

Brewers' and distillers' Bill moves closer to enactment in Ireland

Insights - 21/02/2018

The Intoxicating Liquor (Breweries and Distilleries) Bill 2016

In November 2016, Alan Kelly TD introduced the Intoxicating Liquor (Breweries and Distilleries) Bill 2016 which proposes a new licence for brewers and distillers allowing them to sell alcohol to visitors of their premises. The aim of the Bill is to support the growing craft brewing industry in Ireland.

Since November 2016, the Bill has trundled through Ireland's legislative process - passing from Cabinet to the Oireachtas and on to the Select Committee on Justice and Equality.

On 15 February 2018, amendments to the Bill as proposed by the Select Committee were published.

A central amendment to the Bill as initiated, is that the granting of this 'new' licence would require a court certificate. This means that to be granted a licence, an application must be made in the District Court or Circuit Court.

Accordingly, the amended Bill inserts a new Section 1 entirely. The replaced Section 1 sets out that an applicant for a licence for the sale of intoxicating liquor at a brewery/distillery, referred to as a 'producer's retail licence', must show the Court that (a) it holds an appropriate manufacturing licence in respect of the premises; and (b) has an 'appropriate' mechanism to restrict the sale of alcohol only to persons who have completed a guided tour of the premises.

Irrespective of the Court being satisfied of (a) and (b), it can still refuse the licence on grounds of

the character, misconduct or unfitness of the applicant;

the unfitness or inconvenience of the premises; or

the unsuitability of the premises for the needs of persons residing in the neighbourhood.

The amended Bill confirms that the licence will permit the sale of alcohol manufactured on the premises to persons who have completed a guided tour between 10.00am - 6.00pm. Where the court certificate has been granted by the Circuit Court, the alcohol may be sold for consumption on or off the premises and where the certificate is granted by the District Court, the alcohol purchased must be consumed off the premises.

A licence will attract excise duty of €500 and the applicant must produce a tax clearance certificate for the licence to be issued and renewed by the Revenue Commissioners.

Where a licence is issued in respect of the premises any other liquor licence attaching to the premises, apart from the manufacturer's licence, will be extinguished.

The amended Bill came before the Joint Committee for debate on 14 and 15 February 2018 where further amendments to the Bill were proposed. Mick Wallace TD has sought to extend the permitted opening time until 7 p.m. and to permit smaller breweries to provide off-sales of their product even if they are unable to provide tours.

The amended Bill will now proceed to Report and Final Stages. Minister for Justice and Equality, Charles Flanagan TD and Alan Kelly TD have indicated a preference for these stages to be completed in the coming weeks to facilitate an early commencement.

For advice on liquor licensing, please email Maria at maria.edgeworth@ogier.com

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