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Tourist Traffic Act, 1939



Number 24 of 1939.

TOURIST TRAFFIC ACT, 1939.

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Number 24 of 1939.

TOURIST TRAFFIC ACT, 1939.

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. [27th July, 1939.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I.

Preliminary and General.

Short title. **1.**—This Act may be cited as the Tourist Traffic Act, 1939.

Definitions. **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;

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

Expenses. **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.

Constitution of the Irish Tourist Board. **4.**—(1) As soon as may be after the passing of this Act, there shall be established in accordance with this Act a board which shall be styled and known as the Irish Tourist Board to fulfil the functions assigned to it by this Act.

(2) The Board shall be a body corporate with perpetual succession and power to sue and be sued in its corporate name and to hold and dispose of land.

(3) The Board shall consist of such number of members (not exceeding five) as the Minister, with the consent of the Minister for Finance, may from time to time determine.

(4) The members of the Board shall be appointed by the Minister, with the consent of the Minister for Finance, and every person so appointed to be a member of the Board shall (unless he sooner dies, resigns, or becomes disqualified) hold office for such period not exceeding five years as shall be fixed by the Minister, with the consent of the Minister for Finance, when appointing him, and every such person shall on the expiration of his term of office be eligible for reappointment.

(5) The Minister shall from time to time appoint a member of the Board to be the Chairman of the Board.

(6) Every member of the Board shall be paid out of the funds at the disposal of the Board such remuneration and such allowances for expenses as the Minister, with the consent of the Minister for Finance, shall direct when appointing him.

Disqualification of members of Board from being members of the Oireachtas. **5.**—Every member of the Board shall, while holding office as such member, be disqualified from being nominated or elected and from sitting or receiving payment as a member of Dáil Eireann or of Seanad Eireann.

Common seal of the Board. **6.**—(1) The Board shall provide and have a common seal, and such seal shall be authenticated by the signature of the chairman of the Board or some other member thereof authorised by the Board to act in that behalf and the signature of an officer of the Board duly authorised by the Board to act in that behalf.

(2) All courts of justice shall take judicial notice of the seal of the Board, and every document purporting to be an order or other instrument made by the Board and to be sealed with the seal (purporting to be authenticated in accordance with this section) of the Board shall be received in evidence and be deemed to be such order or instrument without further proof unless the contrary is shown.

Removal of members of the Board. **7.**—The Minister, whenever he so thinks proper, may, with the consent of the Minister for Finance, remove from office one or more or all of the members of the Board.

Resignation and disqualification of members of the Board. **8.**—(1) A member of the Board may at any time resign his office as such member by letter addressed and sent to the Minister.

(2) If and whenever a member of the Board is adjudged bankrupt, or makes a composition or arrangement with his creditors, or is sentenced by a court of competent jurisdiction to suffer imprisonment or penal servitude, or ceases to be ordinarily resident in Ireland, he shall be disqualified from holding and shall cease to hold office as a member of the Board.

Meetings and procedure of the Board. **9.**—(1) The Board shall hold such and so many meetings and at such times as may be necessary for the proper discharge of its functions.

(2) The quorum at any meeting of the Board shall be three.

(3) Save as is otherwise provided by this Act, the Board shall regulate by standing orders or otherwise the procedure to be observed and the business to be transacted at its meetings.

(4) The Board may act notwithstanding one or more vacancies amongst its members.

Accounts and audits. **10.**—(1) The Board shall keep, in such form as shall be approved by the Minister after consultation with the Minister for Finance, all proper and usual accounts of all moneys received or expended by it, and in particular shall keep in such form as aforesaid all such special accounts as the Minister of his own motion or at the request of the Minister for Finance shall from time to time direct.

(2) The accounts of the Board for each year shall be audited within ninety days, or such longer time as the Minister shall in any particular case allow, after the end of such year and shall be the subject of a report by duly qualified auditors appointed annually for the purpose by the Minister, with the consent of the Minister for Finance, and the fees of such auditors and the expenses generally of such audits shall be paid by the Board.

(3) Immediately after every audit under this section of the accounts of the Board, the Board shall send to the Minister a copy of the balance sheet and profit and loss account as passed by the auditors together with a copy of the auditors' report, and the Minister shall lay copies of the said documents before each House of the Oireachtas and shall also publish and put on sale the said documents.

Officers and servants of the Board. **11.**—(1) The Board shall appoint such and so many officers and servants as it shall from time to time think proper.

(2) There shall be paid by the Board to its officers and servants such remuneration and allowances as the Board shall determine.

(3) The Board may, if it so thinks fit, for the purpose of the appointment of a person to fill a situation in the service of the Board request the Local Appointments Commissioners to recommend to it a person for appointment to such situation, and the said Commissioners on receiving such request shall select and recommend under and in accordance with the Local Authorities (Officers and Employees) Act, 1926 (No. 39 of 1926), to the Board a person for appointment to such situation and shall, if they so think proper, select and recommend to the Board two or more persons for such appointment, and the Board on receiving from the said Commissioners such recommendation shall appoint to such situation the person so recommended by the Commissioners or, where more than one person is so recommended, such one of the persons so recommended as the Board thinks proper.

(4) The Board shall pay to the Local Appointments Commissioners out of the funds at its disposal such expenses in respect of the selection and recommendation by the said Commissioners under this section of persons to fill situations in the service of the Board as shall be fixed by agreement between the Board and the said Commissioners with the consent of the Minister for Finance or, in default of such agreement, by the Minister for Finance.

(5) Every sum received by the Local Appointments Commissioners under the immediately preceding sub-section of this section shall be deemed for the purposes of paragraph (b) of sub-section (2) of section 12 of the Local Authorities (Officers and Employees) Act, 1926, to be a fee paid to the said Commissioners under the said Act.

Exercise of functions of Board through its officers. **12.**—Save as otherwise provided by this Act, the Board may exercise any of the powers and perform any of the functions conferred and imposed on the Board by this Act through or by any of its officers or servants authorised by the Board in that behalf.

Disclosure of interest in contract. **13.**—A member of the Board who has any interest in any company or concern with which the Board proposes to make any contract or any interest in such contract shall disclose to the Board the fact of such interest and the nature thereof, and such member shall take no part in any deliberation or decision of the Board relating to such contract, and such disclosure shall be recorded in the minutes of the Board.

General powers of the Board. **14.**—In addition to the specific powers conferred on the Board by this Act and the duties imposed on the Board by this Act, it shall be lawful for the Board to do all or any of the following things, that is to say:—

(a) assist, financially (including by way of loan) or otherwise, in the provision, extension, or improvement of accommodation for tourists;

- (b) build, establish, equip, or operate hotels, guest houses, holiday hostels, holiday homes, youth hostels, and holiday camps or assist, financially (including by way of loan) or otherwise, in the building, establishing, equipping, or operating thereof;
- (c) provide or assist, financially (including by way of loan) or otherwise, in providing services, sports, amusements, or other facilities which appear to the Board to be calculated to improve tourist traffic;
- (d) improve and maintain amenities and conditions which appear to the Board to be likely to affect tourist traffic;
- (e) engage in any kind of publicity in connection with tourist traffic;
- (f) establish or assist in establishing any form of agency in connection with tourist traffic;
- (g) provide or assist in providing schemes for the training of persons to do work which is wholly or mainly connected with tourist traffic;
- (h) prepare and publish guide-books, itineraries, time-tables, and other publications for the benefit or assistance of tourists.

Non-repayable grant to the Board. **15.**—(1) The Minister for Finance, on the recommendation of the Minister, may pay to the Board out of moneys provided by the Oireachtas such sums not exceeding in the aggregate forty-five thousand pounds in any one financial year, as the Board shall from time to time require.

(2) Sums paid under this section to the Board shall not be repayable.

Repayable advances to the Board. **16.**—(1) The Minister for Finance, on the recommendation of the Minister, may advance to the Board out of the Central Fund or the growing produce thereof such sums, not exceeding in the aggregate six hundred thousand pounds, as the Board shall from time to time require.

(2) Save as may be otherwise authorised by the Minister for Finance on the recommendation of the Minister, sums advanced under this section to the Board shall be expended by the Board solely on works, investments, or loans under this Act of a profit earning character.

(3) Sums advanced to the Board under this section shall be repayable with interest as provided by the subsequent provisions of this Act, but, notwithstanding anything contained in such provisions, it shall be lawful for the Minister for Finance at any time on the recommendation of the Minister to do either or both of the following things, that is to say:—

- (a) to waive altogether or to postpone for such time as he thinks proper the repayment of any sum or a part of any sum so advanced or any instalment of any such sum or any part of any such instalment,

(b) to waive altogether or to postpone for such time as he thinks proper the payment of interest on any sum or part of any sum so advanced.

(4) The Minister for Finance may, for the purpose of providing for the advance of sums out of the Central Fund under this section, borrow on the security of the Central Fund or the growing produce thereof such sums as shall be required for that purpose, and the said Minister may, for the purposes of such borrowing, create and issue securities bearing such rate of interest and subject to such conditions as to repayment, redemption, or otherwise as he thinks fit, and shall pay all moneys so borrowed into the Exchequer.

(5) The principal of and interest on all securities issued under this section shall be charged on and payable out of the Central Fund or the growing produce thereof.

Payment of interest on repayable advances.

17.—(1) The Board shall pay to the Minister for Finance on every sum advanced to the Board out of the Central Fund under this Act and which is repayable interest from the date of the advance of such sum until the same is repaid at such rate as shall from time to time be appointed by the Minister for Finance in respect of such sum, and such interest shall be so paid by half-yearly payments on such days in every year as the Minister for Finance shall from time to time appoint.

(2) If the Board fails to pay to the Minister for Finance any interest payable by it under this section at the time appointed in that behalf under this section, the Board shall pay to the said Minister interest at the rate appointed by the said Minister on the interest so unpaid from the time appointed as aforesaid until the same is actually paid.

(3) All interest paid to the Minister for Finance by the Board under this section shall be paid into or disposed of for the benefit of the Exchequer in such manner as the said Minister may direct.

Repayment of repayable advances.

18.—(1) For the purpose of providing for the repayment by the Board of the advances made to it out of the Central Fund under this Act which are repayable, the Board shall make to the Minister for Finance half-yearly payments commencing on such date, and continuing for such number of years and being of such amounts and payable at such times as the said Minister, after consultation with the Minister, shall appoint, and different such dates, numbers of years, amounts, and times may be so appointed in respect of different portions of such advances.

(2) The several half-yearly payments to be made to the Minister for Finance by the Board under this section shall be applied by the said Minister as sinking funds for the repayment of the several portions of the advances in respect of which such half-yearly payments are made and when the Board has paid to the said Minister the full number of the half-yearly payments appointed under this section in respect of any portion of such advances (together with any interest which may have become payable under this section in respect of any of such half-yearly payments) such portion of such advances shall be deemed to be fully repaid by the Board, without prejudice to the liability of the Board for any interest then unpaid in respect of such portion of such advances.

(3) If the Board fails to pay to the Minister for Finance any half-yearly payment or portion of a half-yearly payment payable by it to the said Minister under this section at the time appointed in that behalf under this section, the Board shall pay to the said Minister on such half-yearly payment or portion of a half-yearly payment interest at such rate as shall from time to time be appointed by the said Minister in respect thereof from the time appointed as aforesaid until the same is actually paid.

(4) All moneys paid by the Board to the Minister for Finance under this section in repayment of advances shall be paid into the Exchequer.

(5) All sums paid by the Board to the Minister for Finance under this section on foot of interest shall be paid into or disposed of for the benefit of the Exchequer in such manner as the said Minister may direct.

Compulsory acquisition of land, etc., by the Board. **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.

Regulations.

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.

Furnishing of
information by the
Board to the Minister.

21.—The Board shall furnish to the Minister such information as he may from time to time require in relation to the carrying out by the Board of its powers and duties.

Annual report, statistics
and returns.

22.—(1) The Board shall in each year, at such date and in such form as the Minister may direct, make to the Minister a report of its proceedings under this Act during the preceding year.

(2) The Board shall furnish to the Minister at such times and in such form and manner as the Minister may direct such statistics and returns as the Minister may require.

(3) The Minister shall lay as soon as may be before each House of the Oireachtas a copy of every report made to him by the Board under this section.

PART III.

Registration of Premises.

Definitions for the
purposes of Part III.

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.

The registers and their contents.

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.

(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.

Eligibility for registration in the respective registers.

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.

Applications for registration.

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 not exceeding two pounds 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.

Registration of premises.

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.

Duration of registration. **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. **29.**—(1) The registered proprietor of any premises registered in a register may apply to the Board in the month of October or, with the consent of the Board, in the month 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.

Renewal of registration. **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 sub-section (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 sub-section (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 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, 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, 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 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.

Registration certificates. **31.**—(1) Whenever the Board registers or renews the registration of 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, the date on which the registration or renewal of registration of such premises will expire, 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 or renewal of registration certified by it;

(d) such certificate shall be returned to the Board immediately upon the expiration thereof.

(4) Whenever the registered proprietor of any registered premises fails to display, in accordance with paragraph (c) of the immediately preceding sub-section 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 sub-section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds together with a further fine not exceeding one pound for every day during which the offence continues.

(5) Whenever a registration certificate is not returned to the Board immediately upon the expiration thereof, the person to whom such certificate was given shall be guilty of an offence under this sub-section and shall be liable on summary conviction thereof to a fine not exceeding five pounds together with a further fine not exceeding ten shillings for every day during which the offence continues.

Amendment of register in certain circumstances. **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.

Restriction on describing premises as hotel. **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 describing premises as 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 fifty pounds.

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

Restriction on describing premises as guest house. **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 describing premises as 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 fifty pounds.

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

Restriction on describing premises as holiday hostel, etc. **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 describe or 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 fifty pounds.

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

Restriction on describing premises as youth hostel. **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 describing premises as 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 fifty pounds.

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

Restriction on

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 describing premises as a such premises as a holiday camp unless such premises are registered in the register of holiday camps and such proprietor is registered holiday camp. 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 fifty pounds.

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

Exemptions.

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.

Grades.

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 fifty pounds.

Devolution and transfer
of registered premises.

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).

Inspection.

41.—(1) An inspector shall be entitled at all reasonable times (subject to the production by him if so required of his appointment in writing as inspector) 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 inspector 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 an inspector in the exercise of any of the powers conferred by this section, or

(b) fails or refuses to give to an inspector on demand any information which such inspector is entitled to demand under this section, or

(c) wilfully gives to an inspector 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 five pounds.

(3) In this section the word “inspector” means an officer of the Board appointed in writing by the Board to be an inspector for the purposes of this section.

Evidence of the contents of registers. **42.**—(1) Every register shall be—

(a) deemed to be in the proper custody when in the custody of the Board or of any officer of the Board authorised in that behalf by the Board, 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 and it shall not be necessary to prove the signature of such officer or that he was in fact such officer 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, that any premises specified in such certificate are not entered in the register specified in such certificate shall be conclusive evidence of the matters so certified, and it shall not be necessary to prove the signature of such officer, or that he was in fact such officer, or was in fact so authorised

(4) Any person may—

(a) inspect any register on payment of such fee, not exceeding one shilling 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 a fee of sixpence for each folio of seventy-two words of the copy;

(c) obtain such certificate as is hereinbefore mentioned that any specified premises are not registered in a specified register on payment of a fee of two shillings and sixpence for each certificate.

Display of charges.

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 ten pounds together with a further fine not exceeding one pound for every day during which the offence is continued.

External signs.

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 ten pounds.

(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 ten pounds.

(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.

Annual list of registered premises.

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, 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.

Service of notices.

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 no 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.

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.

PART IV.

Establishment of Special Areas.

Areas to which this Part of this Act applies.

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. **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. **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. **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.

Amendment of the Tourist Traffic (Development) Act, 1931.

Amendment of the Tourist Traffic (Development) Act, 1931. **52.**—(1) Section 3 of the Tourist Traffic (Development) Act, 1931 (No. 15 of 1931), shall be construed and have effect as if—

- (i) for the purposes of the application of sub-section (3) thereof to a council of a county borough, the reference in paragraph (a) of the said sub-section (3) to a rate of one penny in the pound on the rateable value of such county borough were a reference to a rate of threepence in the pound on the said rateable value, and
- (ii) the reference in sub-section (8) thereof to the Minister were a reference to the Irish Tourist Board.

(2) The Minister may, on the application of any statutory body, by order declare that such body shall be a local authority for the purposes of the Tourist Traffic (Development) Act, 1931, and thereupon such body shall be a local authority for the purposes of the said Act and the said Act shall apply and have effect accordingly.