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DEPARTMENT OF JUSTICE AND EQUALITY

Information note

Review of the Code of Practice on the Sale and Display of Alcohol in Mixed Trading Premises

Background

In its 2008 Report, the Government Alcohol Advisory Group (GAAG) recommended the structural separation of alcohol products from other retail items in mixed trading premises such as supermarkets, convenience stores and garage forecourts. The recommendation addressed a concern that alcohol is not an ordinary product and that this should be reflected in more restricted visibility, display and sale arrangements in such premises.

This recommendation subsequently formed the basis of the statutory provisions which are contained in section 9 of the Intoxicating Liquor Act 2008. It provides that in mixed trading premises (i.e. premises in which where non-licensed business is also carried on):

- the display and sale of alcohol are confined to a part of the premises that is separated from the rest of the premises by means of a wall or similar barrier;
- access can only be gained from the rest of the premises to this part through a door, gate, turnstile or similar means of access;
- the only place within the premises that customers can pay for alcohol is at a counter or point of sale within this separated part of the premises;
- the only permitted alternative is to confine the display and sale of alcohol other than wine to a part of the premises to which the public does not have access, e.g. an area behind a counter.

During discussions prior to enactment of the Bill, bodies representing the mixed trading sector proposed implementation of a voluntary Code of practice as an alternative to the statutory provisions in section 9. This was agreed subject to the following conditions:

- agreement on the contents of the Code;

- a high level of support for its strict implementation across the mixed trading sector;
- independent verification of compliance on an annual basis;
- achievement of the structural separation objectives.

It was made clear that non-implementation of the statutory provisions would only continue as long as independent verification of compliance showed that the Code was being implemented effectively across the country, and achieving in effect the objectives of through structural separation.

A new body – Responsible Retailing of Alcohol in Ireland (RRAI) – was subsequently established by the mixed trading sector to oversee implementation of the Code. Its independent Chairperson is Mr Padraic White. On foot of Compliance Reports which he submitted in 2009 and 2010, section 9 of the 2008 Act has not been brought into operation. He has recently submitted his Compliance Report for 2011.

Consultation process

Prior to any decision on whether to commence the structural separation provisions in section 9 of the Intoxicating Liquor Act 2008, the Minister for Justice, Equality and Defence, Mr Alan Shatter, T.D., has decided to seek the views of interested bodies and individuals on the following matters:

- (i) the findings of the 3rd Compliance Report on implementation of the RRAI Code of Practice on the Sale and Display of Alcohol in Mixed Trading Premises; and
- (ii) more generally, the effectiveness of the voluntary approach to implementing structural separation in mixed trading premises (supermarkets, convenience stores and similar outlets).

Submissions may be forwarded by post to Civil Law Reform Division, Department of Justice and Equality, Bishop's Square, Redmond's Hill, Dublin 2 or by email to the following web address: mixedtradingcode@justice.ie

It should be noted that submissions received are subject to the Freedom of Information Acts 1997 and 2003 and may be released or published on foot of third party applications. Any submission containing commercially sensitive material should therefore clearly identify that portion of the submission which is not for release or publication.

The deadline for receipt of submissions is close of business on 20 December, 2011.

ends