 12, 38, sch. 2.*

**[10/2003 — s.12 National Tourism Development Authority Act 2003]  
Agreements for performance of functions of Authority by persons other than Authority.**

*See paragraph 24 for full text. Schedule 2 referred to in section 12(1):10/2003 includes the functions performable by the Authority under 15/1952, section 26.*

**Return of application fee. [s.27: 15/1952]**

67. The fee sent with an application under section 26 or 29 of the Act of 1939, for the registration or renewal of the registration of premises may, on the request of the applicant and at the discretion of the Board, be repaid to the applicant unless, after the receipt of the fee, the premises have been inspected by an officer of the Board.

*Affecting provision (non-textual) — 10/2003, ss.6, 12, 38, sch.2.*

**[10/2003 — s.12 National Tourism Development Authority Act 2003]  
Agreements for performance of functions of Authority by persons other than Authority.**

*See paragraph 24 for full text. Schedule 2 referred to in section 12(1):10/2003 includes the functions performable by the Authority under 15/1952, section 27 other than the words “and at the discretion of the Board,”.*

68. *Amends s.30 of 24/1939 [ss. 28-29: 15/1952]*
69. *Amends s.31 of 24/1939 [s. 30: 15/1952]*
70. *Amends ss.33 to 37 of 24/1939 [s.31: 15/1952]*

**Cancellation of registration. [s.32: 15/1952]**

71. (1) The Board may at any time cancel the registration of registered premises if the Board is of opinion that the registered proprietor has, otherwise than with the consent of the Board, wilfully failed to adhere to charges not exceeding those specified in the scale of charges furnished by him with his application for registration or with his last previous application for renewal of registration, as the case may be.
- (2) If at any time the Board, following an inspection of registered premises by an officer of the Board, is of opinion that such premises have ceased to be eligible for registration, the Board shall cause a second inspection of such premises to be made by an officer of the Board.
- (3) If, after a second inspection of premises has been made under this section, the Board remains of opinion that such premises have ceased to be eligible for registration—
- (a) the Board shall serve notice upon the registered proprietor that the Board is of opinion that such premises have ceased on stated grounds to be eligible for registration and that the registered proprietor may, within thirty days after service of such notice make written representations to the Board with a view to showing that such premises have not ceased to be eligible for registration;

- (b) if during the said thirty days no such written representations are received by the Board, the Board shall cancel the registration;
- (c) if during the said thirty days such written representations are received by the Board, the Board shall cause a third inspection of such premises to be made by a different officer of the Board;
- (d) if the Board, notwithstanding such third inspection and having considered the written representations received as aforesaid, remains of opinion that such premises have ceased to be eligible for registration, the Board shall cancel the registration;
- (e) if the Board, as a result of such third inspection and having considered the written representations received as aforesaid, becomes of opinion that such premises have not ceased to be eligible for registration, the Board shall give notice to that effect to the registered proprietor.

(4) Cancellation under this section of registration shall have effect from a date determined by the Board, not being earlier than fourteen days after the decision to cancel is made, and the Board shall, not later than seven days before the date so determined, serve notice on the registered proprietor that the registration will be cancelled on that date.

(5) References in this section to the opinion of the Board that a registered proprietor has wilfully failed to adhere to any charges or that registered premises have ceased to be eligible for registration shall be construed as references to such opinion formed by the Board itself and not by the Board acting through or by any of its officers or servants.

*Affecting provisions (non-textual) — 27/1957, s.7(c);  
10/2003, ss.6, 12, 38, sch. 2.*

**[27/1957 — s.7(c) Tourist Traffic Act, 1957]**

**Application for registration after refusal or cancellation of registration.**

*See paragraph 27 for full text.*

*Note: S.32:15/1952 and s.7(c): 27/1957 affected by (non-textual) — 10/2003, ss.6, 12, 38, sch. 2.*

**[10/2003 — s.12 National Tourism Development Authority Act 2003]**

**Agreements for performance of functions of Authority by persons other than Authority.**

*See paragraph 24 for full text. Schedule 2 referred to in section 12(1):10/2003 includes the functions performable by the Authority under Authority under 27/1957, section 7; and 15/1952, section 32(2) other than the words “the Board” where it first occurs and “is of opinion that such premises have ceased to be eligible for registration” and section 32(3)(a) and (b) other than the words “the Board remains of opinion that such premises have ceased to be eligible for registration”.*

## PART V

72. Repealed by 5/1955, s.4 (1) [ss. 33-37: 15/1952]

## PART VI

## LICENSING OF HOTELS AND HOLIDAY CAMPS

## CHAPTER I

## PRELIMINARY

**Construction and collective citation. [s.38: 15/1952]**

73. This Part shall be construed as one with the Licensing Acts, 1833 to 1946, and may be cited with those Acts as the Licensing Acts, 1833 to 1952.

**Use of map in describing premises. [s.39: 15/1952]**

74. Premises may be described in a declaration or certificate under any section of this Part by reference to a map annexed thereto.

## CHAPTER II

## HOTELS

75. *Repealed by 18/1960, s.3, sch. [s.40: 15/1952]*

**Declaration as to fitness and convenience of proposed hotel. [s.41: 15/1952]**

76. *Repealed by 18/1960, ss.3, 17 (3) (declarations ctd.) sch.*

*Note: Section 17(3) is a saving provision and for clarity is set out below.*

**[18/1960, s.17 (3) — Intoxicating Liquor Act, 1960]****Licensing or certification of premises the subject of a declaration.**

*17(3) A declaration under section 41 of the Tourist Traffic Act, 1952, which is in force at the commencement of this Act, shall, notwithstanding the repeal of that section, remain in force for the period provided for in subsection (5) thereof and shall be deemed for the purposes of subsection (7) of section 15 of this Act and subsection (1) of this section to be a declaration under subsection (1) of section 15 of this Act.*

77. *Repealed by 18/1960, s.3, sch. [s.42: 15/1952]*

## CHAPTER III

## HOLIDAY CAMPS

**Definitions. [s.43: 15/1952]**

78. In this Chapter—

“the Act of 1833” means the Licensing (Ireland) Act, 1833;

“the Act of 1902” means the Licensing (Ireland) Act, 1902;

“the Act of 1927” means the Intoxicating Liquor Act, 1927 (No. 15 of 1927);

“holiday camp” means premises for the time being registered in the register of holiday camps kept by the Board;

“holiday camp premises” means all the buildings for the time being situate in a holiday camp irrespective of the purpose for which they are used;

“the licensee” means the holder of an on-licence by virtue of this Chapter and cognate words shall be construed accordingly;

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

“period of summer time” means a period appointed by or under the Summer Time Act, 1925 (No. 8 of 1925), to be a period of summer time;

“rateable valuation” includes a provisional valuation issued by the Commissioner of Valuation;

“week-day” means a day which is not a Sunday and is not Good Friday, Christmas Day or Saint Patrick’s Day.

**Grant of new licence for holiday camp. [s.44: 15/1952]**

79. (1) Where a person (in this section referred to as the applicant) duly gives notice of his intention to apply for an on-licence in respect of specified premises and, at the proceedings in the Circuit Court in relation to the application, the applicant shows to the satisfaction of the Court—

(a) that the premises are holiday camp premises or a part or parts thereof,

(b) that the holiday camp in which they are situate complies with the following conditions—

(i) it has proper residential accommodation for at least two hundred and fifty guests at any one time,

(ii) its rateable valuation is not less than two hundred pounds, and

(iii) the buildings thereon are wholly or mainly of a permanent character, the Court may, notwithstanding anything contained in the Act of 1902, but subject to subsection (2) of this section, cause such certificate as is mentioned in section 5 of the Act of 1833 to be given to the applicant declaring him to be duly entitled to receive an on-licence in respect of the premises.

(2) A certificate shall not be given in respect of the premises if the Court, in consequence of an objection made under section 4 of the Act of 1833, prohibits under that section the issuing of an on-licence on one or more of the following grounds:—

- (a) the character, misconduct or unfitness of the applicant;
- (b) the unfitness or inconvenience of the premises or of the holiday camp in which the premises are situate;
- (c) that the holiday camp is not conducted in an orderly manner.

(3) Where the certificate is given to the applicant nothing in the Act of 1902 shall operate to prevent the grant to him of the licence which the certificate declares him to be entitled to receive.

**Variation of licensed premises. [s.45: 15/1952]**

**80.** (1) Where the licensee—

- (a) applies to the Circuit Court for a certificate under this section, and
- (b) gives such notice of the application as is required in the case of an application for an on-licence,

the Court, on being satisfied that it is expedient for any reason that the premises to which the licence relates should be varied in any particular respect other than applying the licence to premises that are not part of the holiday camp premises, may issue to the licensee a certificate certifying whichever one or more of the following things may be appropriate in the circumstances—

- (a) that the Court approves of the extension of the licence to a specified part or parts of the holiday camp premises;
- (b) that the Court approves of the exclusion from the licensed premises of a specified part or parts of those premises;
- (c) that the Court approves of the transfer of the licence from the licensed premises to another part or parts of the holiday camp premises.

(2) Notwithstanding anything contained in the Licensing Acts, 1833 to 1946, the Revenue Commissioners shall, on being presented with the certificate, amend the licence in accordance with the terms of the certificate.

**81.** *Repealed by 18/1960, s.3, sch. [ss.46-49: 15/1952]*

**82.** *Repealed by 26/1986, ss.9, 10(5), sch. 2 [s.50: 15/1952]*

**Occasional licences. [s.51: 15/1952]**

**83.** An occasional licence may be granted under section 13 of the Revenue Act, 1862, in respect of premises licensed by virtue of this Chapter as if such premises were amongst those enumerated in that section.

**Special exemption orders. [s.52: 15/1952]**

**84.** A special exemption order under section 5 of the Act of 1927, as amended by section 6 of the Intoxicating Liquor Act, 1943 (No. 7 of 1943), may be granted in respect of premises licensed by virtue of this Chapter as if such premises were amongst those enumerated in the said section 6.

**Provisions of Act of 1927 not applicable to holiday camps. [s.53: 15/1952]**

**85.** The following provisions of the Act of 1927 shall not apply to premises licensed by virtue of this Chapter, namely, section 2 (which relates to prohibited hours), section 3 (which relates to mixed trading), sections 13, 14 and 15 (which relate to certain exemptions from prohibited hours), and Part IV (which relates to the reduction of licences).

*Affecting provision (non-textual) — 18/1960, s.7 (1).*

**[18/1960, s.7 (1) Intoxicating Liquor Act, 1960.]**

**Prohibited hours in licensed holiday camps.**

7. (1) *Notwithstanding anything contained in section 53 of the Act of 1952—*

(a) section 2 (which relates to prohibited hours) of the Act of 1927 shall, subject to subsection (2) of this section, apply in relation to premises licensed by virtue of Chapter III (which relates to the licensing of holiday camps) of Part VI of the Act of 1952, and

(b) section 13 (which relates to exemptions from prohibited hours for licensed hotels and restaurants), other than paragraph (IV) thereof, of the Act of 1927 shall apply in relation to premises licensed by virtue of the said Chapter III in like manner as it applies in relation to premises which are for the time being a hotel or restaurant.

(2) Nothing in section 2 of the Act of 1927 shall operate to prohibit the licensee of a premises licensed by virtue of the said Chapter III from—

(a) supplying intoxicating liquor to be consumed on the premises to a person who for the time being is bona fide lodging in the holiday camp which comprises or includes the said premises, or

- (b) permitting intoxicating liquor to be consumed on the said premises by such a person—
  - (i) on Saint Patrick's Day or any Sunday (other than a Sunday which is Christmas Day)—
    - (I) during the months of June, July, August and September, between the hours of nine o'clock and half-past ten o'clock in the evening, or
    - (II) during any other month, between the hours of eight o'clock and, during a period of summertime, half-past ten o'clock in the evening, or, during a period which is not a period of summertime, ten o'clock in the evening, or
  - (ii) on Christmas Day, between the hours of half-past seven o'clock and ten o'clock in the evening, or
  - (iii) on Good Friday, between the hours of six o'clock and nine o'clock in the evening, if, in this case, the intoxicating liquor is—
    - (I) ordered by such a person at the same time as a substantial meal is ordered by him, and
    - (II) consumed at the same time as and with the meal, and
    - (III) supplied and consumed in the portion of the said premises usually set apart for the supply of meals.
- (3) In this section "the Act of 1952" means the Tourist Traffic Act, 1952.

**Apportionment of rateable valuation. [s.54: 15/1952]**

86. (1) The Commissioner of Valuation may, at the request of the owner or occupier, apportion to the licensed premises such part as he thinks proper of the rateable valuation of the hereditament or tenement of which such premises form part and the part so apportioned shall, for the purpose of the law relating to the charge of duty upon the licence, be taken to be the valuation of the licensed premises.

(2) There shall be paid to the Commissioner of Valuation for the making of the division under subsection (1) such fee as may be prescribed by the Minister for Finance and every such fee shall be paid into or disposed of by the Commissioner for the benefit of the Exchequer in such manner as the said Minister shall direct.

SCHEDULE

*Repealed by 5/1955, s.4 (1)(2) (saving)*

**[5/1955, s.4 (2) Tourist Traffic Act, 1955.]**

**Repeals.**

4. (2) *The repeal of the Schedule shall not affect the rights of any person under paragraph 5 thereof (which relates to the superannuation of full-time members of Fógra Fáilte) or under a scheme made under that paragraph.*

## CHAPTER 3

### TOURIST TRAFFIC ACT 1955

#### PART I

##### PRELIMINARY AND GENERAL

###### Short title and collective citation. [s.1: 5/1955]

87. (1) This Act may be cited as the Tourist Traffic Act, 1955.

(2) The Tourist Traffic Acts, 1939 and 1952, and this Act may be cited together as the Tourist Traffic Acts, 1939 to 1955.

###### Commencement. [s.2: 5/1955]

88. This Act shall come into operation on such day as the Minister shall by order appoint.

*Note: Act came into operation on 1 July 1955 — S.I. 113/1955*

###### Construction. [s.3: 5/1955]

89. (1) In this Act—

“the Act of 1952” means the Tourist Traffic Act, 1952 (No. 15 of 1952);

“the Board” means Bord Fáilte Éireann;

“the Minister” means the Minister for Industry and Commerce.

(2) The Tourist Traffic Acts, 1939 and 1952, and this Act shall be construed as one.

90. *Repealing provision* [s.4: 5/1955]

#### PART II

91. *Repealed by 10/2003, s.5, sch.1* [ss.5-6: 5/1955]

92. *Repealed by 37/1961, s.5* [s.7: 5/1955]

93. *Repealed by 10/2003, s.5, sch.1* [ss.8-9: 5/1955]

#### PART III

##### DISSOLUTION OF FÓGRA FÁILTE

###### Dissolution of Fóggra Fáilte. [s.10: 5/1955]

94. Fóggra Fáilte is hereby dissolved.

**Transfer of property. [s.11: 5/1955]**

95. (1) All property whether real or personal (including choses-in-action) which was vested in, or belonged to or was held in trust for Fóggra Fáilte and all rights, powers and privileges relating to or connected with any such property shall, without any conveyance or assignment but subject where necessary to transfer in the books of any bank, corporation or company or authority, become and be vested in or the property of or held in trust for (as the case may require) the Board for the same estate, trust or interest.

(2) All property transferred by this section which is standing in the books of any bank or registered in the books of any bank, corporation, company or authority shall, upon the request of the Board, be transferred in such books by such bank, corporation, company or authority into the name of the Board.

(3) Every chose-in-action transferred by this section to the Board may be sued upon, recovered or enforced by the Board in its own name and it shall not be necessary for the Board to give notice to the person bound by such chose-in-action of the transfer effected by this section.

**Transfer of liabilities. [s.12: 5/1955]**

96. Every debt and other liability (including unliquidated liabilities arising from torts or breaches of contract) of Fóggra Fáilte shall become the debt or liability of the Board.

**Preservation of continuing contracts. [s.13: 5/1955]**

97. Every bond, guarantee, mortgage or other security of a continuing nature made or given by Fóggra Fáilte to any person, or by any person to that body, and every contract or agreement in writing made between that body and another person and not fully executed and completed shall continue in force and shall be construed as if the name of the Board were substituted therein for that body.

**Continuance of pending legal proceedings. [s.14: 5/1955]**

98. In every action, suit or proceedings pending in any court or tribunal to which Fóggra Fáilte is a party, the Board shall become and be a party in the place of that body and such proceedings shall be continued between the Board and the other parties thereto accordingly.

99. *Repealed by 3/1998, s.125, sch.8* [s.15: 5/1955]

**Transfer of staff. [s.16: 5/1955]**

100. Persons who, immediately before the dissolution of Fóggra Fáilte, were employed by that body shall become members of the staff of the Board subject to the same conditions as to tenure of office, remuneration and otherwise as those subject to which they were so employed.

## CHAPTER 4

### TOURIST TRAFFIC ACT 1957

#### Construction. [s.1: 27/1957]

101. (1) In this Act—

“the Act of 1939” means the Tourist Traffic Act, 1939 (No. 24 of 1939);

“the Act of 1952” means the Tourist Traffic Act, 1952 (No. 15 of 1952);

“the Board” means Bord Fáilte Éireann;

“the Minister” means the Minister for Industry and Commerce.

(2) The Tourist Traffic Acts, 1939 to 1955, and this Act shall be construed as one.

102. *Repealed by 10/2003, s.5, sch.1 [ss. 2-4: 27/1957]*

103. *Amends ss. 24, 25 and 45, and inserts s.37A of 24/1939 [s.5: 27/1957]*

104. *Amends s.26 of 24/1939 [s.6: 27/1957]*

105. *Amends ss.27 and 30 of 24/1939 and s.32 of 15/1952 [s.7: 27/1957]*

106. *Amends Part III of 24/1939 and Part IV of 15/1952 [s.8: 27/1957]*

#### Publication of lists of unregistered premises. [s.9: 27/1957]

107. (1) Subject to subsection (2) of this section, the Board may, whenever and so often as it thinks fit, publish or cause to be published a list of premises which provide accommodation for tourists but which are not registered by the Board, and may include in any such list in respect of any premises mentioned therein such information as the Board thinks proper in relation to the accommodation available, the charges made therefor and any other matters of interest to tourists.

(2) No premises shall be included in a list published pursuant to subsection (1) of this section except at the request or with the consent of the proprietor of the premises, and no information shall be given in any such list in relation to any premises mentioned therein save with the consent of the proprietor of the premises.

*Affecting provision (non-textual) — 10/2003, ss. 6, 38,42(2).*

*Note: Section 38 of 10/2003 provided for the transfer of the functions vested in Bord Fáilte Éireann and C.E.R.T. Ltd. to the National Tourism Development Authority on its establishment day, which was appointed by order of the Minister under section 6 of that Act to be 28 May 2003. Under section 42(2) of 10/2003,*

*every list published under section 9 of 27/1957 has effect as if it had been published by the Authority.*

**108.** Amends ss.29, 33, 34,35, 36, 37 and 41 of 24/1939 **[s.10: 27/1957]**

**Short title and collective citation. [s.11: 27/1957]**

**109.** (1) This Act may be cited as the Tourist Traffic Act, 1957.

(2) The Tourist Traffic Acts, 1939 to 1955, and this Act may be cited together as the Tourist Traffic Acts, 1939 to 1957.

## CHAPTER 5

### TOURIST TRAFFIC ACT 1970

#### Interpretation. [s.1: 16/1970]

**110.** (1) In this Act—

“the Act of 1952” means the Tourist Traffic Act, 1952;

“the Act of 1966” means the Tourist Traffic Act, 1966.

(2) For the purposes of the Tourist Traffic Acts, 1939 to 1970, “holiday cottage” shall include a holiday house, a holiday home and a holiday villa.

**111.** *Repealed by 10/2003, s.5, sch [s.2-5: 16/1970]*

**112.** *Amends ss.24, 25 and 45, and inserts s.37C of 24/1939 [s.6: 16/1970]*

#### Short title and collective citation. [s.7: 16/1970]

**113.** (1) This Act may be cited as the Tourist Traffic Act, 1970.

(2) The Tourist Traffic Acts, 1939 to 1968, and this Act may be cited together as the Tourist Traffic Acts, 1939 to 1970.

## CHAPTER 6

### TOURIST TRAFFIC ACT 1983

#### Interpretation. [s.1: 31/1983]

**114.** (1) In this Act—

“the Board” means Bord Fáilte Éireann;

“the Minister” means the Minister for Trade, Commerce and Tourism;

“the Principal Act” means the Tourist Traffic Act, 1939.

(2) For the purposes of the Tourist Traffic Acts, 1939 to 1983, “holiday apartment” shall include a tourist apartment, an apartotel and a holiday flat.

**115.** *Repealed by 10/2003, s.5, sch.1 [s.2: 31/1983]*

**116.** *Amends ss. 31, 33, 34, 35, 36, 37, 37A, 37B, 37C, 39, 41, 43 and 44 of 24/1939 [s.3: 31/1983]*

**117.** *Amends ss. 33, 34, 35, 36, 37, 37A, 37B, 37C and 37D of 24/1939 [s.4: 31/1983]*

**118.** *Amends ss. 26 and 42 of 24/1939 [s.5: 31/1983]*

**119.** *Repealed by 10/2003, s.5, sch.1 [s.6: 31/1983]*

**120.** *Amends ss. 24, 25 and 45 of 24/1939 [s.7: 31/1983]*

#### Display of certain information. [s.8: 31/1983]

**121.** (1) A registered proprietor shall display in the interior of the registered premises in respect of which he is the registered proprietor such information as may be required in writing from time to time by the Board to be so displayed, and such display shall be made in the manner or place so required.

(2) A registered proprietor who does not comply with a requirement under this section shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding £100, and section 47 of the Principal Act shall apply to such offence as if it were an offence under Part III [*paragraphs 23-47*] of that Act.

(3) In this section “registered proprietor” and “registered premises” have the same meanings as in Part III [*paragraphs 23-47*] of the Principal Act.

**122.** *Repealed by 10/2003, s.5, sch.1 [ss.9-11: 31/1983]*

**123.** *Repealing provision [s.12: 31/1983]*

#### Short title and collective citation. [s.13: 31/1983]

**124.** (1) This Act may be cited as the Tourist Traffic Act, 1983.

(2) The Tourist Traffic Acts, 1939 to 1979, and this Act may be cited together as the Tourist Traffic Acts, 1939 to 1983.

## CHAPTER 7

### NATIONAL TOURISM DEVELOPMENT AUTHORITY ACT 2003

#### PART I

##### PRELIMINARY AND GENERAL

###### Short title, collective citation and collective construction. [s.1: 10/2003]

- 125.** (1) This Act may be cited as the National Tourism Development Authority Act 2003.
- (2) The Tourist Traffic Acts 1939 to 1998 and this Act may be cited together as the Tourist Traffic Acts 1939 to 2003, and shall be construed together as one Act.

###### Interpretation. [s.2: 10/2003]

- 126.** (1) In this Act, except where the context otherwise requires—
- “Authority” has the meaning assigned to it by section 7 [paragraph 131];
- “Companies Acts” means the Companies Acts 1963 to 2001;
- “dissolved body” has the meaning assigned to it by section 37 [paragraph 161];
- “establishment day” means the day appointed under section 6 [paragraph 130];
- “functions” includes powers and duties, and references to the performance of functions include, as respects powers and duties, references to the exercise of the powers and the performance of the duties;
- “material interest” shall be construed in accordance with section 2(3) of the Ethics in Public Office Act 1995;
- “Minister” means the Minister for Arts, Sport and Tourism;
- “subsidiary” means a subsidiary within the meaning of section 155 of the Companies Act 1963.
- (2) In this Act—
- (a) a reference to a Part, section or Schedule is a reference to a Part, section or Schedule of this Act, unless it is indicated that a reference to some other enactment is intended,
- (b) a reference to a subsection, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph of the provision in which the reference

occurs, unless it is indicated that a reference to some other provision is intended, and

- (c) a reference to any enactment shall be construed as a reference to that enactment as amended, adapted or extended whether before or after the passing of this Act, by or under any subsequent enactment.

**Orders. [s.3: 10/2003]**

- 127.** Every order (other than an order under section 5(2) or 6 [*paragraph 130*] under this Act shall be laid by the Minister before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

**Expenses. [s.4: 10/2003]**

- 128.** The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.
- 129.** *Repealing provision [s.5: 10/2003]*

PART 2

NATIONAL TOURISM DEVELOPMENT AUTHORITY

**Establishment Day. [s.6: 10/2003]**

- 130.** The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Act.

*Note: 28 May 2003 appointed as establishment day — S.I. 204/2003*

**National Tourism Development Authority. [s.7: 10/2003]**

- 131.** (1) There shall stand established, on the establishment day, a body which shall, subject to subsection (5), be known as an tÚdarás Náisiúnta Forbartha Turasóireachta or in the English language the National Tourism Development Authority (in this Act referred to as the “Authority”) to perform the functions assigned to it by this Act.
- (2) The Authority shall be a body corporate with perpetual succession and an official seal and shall have power to sue, and may be sued, in its corporate name, and shall, with the consent of the Minister and the Minister for Finance, have power to acquire, hold and dispose of land or an interest in land, and shall have power to acquire, hold and dispose of any other property.
- (3) The seal of the Authority shall be authenticated by—
- (a) the signatures of 2 members of the Authority, or

(b) the signatures of both a member and a member of the staff of the Authority, authorised by the Authority to act in that behalf.

(4) Judicial notice shall be taken of the seal of the Authority and any document purporting to be an instrument made by, and to be sealed with the seal of, the Authority shall, unless the contrary is shown, be received in evidence and be deemed to be such instrument without further proof.

(5) The Authority may, for operational purposes, describe itself as Fáilte Ireland.

**Functions of Authority. [s.8: 10/2003]**

- 132.** (1) The general functions of the Authority shall be to—
- (a) encourage, promote and support (either inside or outside the State)—
    - (i) the development of tourist traffic within and to the State,
    - (ii) the development and marketing of tourist facilities and services in the State,
  - (b) encourage, promote and support the recruitment, training, and education and development, of persons for the purposes of employment in connection with the tourism industry in the State,
  - (c) establish and maintain registers of hotels, guesthouses, holiday camps, holiday hostels, caravan sites, camping sites, approved holiday cottages, holiday apartments, motor hotels and youth hostels,
  - (d) promote and engage in research and planning in relation to any matter specified in paragraph (a), (b) or (c), either alone or in cooperation with other persons, and
  - (e) support, subject to section 25 [paragraph 149] , such enterprises and projects relating to—
    - (i) the development of tourist traffic within or to the State, and
    - (ii) the development and marketing of tourist facilities and services in the State, as it considers appropriate.
- (2) Without prejudice to the generality of subsection (1), the Authority may—
- (a) for the purposes of subsection (1)(a)—
    - (i) engage in advertising and sponsorship or any other form of publicity,

(ii) publish lists of registered and unregistered premises and such other tourist information as it considers appropriate, or

(iii) establish and operate tourist information offices,

(b) in relation to the recruitment, training, and education and development, of persons to whom subsection (1)(b) applies, provide financial aid (including the granting of money in respect of such recruitment, training, or education and development, to persons engaged therein),

(c) in relation to an enterprise or project to which subsection (1)(e) applies provide—

(i) financial aid (including the granting of money in respect of the enterprise or project concerned to persons engaged in the enterprise or project),

(ii) advisory or consultancy services in respect of the enterprise or project, and

(iii) training for persons employed in connection with the enterprise or project, or

(d) provide training to persons in connection with the tourism industry in the State.

(3) The Authority may provide (whether for reward or not)—

(a) advisory services in relation to tourism, or

(b) training to persons in connection with tourism,

other than tourism within or to the State.

(4) The Authority shall have all such powers as are necessary or expedient for the performance by it of its functions.

(5) The Authority shall, in the performance of its functions, have regard to policies of the Government (including policies of the Government relating to the Irish language and culture) for the time being extant.

(6) The Authority may perform any of its functions through or by any member of the staff of the Authority duly authorised in that behalf by the Authority.

**Conferral of additional functions on Authority. [s.9: 10/2003]**

**133.** (1) The Minister may, with the consent of the Minister for Finance, confer on the Authority, by order, such additional functions connected with the functions for the time being of the Authority as he or she thinks fit, subject to such conditions (if any) as may be specified in the order.

(2) An order under this section may contain such incidental, supplemental and consequential provisions as may, in the opinion of the Minister, be necessary to give full effect to the order.

(3) (a) The Minister may, by order, amend or revoke an order under this section (including an order under this subsection).

- (b) An order under this subsection shall be made in the like manner, and its making shall be subject to the like consent, as the order that it amends or revokes.

**Power to establish, or acquire, hold or dispose of shares in, companies. [s.10: 10/2003]**

- 134.** (1) For the purposes of performing any one or more of its functions, the Authority may, with the consent of the Minister and the Minister for Finance, either alone or jointly with another person, cause such one or more companies to be formed and registered under—

(a) the Companies Acts 1963 to 2001, or

(b) the laws of a place other than the State,  
as it considers appropriate, whether or not the company is a subsidiary of the Authority.

(2) The Authority may, for the purposes specified in subsection (1), and with the consent of the Minister and the Minister for Finance, acquire or hold shares or any other interest in, or become a member of, a company formed and registered under—

(a) the Companies Acts 1963 to 2001, or

(b) the laws of a place other than the State.

(3) The memorandum and articles of association of a company to which subsection (1) or (2) applies shall be in such form consistent with this Act as may be determined by the Authority, with the consent of the Minister and the Minister for Finance.

(4) The Authority may dispose of shares or any other interest in a company to which this section applies.

**Delegation of functions. [s.11: 10/2003]**

- 135.** (1) The Authority may, with the consent of the Minister, delegate such one or more of its functions, as it considers appropriate to—

(a) a subsidiary of the Authority,

(b) a company established and registered under the Companies Acts 1963 to 2001—

(i) that, by virtue of sections 38(1) and 42(3) [*paragraphs 162 and 166*] and its memorandum of association, shall perform its functions in accordance with the policies and directions of the Authority,

(ii) in respect of which no alteration to its memorandum or articles of association shall, by virtue of those sections and its memorandum of association, have effect unless the Authority shall have given its prior approval thereto, and

(iii) that, by virtue of those sections and its articles of association, the members of the company shall resolve to wind up the company by special resolution where the Authority requests them to so do, or

(c) a committee established under section 23 [*paragraph 147*].

(2) The Authority shall, where the Minister so directs in writing, delegate such of its functions as are specified in the direction concerned to—

(a) a subsidiary of the Authority,

(b) a company to which subsection (1)(b) applies, or

(c) a committee established under section 23 [*paragraph 147*].

(3) The Authority may, with the consent of the Minister, delegate such of its functions under section 8(1)(a) [*paragraph 132*], as it considers appropriate, to Tourism Ireland Limited.

(4) The Authority shall, where the Minister so directs in writing, delegate to Tourism Ireland Limited such of its functions under section 8(1)(a) [*paragraph 132*] as are specified in the direction concerned.

(5) Where a delegation is made under this section—

(a) (i) the delegated person shall, in relation to a delegation other than a delegation under subsection (3) or (4), perform the function concerned under the general direction and control of the Authority, or

(ii) the delegated person shall, in relation to a delegation under subsection (3) or (4), perform the functions concerned under the general direction and control of such persons as may be specified in the delegation,

(b) the delegated person shall perform the function concerned in accordance with any limitations specified in the delegation as to the area, period in which, or extent to which he or she is to perform that function, and

(c) a provision of or under this Act or any other enactment (whether passed before or after the passing of this Act) that vests functions in the Authority or regulates the manner in which any function is to be performed shall, if and in so far as it is applicable to the delegated function, have effect, for the purposes of the performance of that function by the delegated person, with the substitution of the delegated person for the Authority.

(6) Notwithstanding subsection (5), where a delegation to a delegated person is made under this section—

- (a) the Authority may, with the consent of the Minister, or
- (b) the Authority shall, where the Minister so directs in writing,

in any particular case, inform the delegated person that it has decided to perform the function itself, and the function shall thereupon be performable in that case by the Authority and not the delegated person.

- (7) The Authority may, with the consent of the Minister, revoke a delegation under this section.
- (8) The Authority shall, where the Minister so directs in writing, revoke a delegation under this section.
- (9) In this section “delegated person” means a person to whom a function of the Authority stands delegated for the time being under this section.

**136.** *Amends ss. 24, 26, 27, 29-32, 39, 40, 44 and 45 of 24/1939; ss.5, 26, 27 and 32 of 15/1952; and ss. 6 and 7 of 27/1957 [s.12: 10/2003]*

**Directions of Minister. [s.13: 10/2003]**

**137.** (1) The Minister may, in relation to the performance by the Authority of its functions, give a direction in writing to the Authority requiring it to comply with such policies of the Minister as are specified in the direction.

(2) The Minister may, by direction in writing, amend or revoke a direction under this section (including a direction under this subsection).

(3) The Authority shall comply with a direction under this section.

**Membership of Authority. [s.14: 10/2003]**

**138.** (1) The Authority shall consist of the following members that is to say—

- (a) a chairperson, and
- (b) 12 ordinary members.

(2) The members of the Authority shall be appointed by the Minister from among persons who in the opinion of the Minister have experience of, and expertise in relation to, matters connected with the functions of the Authority.

(3) Subject to subsection (5), the chairperson of the Authority shall hold office for such period not exceeding 5 years from the date of his or her appointment, as the Minister shall determine.

(4) Subject to subsection (5), an ordinary member of the Authority shall hold office for such period not exceeding 5 years from the date of his or her appointment, as the Minister shall determine.

(5) Of the members of the Authority first constituted under this section—

(a) such 4 members of the Authority as shall at a meeting held for the purposes of this subsection be selected—

(i) by unanimous agreement of the members of the Authority attending that meeting, or

(ii) where no such agreement can for whatever reason be reached, by the drawing of lots by the members of the Authority so attending, shall hold office for a period of 3 years,

(b) such 4 members as shall at that meeting be selected in the manner specified in paragraph (a), shall hold office for a period of 4 years, and

(c) such 5 members as shall at that meeting be selected in the manner specified in paragraph (a), shall hold office for a period of 5 years.

(6) Subject to subsection (7), a member of the Authority whose term of office expires by the effluxion of time shall be eligible for reappointment to the Authority.

(7) A member of the Authority who has served 2 terms of office shall not be eligible for reappointment to the Authority, and any period during which a person serves as a member of the Authority pursuant to an appointment under section 16 [*paragraph 140*], shall be deemed for the purposes of this subsection to be a term of office.

(8) The Minister shall, insofar as is practicable, endeavour to ensure that among the members of the Authority there is an equitable balance between men and women.

**Conditions of office of members of Authority. [s.15: 10/2003]**

**139.** (1) The Minister may at any time remove from office a member of the Authority.

(2) A member of the Authority may resign from office by notice in writing given to the Minister and the resignation shall take effect on the day on which the Minister receives the notice.

(3) A member of the Authority shall cease to be qualified for office and shall cease to hold office if he or she—

(a) is adjudicated bankrupt,

(b) makes a composition or arrangement with creditors,

(c) is convicted of any indictable offence in relation to a company,

(d) is convicted of an offence involving fraud or dishonesty, whether in connection with a company or not,

(e) is the subject of an order under section 160 of the Companies Act 1990, or

(f) is sentenced to a term of imprisonment by a court of competent jurisdiction.

(4) A member of the Authority shall, subject to the provisions of this Act, hold office upon such terms and conditions (including terms and conditions relating to remuneration and allowances) as may be determined by the Minister, with the consent of the Minister for Finance.

#### **Casual vacancies among members of Authority. [s.16: 10/2003]**

**140.** (1) If a member of the Authority dies, resigns, ceases to be qualified for office and ceases to hold office or is removed from office, the Minister may appoint a person to be a member of the Authority to fill the casual vacancy so occasioned in the same manner as the member of the Authority who occasioned the casual vacancy was appointed.

(2) A person appointed to be a member of the Authority pursuant to this section shall hold office for that period of the term of office of the member who occasioned the casual vacancy concerned that remains unexpired at the date of his or her appointment and shall, subject to section 14(7) [*paragraph 138*], be eligible for reappointment as a member of the Authority on the expiry of the said period.

#### **Remuneration of members of Authority. [s.17: 10/2003]**

**141.** The chairperson and ordinary members of the Authority shall be paid by the Authority such remuneration (if any) and such allowances for expenses as the Minister, with the approval of the Minister for Finance, may determine.

#### **Meetings and procedure. [s.18: 10/2003]**

**142.** (1) The Authority shall hold such and so many meetings as may be necessary for the due fulfilment of its functions but in each year shall hold not less than one meeting in each period of 3 months.

(2) At a meeting of the Authority—

(a) the chairperson of the Authority shall, if present, be the chairperson of the meeting, or

(b) if and so long as the chairperson of the Authority is not present, or if that office is vacant, the members of the Authority who are present shall choose one of their number to be chairperson of the meeting.

(3) Every question at a meeting shall be determined by a majority of the votes of the members of the Authority present and voting on the question and, in the case of an equal division of votes, the chairperson of the meeting shall have a second or casting vote.

(4) Subject to subsection (6), the Authority may act notwithstanding one or more vacancies among its members.

(5) Subject to the provisions of this Act, the Authority shall regulate its procedure by rules or otherwise.

(6) The quorum for a meeting of the Authority shall, unless the Minister otherwise directs, be 5.

(7) The Minister shall fix the date of the first meeting of the Authority first constituted pursuant to section 14 [*paragraph 138*] and shall specify the time and place at which it shall take place.

**Membership of either House of Oireachtas or European Parliament. [s.19: 10/2003]**

**143.** (1) Where a member of the Authority or a member of a committee established under section 23 [*paragraph 147*] is—

- (a) nominated as a member of Seanad Éireann,
- (b) elected as a member of either House of the Oireachtas or to be a representative in the European Parliament, or
- (c) regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to that Parliament,

he or she shall thereupon cease to be a member of the Authority or the committee concerned, as the case may be.

(2) Where a member of the staff of the Authority is—

- (a) nominated as a member of Seanad Éireann,
- (b) elected as a member of either House of the Oireachtas or to be a representative in the European Parliament, or
- (c) regarded pursuant to the said Part XIII, as having been elected to that Parliament,

he or she shall thereupon stand seconded from employment by the Authority and shall not be paid by, or be entitled to receive from, the Authority any remuneration or allowances in respect of the period commencing on such nomination or election, or when he or she is so regarded as having been elected (as the case may be), and ending when such person ceases to be a member of either such House or a representative in such Parliament.

(3) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a representative in the European Parliament shall, while he or she is so entitled or is such a representative, be disqualified for membership of the Authority or a committee established under section 23 [*paragraph 147*], or for employment in any capacity by the Authority.

(4) A period mentioned in subsection (2) shall not, for the purposes of any superannuation benefit, be reckoned as service with the Authority.

**Disclosure by members of Authority of certain interests. [s.20: 10/2003]**

**144.** (1) Where at a meeting of the Authority any of the following matters arises, namely—

- (a) an arrangement to which the Authority is a party or a proposed such arrangement, or
- (b) a contract or other agreement with the Authority or a proposed such contract or other agreement,

then, any member of the Authority present at the meeting who otherwise than in his or her capacity as such a member has a material interest in the matter shall—

- (i) at the meeting, disclose to the Authority the fact of such interest and the nature thereof,
- (ii) absent himself or herself from the meeting or that part of the meeting during which the matter is being discussed,
- (iii) take no part in any deliberation of the Authority relating to the matter, and
- (iv) not vote on a decision relating to the matter.

(2) A member of the Authority who, otherwise than in his or her capacity as such a member has a material interest in—

- (a) an arrangement or proposed arrangement to which paragraph (a) of subsection (1) applies, or
- (b) a contract or other agreement or a proposed contract or other agreement to which paragraph (b) of that subsection applies,

shall neither influence nor seek to influence any decision to be made by the Authority in relation thereto.

(3) Where a material interest is disclosed pursuant to this section, the disclosure shall be recorded in the minutes of the meeting concerned and, for so long as the matter to which the disclosure relates is being dealt with by the meeting, the member by whom the disclosure is made shall not be counted in the quorum for the meeting.

(4) Where at a meeting of the Authority a question arises as to whether or not a course of conduct, if pursued by a member of the Authority, would constitute a failure by him or her to comply with the requirements of subsection (1), the question may, subject to subsection (5), be determined by the chairperson of the meeting, whose decision shall be final, and where such a question is so determined, particulars of the determination shall be recorded in the minutes of the meeting.

(5) Where at a meeting of the Authority, the chairperson of the meeting is the member in respect of which a question to which subsection (4) applies falls to be determined, then the other members of the Authority attending the meeting shall choose one of their number to be chairperson of the meeting for the purpose of determining the question concerned.

(6) Where the Minister is satisfied that a member of the Authority has contravened subsection (1) or (2), the Minister may, if he or she thinks fit, remove that member from office and, where a person is removed from office pursuant to this subsection, he or she shall thenceforth be disqualified for membership of the Authority.

**Disclosure by members of staff of certain interests. [s.21: 10/2003]**

**145.** (1) Where a member of the staff of the Authority has a material interest, otherwise than in his or her capacity as such a member, in any contract, agreement or arrangement, or proposed contract, agreement or arrangement, to which the Authority is a party, that person shall—

- (a) disclose to the Authority his or her interest and the nature thereof,
- (b) take no part in the negotiation of the contract, agreement or arrangement or in any deliberation by the Authority or members of the staff of the Authority in relation thereto, or
- (c) neither influence nor seek to influence a decision to be made in the matter nor make any recommendation in relation to the contract, agreement or arrangement.

(2) Subsection (1) shall not apply to contracts or proposed contracts of employment of members of the staff of the Authority with the Authority.

(3) Where a person contravenes this section the Authority may make such alterations to the person's terms and conditions of employment as it considers appropriate or terminate the person's contract of employment.

**Prohibition of unauthorised disclosure of confidential information. [s.22: 10/2003]**

**146.** (1) A person shall not disclose confidential information obtained by him or her while performing functions as—

- (a) a member or member of the staff of, or an adviser or consultant to, the Authority, or a member of the staff of such adviser or consultant, or
- (b) a member of a committee established under section 23 [*paragraph 147*],

unless he or she is duly authorised by the Authority to so do.

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €3,000.

(3) In this section “confidential information” includes—

- (a) information that is expressed by the Authority to be confidential either as regards particular information or as regards information of a particular class or description, and
- (b) proposals of a commercial nature or tenders submitted to the Authority by contractors, consultants or any other person.

**Committees of Authority. [s.23: 10/2003]**

- 147.** (1) The Authority may establish committees to—
- (a) advise it in relation to the performance of any or all of its functions, and
  - (b) perform such functions of the Authority as may stand delegated to them under section 11(1) or (2) [*paragraph 135*],
- and may determine the terms of reference and regulate the procedure of any such committee.
- (2) A committee established under this section may include persons who are not members of the Authority.
- (3) A member of a committee established under this section may be removed from office at any time by the Authority.
- (4) The Authority may at any time dissolve a committee established under this section.
- (5) The Authority may appoint a person to be chairperson of a committee established under this section.
- (6) There may be paid by the Authority to members of a committee established under this section such allowances for expenses (if any) incurred by them as the Authority may, with the consent of the Minister and the Minister for Finance, determine.

**Grants to Authority. [s.24: 10/2003]**

- 148.** (1) The Minister may, with the consent of the Minister for Finance, advance to the Authority out of moneys provided by the Oireachtas such sums as the Minister may determine.
- (2) The aggregate of moneys advanced under subsection (1) in relation to capital expenditure on projects or enterprises to which section 8(1)(e) [*paragraph 132*] applies shall not exceed €65,000,000.

**Grants by Authority. [s.25: 10/2003]**

- 149.** (1) For the purposes of section 8(2)(b) or (c) [*paragraph 132*], the Authority may pay such sums of money as it considers appropriate to such persons as it considers appropriate out of moneys advanced to it—

- (a) under section 24 [*paragraph 148*],
- (b) by a State Authority,
- (c) by a local authority,
- (d) by a regional authority,
- (e) by any other person, or
- (f) in connection with a scheme to which section 26 [*paragraph 150*] applies.

(2) In this section—

“local authority” has the same meaning as it has in the Local Government Act 2001;

“regional authority” has the meaning assigned to it by section 43(1) of the Local Government Act 1991; and

“State Authority” means—

- (a) a Minister of the Government, or
- (b) the Commissioners of Public Works in Ireland.

#### **Schemes relating to European Community funds. [s.26: 10/2003]**

- 150.** The Authority may, for the purposes of section 8 [*paragraph 132*], administer such schemes as the Minister may, with the consent of the Minister for Finance, approve, for the payment to persons (including the Authority) to whom the scheme concerned applies of such moneys as the Minister for Finance may determine (being moneys that have been paid to the State out of any fund established by or under the Treaty establishing the European Community).

#### **Accounts and audits. [s.27: 10/2003]**

- 151.** (1) The Authority shall keep in such form and in respect of such accounting periods as may be approved by the Minister, with the consent of the Minister for Finance, all proper and usual accounts of moneys received or expended by it and, in particular, shall keep in such form as aforesaid all such special accounts as the Minister may, with the consent of the Minister for Finance, or at his or her request shall, from time to time direct.
- (2) Accounts kept in pursuance of this section shall be submitted not later than 3 months after the end of the accounting period to which they relate by the Authority to the Comptroller and Auditor General for audit and, immediately after the audit, a copy of the accounts and such other accounts (if any) kept pursuant to this section as the Minister, after consultation with the Minister for Finance, may direct, and a copy of the report of the Comptroller and Auditor General on the accounts shall be presented to the Minister who shall cause copies thereof to be laid before each House of the Oireachtas.

**Annual report and information. [s.28: 10/2003]**

**152.** (1) The Authority shall not later than 6 months after the end of each financial year prepare and submit to the Minister a report on its activities in the immediately preceding financial year and the Minister shall, as soon as may be, cause copies of the report to be laid before each House of the Oireachtas.

(2) The Authority shall furnish the Minister with such information regarding the performance of its functions as the Minister may from time to time require.

(3) As soon as may be after copies of a report to which subsection (1) applies are laid before each House of the Oireachtas, the Authority shall cause the report to be published through the medium commonly referred to as the internet.

**Freedom of information. [s.29: 10/2003]**

**153.** The Freedom of Information Act 1997 is hereby amended by—

(a) the insertion in paragraph 1(2) of the First Schedule, of ‘ the National Tourism Development Authority’ after “the National Gallery of Ireland”, and

(b) the insertion in Part I of the Third Schedule—

(i) in column (2) of “the National Tourism Development Authority Act 2003”, and

(ii) in column (3), opposite the mention in column (2) of the National Tourism Development Authority Act 2003 of “section 22”.

**Gifts. [s.30: 10/2003]**

**154.** (1) The Authority may, with the consent of the Minister and the Minister for Finance, accept gifts of money, land or other property upon such trusts or conditions (if any) as may be specified by the donor.

(2) The Authority shall not accept a gift if the trusts or conditions attaching to it would be inconsistent with its functions.

**Chief Executive. [s.31: 10/2003]**

**155.** (1) There shall be a chief executive officer of the Authority (who shall be known as and is referred to in this Act as the “chief executive”).

(2) The chief executive shall carry on and manage, and control generally, the administration of the Authority and perform such other functions (if any) as may be determined by the Authority.

(3) Subject to subsection (5), the chief executive shall be appointed by the Authority with the consent of the Minister.

(4) The chief executive may be removed from office by the Authority for stated reasons.

(5) The Minister may, before the establishment day, designate a person to be appointed to be the first chief executive.

(6) If, immediately before the establishment day, a person stands designated by the Minister under subsection (5), the Authority shall appoint that person to be the first chief executive.

(7) The chief executive shall hold office upon and subject to such terms and conditions (including terms and conditions relating to remuneration and allowances) as may be determined by the Authority with the consent of the Minister given with the consent of the Minister for Finance.

(8) The chief executive shall not hold any other office or employment or carry on any business without the consent of the Authority.

(9) The chief executive may attend meetings of the Authority and may make submissions, orally or in writing, to and otherwise advise the Authority at such meetings in accordance with the procedure of the Authority under section 18(5) [*paragraph 142*].

**Accountability of chief executive to Committee of Public Accounts. [s.32: 10/2003]**

- 156.** (1) The chief executive shall, whenever required in writing to do so by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General (hereafter in this section referred to as the “Committee”), give evidence to that Committee on—
- (a) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account subject to audit by the Comptroller and Auditor General that the Authority is required by this Act to prepare,
  - (b) the economy and efficiency of the Authority in the use of its resources,
  - (c) the systems, procedures and practices employed by the Authority for the purpose of evaluating the effectiveness of its operations, and
  - (d) any matter affecting the Authority referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993, or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in paragraph (a), (b) or (c)) that is laid before Dáil Éireann.

(2) In the performance of his or her duties under this section, the chief executive shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.

**Accountability of chief executive to other Oireachtas Committees. [s.33: 10/2003]**

157. (1) In this section “Committee” means a Committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas (other than the Committee referred to in section 32 [*paragraph 156*] or the Committee on Members’ Interests of Dáil Éireann or the Committee on Members’ Interests of Seanad Éireann) or a subcommittee of such a Committee.

(2) Subject to subsection (3), the chief executive shall, at the request in writing of a Committee, attend before it to give account for the general administration of the Authority.

(3) The chief executive shall not be required to give account before a Committee for any matter which is or has been or may at a future time be the subject of proceedings before a court or tribunal in the State.

(4) Where the chief executive is of the opinion that a matter in respect of which he or she is requested to give an account before a Committee is a matter to which *subsection (3)* applies, he or she shall inform the Committee of that opinion and the reasons for the opinion and, unless the information is conveyed to the Committee at a time when the chief executive is before it, the information shall be so conveyed in writing.

(5) Where the chief executive has informed a Committee of his or her opinion in accordance with subsection (4) and the Committee does not withdraw the request referred to in subsection (2) in so far as it relates to a matter the subject of that opinion—

- (a) the chief executive may, not later than 21 days after being informed by the Committee of its decision not to do so, apply to the High Court in a summary manner for determination of the question whether the matter is one to which subsection (3) applies, or
- (b) the Chairperson of the Committee may, on behalf of the Committee, make such an application,

and the High Court shall determine the matter.

(6) Pending the determination of an application under subsection (5), the chief executive shall not attend before the Committee to give account for the matter the subject of the application.

(7) If the High Court determines that the matter concerned is one to which subsection (3) applies, the Committee shall withdraw the request referred to in subsection (2), but if the High Court determines that subsection (3) does not apply, the chief executive shall attend before the Committee to give account for the matter.

**Staff. [s.34: 10/2003]**

- 158.** (1) The Authority shall appoint, with the consent of the Minister given with the consent of the Minister for Finance, such and so many persons to be members of the staff of the Authority as it may from time to time determine.
- (2) The terms and conditions of service of a member of the staff of the Authority shall, with the consent of the Minister given with the consent of the Minister for Finance, be such as may be determined from time to time by the Authority.
- (3) There shall be paid by the Authority to the members of its staff such remuneration and allowances as, from time to time, the Authority, with the consent of the Minister given with the consent of the Minister for Finance, determines.

**Transfer of staff to Authority. [s.35: 10/2003]**

- 159.** (1) Every person who immediately before the establishment day was a member of the staff of a dissolved body shall, on the establishment day, become and be a member of the staff of the Authority.
- (2) Save in accordance with a collective agreement negotiated with any recognised trade union or staff association concerned, a person referred to in subsection (1) shall not, while in the service of the Authority, be subject to less beneficial conditions of service (including conditions in relation to tenure of office) or of remuneration than the conditions of service (including conditions in relation to tenure of office) or remuneration to which he or she was subject immediately before the establishment day.
- (3) In relation to persons transferred to the Authority under subsection (1), previous service with a dissolved body shall be reckonable for the purposes of, but subject to any exceptions or exclusions in, the Redundancy Payments Acts 1967 to 2001, the Protection of Employees (Part-Time Work) Act 2001, the Organisation of Working Time Act 1997, the Minimum Notice and Terms of Employment Acts 1973 to 2001 and the Unfair Dismissals Acts 1977 to 2001.

**Superannuation. [s.36: 10/2003]**

- 160.** (1) As soon as may be after the establishment day, the Authority shall prepare and submit to the Minister a scheme or schemes for the granting of superannuation benefits to or in respect of such—
- (a) of its staff (including the chief executive), and
  - (b) persons to whom subsection (9)(a)(ii) applies,
- as the Authority shall think fit.
- (2) Every such scheme shall fix the time and conditions of retirement for all persons to, or in respect of whom, superannuation benefits are payable under the scheme, and different times and conditions may be fixed in respect of different classes of persons.
- (3) The Authority may at any time prepare and submit to the Minister a scheme amending or revoking a scheme previously submitted and approved under this section.

(4) A scheme or amending scheme submitted to the Minister under this section shall, if approved by the Minister with the consent of the Minister for Finance, be carried out by the Authority in accordance with its terms.

(5) If any dispute arises as to the claim of any person to, or the amount of, any superannuation benefit in pursuance of a scheme under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for Finance whose decision shall be final.

(6) No superannuation benefit shall be granted by the Authority to or in respect of any of its staff (including the chief executive) who are members of a scheme under this section, nor shall any other arrangement be entered into for the provision of any superannuation benefit to such persons on their ceasing to hold office, other than in accordance with such scheme or schemes submitted and approved under this section or an arrangement approved by the Minister and the Minister for Finance.

(7) The Minister shall cause every scheme submitted and approved under this section to be laid before each House of the Oireachtas as soon as may be after it is approved, and if either such House within the next 21 days on which that House sits after the scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly, but without prejudice to anything previously done thereunder.

(8) (a) Where, in the period beginning on the establishment day and ending immediately before the commencement of a scheme under this section, a superannuation benefit falls due for payment to or in respect of a person who was transferred to the staff of the Authority under section 35 [paragraph 159], the benefit shall be calculated by the Authority in accordance with such scheme, or such enactments in relation to superannuation, as applied to the person immediately before the establishment day and, for that purpose, his or her pensionable service with the Authority shall be aggregated with his or her previous pensionable service and the said benefit shall be paid by the Authority.

(b) Where, in the period beginning on the establishment day and ending immediately before the commencement of a scheme under this section, a superannuation benefit falls due for payment to or in respect of a person (including a person who is deceased) who was a member of the staff of a dissolved body but was not transferred to the staff of the Authority under section 35 [paragraph 159], the benefit shall be calculated by the Authority in accordance with such scheme, or such enactments in relation to superannuation, as applied to the person immediately before the establishment day, and shall be paid by the Authority.

(9) (a) A scheme under subsection (1) shall, as respects—

(i) a person transferred by section 35 [paragraph 159] to the staff of the Authority,

(ii) a person (including a person who is deceased) who was a member of the staff of a dissolved body but who was not so transferred,

provide for the granting to or in respect of him or her of superannuation benefits upon and subject to such terms and conditions as are not less favourable to him or her than the terms and conditions that applied to him or her immediately before the establishment day in relation to the grant of such benefits.

- (b) Any period of service by a person as a member of the staff of a dissolved body which was a period of reckonable service for the purposes of a scheme for the granting of superannuation benefits to or in respect of members of the staff of a dissolved body shall be regarded as a period of reckonable service for the purposes of any scheme under subsection (1).

(10) In this section “superannuation benefit” means a pension, gratuity or other allowance payable on resignation, retirement or death.

### PART 3

#### DISSOLUTION OF BORD FÁILTE ÉIREANN AND C.E.R.T. LIMITED

##### **Dissolution of Bord Fáilte Éireann and C.E.R.T. Limited. [s.37: 10/2003]**

- 161.** (1) Bord Fáilte Éireann and C.E.R.T. Limited are hereby dissolved, and Bord Fáilte Éireann and C.E.R.T. Limited are, in this Act, each referred to as a “dissolved body”.
- (2) This section shall come into operation on the establishment day.

##### **Transfer of functions to Authority. [s.38: 10/2003]**

- 162.** (1) All functions vested in a dissolved body by or under any enactment are hereby transferred to the Authority and references in any such enactment or instrument under an enactment to Bord Fáilte Éireann or C.E.R.T. Limited shall be construed as references to the Authority.
- (2) This section shall come into operation on the establishment day.

##### **Transfer of land and other property. [s.39: 10/2003]**

- 163.** (1) On the establishment day, all lands that immediately before that day were vested in a dissolved body and all rights, powers and privileges relating to or connected with such lands shall, without any conveyance or assignment, stand vested in the Authority for all the estate or interest therein that immediately before the establishment day were vested in a dissolved body, but subject to all trusts and equities affecting the lands continuing to subsist and be capable of being performed.
- (2) On the establishment day all property, other than land, including choses-in-action, that immediately before that day was vested in a dissolved body shall stand vested in the Authority without any assignment.
- (3) Every chose-in-action vested in the Authority by virtue of subsection (2) may, as on and from the establishment day, be sued on, recovered or enforced by the Authority

in its own name, and it shall not be necessary for the Authority, or the dissolved body concerned, to give notice to any person bound by the chose-in-action of the vesting effected by that subsection.

(4) For the avoidance of doubt, Bord Fáilte Éireann shall be deemed to have, at all times, had the power to establish, either alone or jointly with another person, a company (whether or not a subsidiary of Bord Fáilte Éireann) whose objects permitted it to perform—

(a) functions the same as or similar to those for the time being performable by Bord Fáilte Éireann, or

(b) in relation to a place other than the State, functions corresponding to the first-mentioned functions,

and to hold an interest in, or be a member of, such a company.

**Transfer of rights and liabilities, and continuation of leases, licences and permissions granted by a dissolved body. [s.40: 10/2003]**

**164.** (1) All rights and liabilities of a dissolved body arising by virtue of any contract or commitment (expressed or implied) entered into by it before the establishment day shall on that day stand transferred to the Authority.

(2) Every right and liability transferred by subsection (1) to the Authority may, on and after the establishment day, be sued on, recovered or enforced by or against the Authority in its own name, and it shall not be necessary for the Authority, or the dissolved body concerned, to give notice to the person whose right or liability is transferred by that subsection of such transfer.

(3) Every lease, licence, wayleave or permission granted by a dissolved body in relation to land or other property vested in the Authority by or under this Act, and in force immediately before the establishment day, shall continue in force as if granted by the Authority.

**Liability for loss occurring before establishment day. [s.41: 10/2003]**

**165.** (1) A claim in respect of any loss or injury alleged to have been suffered by any person arising out of the performance before the establishment day of the functions assigned to the Authority by or under this Act shall after that day, lie against the Authority and not against a dissolved body.

(2) Any legal proceedings pending immediately before the establishment day to which a dissolved body is a party, that relate to a function of the Authority, shall be continued, with the substitution in the proceedings of the Authority, in so far as they so relate, for the dissolved body concerned.

(3) Where, before the establishment day, agreement has been reached between the parties concerned in settlement of a claim to which subsection (1) relates, the terms of

which have not been implemented, or judgment in such a claim has been given in favour of a person but has not been enforced, the terms of the agreement or judgment, as the case may be, shall, in so far as they are enforceable against a dissolved body, be enforceable against the Authority and not the dissolved body concerned.

(4) Any claim made or proper to be made by a dissolved body in respect of any loss or injury arising from the act or default of any person before the establishment day shall, where the claim relates to functions assigned to the Authority by this Act, be regarded as made by or proper to be made by the Authority and may be pursued and sued for by the Authority as if the loss or injury had been suffered by the Authority.

**Provisions consequent upon transfer of functions, assets and liabilities to Authority. [s.42: 10/2003]**

**166.** (1) Anything commenced and not completed before the establishment day by or under the authority of a dissolved body may, in so far as it relates to a function transferred to the Authority under section 38 [*paragraph 162*], be carried on or completed on or after the establishment day by the Authority.

(2) Every instrument made under an enactment, every document (including any certificate) granted or made, and every register established, in the performance of a function transferred by section 38 [*paragraph 162*], and every list published under section 9 of the Tourist Traffic Act 1957 [*paragraph 107*] shall, if and in so far as it was operative immediately before the establishment day, have effect on and after that day as if it had been granted, made, established or published by the Authority.

(3) References to Bord Fáilte Éireann or C.E.R.T. Limited in the memorandum or articles of association of any company and relating to a function transferred by section 38 [*paragraph 162*] shall, on and after the establishment day, be construed as references to the Authority.

(4) Any money, stocks, shares or securities transferred by section 39 [*paragraph 163*] that immediately before the establishment day are standing in the name of a dissolved body shall, on the request of the Authority be transferred into its name.

(5) A certificate signed by the Minister that any property, right or liability has or, as the case may be, has not vested in the Authority under section 39 or 40 [*paragraph 163 or 164*] shall be sufficient evidence, unless the contrary is shown, of the fact so certified for all purposes.