

COMHAIRLE CONTAE FHINE GALL



**FINGAL COUNTY COUNCIL
(PROHIBITION OF CONSUMPTION OF
INTOXICATING LIQUOR ON ROADS
AND IN PUBLIC PLACES)
BYE-LAWS 2002**

MADE UNDER

THE LOCAL GOVERNMENT ACT, 1994

COMHAIRLE CONTAE FHINE GALL

FINGAL COUNTY COUNCIL

INTOXICATING LIQUOR BYE-LAWS

Fingal County, (hereinafter called Fingal County Council) is empowered pursuant to Section 37(1) of the Local Government Act, 1994 to make bye-laws for or in relation to the use, operation, protection, regulation or management of any land, services, or any other thing whatsoever provided by or under the control of Fingal County Council, or in relation to any matter connected therewith and has power pursuant to Section 37(2) where in its opinion it is desirable in the interest of the common good of the local community that any activity or matter should be regulated or controlled or that any nuisance should be controlled or suppressed, to make a bye-law for that purpose.

Whereas Fingal County Council is of the opinion that behaviour consisting of the consumption of intoxicating liquor on roads and in other public places is contrary to the proper use, operation, protection, regulation or management of such roads and other public places under its control or management in that such behaviour seriously detracts from the proper purpose, amenity and enjoyment of such roads and public places and is of the opinion that it is desirable in the interest of the common good of the local community that the consumption of intoxicating liquor on roads and public places should be controlled.

NOW BE IT KNOWN that the Council has hereby made the following bye-laws.

- Citation:** 1. These Bye-Laws may be cited as the Fingal County Council (Prohibition of consumption of Intoxicating Liquor on Roads and in Public Places) Bye-Laws 2002.
- Commencement:** 2. These Bye-Laws shall come into operation on the 11th day of July 2002.
- Area of Application:** 3. These Bye-Laws apply to the area comprising of the County of Fingal
- Revocation:** 4. The following provisions are hereby revoked. Section 4.3 of the Regional Parks and Open Spaces Bye-Laws 1999 and Section 3(f) of the Fingal County Council Beach Bye-Laws, 1999 and any other reference to alcohol, alcoholic beverages, intoxicating liquor in other bye-laws made in respect of the County of Fingal.
- Interpretation:** 5. In these bye-laws, except where the context otherwise requires:-
- “road” means any street, lane, footpath, square, court, alley or passage, any bridge, viaduct, underpass, subway, tunnel, overpass, overbridge, flyover, carriageway (whether single or multiple), pavement or footway, weighbridge or other facility for the weighing or inspection of vehicles, toll plaza or other facility for the collection of tolls, service area, emergency telephone, first aid post, culvert, arch, gully, railing, fence, wall, barrier, guardrail, margin, kerb, lay-by, hard shoulder, island, pedestrian refuge, median, central reserve, channelliser, roundabout, gantry, pole, ramp, bollard, pipe, wire cable, sign, signal or lighting forming part of the road, and any other structure or thing forming part of the road and necessary for

the safety, convenience or amenity of road users or for the construction, maintenance, operation or management of the road or for the protection of the environment, or prescribed by the Minister **AND** which is in the control or management of Fingal County Council.

“public place” includes any place to which the public has access whether as a right or by permission and whether subject to or free of charge and which is within the control or management of Fingal County Council..

“intoxicating liquor” means spirits, wine, beer, porter, stout, cider, perry and sweets and any fermented, distilled or spirituous liquor which cannot, according to any law for the time being in force, be legally sold without a licence from the Revenue Commissioners or any drink or other liquid containing alcohol.

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

“the Authority” means Fingal County Council.

“functional Area” means the County of Fingal.

6. Subject to paragraph 9 and 11 hereof no person shall –

- (1) Consume or attempt to consume intoxicating liquor on a road or in a public place within the functional area of the Council or
- (2) Possess intoxicating liquor on a road or in a public place within the functional area of the Council with the intention of consuming it on a road or in a public place or of supplying it to a person for consumption on a road or in a public place within the functional area of the Council.

A person who contravenes paragraph 6(1) or 6(2) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding IR£1500 (€1904.61).

7. Where an authorised person or a member of the Garda Síochána has reasonable grounds for believing that a person is contravening or has contravened a provision of these bye-laws, such authorised person or member may direct such person to do either or both of the following, that is to say:

- (i) desist from such breach, and
- (ii) leave immediately the vicinity of the place concerned in a peaceable and orderly manner

Failure to comply with such a direction shall be an offence under this bye-law, and shall be liable on summary conviction in the District Court to a fine not exceeding €1,904.61.

8(a) Where an authorised person or a member of the Garda Síochána is of the opinion with reasonable cause, that a person is committing or has committed an offence under these bye-laws, the authorised person or member of the Garda Síochána may demand the name and address of such person and if that demand is refused or the person gives a name or address which is false or misleading, that person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1904.61.

- 8(b) Where a member of the Garda Síochána is of the opinion with reasonable cause that a person is committing or has committed an offence under these bye-laws, that member may confiscate such intoxicating liquor.
- 8(c) Where a member of the Garda Síochána is of the opinion with reasonable cause, that a person is committing or has committed an offence under these bye-laws, that member may arrest such person without warrant.
9. It shall not be an offence under these bye-laws to consume intoxicating liquor while seated at tables and chairs provided on a street or a public place immediately adjacent to a hotel, restaurant or public house where the consumption of such intoxicating liquor is in strict compliance with the liquor licence attaching to such hotel, restaurant or public house or any occasional licence (within the meaning of the Intoxicating Liquor Acts) granted in respect of such premises **and** is in strict compliance with the general laws concerning the sale and consumption of intoxicating liquor **and** where the arrangements for such tables and chairs are strictly compliant with the provisions of the Local Government (Planning and Development) Acts, 1963-2000 or as these are amended from time to time or pursuant to any regulations made thereunder or made under the provisions of the Roads Act, 1993 **and** where the tables and chairs aforesaid have been provided, for patrons only, by the proprietor(s) of the hotel, restaurant or public house aforesaid **and** where the consumption aforesaid occurs within the hours of trading permitted under the general law relating to spirits retailers on-licences (i.e., publican's licences).
10. Where a member of the Garda Síochána is of the opinion that an offence is being committed or has been committed under any provision of these bye-laws, a member of the Garda Síochána or an authorised person may serve such person with a notice, specifying a fixed payment, not exceeding such amount as may be prescribed, in respect of a contravention of a bye-law as an alternative to a prosecution for the contravention and where the bye-law so provides it shall specify-
- (i) the amount of the fixed payment, and
 - (ii) the period within which it must be paid in order to avoid prosecution.
- The amount of the fixed payment applicable to the fixed payment notice shall be €63.49.
11. Notwithstanding the provisions of these bye-laws the County Manager, on application, not less than 6 weeks before the event, may at his discretion and after consultation with the Gardai relax the provisions of these bye-laws in whole or in part on the occasion of:
- (i) major civic celebrations
 - (ii) major sporting events.
 - (iii) Special community events organised for and by the community itself.
12. A person who contravenes a provision of these bye-laws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,904.61.

Given under the Common Seal of Fingal County Council.

**Cathal Boland,
Cathaoirleach.**

County Manager

Dated this day of 2002

**Fingal County Council,
Fingal County Hall,
Main Street,
Swords,
Co. Dublin.**