Number 15 *of* 2003

LICENSING OF INDOOR EVENTS ACT 2003

REVISED

Updated to 28 September 2021

This Revised Act is an administrative consolidation of the *Licensing of Indoor Events Act 2003*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Climate Action and Low Carbon Development (Amendment) Act 2021* (32/2021), enacted 23 July 2021, and all statutory instruments up to and including the *Double Taxation Relief (Taxes on Income and on Capital) (Federal Republic of Germany) Order 2021* (S.I. No. 508 of 2021), made 28 September 2021, were considered in the preparation of this Revised Act.

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ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title, collective citation, construction and commencement.
2. Interpretation.
3. Expenses.
4. Regulations.

PART 2

INDOOR EVENTS

5. Indoor event licence.
6. Determination of application for licence.
7. Compliance with legal and other requirements.
8. Appeal to District Court.
9. Codes of practice.
10. Safety at indoor event.
11. Notice of cessation, etc.
12. Powers of inspection in connection with indoor events.
13. Limitations of civil proceedings.
14. Revocation of licence.
15. Penalties for offences.
16. Prosecution of offences.
17. Offences by body corporate.
18. Payment of fine to fire authority.
19. Register.
20. Functions of fire authorities.
21. Authorised officer.

22. Service of Notices.
23. Holding of event by local authority.

PART 3

AMENDMENT OF FIRE SERVICES ACT 1981

24. Amendment of section 2 of Act of 1981.
25. Amendment of section 5 of Act of 1981.
26. Amendment of section 6 of Act of 1981.
27. Amendment of section 13 of Act of 1981.
28. Amendment of section 16 of Act of 1981.
29. Amendment of section 18 of Act of 1981.
30. Closure notice.
31. Codes of practice.
32. Withdrawal of fire safety notice.
33. Amendment of section 38 of Act of 1981.
34. Amendment of section 19 of Act of 1981.

ACTS REFERRED TO

Companies Acts 1963 to 2001	
Fire Services Act 1981	1981, No. 30
Health (Eastern Regional Health Authority) Act 1999	1999, No. 13
Health Act 1970	1970, No. 1
Local Government Act 2001	2001, No. 37
Planning and Development Act 2000	2000, No. 30

Number 15 *of* 2003

LICENSING OF INDOOR EVENTS ACT 2003

REVISED

Updated to 28 September 2021

AN ACT TO PROVIDE FOR THE LICENSING OF INDOOR EVENTS AND TO AMEND THE FIRE SERVICES ACT 1981, AND TO PROVIDE FOR RELATED MATTERS.

[26*th May*, 2003]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

Preliminary And General

Short title, collective citation, construction and commencement.

1. —(1) This Act may be cited as the Licensing of Indoor Events Act 2003.

(2) The Fire Services Act 1981, and *Part 3* may be cited together as the Fire Services Acts 1981 and 2003, and shall be construed together as one Act.

(3) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Interpretation.

2. —(1) In this Act, unless the context otherwise requires—

"Act of 1981" means the Fire Services Act 1981;

"Act of 2001" means the Local Government Act 2001;

"authorised officer" has the meaning assigned to it by *section 21* ;

"building" means any building, structure or erection (whether permanent or temporary) of any kind or of any materials, or of any part of such building, structure or erection;

"codes of practice" shall be construed in accordance with *section 9* ;

"fire authority" has the meaning assigned to it by the Act of 1981;

"functional area", in relation to a fire authority, has the meaning assigned to it by the Act of 1981;

"functions" includes powers and duties;

F1**[**...**]**

"indoor event" means—

(*a*) a performance which takes place wholly or mainly in a building and comprises music, singing, dancing, displays of entertainment or any similar activity and in respect of which members of the public may or may not attend, or

(*b*) an event which takes place wholly or mainly in a building and is prescribed under *section 4(2)*,

other than an event for which a licence is required under the Planning and Development Act 2000;

"licence" means a licence granted under *section 5(6)*;

"Minister" means the Minister for the Environment and Local Government;

"notice of cessation" means a notice referred to in *section 11* ;

"prescribed" means prescribed by regulations made by the Minister under this Act and "prescribe" shall be construed accordingly.

(2) In this Act—

(*a*) a reference to a section or Part is a reference to a section or Part of this Act, unless it is indicated that a reference to some other enactment is intended,

(*b*) a reference to a subsection or paragraph is a reference to the subsection or paragraph 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, unless the context otherwise requires, be construed as a reference to that enactment as amended or adapted by or under any subsequent enactment.

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.

Regulations.

4. —(1) The Minister may, by regulations, provide for any matter referred to in this Act as prescribed or to be prescribed, and may make regulations generally for the purpose of giving effect to this Act.

(2) Without prejudice to the generality of *subsection (1)*, the Minister may by regulation prescribe any activity or class of activity that takes place wholly or mainly in a building, in respect of which members of the public may or may not attend, to be an event for the purposes of *paragraph (b)* of the definition of "indoor event" in *section 2(1)*.

(3) The Minister, in making regulations under *subsection (2)*, shall have regard to—

(*a*) the type of indoor event concerned,

(*b*) the level of supervision of the persons attending the indoor event which, in the opinion of the Minister, is required at an indoor event in order to ensure the safety of the persons attending, and

(*c*) the provision, where appropriate, of seating for persons attending the event.

(4) When making regulations under this Act the Minister shall have regard to the location, nature or other attributes of indoor events.

(5) Regulations under this Act may contain such consequential, supplementary and ancillary provisions as the Minister considers to be necessary or expedient.

(6) A person who contravenes a provision of regulations made under this Act shall be guilty of an offence.

(7) Every regulation made under 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 the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

PART 2

Indoor Events

Indoor event licence.

5. —(1) A licence shall be required for holding an indoor event falling within a class of such an event as is prescribed under *subsection (2)* for the purposes of this subsection.

(2) The Minister shall prescribe a class or classes of indoor event for the purposes of *subsection (1)* and, in prescribing any such event, he or she shall have regard to—

(*a*) the number of persons likely to attend an event of the class or classes proposed to be prescribed,

(*b*) the level of supervision of the persons attending the event which, in the opinion of the Minister, is required so as to ensure the safety of those persons during, and immediately before and after, the holding of the event,

(*c*) the need to provide seating for persons attending the event,

(*d*) the place or area at or in which that event will be held, and

(*e*) any other matters relating to that event and which are relevant to considerations of the need to ensure the safety and security of persons attending or participating in that event.

(3) Without prejudice to the generality of *subsection (2)*, a prescription of a class of indoor event may restrict the class to an event to which more than a specified number of persons or particular class of persons are proposed to be admitted and different classes of indoor event may be prescribed by reference to different numbers of such persons or different classes of such persons.

(4) An application for a licence for an indoor event shall be made to the fire authority within whose functional area the building in which the indoor event is to be held is situated and be made in accordance with regulations made under *subsection (9)*.

(5) An application shall be made not earlier than a date prior to the holding of the indoor event concerned as is reasonable having regard to *section 6(1)* and *6(2)*.

(6) Subject to this Act, the fire authority may—

(*a*) grant the licence authorising the holding, in a specified building of an indoor event or a specified number of indoor events and may attach one or more conditions to the licence as the fire authority thinks fit, or

(*b*) refuse to grant the licence for the indoor event or specified number of indoor events.

(7) A person to whom a licence has been granted shall display at each entrance to the indoor event concerned a notice specifying such information in respect of the licence as is prescribed in respect of that licence.

(8) The validity of a licence granted under this section shall not exceed one year from the date on which it is granted.

(9) The Minister may make regulations in respect of the procedure for the application for, and the determination and grant of, a licence and the regulations may contain different provisions in respect of different classes of indoor events.

(10) Without prejudice to the generality of *subsection (9)*, regulations made under this section may provide for—

(*a*) the notification of such persons as may be prescribed,

(*b*) the form and content of an application for a licence,

(*c*) the furnishing, by the person applying for a licence, of plans, a statement of safety procedures, documents and information to be submitted with an application for a licence,

(*d*) the payment to the fire authority of such fees as may be prescribed for an application for a licence, including different fees for different classes of indoor event, for exemption from the payment of fees in specified circumstances and for the waiver, remission and refund (in whole or in part) of fees in specified circumstances for different classes of indoor event,

(*e*) submission of further information relating to an application by the person making the application,

(*f*) the production of evidence to verify particulars or information given by the person making the application, and

(*g*) information concerning any other application or applications for a licence under this Act by the person making the application.

(11) A person who organises, promotes, holds or is otherwise materially involved in the organisation of an indoor event for which a licence is required other than under and in accordance with a licence, shall be guilty of an offence.

(12) A person who owns, occupies or is in control of a building and permits or suffers an indoor event for which a licence is required to be held in that building, without a licence or other than in accordance with a licence, shall be guilty of an offence.

(13) A person who, when making an application for a licence under this Act, provides false or misleading information shall be guilty of an offence and shall be liable—

(*a*) on summary conviction, to a fine not exceeding €3,000 or to imprisonment for a term not exceeding 6 months or to both, or

(*b*) on conviction on indictment, to a fine not exceeding €1,300,000 or to imprisonment for a term not exceeding 2 years or to both.

Determination of application for licence.

6. —(1) A fire authority shall determine an application for a licence as soon as practicable but not later than 28 days after all requirements, including requirements prescribed under *section 5(9)*, have been complied with or within such other period, as provided for in *subsection (2)*.

(2) Where, following an application for a licence, it appears to the fire authority that it would not be possible or appropriate, because of the particular circumstances relating to the application, to determine the application within the period referred to in *subsection (1)*, the fire authority shall, by notice in writing served on the person who has applied for the licence, inform that person of the reasons why it would not be possible or appropriate to determine the application within that period and shall specify the date before which or the period within which the fire authority intends that the application shall be determined.

(3) When considering an application for a licence, a fire authority shall have regard to any information submitted to it by the person making the application in accordance with *section 5(4)* concerning—

(*a*) compliance by the person applying for the licence with codes of practice issued by the Minister or any other Minister of the Government,

(*b*) the provision of adequate measures and procedures for securing the safety of persons attending the indoor event,

(*c*) the provision of adequate facilities for the health and welfare of persons attending the indoor event including the adequacy of sanitary facilities,

(*d*) measures concerning the maintenance of public order at the indoor event,

(*e*) the provision and maintenance of adequate public liability insurance for the indoor event,

(*f*) measures for displaying notices for persons attending the indoor event in respect of the obligations of such persons and their conduct at the indoor event,

(*g*) any regulations made under this Act,

(*h*) the provision, where appropriate, of seating at the indoor event, and

(*i*) the number of persons that are anticipated to attend the indoor event,

and to any matters arising out of the notification procedure prescribed under *section 5(10)(a)*.

(4) Without prejudice to the generality of *section 5(6)*, a condition attached to a licence may include a condition relating to all or any of the following—

(*a*) any matter specified in *subsection (3)*,

(*b*) the carrying out of any works in or at the building,

(*c*) the number of indoor events which may take place in the building within a specified period that does not exceed one year,

(*d*) the maximum number of persons that may attend the indoor event, and

(*e*) any matter arising out of regulations made by the Minister under this Act.

(5) A fire authority shall, as soon as is practicable, notify the person who has made the application in writing of its decision to grant or refuse to grant a licence under *section 5(6)*.

(6) Where a fire authority refuses to grant a licence it shall, by notice in writing, inform the person who has made the application of the reasons for so refusing.

Compliance with legal and other requirements.

7. —A person shall not be entitled solely by reason of a licence under this Act to hold an indoor event.

Appeal to District Court.

8. —(1) Where a fire authority to which an application has been made in accordance with *section 5* refuses to grant a licence to the person who made the application or grants a licence subject to one or more conditions, that person may, not later than 4 weeks from the date on which that person receives notification of the decision, or such later date as may be permitted by the District Court, appeal against the decision of the fire authority to the District Court for an order directing the fire authority to grant that person a licence or to grant the licence without the conditions or a particular condition.

(2) The jurisdiction of the District Court to hear an appeal under this section shall be exercised by the judge of the District Court for the time being assigned to the district court district in which the building concerned is situated.

(3) At the hearing of an appeal under this section, the District Court may—

(*a*) where the appeal is against a refusal to grant a licence—

(i) dismiss the appeal and affirm the refusal of the fire authority to grant the licence, or

(ii) allow the appeal and direct the fire authority to grant a licence to the person who made the application,

or

(*b*) where the appeal is against a condition attached to a licence—

(i) dismiss the appeal and approve the licence granted by the fire authority, or

(ii) allow the appeal and direct the fire authority to grant a licence without the condition to the person who made the application.

(4) No appeal shall lie to the Circuit Court from a decision of the District Court under this section.

Codes of practice.

9. —(1) The Minister or any other Minister of the Government may draw up and issue a code of practice for the purpose of providing practical guidance in respect of the requirements or prohibitions of the provisions of *Parts 1* and *2* or any regulations made under *Parts 1* and *2* and may include standards or specifications and written or illustrated forms of practical guidance or instruction.

(2) The Minister or any other Minister of the Government shall, before issuing a code of practice referred to in *subsection (1)*, consult with any other Minister of the Government or other person with whom, in his or her opinion, it is appropriate to consult.

(3) The Minister or any other Minister of the Government may amend or revoke a code of practice issued under this section following consultation with any other Minister of the Government or any other person with whom, in his or her opinion, it is appropriate to consult.

(4) A code of practice concerning the holding of indoor events issued by the Minister or any other Minister of the Government prior to the coming into operation of this section shall be deemed to be a code of practice issued under this section.

(5) Notice of a code of practice issued under this section or any amendment to, or revocation of, a code of practice shall be published in *Iris Oifigiúil*.

(6) The Minister may issue guidelines for the purposes of *Parts 1* and *2*.

Safety at indoor event.

10. —(1) A person to whom a licence has been granted shall—

(*a*) take all reasonable measures to ensure the safety of persons attending the indoor event,

(*b*) provide reasonable safety measures for the indoor event concerned, and prepare and provide appropriate safety procedures for ensuring the safety of persons attending that indoor event, and

(*c*) ensure that the measures referred to in *paragraph (b)* are applied at all times,

having regard to the care which a person attending the indoor event may reasonably be expected to take for his or her own safety or the safety of persons in their care.

(2) It shall be the duty of every person attending an indoor event to conduct himself or herself in such a way as to ensure that, as far as reasonably practicable, any other person attending the indoor event—

(*a*) is not exposed to danger as a consequence of any act or omission of the first-mentioned person, and

(*b*) does not suffer injury or damage by reason of any danger arising out of the indoor event or associated activities.

(3) *Subsections (1)* and *(2)* are without prejudice to any duty which arises apart from this section.

Notice of cessation, etc.

11. —(1) Where a fire authority or an authorised officer is of the opinion that an indoor event in respect of which a licence is required under *section 5* is taking place or is likely to take place—

(*a*) without a licence, or

(*b*) in contravention of a condition attached to or the terms of a licence,

the fire authority or an authorised officer may serve a notice of cessation on the owner or occupier of the building concerned or on any person who in the opinion of the fire authority or the authorised officer is holding, organising or is otherwise materially involved in the organisation of the indoor event.

(2) A notice of cessation may require all or any of the following—

(*a*) the immediate cessation of any indoor event or the discontinuation or alteration of any preparations for it,

(*b*) the removal of any temporary buildings, structures, plant, machinery or any other thing from the building concerned which in the opinion of the fire authority is intended for use at the indoor event, and

(*c*) any works to be carried out or thing done for the purpose of restoring the building concerned to the condition it was in before the commencement of preparations for the indoor event.

(3) A notice of cessation may be served on an owner or occupier of the building concerned or any other person referred to in *subsection (1)* in accordance with *section 22* .

(4) A person who fails to comply with the requirements of a notice of cessation shall be guilty of an offence.

Powers of inspection in connection with indoor events.

12. —(1) An authorised officer or a member of the Garda Síochána shall be entitled at all reasonable times to enter and inspect any land or building for the purposes of this Act.

(2) Without prejudice to the generality of *subsection (1)*, an authorised officer or a member of the Garda Síochána, when exercising the functions referred to in *subsection (1)*, may—

(*a*) require the person in control of the land or building to—

(i) give any information which he or she may reasonably require in relation to any activity concerning an indoor event, and

(ii) provide such plans, documentation or other information as are necessary to establish compliance with the requirements of this Act and any regulations made under this Act or any licence or any conditions attached to a licence,

and

(*b*) take any person and equipment onto the land or into the building in order to carry out tests or do such other things as he or she considers necessary for the purposes of this Act.

(3) Any person who—

(*a*) refuses to allow an authorised officer or a member of the Garda Síochána to enter any land or building in the exercise of his or her powers,

(*b*) obstructs or impedes an authorised officer or a member of the Garda Síochána,

(*c*) assaults an authorised officer or a member of the Garda Síochána, or

(*d*) wilfully or recklessly gives information which is false or misleading in a material respect,

shall be guilty of an offence.

Limitations of civil proceedings.

F2**[13.**—(1) No action or other proceeding shall lie or be maintainable against—

(*a*) the Minister or a fire authority or any officer of or person employed by the fire authority,

(*b*) the Health Service Executive or any person employed by the Health Service Executive,

(*c*) any person engaged by a fire authority or the Health Service Executive,

(*d*) a member of the Garda Síochána, or

(*e*) an authorised officer,

for the recovery of damages in respect of any injury to persons, damage to property or other loss alleged to have been caused or contributed to by a failure to exercise any function conferred or imposed on the fire authority or the Health Service Executive by or under this Act.**]**

(2) A person shall not be entitled to bring any civil proceedings pursuant to this Act by reason only of the contravention of any provision of this Act, or of any regulations made under it.

Revocation of licence.

14. —(1) Where—

(*a*) a licence has been granted under this Act, and

(*b*) the person to whom the licence was granted is convicted of an offence under this Act,

the fire authority concerned may apply to the District Court for an order revoking the licence.

(2) The jurisdiction of the District Court to hear an appeal under this section shall be exercised by the judge of the District Court for the time being assigned to the district court district in which the building concerned is situated.

(3) An application under this section shall be on notice to the person referred to in *subsection (1)(b)* and that person shall be entitled to appear, be heard and adduce evidence at the hearing of the application.

(4) At the hearing of an application under this section the District Court may—

(*a*) grant the application and direct the fire authority to revoke the licence, or

(*b*) refuse the application.

Penalties for offences.

15. —(1) A person who is guilty of an offence under *section 5(11), section 5(12), section 11(4)* or *paragraphs (a), (b), (c)* or *(d)* of *section 12(3)* shall be liable—

(*a*) on summary conviction, to a fine not exceeding €3,000 or to imprisonment for a term not exceeding 6 months, or to both, or

(*b*) on conviction on indictment, to a fine not exceeding €1,300,000 or to imprisonment for a term not exceeding 2 years, or to both.

(2) Where a person is convicted of an offence referred to in *subsection (1)* and there is a continuation by the person of the offence after the conviction, the person shall be guilty of a further offence on every day on which the contravention continues and for each such offence shall be liable—

(*a*) on summary conviction, to a fine not exceeding €500 for each day on which the offence is continued or to imprisonment for a term not exceeding 6 months, or to both, but if a person is convicted in the same proceedings of 2 or more such further offences, the aggregate term of imprisonment to which the person shall be liable shall not exceed 6 months, or

(*b*) on conviction on indictment, to a fine not exceeding €13,000 for each day on which the offence is so continued, or to imprisonment for a term not exceeding 2 years, or to both, but if a person is convicted in the same proceedings of 2 or more such further offences, the aggregate term of imprisonment to which he or she shall be liable shall not exceed 2 years.

(3) A person who is guilty of an offence under this Act, other than an offence referred to in *subsection (1)* or *(2)*, shall be liable, on summary conviction, to a fine not exceeding €3,000 or to imprisonment for a term not exceeding 6 months or to both.

Prosecution of offences.

16. —Summary proceedings for an offence under *Part 1* or *2* may be brought and prosecuted by the relevant fire authority.

Offences by body corporate.

17. —(1) Where an offence under this Act is committed by a body corporate or by a person acting on behalf of a body corporate and is proved to have been so committed with the consent, connivance or approval of, or to have been facilitated by any neglect on the part of a person, being a director, manager, secretary or other officer of that body or a person who was purporting to act in any such capacity, that person shall also be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(2) Where the affairs of a body corporate are managed by its members, *subsection (1)* shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director of the body corporate.

Payment of fine to fire authority.

18. —(1) Where a court imposes a fine or affirms or varies a fine imposed by another court for an offence under this Act, it shall provide by order for the payment of the amount of the fine to the fire authority concerned.

(2) The payment of such fine to a fire authority may be enforced by the fire authority as if it were due to it on foot of a decree or order made by the court in civil proceedings.

Register.

19. —(1) A fire authority shall keep a register for the purposes of this Act and shall make all such entries and corrections to it as may be appropriate in accordance with the matters specified in *subsection (2)*.

(2) A fire authority shall enter in the register particulars of—

(*a*) any application for a licence under this Part,

(*b*) any decision of the fire authority in respect of an application for a licence under this Part,

(*c*) any licence granted under this Part,

(*d*) an appeal under *section 8* ,

(*e*) a revocation of a licence under *section 14* , and

(*f*) any notice of cessation served in accordance with *section 22* .

(3) The register shall be kept at the offices of the fire authority and shall be available for inspection by members of the public during office hours.

Functions of fire authorities.

20. —(1) A fire authority may make an arrangement pursuant to section 86 of the Act of 2001 with another fire authority for the joint discharge of any of their functions under *Part 1* or *2* and such arrangement may relate to all or any part of the functional area of the fire authority.

(2) A fire authority may, in respect of its functions under *Part 1* or *2* and by agreement, provide services for or avail of the services of any person other than a fire authority.

Authorised officer.

21. —F3**[**(1) A fire authority may appoint in writing such and so many persons to be authorised officers for the purposes of *Part 1* or *2* and without prejudice to the generality of the foregoing such persons may include a person who is employed by the Health Service Executive.**]**

(2) Every authorised officer appointed under this section shall be furnished with a certificate of appointment and shall, when exercising any power conferred on him or her by this section, if requested by a person affected, produce the certificate of appointment or a copy of it to that person.

(3) An appointment under this section shall cease where the fire authority concerned revokes the appointment.

(4) An authorised officer may, in addition to the powers specified in *section 12* , for the purposes of this Act, do any one or more of the following—

(*a*) require any person in charge or control of any premises or land or any person employed in, at or on the premises or lands to produce to the authorised officer records and in the case of information in a non-legible form to reproduce it in a legible form or to give to him or her such information as the authorised officer may reasonably require in relation to any entries in such records,

(*b*) inspect and take copies of or extracts from any such records, files, papers or electronic information system in, at or on the place, including, in the case of information in a non-legible form, copies of or extracts from such information in a permanent legible form,

(*c*) have photographs taken of any thing in, at or on the place and remove the photographs from the place,

(*d*) require any person by or on whose behalf data equipment is or has been used or any person having charge of, or otherwise concerned with the operation of, the data equipment of any associated apparatus or material, to afford the authorised officer all reasonable assistance in relation to it,

(*e*) remove and retain the said records for such period as may be reasonable for further examination or until the conclusion of any legal proceedings, subject to a warrant being issued for that purpose by the District Court, and

(*f*) secure for later inspection any premises or any part of a premises in which books, records or other documents are kept or there are reasonable grounds for believing that such books, records or other documents are kept.

Service of Notices.

22. —(1) Any notice or other document that is required to be served under *Part 1* or *2* shall, subject to *subsection (2)*, be addressed to the person concerned by name and may be served or given to the person in one of the following ways—

(*a*) by delivering it to the person,

(*b*) by leaving it at the address at which the person ordinarily resides or, in a case where an address for service has been furnished, at that address,

(*c*) by sending it by post in a prepaid registered letter to the address at which that person ordinarily resides or, in a case in which an address for service has been furnished, to that address, or

(*d*) where the address at which the person ordinarily resides cannot be ascertained by reasonable inquiry and the notice or other document relates to any land or building, by delivering it to some person over the age of 16 years resident or employed on the land in or at the building or by affixing it in a conspicuous place on or near the land or building.

(2) Where a notice or other document under *Part 1* or *2* is to be served on or given to a person who is the owner or the occupier of any land or building and the name of the person cannot be ascertained by reasonable inquiry, it may be addressed to the person by using the words the owner or, as the case may require, the occupier.

(3) For the purposes of this section, a company registered under the Companies Acts 1963 to 2001, shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business.

(4) Where a notice or other document is served on or given to a person by affixing it in accordance with *subsection (1) (d)*, a copy of the notice shall, within 2 weeks thereafter, be published in at least one newspaper circulating in the area of the last known residence of that person.

(5) A person who, at any time during a period of 12 weeks after a notice or other document is affixed in accordance with *subsection (1) (d)* removes, damages or defaces the notice without lawful authority, shall be guilty of an offence.

Holding of event by local authority.

23. —(1) An indoor event for which a licence is required under *section 5(1)*, and which is proposed to be carried out by a local authority (in this section referred to as the "proposed indoor event"), shall be carried out in accordance with this section and any regulations made under *subsection (2)*.

(2) The Minister may make regulations providing for the holding of an indoor event by a local authority and without prejudice to the generality of the foregoing such

regulations may provide for the submission of information to the fire authority in respect of such proposed indoor event and—

(*a*) the notification of and consultation with any prescribed person or persons by the fire authority, and

(*b*) the making of submissions or observations to the fire authority within a prescribed time with respect to the proposed indoor event.

(3) The information submitted to the fire authority in accordance with regulations made under *subsection (2)* shall be made available to the elected members of the council of the local authority in whose functional area the proposed indoor event is to take place.

(4) The elected members referred to in *subsection (3)* may make submissions to the fire authority regarding the proposed indoor event within such time as is prescribed and the making of submissions by such elected members shall, for the purposes of this section, be a reserved function.

(5) The fire authority shall, after the expiration of the prescribed time for the making of submissions, consider any submissions or observations made to it and shall—

(*a*) prepare a written report in relation to the proposed indoor event and the safety management plan for the proposed indoor event,

(*b*) specify the proposed indoor event and any condition, as provided for in *section 6(4)*, to which the holding of such proposed indoor event shall be subject,

(*c*) specify the person or persons consulted in respect of the proposed indoor event in accordance with the regulations made under *subsection (2)*,

(*d*) summarise the issues raised in the information obtained in accordance with this section and the regulations made under *subsection (2)*, and

(*e*) decide that the proposed indoor event—

(i) can be held as proposed,

(ii) can be held subject to conditions, or

(iii) cannot be held.

(6) A proposed indoor event for which a licence is required under *section 5(1)* shall not be held other than in accordance with *subsection (5)*.

(7) In this section "local authority" has the meaning assigned to it by the Act of 2001.

PART 3

Amendment of Fire Services Act 1981

Amendment of section 2 of Act of 1981.

24. —Section 2 of the Act of 1981 is amended in subsection (1) by the substitution for the definition of "building" of the following definition:

" 'building' means any building, structure or erection (whether permanent or temporary) of any kind or of any materials or any part of such building, structure or erection;".

Amendment of section 5 of Act of 1981.

25. —Section 5 of the Act of 1981 is amended by the substitution for that section of the following section:

"5.—(1) A person who is guilty of an offence by reason of a contravention of section 18(2), section 20 or section 20A or regulations made under section 37 shall be liable—

(*a*) on summary conviction, to a fine not exceeding €3,000 or to imprisonment for a term not exceeding 6 months, or to both, or

(*b*) on conviction on indictment, to a fine not exceeding €130,000 or to imprisonment for a term not exceeding 2 years, or to both.

(2) Where a person is convicted of an offence referred to in subsection (1) and there is a continuation by the person of the offence after the conviction, the person shall be guilty of a further offence on every day on which the contravention continues and for each such offence shall be liable—

(*a*) on summary conviction, to a fine not exceeding €500 for each day on which the offence is so continued or to imprisonment for a term not exceeding 6 months, or to both, but if a person is convicted in the same proceedings of 2 or more such further offences, the aggregate term of imprisonment to which the person shall be liable shall not exceed 6 months, or

(*b*) on conviction on indictment, to a fine not exceeding €13,000 for each day on which the offence is so continued, or to imprisonment for a term not exceeding 2 years, or to both, but if a person is convicted in the same proceedings of 2 or more such further offences, the aggregate term of imprisonment to which he or she shall be liable shall not exceed 2 years.

(3) A person who is guilty of an offence under this Act, other than an offence referred to in subsection (1) or (2), shall be liable, on summary conviction, to a fine not exceeding €3,000 or to imprisonment for a term not exceeding 6 months, or to both.

(4) Where an offence under this Act is committed by a body corporate or by a person acting on behalf of a body corporate and is proved to have been so committed with the consent, connivance or approval of, or to have been facilitated by any neglect on the part of a person, being a director, manager, secretary or other officer of that body or a person who was purporting to act in any such capacity, that person shall also be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(5) Where the affairs of a body corporate are managed by its members, subsection (4) shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director of the body corporate.".

Amendment of section 6 of Act of 1981.

26. —Section 6 of the Act of 1981 is amended in subsection (1) by the substitution for "to which section 5(1) applies" of "under this Act".

Amendment of section 13 of Act of 1981.

27. —The Act of 1981 is amended by substituting the following for section 13:

"13.—A fire authority may advise a planning authority in relation to the functions of the planning authority under section 34 (which relates to permission for development and for the retention of structures) of the Planning and Development Act 2000.".

Amendment of section 16 of Act of 1981.

28. —Section 16 of the Act of 1981 is amended in subsection (2) by inserting after paragraph (*d*) the following new paragraphs:

"(*e*) provide such general support and advice to fire authorities in relation to the performance of their functions as it considers appropriate,

(*f*) make an annual report to the Minister, and such other reports as it considers appropriate, on fire services and fire safety activities of fire authorities.".

Amendment of section 18 of Act of 1981.

29. —Section 18 of the Act of 1981 is amended—

(*a*) in subsection (1) (*f*) by—

(i) the substitution for "but excluding" of "including", and

(ii) the insertion after subparagraph (iv) of the following new subparagraph:

"(v) any workplace.",

(*b*) by the substitution for subsection (2) of the following subsection:

"(2) It shall be the duty of every person having control over premises to which this section applies to—

(*a*) take all reasonable measures to guard against the outbreak of fire on such premises,

(*b*) provide reasonable fire safety measures for such premises and prepare and provide appropriate fire safety procedures for ensuring the safety of persons on such premises,

(*c*) ensure that the fire safety measures and procedures referred to in paragraph (*b*) are applied at all times, and

(*d*) ensure, as far as is reasonably practicable, the safety of persons on the premises in the event of an outbreak of fire whether such outbreak has occurred or not.",

and

(*c*) by the insertion after subsection (4) of the following subsections:

"(5) Advice referred to in subsection (4)—

(*a*) may include a warning that a fire safety notice may be served under section 20 or that the owner or occupier may be liable to prosecution by reason of a contravention of a provision of this Act,

(*b*) may be given on behalf of the fire authority by an authorised person authorised for the purposes of this section by a fire authority in accordance with subsection (11) of this section, and

(*c*) may include recommendations, orally or in writing, to such persons concerning fire safety measures and procedures.

(6) An authorised person may require a person having control over premises to which this section applies or to an owner or occupier of such premises—

(*a*) to carry out a fire safety assessment of such premises and to notify the fire authority of such assessment, and

(*b*) to carry out works specified under subsection (9) to such premises within a period of time so specified.

(7) An authorised person may issue a warning, in writing, concerning any matter arising out of fire safety procedures and measures on such premises.

(8) An authorised person may enter and inspect a premises to which this section or section 24 applies at all reasonable times for the purposes of this section.

(9) An authorised person may specify works to be carried out at a premises to which this section applies and may specify a period of time within which such works are to be carried out.

(10) Section 20(4) shall apply with any necessary modifications to works to be carried out under subsection (6).

(11) A fire authority may authorise a person to be an authorised person for the purposes of this section by an order made by a city manager or a county manager as the case may be.

(12) In this section 'authorised person' means a person appointed in accordance with subsection (11) of this section.".

Closure notice.

30. —The Act of 1981 is amended by the insertion, after section 20, of the following new section:

"20A.—(1) If an authorised person is of the opinion that a building or premises poses or is likely to pose a serious and immediate risk, including a risk of fire, to the safety of persons on or in such building or premises notwithstanding the procedures provided for in sections 20 and 23 of this Act, the authorised person may serve a closure notice on a person who owns, occupies or is in control of that building.

(2) A closure notice shall—

(*a*) state the opinion, referred to in subsection (1), of the authorised person,

(*b*) specify the matters which in the opinion of the authorised person give or, as the case may be, are likely to give rise to the said risk,

(*c*) state, where in the opinion of the authorised person, any of the matters referred to in paragraph (*b*) involves or, as the case may be, will involve a contravention of this Act and specify the reasons for that opinion, and

(*d*) direct that the activities to which the notice relates shall not be continued by any person unless the matters specified in accordance with paragraph (*b*) and any contravention of this Act specified in accordance with paragraph (*c*) have been remedied.

(3) A closure notice shall take effect—

(*a*) if the notice so declares, immediately the notice is received by the person on whom it is served, or

(*b*) in any other case—

(i) if no appeal is taken against the notice, on the expiration of the period during which such an appeal may be taken or the day specified in the notice as that on which it is to come into effect, whichever is the later, or

(ii) in case such an appeal is taken, on the day next following the day on which the notice is confirmed on appeal or the appeal is withdrawn or the day specified in the notice as that on which it is to come into effect, whichever is the later.

(4) The bringing of an appeal against a closure notice which is to take effect in accordance with subsection (3) (*a*) shall not have the effect of suspending the operation of the notice but the appellant may apply to the Court to have the operation of the notice suspended until the appeal is disposed of and, on such application, the Court may, if it thinks proper to do so, direct that the operation of the notice be suspended until the appeal is disposed of.

(5) (*a*) A person who is aggrieved by a closure notice may, within the period of 7 days beginning on the day on which the notice is served on him, appeal to a judge of the District Court in the District Court District in which the notice was served against the notice and in determining the appeal the judge may—

(i) if the judge is satisfied that in the circumstances of the case it is reasonable to do so, confirm the notice, with or without modification, or

(ii) cancel the notice.

(*b*) Where at the hearing of an appeal under this section a closure notice is confirmed, notwithstanding subsection (3) the court may, on the application of the appellant, suspend the operation of the notice for such period as in the circumstances of the case the court considers appropriate.

(6) A person who appeals against a closure notice or who applies for a direction suspending the application of the notice under subsection (4) shall at the same time notify the fire authority of the appeal or the application and the grounds for the appeal or the application and the fire authority shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal or the application.

(7) (*a*) Where a closure notice has been served and activities are carried on in contravention of the notice, the High Court may, on the application of an authorised person, by order prohibit the continuance of the activities.

(*b*) An application to the High Court for an order under this subsection shall be by motion and the Court when considering the matter, may make such interim or interlocutory order (if any) as it considers appropriate and the order by which an application under this subsection is determined may contain such terms and conditions (if any) as to the payment of costs as the Court considers appropriate.

(8) Where a person on whom a closure notice has been served is of the opinion that the matters referred to in the closure notice have been rectified satisfactorily by the date specified in the closure notice, he or she may apply in writing to the authorised person for confirmation that the closure notice no longer has effect and the authorised person may so confirm if he or she is satisfied that such matters have been rectified.

(9) An authorised person may at any time seek confirmation in writing from the person on whom a closure notice has been served that the matters specified in the notice have been remedied.

(10) An authorised person may revoke a closure notice, by notice in writing to the person on whom it was served if—

(*a*) the authorised person has sought and obtained confirmation from the person on whom the notice was served that the matters specified in the closure notice have been remedied, or

(*b*) the authorised person is of the opinion that the matters specified in the closure notice have been remedied or the authorised person is of the opinion that the activities referred to in subsection (2) (*d*) no longer pose a risk of fire.

(11) A fire authority may authorise a person to be an authorised person for the purposes of this section by an order made by a city manager or a county manager as the case may be.

(12) In this section 'authorised person' means a person appointed in accordance with subsection (11) of this section.".

Codes of practice.

31. —The Act of 1981 is amended by the insertion after section 18 of the following section:

"18A.—(1) The Minister or any other Minister of the Government may draw up and issue a code of practice for the purpose of providing practical guidance in respect of the requirements or prohibitions of the provisions of this Act or of any regulations made under section 37 and may include standards or specifications and written or illustrated form, of practical guidance and instruction.

(2) The Minister or any other Minister of the Government shall, before issuing a code of practice referred to in subsection (1), consult any other Minister of the Government or other person with whom, in his or her opinion, it is appropriate to consult.

(3) The Minister or any other Minister of the Government, may amend or revoke any code of practice issued under this section following consultation with any other Minister of the Government or any other person with whom, in his or her opinion, it is appropriate to consult.

(4) A code of practice concerning the matters referred to in subsection (1) issued by the Minister or any other Minister of the Government prior to the coming into operation of this section shall be deemed to be a code of practice issued under this section.

(5) Notice of a code of practice issued under this Act and any amendment to, or revocation of, a code of practice shall be published in *Iris Oifigiúil*.".

Withdrawal of fire safety notice.

32. —The Act of 1981 is amended by the insertion after section 21 of the following section:

"21A.—(1) Where a fire safety notice has been served under section 20 or confirmed under section 21 the owner or occupier of the building concerned may, subject to subsection (2), apply to the fire authority concerned requesting that the fire authority withdraw the fire safety notice.

(2) An owner or occupier shall furnish the fire authority with any necessary information concerning compliance with the matters specified in the fire safety notice when making an application under subsection (1).

(3) The fire authority may withdraw the fire safety notice if it is satisfied that the matters referred to in that fire safety notice have been complied with or may refuse the application to withdraw such notice and where an application is refused the fire authority shall state the reasons in writing for the refusal to the owner or occupier making the application.

(4) Where an application has been made under subsection (1) and the fire authority refuses to withdraw the fire safety notice, the owner or the occupier concerned may, not later than 4 weeks from the date on which that owner or occupier received notification of the decision or such later date as may be permitted by the District Court, appeal against the decision of the fire authority to the District Court for an order directing the fire authority to withdraw the fire safety notice.

(5) An application under subsection (4) shall be on notice to the fire authority concerned.

(6) At the hearing of an appeal under this section, the District Court may—

(*a*) dismiss the appeal and affirm the refusal of the fire authority to withdraw the fire safety notice, or

(*b*) allow the appeal and direct the fire authority to withdraw the fire safety notice.

(7) Where a fire safety notice has been withdrawn by a fire authority under subsection (3) or in accordance with a District Court order under subsection (6)(*b*), the fire authority concerned shall enter the relevant particulars into the register referred to in section 20(8).

(8) The jurisdiction conferred on the District Court under this section shall be exercised by the Judge of the District Court for the time being assigned to the district court district in which the building is situated.

(9) No appeal shall lie to the Circuit Court from a decision of the District Court under this section.".

Amendment of section 38 of Act of 1981.

33. —Section 38 of the Act of 1981 is amended by the substitution for that section of the following section:

"38.—(1) Any notice or other document that is required to be served under this Act shall, subject to subsection (2), be addressed to the person concerned by name and may be served or given to the person in one of the following ways—

(*a*) by delivering it to the person,

(*b*) by leaving it at the address at which the person ordinarily resides or, in a case where an address for service has been furnished, at that address,

(*c*) by sending it by post in a prepaid registered letter to the address at which that person ordinarily resides or, in a case in which an address for service has been furnished, to that address, or

(*d*) where the address at which the person ordinarily resides cannot be ascertained by reasonable inquiry and the notice or other document relates to any land or building, by delivering it to some person over the age of 16 years resident or employed on the land in or at the building or by affixing it in a conspicuous place on or near the land or building.

(2) Where a notice or other document under this Act is to be served on or given to a person who is the owner or to the occupier of any land or building and the name of the person cannot be ascertained by reasonable inquiry, it may be addressed to the person by using the words the owner or, as the case may require, the occupier.

(3) For the purposes of this section, a company registered under the Companies Acts 1963 to 2001, shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business.

(4) Where a notice or other document is served on or given to a person by affixing it in accordance with subsection (1)(*d*), a copy of the notice or other document shall, within 2 weeks thereafter, be published in at least one newspaper circulating in the area of the last known residence of that person.

(5) A person who, at any time during the period of 12 weeks after a notice or other document is affixed in accordance with subsection (1)(*d*), removes, damages or defaces the notice without lawful authority shall be guilty of an offence.".

Amendment of section 19 of Act of 1981.

34. —Section 19 of the Act of 1981 is amended in subsection (2) by the deletion of paragraphs (*c*), (*d*) and (*e*).

Number 15 *of* 2003

LICENSING OF INDOOR EVENTS ACT 2003

REVISED

Updated to 28 September 2021

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Fire Services Acts 1981 and 2003: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Licensing of Indoor Events Act 2003* (15/2003), s. 1(2)). The Acts in this group are:

- *Fire Services Act 1981* (30/1981)
- *Licensing of Indoor Events Act 2003* (15/2003), Part 3

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.