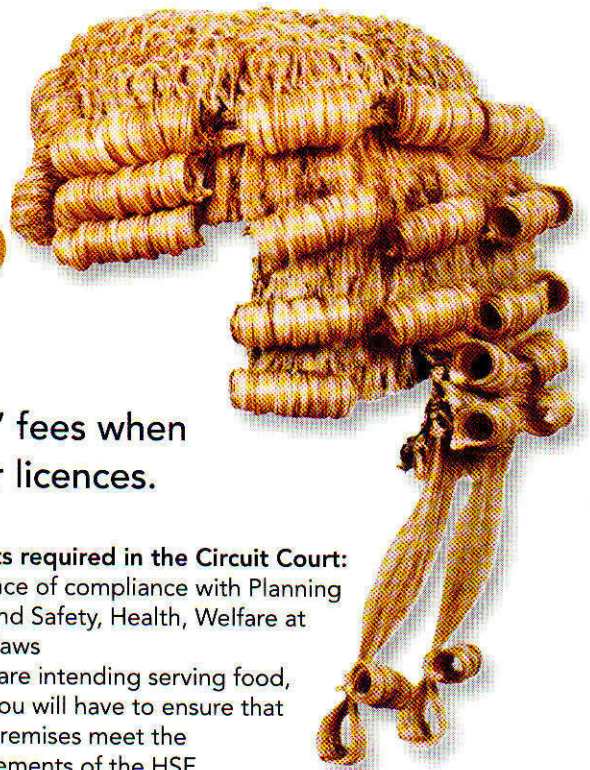


Do You Need a Barrister?



VFI Members can now avail of reduced barristers' fees when making applications in the Circuit Court for liquor licences.

Licensing laws are complex pieces of legislation, and making applications for licenses, either new or lapsed, requires that your solicitor retains the services of a barrister who is very competent in this difficult area of law. It is in no one's interest for an applicant to be represented by the wrong barrister. This process should be made a lot easier by the fact that there are now a number of barristers nationwide proficient in this area of law. But how does your solicitor find one?

Vintners' Federation Ireland have teamed up with Brief Counsel Ltd to put in place a panel of expert licensing barristers offering VFI members significant cost reductions in their legal fees for licence applications. Brief Counsel Ltd can also provide VFI members' solicitors with expert licensing barristers to make applications in any Circuit Court nationwide. As for fees, with stiff competition between practitioners there can be few easier markets in which to "shop around" than the Irish Bar, and barristers are often happy to work to appropriate fees proposed by clients, often for as little as €500 plus VAT.

The Intoxicating Liquor Acts define the circumstances under which a licence may be applied for, such as the following:

1. A new licence for premises where there was never a full licence before. This involves extinguishing, with the consent of its holder, an existing full licence (which can be located anywhere in the country).
2. Transfer a licence from an old licensed premises to a more suitable one in the immediate vicinity of the licence being extinguished (but only in a rural area), where an existing premises has burnt down or has been destroyed or demolished, provided the new premises are to be in the immediate vicinity of the licence being extinguished.
3. If licensed premises are to be demolished by the local authority, or disposed of under a compulsory purchase order, then the local authority will certify a suitable new site for the transfer of the existing licence.
4. If premises had been licensed within the previous five years but the licence was let lapse (perhaps due to lack of tax clearance or the publican not trading), application can be made to revive that licence.
5. If there are premises adjoining or attached (e.g. an extension) to the licensed premises, a new licence can be sought to cover the adjoining/attached premises.

Documents required in the Circuit Court:

- Evidence of compliance with Planning laws and Safety, Health, Welfare at Work laws
- If you are intending serving food, then you will have to ensure that your premises meet the requirements of the HSE
- Fire Certificate (premises compliant with Fire Regulations)
- Tax Clearance Certificate
- Certificate of Incorporation or Certificate of Registration of Business Name, if required

For a renewal of a liquor licence, the following is required:

- Apply to Revenue Commissioners for tax clearance certificate
- Apply for renewal of Intoxicating Liquor Licence to the Collector of Customs and Excise
- Notify Fire Authority; they will inspect, to ensure that premises comply with Fire Regulations
- Appropriate excise duty fee
- Certificate of Registration of Business Name or Certificate of Incorporation (if required)
- Renewed licence must be taken up within six months

Upon the renewal of your licence each year, there is no need to make a Court application unless there is an objection to your licence.

Hugh Kennedy, barrister and John Cronin, solicitor, Brief Counsel Ltd (www.briefcounsel.ie)

Brief Counsel Ltd can quickly and painlessly help solicitors identify the correct barrister from over 2,300 members of the Law Library. Brief Counsel Ltd is well prepared to field questions from those new to the process and is experienced at matching the requirements of a particular client to a suitable barrister

