

Bray Urban District Council
Local Government Act, 1994

Local Government Act 1994 (Bye-Laws) Regulations, 1995

BRAY (Regulation and Control of the Consumption and Possession of Intoxicating substances in public places) BYE LAWS 1998

WHEREAS the Authority is of the opinion that it is desirable, in the interests of common good of the local community within the functional area, that certain activities and/or matters should be regulated and controlled and that nuisances should be controlled or suppressed **AND WHEREAS** the Authority, in exercise of the powers conferred on it by Section 37 of the Local Government Act 1994 and all other statutory powers on that behalf **HEREBY MAKES THE FOLLOWING BYE-LAW:**

1. This Bye-Law shall be cited as the Bray (Regulation and Control of the Consumption and Possession of Intoxicating substances in Public Places) Bye-Law 1998
2. In this Bye-Law, except where the context otherwise requires, the following words and phrases shall have the following meanings respectively:
 - a) “Authorised Person” means a person authorised in writing by the Authority pursuant to the Local Government Act, 1994.
 - b) “The Authority means the Bray Urban District Council.
 - c) “Footpath”, “footway” and “road” have the meanings assigned to them respectively by the Roads Act, 1993.
 - d) “Functional Area” means the Urban District of Bray
 - e) “Intoxicating substance” means any intoxicating liquor, alcoholic drink, drug (other than a drug lawfully supplied by Chemist on a medical prescription or lawfully sold over the counter and not requiring a medical prescription) or any other gas, solvent or other chemical substance or combination of substances having, or capable of having, an effect similar to intoxicating liquor or a drug.
 - f) “Public place” includes:
 - (i) any footpath, footway or road in the functional area;
 - (ii) any highway;
 - (iii) any cemetery, church, churchyard or the curtilage of any church;

- (iv) any premises, outdoor area or other place to which members of the public have or are permitted to have access, whether as of right, or trespasser, or by express permission or otherwise, or whether on payment or otherwise.

But does not include:

- (i) A private house or dwelling or the garden or curtilage of such house or dwelling, only in so far as it concerns any activity of the owner or occupier or of a person therein as of right with the express or implies permission or the owner or occupier.
 - (ii) Any premises licensed for the consumption of intoxicating liquor during hours authorised for sale and consumption of same pursuant to the Licensing Act, 1833 to 1988, as amended; or
 - (iii) Any tables and chairs outside a hotel, restaurant or public house on a public road and which are designated by the Minister (as defined by the Local Government (Planning and Development) Act, 1963 as amended (herein called “the Act of 1963”) as being suitable for licensing under Section 89 of the Act of 1963 and in respect of which a licence has been granted by the Authority and is for the time being in force and subject to compliance with any conditions contained in such a licence.
3. (a) To the extent that no provision has been made under an enactment other than the Local Government Act, 1994 for the purpose of this paragraph a person shall not use, consume, smoke, inject or in any way make use of an intoxicating substance or alcoholic drink in any place within the functional area and a person shall not have in his possession such an intoxicating substance within the functional area with the intention of using, consuming, smoking, injecting or in any way make use of such intoxicating substance within the functional area or of supplying it to any other person for use, consumption, smoking, injecting or in any other way being made use of within the functional area.
- (b) A person shall not consume or attempt to consume any intoxicating substance or alcoholic drink in a public place within the functional area and a person shall not have in his possession any intoxicating substance or alcoholic drink in a public place within the functional area with the intention of consuming it in a public place within the functional area with or supplying it to any other person for consumption in a public place within the functional area.
4. An authorised person and/or a member of the Garda Síochána may request and person who appears to be contravening or to have contravened a provision of this Bye-Law to leave the vicinity and move off or to refrain from any such breach. Failure to comply with such a request shall be a contravention of this Article of this Bye-Law.

5. (a) Where an authorised person and/or member of the Garda Síochána suspects, with reasonable cause, that an offence under this Bye-Law is being committed, such authorised person and/or member of the Garda Síochána may seize and confiscate, without warrant, any bottle or container which contains an intoxicating substance together with its contents that is in the possession of such person or persons.
- (b) Where an authorised person and/or member of the Garda Síochána suspects, with reasonable cause, that a bottle or container in a public place situated in the functional area holds an intoxicating substance and further suspects, with reasonable cause, that an offence under this Bye-Law has been or is being or may be committed, such authorised person and/or member of the Garda Síochána may seize and confiscate without warrant any such bottle or container together with its contents.
6. Any person who contravenes any provision of this Bye-Law or who prevents, attempts to prevent, or encourages any other person or attempts to prevent the exercise by an authorised person and/or member of the Garda Síochána from exercising a power conferred by this Bye-Law or who encourages any person not to comply with a request under Article 4 of this Bye-Law shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding £1,000. Where a member of the Garda Síochána is of the opinion that a person is committing or has committed an offence under this Bye-Law, that member may arrest such a person without a warrant.

**GIVEN under the Common Seal of Bray Urban District Council
On this 15th day of September 1998**

Assistant County Manager

Authorised Member

Acting Town Clerk.