



**Bailieborough and Cootehill Municipal District**

**Cavan County Council**

**Regulation and Control of the Consumption of Intoxicating Liquor on  
Roads and in Public Places Bye-Law 2015**

**Bailieborough Town and Environs**

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Cavan County Council**

**Regulation and Control of the Consumption of Intoxicating Liquor on  
Roads and in Public Places Bye-Law 2015 Bailieborough Town and  
Environs**

Bailieborough and Cootehill Municipal District (hereinafter called The Municipal District) is empowered pursuant to Sections 199(1), 131A and 63(4) of the Local Government Act, 2001, as amended by the Local Government Reform Act 2014 to make bye-laws for or in relation to the use, operation, protection, regulation or management of any land, services, or any other thing whatsoever provided by or under the control of Cavan County Council (hereinafter called The Local Authority) or in relation to any matter connected therewith and has power pursuant to Section 199(2)(a) where in its opinion it is desirable in the interest of the common good of the local community (i)that any activity or matter should be regulated or controlled or (ii)that any nuisance should be controlled or suppressed, to make a bye-law for that purpose. The exercise of this bye-law making power is, undertaken by Bailieborough and Cootehill Municipal District on behalf of the elected council of the Local Authority but in respect of the Municipal District of Bailieborough and Cootehill within the administrative area of that Local Authority.

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

**Now let it be known that the Bailieborough and Cootehill Municipal District has hereby made the following bye-laws.**

**Citation:** 1. These Bye-Laws may be cited as the Bailieborough and Cootehill Municipal District (Regulation and Control of the Consumption of Intoxicating Liquor on Roads and in Public Places) Bye-Laws 2015  
Bailieborough Town and Environs

**Commencement:** 2. These Bye-Laws shall come into operation on the 18<sup>th</sup> day of December 2015.

**Area of Application:** 3. These Bye-Laws apply to the area comprising of Bailieborough Town and Environs.

**Interpretation:** 4. In these bye-laws, except where the context otherwise requires:-

“road” means any street, lane, footpath, square, court, alley or passage, any bridge, carriageway (whether single or multiple), pavement or footway, weighbridge or other facility for the weighing or inspection of vehicles, service area, emergency telephone, first aid post, culvert, arch, gully, railing, fence, wall, barrier, guardrail, margin, kerb, lay-by, hard shoulder, island, pedestrian refuge, median, central reserve, roundabout, gantry, pole, ramp, bollard, pipe, wire cable, sign, signal or lighting forming part of the road, and any other structure or thing forming part of the road and necessary for the safety, convenience or amenity of road users or for the construction, maintenance, operation or management of the road or for the

protection of the environment, or prescribed by the Minister **AND** which is in the control or management of The Local Authority.

“public place” means a place to which the public can and do have access, to include, churches, churchyards and cemeteries, open spaces, public parks, green spaces and amenity areas, , riverbanks/walks, any outdoor area or place including the cartilage of private and public buildings to which the public have access either by right or as a trespasser or otherwise, or by express or implied permission together with such area or spaces contiguous with any of the foregoing places **AND** which is within the control or management of the Local Authority.

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

“authorised person” means a person authorised in writing by the Authority pursuant to the Local Government Act 2001.

“the Local Authority” means Cavan County Council

“Designated Area” means the area defined in red on the appended Map titled “Cavan County Council Bailieborough Town and Environs Control of Liquor Bye-Laws 2015”.

Subject to sections 9 and 11 hereof no person or persons shall –

- (1) Consume or attempt to consume intoxicating liquor on a road or in a public place within the Designated Area or
  - (2) Possess intoxicating liquor in any open container on a road or in a public place within the Designated Area
5. A person who contravenes paragraph 6(1) or 6(2) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €50.
6. Where an authorised person or a member of the Garda Síochána has reasonable grounds for believing that a person is contravening or has contravened a provision of these bye-laws, such authorised person or member may direct such person to do either or both of the following, that is to say:
  - (i) Desist from such breach, and
  - (ii) Leave immediately the vicinity of the place concerned in a peaceable and orderly manner
7. Failure to comply with such a direction shall be an offence under this bye-law, and shall be liable on summary conviction in the District Court to a fine not exceeding €1,900.
- 8(a) Where an authorised person or a member of the Garda Síochána is of the opinion with reasonable cause, that a person is committing or has committed an offence under these bye-laws, the authorised person or member of the Garda Síochána may demand the name and address of such person and if that demand is refused or the person gives a name or address which is false or misleading, that person shall be guilty of an

or has been committed under any provision of these bye-laws, a member of the Garda Síochána or an authorised person may serve such person/persons with a notice, specifying a fixed payment, not exceeding such amount as may be prescribed, in respect of a contravention of a bye-law as an alternative to a prosecution for the contravention and where the bye-law so provides it shall specify-

- (i) The amount of the fixed payment, and
- (ii) The period within which it must be paid in order to avoid prosecution.

The amount of the fixed payment applicable to the fixed payment notice shall be €50. In the event of non-payment within the specified period a person or persons shall be liable on summary conviction to a fine not exceeding €1,900.

11. Notwithstanding the provisions of these bye-laws the Local Authority or Municipal District on behalf of the Local Authority, on application, not less than 4 weeks before the event, may at his discretion and after consultation with the Gardai relax the provisions of these bye-laws in whole or in part on the occasion of:

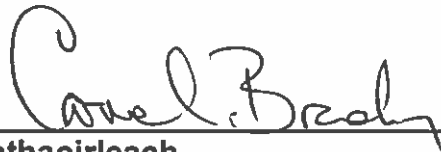
- (i) Major civic celebrations
- (ii) Major sporting events.
- (iii) Major Festivals
- (iii) Special community events organised for and by the community itself.

12. A person or persons who contravene(s) a provision of these bye-laws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,900.

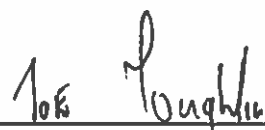
**Made and adopted under the Common Seal of Cavan County Council**

this 12<sup>th</sup> day of November 2015.

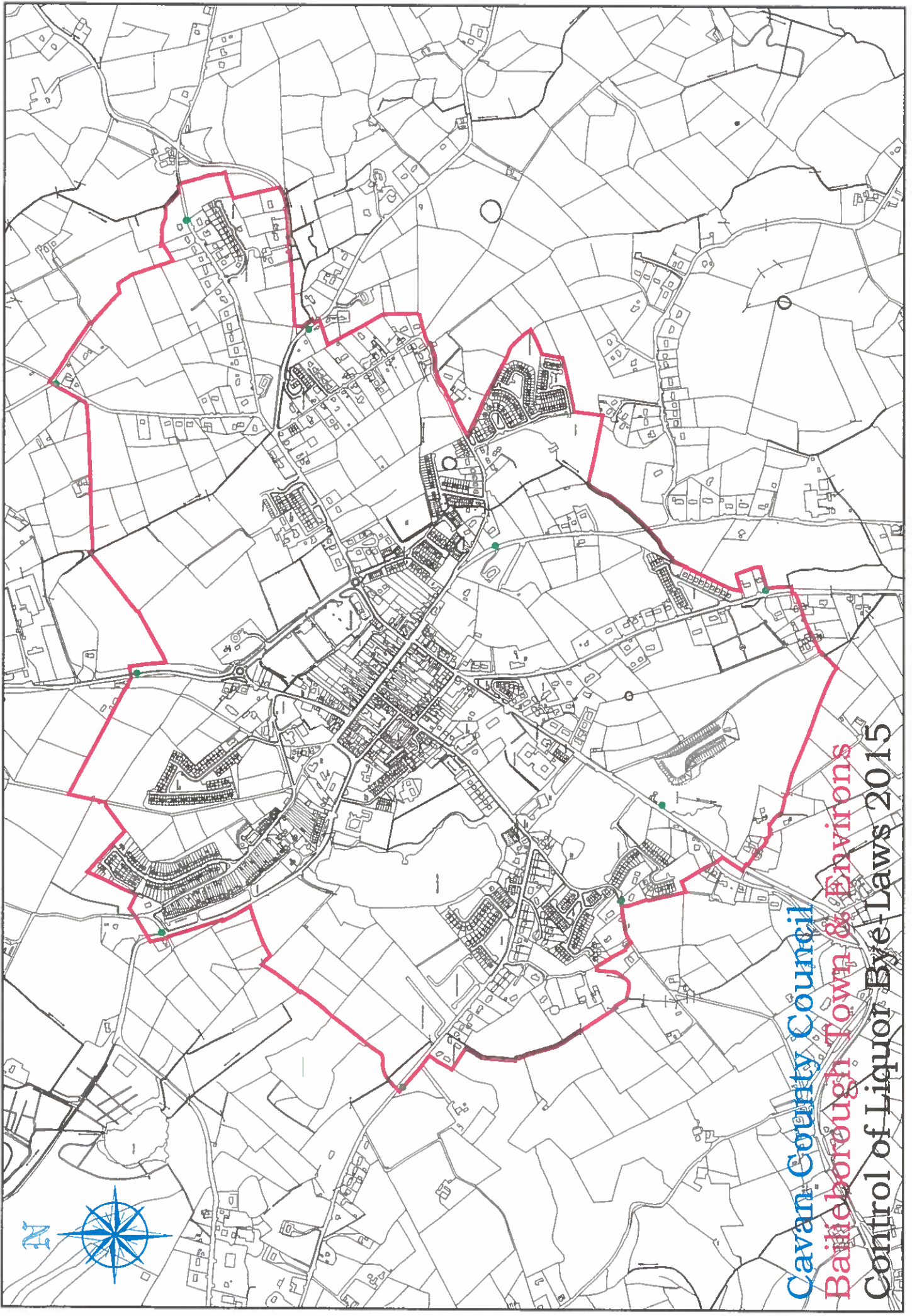
**Present when the Common Seal of Cavan County Council was affixed  
hereto:**



**Cathaoirleach,  
Baillieborough-Cootehill Municipal District**



**Director of Services for Baillieborough-Cootehill Municipal District,  
Cavan County Council**



**Cavan County Council**  
**Bailieborough Town & Environs**  
**Control of Liquor Bye-Laws 2015**