

**NAVAN TOWN COUNCIL**

**LOCAL GOVERNMENT ACTS 1925 TO 2010  
LOCAL GOVERNMENT ACT 2001 (BYE-LAWS) REGULATIONS 2006**

**NAVAN TOWN COUNCIL (REGULATION AND CONTROL OF THE USE,  
CONSUMPTION & POSSESSION OF INTOXICATING SUBSTANCES IN  
PUBLIC PLACES) BYE-LAWS 2011**

**WHEREAS NAVAN TOWN COUNCIL** is of the opinion that it is desirable in the interests of the common good of the local community within its functional area that the use, consumption & possession of intoxicating substances in public places is an activity that should be regulated and controlled and that Bye-laws should be made for this purpose.

**NOW BE IT KNOWN THAT NAVAN TOWN COUNCIL** in the exercise of the powers conferred on it by Part 19 of the Local Government Act, 2001 and all other powers in that behalf **HEREBY MAKE THE FOLLOWING BYE-LAWS:-**

- 1. Citation:** These Bye-Laws shall be cited as the Navan Town Council (Regulation and Control of the Use, Consumption & Possession of Intoxicating Substances in Public Places) Bye-Laws 2011
- 2. Commencement:** These Bye-Laws shall come into operation on Monday 10<sup>th</sup> October 2011
- 3. Area of Application:** These Bye-Laws shall apply to the Functional Area of Navan Town Council.
- 4. Revocation:** The following provisions are hereby revoked. Navan (Regulation and Control of the Consumption and Possession of Intoxicating Substances in Public Places) BYE-LAW 2001 made under the Local Government Act 1994
- 5. (1)** In these Bye-Laws, except where the context otherwise requires-

“authorised person” means a person authorised in writing by the Authority under Section 204 of the Local Government Act, 2001

“any other enactment” means either or both an Act of the Oireachtas and an instrument made under a power conferred by statute within the meaning in each case, respectively, of the Interpretation Act, 2005 other than Part 19 of the Local Government Act 2001 or any amendments made thereto;

“the Authority” means Navan Town Council;

“bottle or container” does not include a bottle or container for a substance which is in the possession of the person concerned for a purpose other than the consumption of intoxicating substances by that or any other person;

“excepted person” means a member of the clergy who has in his possession and/or consumes intoxicating liquor in a church, churchyard, cemetery or their curtilage for the purpose of religious services;

“footpath”, “footway” and “road” have the meanings assigned to them respectively by the Roads Act, 1993 as amended, adapted or extended by or under any subsequent enactment;

“Functional Area” means the Town of Navan as outlined on the map annexed hereto entitled “Navan Town Boundary”.

“intoxicating liquor” includes spirits, wine, beer, porter, stout, cider, perry 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 or any drink or other liquid containing alcohol which is an intoxicating liquor within the meaning of the Licensing Acts, 1833-2008 as amended, adapted or extended by or under any subsequent enactment;

“intoxicating substance” includes any intoxicating liquor, drug (other than a drug lawfully supplied by a Chemist or Pharmacist on a medical prescription or lawfully sold over the counter and not requiring a medical prescription) or any other gas, solvent, other chemical, biological substance, a combination of substances having or capable of having an effect similar to intoxicating liquor or a drug and cognate words shall be construed accordingly;

“ A Member of An Garda Siochana” means a member of any rank (including the Garda Commissioner) appointed under Part 2 of Garda Siochana Act 2005, or under an enactment repealed by Garda Siochana Act 2005 or under subsequent enactments.

“public place” includes:-

- (a) a place to which the public can and do have access, to include open spaces, beaches, public parks, green spaces and amenity areas, car parks, parking places, appointed taxi stand, including boardwalk's, canals, canal banks and towpaths, riverbanks, playgrounds, pitches, walkways.

- (b) any highway, footpath, footway or road
- (c) any outdoor area, premises or other place to which at the material time members of the public have or are permitted to have access, whether as of right, by express or implied permission and with or without payment or as a trespasser or otherwise.
- (d) any cemetery, church, churchyard or their curtilage
- (e) Any train, vessel or vehicle used for the carriage of persons for reward;
- (f) Any place to which the public have access with vehicles whether as of right or by permission and whether subject to or free of charge;
- (g) Anywhere else contiguous with any of the foregoing and/or as may be assigned as a "public place" under any other enactment.

But does not include:-

- a) a private house or dwelling or the garden or curtilage of such house or dwelling only in so far as concerns any activity of the owner or occupier or of a person therein or thereon as of right or with the express or implied permission of the owner or occupier;
- b) any premises licensed for the consumption of intoxicating liquor during the hours authorised for sale and consumption of Intoxicating Liquor pursuant to the Licensing Acts 1833 to 2008 as amended, adapted or extended by or under any subsequent enactment;
- c) any tables and chairs outside a hotel, restaurant or public house or other such premises which are designated by the Minister as defined by the (Planning and Development) Act 2000 as amended or extended as being suitable for licensing under section 254 of the said Act and in respect of which a licence has been granted by the Authority and is for the time being in force and subject to compliance with any conditions contained in such licence.

(2) In these Bye-Laws:-

- a. Every word importing the singular shall, unless the contrary intention appears,

be construed as if it also imported the plural, and every word importing the plural shall, unless the contrary intention appears, be construed as if it also imported the singular.

- b. Every word importing the masculine gender shall, unless the contrary intention appears, be construed as if it also imported the feminine gender

6. (1) Save as may be authorised by law -

- a. a person shall not use, consume, smoke, inject, inhale or in any way make use of an intoxicating substance other than intoxicating liquor in any public place within the Functional Area
- b. a person (unless he is an excepted person) shall not have in his possession an intoxicating substance in any public place within the Functional Area with the intention of using, consuming, smoking, inhaling, injecting or in any way making use of such intoxicating substance in a public place within the Functional Area or of supplying it to another person for such purposes
- c. a person (unless he is an excepted person) shall not consume or attempt to consume intoxicating liquor in a public place within the Functional Area
- d. a person (unless he is an excepted person) shall not have in his possession intoxicating liquor in a public place within the Functional Area for the purpose of supplying it to another person for consumption in a public place within the Functional Area

- (2) For the purpose of these Bye-Laws, a person shall be deemed to be in possession of an intoxicating substance if it is in his actual custody or is held by any other person subject to his control or for him or on his behalf.

- (3) For the purpose of this Article, where a group of two or more persons are congregated together in a public place within the functional Area and an intoxicating substance/s is found in their close vicinity, it shall be presumed until the contrary is proved that each member of that group of persons is in possession of that intoxicating substance.

- (4) In a prosecution for a contravention of this Article, where it is proved that the accused had in his possession or was consuming or attempting to consume (as the case may be) from a bottle or container normally used for the sale of intoxicating substances of any description, it shall be presumed until the contrary is proved that the accused had possession or was consuming or attempting to consume (as the case may be) intoxicating substances and it shall not be necessary for the prosecutor to prove by analysis or otherwise that such bottle or container contained intoxicating substances .

- 7 (1) An authorised person or a Member of An Garda Síochána may request any person who appears to be contravening or to have contravened a provision of these Bye-Laws to leave immediately the vicinity of the place concerned or to refrain from any such contravention.
- (2) An authorised person or a Member of An Garda Síochána may request any person who appears to be contravening or to have contravened a provision of these Bye-Laws to hand over to him any bottle or container which he reasonably suspects contains an intoxicating substance.
- 8 Where an authorised person or a Member of An Garda Síochána suspects with reasonable cause that any bottle or container holds an intoxicating substance and with reasonable cause suspects that a person is contravening or has contravened a provision of these Bye-Laws, the authorised person or the Member of An Garda Síochána may without warrant seize, remove and destroy such bottle or container and its contents which appears to the authorised person or a Member of An Garda Síochána to belong to that person or to be in his or her possession or under his or her control.
- 9 (1) A person shall not obstruct or impede or refuse to comply with a request of an authorised person or a Member of An Garda Síochána acting in the exercise of the functions conferred on such authorised person or a Member of An Garda Síochána by these Bye-Laws.
- (2) A person shall not prevent, attempt to prevent or encourage or incite another person to prevent or attempt to prevent an authorised person or a Member of An Garda Síochána from exercising his or her powers under these Bye-Laws.
- (3) A person shall not prevent or encourage or incite another person from complying with a request made by an authorised person or a Member of An Garda Síochána under Article 6 of these Bye-Laws.
- 10 The Authority may, pursuant to Section 206(1) of the Local Government Act, 2001 or any amendment thereto, serve a fixed payment notice ( within the meaning of that Provision) in the general form of the notice set out in the Schedule to the Local Government Act, 2001 (Bye-Laws) Regulations 2006 (or as provided for in amending Regulations) subject to such alterations as may be considered appropriate by the Authority on any person who has contravened these Bye-Laws as an alternative to a prosecution for such contravention. The amount of the fixed payment is €75.00 or such other sum as may be prescribed from time to time under Regulations by the Minister for the Environment, Heritage & Local Government in the exercise of the powers conferred on him by Section's 4, 200 and 206 of the Local Government Act 2001 and the said fixed payment must be paid within 21 days of such notice in order to avoid prosecution.

11 Notwithstanding the provisions of these Bye-Laws the County Manager (or such person(s) authorised by him ), on an application being made to him, not less than 6 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) Special community events.

12 A person who contravenes a provision of these Bye-Laws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,875

Present when the Common Seal of Navan Town Council was affixed thereto

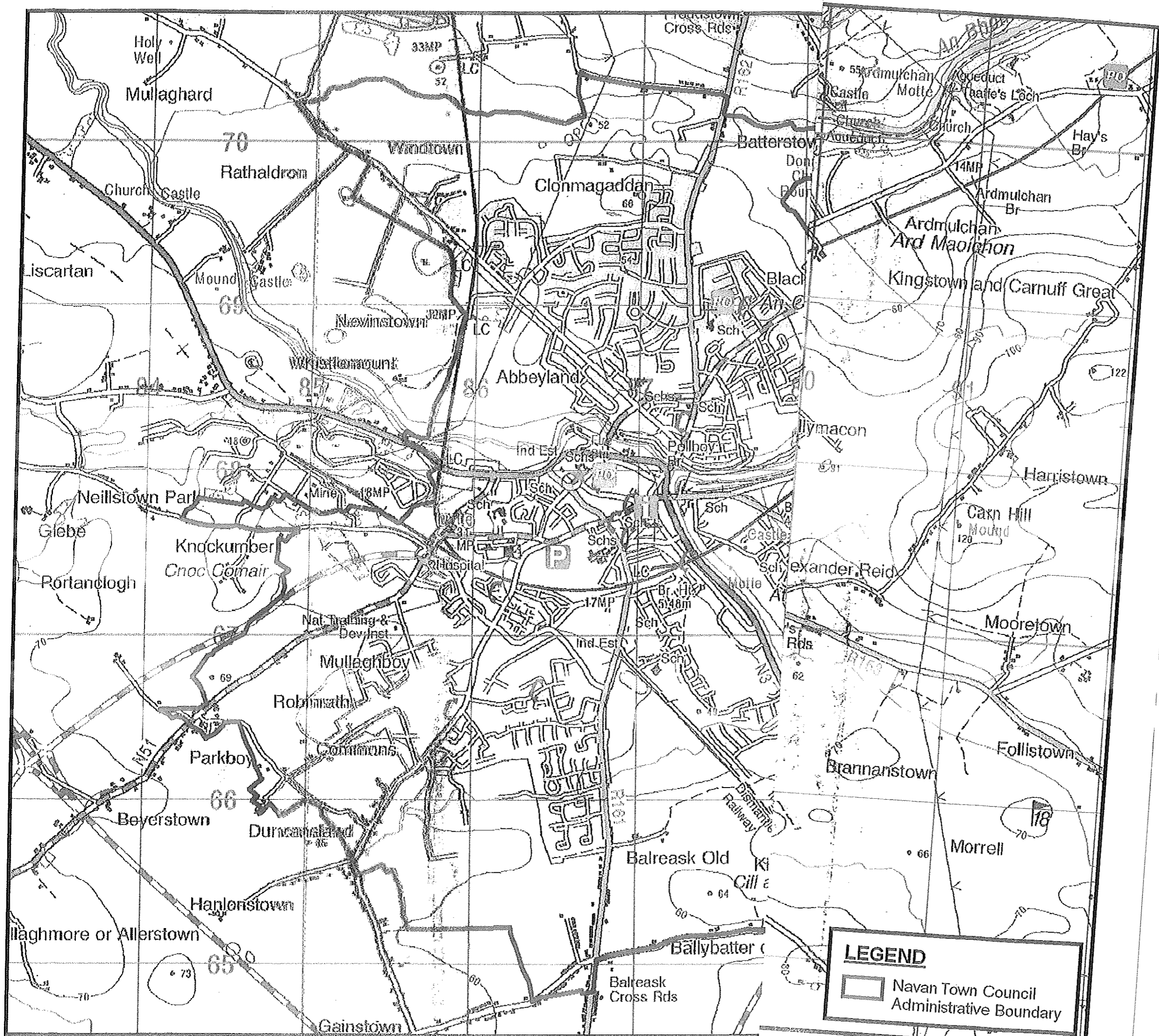
CLR Anton McCabe  
Mayor of Navan

[Signature]  
Town Clerk

[Signature]  
County Manager.

Dated this: 15/9/11 :

Navan Town Council,  
Town Hall,  
Watergate St,  
Navan,  
Co. Meath



**LEGEND**

□ Navan Town Council  
Administrative Boundary