

General Scheme
Short Term Letting and Tourism Bill 2025

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PRELIMINARY AND GENERAL

HEAD 1 - LONG TITLE

To provide that the Long Title of the Bill is:

An Act to amend the Tourist Traffic Acts 1939 to 2016, give full effect to the Regulation (EU) 2024/1028 of the European Parliament and of the Council on data collection and sharing relating to short-term accommodation rental service and amending Regulation (EU) 2018/1724 and for that purpose to appoint the National Tourism Development Authority to be the competent authority, to provide for the establishment of a register of short-term lettings, to provide for exchange of information between public bodies, to provide for enforcement including by means of fixed payment notices and administrative financial sanctions and for those purposes to amend the Tourist Traffic Acts 1939 to 2016;

to provide for appointment of authorised officers

and to provide for connected matters.

EXPLANATORY NOTE:

It is standard to provide each Bill with a LONG TITLE, giving detail as to its scope and purpose, as well as a succinct SHORT TITLE, providing a convenient reference thereto.

Housing for All, which was published in September 2021 commits to the development of "new regulatory controls requiring short-term and holiday lets to register with the National Tourism Development Authority, Fáilte Ireland with a view to ensuring that houses are used to best effect in areas of housing need". Additionally, at EU level the Regulation of the European Parliament and of the Council on data collection and sharing relating to short-term accommodation rental service and amending Regulation (EU) 2018/1724 was formally adopted by the EU on 11 April 2024. The establishment of a register of short-term lettings is required to enable the implementation of both matters. The Long Title of the Bill will be considered further on consultation with the Office of Parliamentary Counsel.

HEAD 2 - SHORT TITLE, COMMENCEMENT AND COLLECTIVE CITATION

To provide that

- (1) This Act may be cited as the Short Term Letting and Tourism Act 2025.
- (2) This Act shall come into operation on such day or days as the Minister for Enterprise, Tourism and Employment may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.
- (3) The Tourist Traffic Acts 1939 to 2016 and this Act may be cited together as the Tourist Traffic Acts 1939 to 2025

EXPLANATORY NOTE:

It is standard to provide for a convenient Short Title, by which an Act may be generally referred to, to facilitate the commencement of the Act and to provide for a collective citation, as well as providing for a Long Title giving greater detail as to the scope of the Act in question.

HEAD 3 – INTERPRETATION

In this Act–

‘Principal Act’ means the Tourist Traffic Act 1939.

‘Act of 2003’ means the National Tourism Development Authority Act 2003.

‘Act of 1952’ means the Tourist Traffic Act 1952.

EXPLANATORY NOTE:

This is a standard provision which sets out the definitions of key terms used in the General Scheme. Further definitions may be identified during the drafting process.

HEAD 4 – REPEAL OF SECTIONS 37A, 37C, 37D

The Principal Act is amended

(a) by the repeal of sections 37A, 37C and 37D

EXPLANATORY NOTE

This Head repeals sections 37A, 37C and 37D of the Tourist Traffic Act. These sections relate to registers of motor hotels, holiday cottages and holiday apartments and were never commenced. They are no longer required as the new short term letting register will now provide for the mandatory registration of holiday cottages and holiday apartments. Motor hotels will be included in the register for hotels as the use of the term “hotel” requires registration on the hotels register.

HEAD 5 – REGULATIONS

(1) Section 2 of the principal act is amended

by the substitution of “the word “prescribed” means prescribed by regulations made by the Board under this Act save where the context otherwise requires” for
“the word “prescribed” means prescribed by regulations made by the Board under this Act”.

(2) Section 20 of the Principal Act is amended

- (a) by the designation of the section as subsection (1),
- (b) and by substituting the following for subsection (1) “The Board may, with the consent of the Minister, make regulations prescribing any matter or thing which is referred to in this Act as prescribed or to be prescribed save where it is provided that such matter or thing is as prescribed or to be prescribed by the Minister.”

(c) by the insertion of the following subsections:

“(2) Different regulations may be made under subsection (1) in respect of different classes of persons or matters the subject of the prescribing concerned and for different circumstances or classes of circumstances in relation to such different matters or different classes of matters.

(3) Regulations under this Act may contain such incidental, supplementary and consequential provisions as appear to the Board to be necessary or expedient for the purposes of the regulations.

(4) Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling it is passed by either House within the next 21 days on which that House sits after it is laid before the House, it shall be annulled accordingly, but without prejudice to the validity of anything previously done by or under it.”.

(3) Regulations made under section 20 of this Act which are in force immediately before the day on which this section comes into operation shall, on and after that day, continue in force as if they were regulations made under that section, as amended by *subsection (1)*, and may be amended or revoked accordingly.

EXPLANATORY NOTE:

The proposed amendment to Section 2 of the principal act provides that matters may be prescribed by the Minister by Regulation. The amendment to Section 20 proposes that high level matters and matters which are required to be prescribed by Fáilte Ireland will be set out in a Statutory Instrument.

HEAD 6 - SERVICE OF DOCUMENTS OR NOTICES UNDER THIS ACT

Section 46 of the Principal Act is amended by

(a) substituting the following for subsection (1):

“A notice or other document that is required to be served on or given to a person under this Act shall be addressed to the person concerned by name, and may be so served on or given to the person in one of the following ways:

(a) by delivering it to the person;

(b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address;

(c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address;

(d) by electronic means, in a case in which the person has given notice in writing to the person serving or giving the notice or document concerned of his or her consent to the notice or document (or notices or documents of a class to which the notice or document belongs) being served on, or given to, him or her in that manner.”

(b) substituting the following for subsection (2):

“For the purpose of this section, a company formed and registered under the Companies Act 2014 or an existing company within the meaning of that Act is deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business.”

EXPLANATORY NOTE:

This sets out the arrangements for the service of notices issued under this act.

HEAD 7 - AMENDMENT TO DEFINITIONS IN THE PRINCIPAL ACT

Section 23 of the Principal Act is amended by the deletion of the definitions of register and registration and the insertion of the following definitions -

‘register’ means a register established under paragraph (a), (b), (c) (d), (e), (g) or (j) of section 24(1).

‘registration’ means the entry of a premises or unit in a register.

‘scale of charges’ means the amount which the applicant for registration in a register referred to in paragraph (a), (b), (c), (d), (e) or (g) of section 24(1) or applicant for renewal of that registration proposes to charge for accommodation during the period of registration.

‘valid’ means a registration that has not been cancelled / terminated in accordance with the Tourist Traffic Acts 1939-2016 or the Short-term Accommodation Regulation.

‘Short-term Accommodation Regulation’ means Regulation (EU) 2024/1028 of the European Parliament and of the Council on data collection and sharing relating to short-term accommodation rental service and amending Regulation (EU) 2018/1724.

‘short-term letting’ means the short term letting of a unit, provided for remuneration whether on a professional or non-professional basis for a period not exceeding 21 consecutive nights.

‘unit’ has the meaning given to it by Article 3.1 of the Short-term Accommodation Regulation.

‘host’ has the meaning given to it by Article 3.2 of the Short-term Accommodation Regulation.

‘online short-term rental platform’ has the meaning given to it by Article 3.5 of the Short-term Accommodation Regulation

‘small or micro online short-term rental platform’ has the meaning given to it by Article 3.6 of the Short-term Accommodation Regulation

‘registration number’ has the meaning given to it by Article 3.7 of the Short-term Accommodation Regulation

‘registration procedure’ has the meaning given to it by Article 3.8 of the Short-term Accommodation Regulation

‘listing’ has the meaning given to it by Article 3.10 of the Short-term Accommodation Regulation

‘activity data’ has the meaning given to it by Article 3.12 of the Short-term Accommodation Regulation

‘contravention’ means:

(i) the failure by an online short-term rental platform to comply with an order issued to it under Article 6(3), 6(4), 6(6) or 6(11) of the Short-term Accommodation Regulation;

(ii) the failure by an online short-term rental platform to comply with Article 7(2) or 7(3) of the Short-term Accommodation Regulation;

(iii) the failure by an online short-term rental platform, other than a “small or micro online short-term rental platform” that did not, in the previous quarter, reach a monthly average of 4250 or more listings, to comply with Article 9(1) of the Short-term Accommodation Regulation;

(iv) the failure by a “small or micro online short-term rental platform” that did not, in the previous quarter, reach a monthly average of 4250 or more listings to comply with Article 9(2) of the Short-term Accommodation Regulation; and

(v) the failure by an online short-term rental platform to comply with Article 9(3) of the Short-term Accommodation Regulation.

‘local authority’ means—

(a) in relation to a municipal district, the county council or the city and county council in which the municipal district is situated, and

(b) in every other case—

(i) a county council,

(ii) a city council,

(iii) a city and county council.

EXPLANATORY NOTE:

This is to update the definitions.

HEAD 8 - ELIGIBILITY FOR REGISTRATION

Section 24 of the Principal Act is amended-

(a) in subsection (1)

(i) in paragraphs (e) and (g), by the substitution of a semi-colon for the full stop,

(ii) by the deletion of paragraphs (f), (h) and (i), and

(iii) by the insertion of the following paragraph:

“(j) a register for the purpose of the Short-term Accommodation Regulation and this Act to be called and known and in this Act referred to as the register of Short Term Lettings.

(b) in subsection (2)

(i) by the substitution of “registers referred to in paragraph (a), (b), (c), (d) (e) or (g) of subsection (1)” for “several registers respectively”, and

(ii) by the substitution of the following paragraph for paragraph (c):

“(c) such other information or particulars as the Board considers necessary to prescribe for the purpose of the performance of the functions of the Board under this Act.”,

EXPLANATORY NOTE:

At present Fáilte Ireland’s statutory functions relate to the regulation of those types of tourist accommodation for which registers have been established under the Acts. These include accommodation types such as ‘hotel’, ‘guest house’ and ‘youth hostel’. Section 24 of the Acts established nine registers, each one relating to a particular type of premises by reference to its description (hereinafter referred to as a “prescribed term”). The necessity for a premises to be registered on one of the registers arises where a premises is described or held out as one of the prescribed terms. The existing registration regime encompassed the majority of tourist accommodation available at the time when the first Tourist Traffic Act was introduced in 1939. However, the evolution of tourist accommodation since then means that the existing regime, despite some additions since 1939, does not capture a significant part of the tourist accommodation now offered in Ireland with the result that quite a lot of tourist accommodation in Ireland falls outside of the statutory framework (for example bed and breakfast accommodation or house rentals do not fall within the existing registers). This new Register of Short-Term Letting (“STL Register”) is being established to remedy the gaps which have developed and is sufficiently general to anticipate the future development of tourist accommodation insofar as is possible. The provisions referring to motor hotels, holiday cottages and holiday apartments are being repealed. The definition of short term letting captures self-catering accommodation such as holiday cottages and holiday apartments. In respect of motor hotels, the use of the term ‘hotel’ will require registration on the hotels register (section 24(1) (a)).

HEAD 9 – INFORMATION TO BE PROVIDED UPON REGISTRATION

Section 25 of the Principal Act is amended-

(a) by the deletion of paragraphs (f), (h) and (i).

EXPLANATORY NOTE:

This amends section 25 of the Acts which provides the criteria for a premises to be registered.

HEAD 10 - REGISTRATION PROCEDURES

Section 26 of the Principal Act is amended-

(a) by the substitution of the following subsection for subsection (2):

“(2) Every application under this section for the registration of a premises in a register referred to in paragraph (a), (b), (c), (d), (e) or (g) of section 24(1) shall

(i) be made in the prescribed form and manner,

(ii) contain the particulars prescribed in regulations made under such sub-paragraph of Section 25 as is relevant for the purposes of the register in question and

(iii) be accompanied by such fee as shall be prescribed by the Board.”

EXPLANATORY NOTE:

This amends section 26 of the Acts to allow Fáilte Ireland (FI) to prescribe registration fees. Any registration fees charged are administrative in nature and are designed to cover the cost of the registration process. This section does not refer to the STL register.

HEAD 11 - REGISTRATION INSPECTIONS

The following section is substituted for section 27 of the Principal Act:

(1) Where an application is duly made to the Board for the registration of a premises in a register referred to in paragraph (a), (b), (c), (d), (e) or (g) of section 24(1), the Board shall cause the premises to be inspected by a registration officer appointed in accordance with Section 41A (1) of this Act.

(2) Where, having received an application duly made, the Board has caused the premises to be inspected and is of the opinion that the premises are eligible for registration in the register concerned, then the Board shall give notice to the applicant that his or her premises shall be registered, as appropriate, in one of the registers referred to in subsection (1) on payment to the Board of such fee as shall, be prescribed by the Board.

(3) Where following an inspection referred to in subsection (1) the Board is of the opinion that the premises are not eligible for registration in the register concerned –

(a) the Board shall give notice on the applicant informing him or her of the Board's opinion and the reasons for it and that the applicant may not later than 14 days after service of the notice, make written representations to the Board,

(b) if no written representations are furnished to the Board within the period specified in paragraph (a), the Board shall refuse the application,

(c) if the Board, having considered any written representations furnished to it remains of the opinion that the premises are not eligible for registration in the register concerned it shall refuse such application,

(d) if the Board, having considered any written representations furnished to it is of the opinion that the premises are eligible for registration in the register concerned, then the Board shall give notice to the applicant that his or her premises shall be registered, as appropriate, in one of the registers referred to in subsection (1) on payment to the Board of such fee as shall, be prescribed by the Board.

(4) The Board shall register a premises of an applicant who is given notice under subsection (2) or subsection (3)(d) in the register concerned on receipt from the applicant of the fee specified in the notice.

(5) References in subsection (2) and (3) to the opinion of the Board shall be construed as references to such opinion formed by the Board itself or any committee established under section 23 of the Act of 2003.

EXPLANATORY NOTE:

These amendments allow for registration inspections by Fáilte Ireland excluding for short-term letting premises while it will continue to exercise its discretion in relation to the inspection of premises on other registers. In addition, section 27 (5) is amended to allow for the opinion of the Authority to be delegated to a properly established committee pursuant to section 23 of the 2003 Act.

HEAD 12 - REGISTRATION OF SHORT TERM LETTINGS

The Principal Act is amended by the insertion of the following section after section 27:

“27A

(1) (a) The Board shall be the competent authority, within the meaning of Article 3 (11) of the Short-term Accommodation Regulation, with responsibility for:

(i) managing and enforcing registration procedures in accordance with the provisions of this Act and

(ii) collecting data on short-term accommodation rental services in accordance with the provisions of this Act and Section 8A of the Act of 2003.

(b) The Local Authority is the competent authority, within the meaning of Article 3 (11) of the Short-term Accommodation Regulation, with responsibility for ensuring compliance with the applicable rules concerning the access to, and provision of, short-term accommodation rental services located within their area of responsibility.

(2) The board shall establish and maintain a registration procedure referred to in subsection (1) in accordance with Article 4 of the Short-term Accommodation Regulation.

(3) The host shall, when applying to register a unit in a register referred to in section 24(1) (j), submit a declaration that

(a) contains information in accordance with Article 5 (1) (a) of the Short-term Accommodation Regulation that shall include

(i) the Eircode of the unit, to mean “a postcode allocated under the national postcode system and “the national postcode system” as having “the same meaning as it has in section 66” of the Communications Regulation (Postal Services) Act 2011, for the purpose of Article 5(1) (a) (i) of the Short-term Accommodation Regulation,

(b) contains information in accordance with Article 5 (1) (b) and (c) of the Short-term Accommodation Regulation that shall include

(ii) their Personal Public Service Number (issued in accordance with Section 262 of the Social Welfare Consolidation Act 2005) for the purpose of Article 5(1) (b) (ii) of the Short-term Accommodation Regulation,

(iii) their Date of Birth for the purpose of Article 5(1) (b) (ii) of the Short-term Accommodation Regulation, or

(iv) the national business registration number being the number listed with the Companies Registration Office for the purpose of Article 5(1) (c) (ii) of the Short-term Accommodation Regulation, or

- (c) confirmation of compliance with statutory obligations including
- (i) the Planning and Development Act of 2000, as amended and associated regulations,
 - (ii) the Building Control Act 1990, Building Regulations 1997 to 2024, the Building Control Regulations 1992 to 2021 and
 - (iii) the Fire Services Acts 1981 and 2003,
- in accordance with Article 5 (3) and Article 2 (2) (a) and (b) of the Short-term Accommodation Regulation and
- (d) accompany the application by such fee as prescribed by the board.

(4) Where the Board enters a unit in a register referred to in section 24(1)(j) it shall provide a registration number in respect of that registration to the host in accordance with Article 4 (3) (b) of the Short-Term Accommodation Regulation.

(5) When offering a unit for the purpose of short-term letting, whether by way of an online short-term rental platform or otherwise, or offline where such a service is provided for remuneration, the host shall having completed the registration procedure

- (a) declare that the unit is subject to a registration procedure,
- (b) provide a registration number provided in accordance with subsection (4).

(6) A person who contravenes subsection (5) shall be guilty of an offence.

(7) Where there is a material change in the situation substantiated by the declaration and information provided pursuant to Article 5(1) and (2) of the Short-term Accommodation Regulation, the host shall update that declaration and information by way of the functionality provided pursuant to Article 4 (3) (e) of the Short-term Accommodation Regulation.

(8) A person guilty of an offence under subsection (6) shall be liable on summary conviction thereof to a class A fine or to imprisonment for a term not exceeding 12 months or both.

EXPLANATORY NOTE:

This new section 27A is inserted to provide for the registration of STL units from 20 May 2026 when the Short-term Accommodation Regulation is applicable. It is intended that registration of STL units will take place automatically online and will not require prior inspection. This provision will be updated as drafting progresses and in line with the coming into operation of relevant provisions of the Planning and Development Act 2024.

HEAD 13 STL REGISTRATION APPEALS PROCESS

The Principal Act is amended by the insertion of the following section after section 27B:

“27B

(1) Where an application to register a unit is made under Section 27A (3) and the host did not meet the requirements for registration as specified in that section, an automated notification shall be generated by the online registration procedure system established pursuant to Section 27A (2) to advise the host that their application for registration has not been accepted.

(2) The automated notification issued pursuant to subsection (1) shall provide the reasons why the application to register a unit under Section 27A (3) was not accepted and inform the host of their right of appeal under subsection (3).

(3) The host concerned may appeal in writing to the Registration Appeals Officer appointed in accordance with Section 53 (1) within 21 days following the date of the automated notification issued pursuant to subsection 2 by post or by electronic means and shall set out the basis upon which they consider the registration of a unit under Section 27A (3) ought to have been accepted and provide a copy of the automated notification issued pursuant to subsection (1).

(4) Where a host provides a written appeal under subsection (3) the Registration Appeals Officer shall notify the board within 7 days following the receipt of such an appeal.

(5) For the purposes of making a decision under subsection (7), the Registration Appeals Officer shall consider:

- (i) the criteria for registration as specified in Section 27A (3).
- (ii) the written submission and automated notification issued pursuant to subsection (1) provided under subsection (3),

(6) Where the Registration Appeals Officer, in consideration of the documents referred to subsection (3) forms the view that further information is required for the purpose of enabling him or her to make a decision under subsection (7), he or she may, as considered appropriate, request clarification or further information from the host, to be provided within 14 days.

(7) The Registration Appeals Officer, having considered the criteria for registration as specified in Section 27A (3) and any information submitted under subsection (3) shall make a final decision.

(8) The Registration Appeals Officer shall, as soon as practicable after he or she reaches a decision, notify the host concerned and the board of the decision and provide a copy of the decision.

(9) The notification in subsection (8) shall set out the reasons for the Registration Appeals Officer's decision.

EXPLANATORY NOTE:

This new section 27B is inserted to provide for the registration appeals process for STL registrations as required under Article 4 (3) (c) of the Short-term Accommodation Regulation.

HEAD 14 - PERIOD OF REGISTRATION

Section 28 of the Principal Act is amended-

(a) by the substitution of the following subsection for subsection (1)

“(1) (a) Every registration of a premises in a register referred to in paragraph (a), (b), (c), (d), (e) or (g) of section 24(1), shall (unless sooner terminated under this Act) continue in force until the next following 31st day of December and shall then terminate unless it is renewed under section 30.”

(b) Every registration of a unit in a register referred to in section 24 (1) (j) shall continue in force for a period of 12 months after the date of registration and shall then terminate unless it is renewed under section 29 (3).”

(c) in subsection (2), by the insertion of “referred to in paragraph (a), (b), (c), (d), (e) or (g) of section 24(1)” after “register”, and

(d) in subsection (3) by the insertion of “referred to in paragraph (a), (b), (c), (d), (e) or (g) of section 24(1)” after “register” where it first occurs.

EXPLANATORY NOTE:

These provisions set the registration term at 12 months.

HEAD 15 - RENEWAL OF REGISTRATION

Section 29 of the Principal Act is amended-

(a) by the substitution of the following subsection for subsection (1):

“(1)

The registered proprietor of any premises registered in a register referred to in Section 24(1), paragraph (a), (b), (c), (d), (e) or (g) may apply to the Board on or before the 15th day of November in any year for the renewal of the registration of the premises for a period of 12 months beginning on the next following 31st day of December.”

(b) by the insertion of the following subsection after subsection (1):

“(1A) The registered host of any unit registered in a register referred to in section 24 (1)(j) may apply to the board not less than 30 days prior to the expiration of the period of 12 months from the registration of the unit under section 27A (4) for the renewal of the registration of the unit for a period of 12 months.”

(c) by the substitution of the following subsection for subsection (2):

“(2) Every application under this section for the renewal of the registration of a premises in a register referred to in paragraph (a), (b), (c), (d), (e) or (g) of section 24(1), shall-

- (a) be made in the prescribed form and manner,
- (b) contain the prescribed particulars,
- (c) be accompanied by the prescribed fee and
- (d) be accompanied by a scale of charges, in the prescribed form.”

And by the substitution of the following in subsection (3).

“(3) Every application under this section for the renewal of the registration of a unit in a register referred to in paragraph 24 (1) (j) shall be made in accordance with section 27A (3) save where the host confirms that the information provided under the previous registration has not changed.”

EXPLANATORY NOTE:

This allows for the renewal of STL registration on a 12 month rolling basis. In relation to existing registers it removes the reference to prescribed fees and amends the scale of charges (in line with amendment made to section 26) to include room rates only. Any registration fees charged will be prescribed by the board and will be administrative in nature and designed to cover the cost of the regime.

HEAD 16 - INSPECTION OF PREMISES FOR RENEWAL OF REGISTRATION

Section 30 of the Principal Act is amended-

(a) in subsection (2) by the substitution of “the Board, subject to subsection (2A), shall cause such premises to be inspected by a registration officer” for “the Board shall cause such premises to be inspected by an officer of the Board”,

(b) by the insertion of the following subsection after subsection (2):

“(2A) Where an inspection of a premises, the subject of an application for a renewal under this section, has been carried out under section 41 not more than 90 days before the application for renewal is made, the Board shall not cause the premises to be inspected under subsection (2).”,

(c) in subsection (4)-

(i) by the deletion of paragraph (c),

(ii) in paragraph (d) by the deletion of “notwithstanding such second inspection and”, and

(iii) in paragraph (e) by the deletion of “as a result of such second inspection and”,

(d) in subsection (6), by the insertion of “or any Committee established under section 11 of the Act of 2003” after “formed by the Board”, and

(e) by the insertion of the following subsection after subsection (6):

“(7) In this section a reference to register is to a register referred to in paragraph (a), (b), (c), (d), (e) or (g) of section 24(1).”.

EXPLANATORY NOTE:

This section does not apply to the STL register.

Section 30(2) is to be amended to allow any inspection carried out pursuant to section 41 in the 90 days prior to the Board forming its opinion to be used as the first inspection required under sub-section (2). The ability to engage a contractor to carry out the functions of the Board under parts of Section 30 is provided for in NDTA 2003. Now for clarity, Section 30(2) and 30(4)(c) are being amended to specify that inspections under this section may be carried out by registration officers (which could include service providers) with final inspections carried out by a Fáilte Ireland representative. Section 30(6) is amended to remove the restriction that the “opinion of the Board” relates to the Board itself. For clarity, section 30(6) provides that any reference to the “Board” should be construed to include a committee of the Board duly established pursuant to the 2003 Act.

HEAD 17 REQUIREMENT TO DISPLAY REGISTRATION CERTIFICATE

Section 31 of the Principal Act is amended-

- (a) In subsection (1) by the insertion of “on a register referred to in paragraph (a), (b), (c), (d), (e) or (g) of section 24(1)” after “premises”, and

by the insertion of “that shall include a registration number for that premises” after “proprietor”,

- (b) by the substitution of the following subsection for subsection (4):

“(4) Whenever the proprietor of a premises registered on a register referred to in paragraph (a), (b), (c), (d), (e) or (g) of section 24(1) fails to display, in accordance with subsection (3)(c), the registration certificate for the time being in force in respect of such premises, he or she shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a class A fine or to imprisonment for a term not exceeding 12 months or both.”,

- (c) in subsection (5) by the substitution of “a class A fine or to imprisonment for a term not exceeding 12 months or both.” for “a fine not exceeding £50 together with, in the case of a continuing offence, a further fine (not exceeding £200 in all) not exceeding £5 for every day during which the offence continues”.

EXPLANATORY NOTE:

This requires that a registration certificate containing a unique registration number be issued in respect of each premises registered with the exception of the STL register, where only a registration number will issue. It also incorporates the issuance of a registration certificate upon registration on each renewal and amends the penalties in this section to refer to a class A fine or to imprisonment for a term not exceeding 12 months or both.

HEAD 18 - DESCRIPTION OF PREMISES

The principal Act is amended by the substitution of the following section for section 33:

“33. (1) It shall not be lawful for the proprietor of any premises where hotel accommodation and service may be provided to describe or hold out or permit another person to describe or hold out the premises as –

- (a) a hotel,
- (b) a motel,
- (c) a resort,
- (d) a lodge,
- (e) an apartment hotel,
- (f) an apartotel,
- (g) an aparthotel,
- (h) a microtel, or

how so ever otherwise described or held out as providing hotel accommodation and service, unless the premises are registered in the register of hotels and such proprietor is registered in that register as the registered proprietor of such premises.

(2) In subsection (1) “hotel accommodation and service” has the same meaning as prescribed by the board in accordance with Section 25 of this Act.

(3) A person who on the coming into operation of subsection (1) is the proprietor of a premises referred to in paragraph (b) to (h) of subsection (1) that is not registered in the register of hotels shall, not later than 30 days after that coming into operation apply to be so registered etc.

(4) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable:

- (a) on summary conviction thereof to a class A fine or to imprisonment for a term not exceeding 12 months or both.

EXPLANATORY NOTE:

This updates the list of premises which may be used to describe hotel-type accommodation which requires mandatory registration and updates the offences for same to a Class A fine or to imprisonment for a term not exceeding 12 months or both.

HEAD 19 - OFFENCES AND PENALTIES

The Principal Act is amended-

(a) in section 34, by the substitution of the following subsection for subsection (2):

“(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction thereof to a class A fine or to imprisonment for a term not exceeding 12 months or both.

(b) in section 35, by the substitution of the following subsection for subsection (2):

“(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction thereof to a class A fine or to imprisonment for a term not exceeding 12 months or both.

(c) in section 36, by the substitution of the following subsection for subsection (2):

“(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction thereof to a class A fine or to imprisonment for a term not exceeding 12 months or both.

(d) in section 37, by the substitution of the following subsection for subsection (2):

“(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction thereof to a class A fine or to imprisonment for a term not exceeding 12 months or both.

(e) in section 37B, by the substitution of the following subsection for subsection (2):

“(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction thereof to a class A fine or to imprisonment for a term not exceeding 12 months or both.

EXPLANATORY NOTE:

This updates the offences to a class A fine or to imprisonment for a term not exceeding 12 months or both and removes the continuing offence.

HEAD 20 - OFFENCES RELATING TO THE GRADING OF PREMISES

Section 39 of the Principal Act is amended

(a) in subsection (1), by the insertion of “referred to in paragraph (a), (b), (c), (d), (e) or (g) of section 24(1)” after “register”,

(b) in subsection (2), by the insertion of “referred to in paragraph (a), (b), (c), (d), (e) or (g) of section 24(1)” after “register”,

(c) in subsection (3), by the insertion of “referred to in paragraph (a), (b), (c), (d), (e) or (g) of section 24(1)” after “register” and

(d) by the substitution of Section 39(4) with the following paragraph:

If the registered proprietor of any premises registered in any register referred to in paragraph (a), (b), (c), (d), (e) or (g) of section 24(1) acts in contravention of the immediately preceding subsection of this section, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a class A fine or to imprisonment for a term not exceeding 12 months or both.

(a) By the insertion of new subsections 39(5) and 39(6) after Section 39 as follows:

(5) It shall be unlawful for a proprietor or any person to promote, advertise or otherwise offer a premises registered in any register referred to in paragraph (a), (b), (c), (d), (e) or (g) of section 24(1) as being of a grade not allotted to that premises by the Board and they shall be guilty of an offence and liable on summary conviction thereof to a class A fine or to imprisonment for a term not exceeding 12 months or both.

(6) The Board may determine such grading standards of registered premises and may publish grading standards as it sees fit.

EXPLANATORY NOTE:

This makes it an offence to promote, advertise or otherwise offer a premises of being of a grade not allotted to it by Fáilte Ireland, allow Fáilte Ireland to issue fixed payment notices in respect of this offence and permit Fáilte Ireland to determine grading standards of registered premises and publish grading standards. This section does not apply to the STL register.

HEAD 21 - OFFENCES – REGISTRATION OFFICER

The Principal Act is amended by

(1) the substitution of Section 41(1) with the following paragraph:

“A registration officer appointed in accordance with Section 41A (1) of this Act shall be entitled at all reasonable times subject to the production by him if so required of his appointment in writing as a registration officer to enter and inspect any registered premises or any premises in respect of which an application for registration on a register referred to in paragraph (a), (b), (c), (d), (e) or (g) of section 24(1) has been made, and to require the registered proprietor or the applicant for registration as the case may be or any person employed in such premises to furnish to such a registration officer such information in relation to such premises as may be reasonably necessary for the purposes of the administration of this Act.”

(2) the substitution of Section 41(2) with the following paragraph

“Every person who

(a) obstructs or impedes a registration officer in the exercise of any of the powers conferred by this section, or

(b) fails or refuses to give to a registration officer on demand any information which such registration officer is entitled to demand under this section, or

(c) furnishes information to a registration officer which is false or misleading in a material respect knowing it to be so false or misleading or being reckless as to whether it is so false or misleading,

shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a class A fine or to imprisonment for a term not exceeding 12 months or both.”

(3) by the deletion of subsection (3), (4) and (5).

EXPLANATORY NOTE:

This extends the offences to include furnishing false or misleading information and updates the penalty for the offences to a class A fine or to imprisonment for a term not exceeding 12 months or both. The definition of a registration officer for this section is removed as a broader definition will be inserted elsewhere in the Bill.

HEAD 22 APPOINTMENT OF REGISTRATION OFFICERS

The Principal Act is amended by the insertion of the following section after section 41

“41A

(1) The board may appoint in writing persons to be registration officers for the purposes of

- (a) conducting registration inspections under Section 41 of this Act,
- (b) verifying declarations and information provided by hosts pursuant to Section 27 A (3) of this Act and suspending the validity of or withdrawing a registration number or numbers pursuant to Article 6 (3), (4) or (6) of the Short-term Accommodation Regulation.

(2) (a) For the purposes of Subsection (1) (a) the following persons may be appointed by the Board as registration officer

- (i) an officer of the Board,
- (ii) an employee of a contractor appointed in writing by the contractor.

(b) For the purposes of Subsection (1) (b) the following persons may be appointed by the Board as registration officers

- (i) an officer of the Board.

(3) The board shall set, the terms and conditions upon which registration officers would be appointed in accordance with subsection (1) and (2), subject to the approval of the Minister.

(4) Every registration officer appointed under this section shall be furnished by the board with a letter of his or her appointment as a registration officer and when exercising any power conferred on him or her under this Act shall, if requested by a person affected, produce the letter of appointment or a copy thereof to that person.

(5) A registration officer who is an employee of a contractor shall cease to be a registration officer upon the termination of any contract made between the Board and the contractor who employs the employee.

(6) An appointment under this section as a registration officer shall cease—

- (a) in the case where the board revokes an appointment or
- (b) where the appointment is for a fixed period, upon the expiry of that period,
- (c) where the person appointed is an employee of the board, upon his or her ceasing to be such an employee.”

EXPLANATORY NOTE:

This provides for the power by Fáilte Ireland to appoint registration officers for the purposes of conducting inspections under Section 41 of this Act and determining the validity of STL registrations.

HEAD 23 - APPOINTMENT OF AUTHORISED OFFICERS

The Principal Act is amended by the insertion of the following section after section 41A

“41B

(1) The board may appoint in writing persons to be authorised officers for the purposes of conducting investigations into a suspected summary offence under this Act and suspected contraventions.

(2) The board shall set, the terms and conditions upon which authorised officers would be appointed in accordance with subsection (1), subject to the approval of the Minister.

(3) Every authorised officer appointed under this section shall be furnished by the board with a warrant of his or her appointment as an authorised officer and when exercising any power conferred on him or her under this Act shall, if requested by a person affected, produce the warrant or a copy thereof to that person.

(4) An appointment under this section as an authorised officer shall cease—

(a) in the case where the board revokes an appointment or

(b) where the appointment is for a fixed period, upon the expiry of that period,

(c) where the person appointed is an employee of the board, upon his or her ceasing to be such an employee.”

EXPLANATORY NOTE:

This provides for the power by Fáilte Ireland to appoint authorised officers for the purposes of conducting investigations into summary offences under this Act and suspected contraventions of Article 6 (3), (4) (6) and (11), 7(2) and (3) or 9 of the Short-term Accommodation Regulation.

HEAD 24 –AUTHORISED OFFICERS POWERS CONCERNING INVESTIGATIONS INTO SUSPECTED CONTRAVENTIONS

The Principal Act is amended by the insertion of the following section after section 41B

“41C

(1) If a person authorised by the board under subsection (2) believes there is reason to suspect that there has been a contravention, the person may direct an authorised officer to carry out an investigation of the suspected contravention.

(2) The board may authorise any board member or member of its staff for the purposes of subsection (1).

(3) The person who directs the authorised officer to carry out an investigation under subsection (1) shall define the terms of the investigation in writing.

(4) (a) An authorised officer may where he or she has under subsection (1) been directed to investigate a suspected contravention, and has reasonable grounds for suspecting that any information or records, as may be required for the purposes of his or her functions under this Part, is or are held on the premises

(i) enter, inspect, examine and search the premises of an online short-term rental platform,

(ii) at such premises inspect and take copies or extracts from records relating to a suspected contravention referred to in subsection (1) which he or she finds or with which he or she is provided in the course of his or her inspection,

(iii) remove any such records from the premises concerned and retain them for such period as he or she reasonably considers to be necessary for the purposes of his or her functions under this Act,

(iv) require any person at the premises concerned to give to him or her such assistance and information and to produce to him or her such records (and in the case of records in non-legible form, produce to him or her a legible reproduction thereof) that are in that person’s possession or control or within that person’s procurement, as he or she may reasonably require for the purposes of his or her investigation into a suspected contravention,

(v) be accompanied by a member of An Garda Síochána if there is reasonable cause to apprehend any serious obstruction in the performance of any of the authorised officer’s functions under this subsection, and

(vi) require a person to provide an explanation of a decision, course of action, system or practice or the nature or content of any records.

(b) A requirement under paragraph (iv) or (vi) of subsection (4) (a) shall specify a period within which, or a date and time on which, the person the subject of the requirement is to comply with it.

(c) For the purposes of an investigation into a suspected contravention, an authorised officer may require a person who, in the authorised officer’s opinion

- (i) possesses information that is relevant to the investigation, or
 - (ii) has any records within that person's possession or control or within that person's procurement as the authorised officer may reasonably require for the purposes of his or her functions under this Act, to provide that information or those records, as the case may be, to the authorised officer, and
 - (iii) where the authorised officer thinks fit, may require that person to attend before the authorised officer for the purpose of so providing that information or those records as the case may be.
- (d) The person who is the subject of a requirement under paragraph (c) shall comply with the requirement.
- (e) A requirement under paragraph (c) shall specify —
- (i) a period within which, or a date and time on which, the person the subject of the requirement is to comply with the requirement, and
 - (ii) as the authorised officer concerned thinks fit
 - (iii) the place at which the person shall attend to give the information concerned or to which the person shall deliver the records concerned, or
 - (iv) the place to which the person shall send the information or the records concerned.
- (5) Nothing in this section shall be taken to compel the production by any person of any records which he or she would be exempt from producing in proceedings in a court on the ground of legal professional privilege.
- (6) Where an authorised officer, is denied access to the premises by the occupier and has reasonable grounds for suspecting that information or records, as may be required for the purposes of his or her functions under this Part, is or are held on the premises concerned, the Authorised Officer may apply to the District Court for a warrant, to enter, if need be by reasonable force, the premises or part of the premises concerned and perform all or any of the functions conferred on the authorised officer under subsection (4).
- (7) A judge of the District Court, on application by the authorised officer under subsection (6) and if satisfied on the sworn information of an authorised officer that
- (a) there are reasonable grounds for suspecting that any information or records, as the authorised officer may reasonably require for the purposes of his or her functions under this Part, is or are held on a premises of an online short-term rental platform' or any part of the premises concerned, and
 - (b) an authorised officer, in the performance of his or her functions under this subsection, has been prevented from entering the premises concerned or any part thereof, may issue a warrant authorising the authorised officer, accompanied if necessary by other persons, at any time or times within 30 days from the date of issue of the warrant and on production if so requested of the warrant, to enter, if need be by reasonable force, the premises or part of the premises concerned and perform all or any of the functions conferred on the authorised officer under this section.
- (8) Subject to subsection (5), a person who

- (a) withholds, destroys, conceals or refuses to provide any information or records required for the purposes of an investigation,
- (b) fails or refuses to comply with any requirement of an authorised officer under this section, or
- (c) otherwise obstructs or hinders an authorised officer in the performance of functions imposed under this Section,

is guilty of an offence and liable on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months or both

(9) An application for a warrant under subsection (7) shall be made to a judge of the District Court for the time being assigned to the District Court District within which the premises in respect of which the application is made is situated.

(10) In this section “records” includes books, accounts or other documents or any written or printed material or copies thereof, in any form including material created, stored, maintained or preserved by means of any mechanical or electronic device whether or not created, stored, maintained or preserved in non-legible form.

(11) (a) As soon as is practicable after the completion of an investigation pursuant to a direction under subsection (1), the authorised officer shall prepare a draft report of the investigation.

(b) In preparing the draft report referred to in paragraph (a) of this subsection, the authorised officer

shall consider, in so far as they are relevant to the investigation

- (i) the terms of the investigation pursuant to subsection (3),
- (ii) any relevant records obtained in the course of the investigation in the exercise of powers under subsection (4)(a),
- (iii) any statement or admission made by any person in the course of the investigation pursuant to a requirement under subsection (4)(c),

(c) The authorised officer shall, as soon as is practicable after preparing the draft report, provide the Online Short-term Rental platform

- (i) a copy of the draft report,
- (ii) a copy of any material relied upon by the authorised officer in preparing the draft report,
- (iii) a copy of this section, and

(d) a notice in writing stating that the Online Short-term Rental platform may, not later than 28 days from the date on which it receives the notice, or such further period as the authorised officer considers necessary, make submissions in writing to the authorised officer on the draft report.

(e) The authorised officer shall, as soon as is practicable after the expiration of the period referred to in paragraph (d) of this subsection, and having considered any submissions made

under that paragraph, make any revisions to the draft report which, in the opinion of the authorised officer are warranted, and finalise the report.

(f) An authorised officer shall not make any recommendation, or express any opinion, in a draft report under paragraph (a) of this subsection or in a final report under paragraph (e) of this subsection, as to whether an administrative financial sanction should be imposed under section 58 of this Act.

(12) An authorised officer shall, as soon as is practicable after the draft report has been finalised under subsection (11) (e), provide a copy of the finalised report to the online short-term rental platform and the adjudication panel established under Section 57 of this Act.”

EXPLANATORY NOTE:

This section sets out the powers of an administrative officer that may be required in the course of an investigation of a contravention of Article 6 (3), (4), (6), (11), Article 7 (2), (3) and/or Article 9 of the Short Term Rental Regulation.

HEAD 25 –AUTHORISED OFFICERS POWERS CONCERNING INVESTIGATIONS INTO SUSPECTED SUMMARY OFFENCES UNDER THIS ACT

The Principal Act is amended by the insertion of the following section after section 41C

“41D

(1) For the purpose of this section ‘premises’ includes land on which there are no buildings and does not include dwellings.

(2) If a person authorised by the board under subsection (3) believes there is reason to suspect that a summary offence under this Act has been committed, the person may direct an authorised officer to carry out an investigation of the suspected summary offence.

(3) The board may authorise any board member or member of its staff for the purposes of subsection (2).

(4) The person who directs the authorised officer to carry out an investigation under subsection (1) shall define the terms of the investigation in writing.

(5) (a) An authorised officer may where he or she has under subsection (2) been directed to investigate a suspected summary offence, and has reasonable grounds for suspecting that any information or records, as may be required for the purposes of his or her functions under this Part, is or are held on the premises,

(i) enter, inspect, examine and search the premises,

(ii) at such premises inspect and take copies or extracts from records relating to a suspected contravention referred to in subsection (2) which he or she finds or with which he or she is provided in the course of his or her inspection,

(iii) remove any such records from the premises concerned and retain them for such period as he or she reasonably considers to be necessary for the purposes of his or her functions under this Act,

(iv) require any person at the premises concerned to give to him or her such assistance and information and to produce to him or her such records (and in the case of records in non-legible form, produce to him or her a legible reproduction thereof) that are in that person’s possession or control or within that person’s procurement, as he or she may reasonably require for the purposes of his or her investigation into a suspected summary offence,

(v) be accompanied by a member of An Garda Síochána if there is reasonable cause to apprehend any serious obstruction in the performance of any of the authorised officer’s functions under this subsection, and

(vi) require a person to provide an explanation of a decision, course of action, system or practice or the nature or content of any records.

(b) A requirement under paragraph (iv) or (vi) of subsection (5) (a) shall specify a period within which, or a date and time on which, the person the subject of the requirement is to comply with it.

(c) For the purposes of an investigation into a suspected summary offence, an authorised officer may require a person who, in the authorised officer's opinion

(i) possesses information that is relevant to the investigation, or

(ii) has any records within that person's possession or control or within that person's procurement as the authorised officer may reasonably require for the purposes of his or her functions under this Act, to provide that information or those records, as the case may be, to the authorised officer, and

(iii) where the authorised officer thinks fit, may require that person to attend before the authorised officer for the purpose of so providing that information or those records as the case may be.

(d) The person who is the subject of a requirement under paragraph (c) shall comply with the requirement.

(e) A requirement under paragraph (c) shall specify —

(i) a period within which, or a date and time on which, the person the subject of the requirement is to comply with the requirement, and

(ii) as the authorised officer concerned thinks fit

(iii) the place at which the person shall attend to give the information concerned or to which the person shall deliver the records concerned, or

(i) the place to which the person shall send the information or the records concerned.

(6) Where an authorised officer in exercising any powers under this section, finds or comes into possession of anything that the officer believes to be evidence of an offence or suspected offence under the Act, it may be seized and retained for use in evidence in criminal proceedings.

(7) Nothing in this section compels the disclosure by any person of any information that the person would be entitled to refuse to produce on the grounds of legal professional privilege or authorises the inspection or copying of any document containing such information that is in the person's possession.

(8) Where any person may be required to give information under this section, any statement or admission made by such a person shall not be admissible as evidence in proceedings brought against that person for a criminal offence.

(9) Where an authorised officer, is denied access to the premises by the occupier and has reasonable grounds for suspecting that information or records, as may be required for the purposes of his or her functions under this Part, is or are held on the premises concerned, the Authorised Officer may apply to the District Court for a warrant, to enter, if need be by reasonable force, the premises or part of the premises concerned and perform all or any of the functions conferred on the authorised officer under subsection (5).

(10) A judge of the District Court, on application by the authorised officer and if satisfied on the sworn information of an authorised officer that

(a) there are reasonable grounds for suspecting that any information or records, as the authorised officer may reasonably require for the purposes of his or her functions under this Part, is or are held on a premises or any part of the premises concerned, and

(b) an authorised officer, in the performance of his or her functions under this subsection, has been prevented from entering the premises concerned or any part thereof, may issue a warrant authorising the authorised officer, accompanied if necessary by other persons, at any time or times within 30 days from the date of issue of the warrant and on production if so requested of the warrant, to enter, if need be by reasonable force, the premises or part of the premises concerned and perform all or any of the functions conferred on the authorised officer under this section.

(11) Subject to subsection (6), a person who —

(a) withholds, destroys, conceals or refuses to provide any information or records required for the purposes of an investigation,

(b) fails or refuses to comply with any requirement of an authorised officer under this section, or

(c) otherwise obstructs or hinders an authorised officer in the performance of functions imposed under this Section,

is guilty of an offence and liable on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months or both.

(12) An application for a warrant under subsection (10) shall be made to a judge of the District Court for the time being assigned to the District Court District within which the premises in respect of which the application is made is situated.

(13) In this section “records” includes books, accounts or other documents or any written or printed material or copies thereof, in any form including material created, stored, maintained or preserved by means of any mechanical or electronic device whether or not created, stored, maintained or preserved in non-legible form.

(14) (a) As soon as is practicable after the completion of an investigation pursuant to a direction under subsection (2), the authorised officer shall prepare a draft report of the investigation.

(b) In preparing the draft report referred to in paragraph (a) of this subsection, the authorised officer

shall consider, in so far as they are relevant to the investigation

(i) the terms of the investigation pursuant to subsection (3),

(ii) any relevant records obtained in the course of the investigation in the exercise of powers under subsection (5)(a),

(iii) any statement or admission made by any person in the course of the investigation pursuant to a requirement under subsection (5)(c),

(c) The authorised officer shall, as soon as is practicable finalise the report.

(d) An authorised officer shall not make any recommendation, or express any opinion, in a draft report under paragraph (a) of this subsection or in a final report under paragraph (c) of this subsection, as to whether a summary offence has been committed under this Act.

(15) An authorised officer shall, as soon as is practicable after the draft report has been finalised under subsection (14) (c), provide a copy of the finalised report to the person authorised by the board under subsection (3).”

EXPLANATORY NOTE:

This section sets out the powers of an administrative officer that may be required in the course of an investigation of a suspected summary offence under this Act.

HEAD 26 – CUSTODY OF REGISTERS AND RETRIEVAL OF RECORDS

The Principal Act is amended by the substitution of Section 42 with the following subsections:

“(1) Every register referred to in paragraph (a), (b), (c), (d), (e) or (g) of section 24(1) shall be

(a) deemed to be in the proper custody when in the custody of

(i) the Board or any officer of the Board authorised in that behalf by the Board, or

(ii) a contractor or any employee of the contractor authorised in that behalf by the contractor.

(c) admissible in evidence without further proof on production from the proper custody.

(2) Every register referred to in section 24(1) (j) shall be

(a) deemed to be in the proper custody when in the custody of

(i) the Board or any officer of the Board authorised in that behalf by the Board.

(b) admissible in evidence without further proof on production from the proper custody.

(3) Prima facie evidence of any entry in any register may be given in any court or in any legal proceedings by the production of a copy of such entry purporting to be certified to be a true copy by a person listed in subsection (1) and it shall not be necessary to prove the signature of such person or that he was

(a) in fact such officer or employee or was in fact so authorised or

(b) a contractor or any employee of the contractor authorised in that behalf by the contractor.

(4) A certificate, purporting to be signed by a person listed in subsection (1) that any premises specified in such certificate are not entered in the register specified in such certificate shall be sufficient evidence until the contrary is shown of the matters so certified, and it shall not be necessary to prove the signature of or that such person was in fact so authorised.

(5) Any person may

(a) inspect any register referred to in paragraph (a), (b), (c), (d), (e), or (g) of section 24(1) on payment of such fee as may be specified by the Board;

(b) obtain a copy, certified in manner hereinbefore mentioned to be a true copy, of any entry in any register referred to in paragraph (a), (b), (c), (d), (e), or (g) of section 24(1) on payment of such fee, for each folio of 72 words of the copy, as shall be prescribed by the Board.

(c) obtain such certificate as is hereinbefore mentioned that any specified premises are not registered in a specified register referred to in paragraph (a), (b), (c), (d), (e), or (g) of section 24(1) on payment of such fee for each certificate as shall be prescribed by the Board.”

EXPLANATORY NOTE:

This identifies the list of those responsible for the custody of the registers referred to in paragraph (a), (b), (c), (d), (e), (g) or (j) of section 24(1) and allows fees for retrieval of copies of records of the registers referred to in paragraph (a), (b), (c), (d), (e) or (g) of section 24(1) to be prescribed by the Board which is defined in the Principal Act to mean prescribed by Regulations.

HEAD 27 – DISPLAY OF CHARGES

The Principal Act is amended by the substitution of Section 43 with the following subsections 43.

“(1) The proprietor of a premises registered in a register referred to in paragraph (a), (b), (c), (d), (e) or (g) of section 24(1) shall display in a prominent place in the said premises and on any website under its control that is associated with the registered premises, such and so many lists in easily legible form, of the scale of charges in respect of rooms in the said premises.

(2) If the registered proprietor of a premises registered in a register referred to in paragraph (a), (b), (c), (d), (e) or (g) of section 24(1) fails to comply with a requirement under this section, s/he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a class A fine or to imprisonment for a term not exceeding 12 months or both.

EXPLANATORY NOTE:

This removes the requirement to display charges for meals and services for the existing registers. Charges will be required to be displayed for rooms only in both the premises and on any website under the control of the proprietor of the premises, in relation to existing registers and not for the STL register.

HEAD 28 – DISPLAY OF ACCOMMODATION STANDARD

The Principal Act is amended

(a) by the substitution of Section 44(3) with the following subsections:

(3) It shall be an offence for the registered proprietor of a premises registered in a register referred to in paragraph (a), (b), (c), (d), (e) or (g) of section 24(1) to display outside such premises any sign indicating the standard of such premises other than a sign supplied under this section by the Board.

(b) by the insertion of the new subsection 44(3A) as follows:

(3A) It shall be an offence for the proprietor of any premises that is not registered in a register referred to in paragraph (a), (b), (c), (d), (e) or (g) of section 24(1) to display outside such premises any sign that holds that premises out as being a registered premises or indicating the standard of such premises.

(c) by the substitution of Section 44(4) with the following subsection:

(4) If any person acts in contravention of subsection (3) or subsection (3A) of this section, s/he shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a class A fine or to imprisonment for a term not exceeding 12 months or both.

EXPLANATORY NOTE:

This introduces an offence for an unregistered premises referred to in subsection (a), (b), (c), (d), (e), or (g) of section 24(1) to display a sign that indicates registration or a standard of such registration without the authority of the Board and allows for a class A fine or to imprisonment for a term not exceeding 12 months or both.

HEAD 29 – PUBLICATION OF REGISTERED PREMISES AND REGISTRATION NUMBERS

The Principal Act is amended by the substitution of Section 45(1) with the following paragraphs:

“The Board shall publish or cause to be published online at quarterly intervals a list of registered premises arranged so as to show separately premises registered in each of the registers referred to in paragraph (a), (b), (c), (d), (e) or (g) of section 24(1).”

(b) by the insertion of a new subsection after Section 45 (1)

“(1)(a) The Board shall publish or cause to be published the registration numbers for registered units referred to in section 24 (1) (j) in accordance with Section 27A (2) or Article 4 (5) of the Short-Term Accommodation Regulation.”

(c) by the insertion after Section 45(3) of the following new subsection:

(5) In all legal proceedings initiated pursuant to this Act, the contents of each of the registers referred to in section 24(1) (j) and existence of a valid registration number issued in accordance with Sections 27A (4) shall be prima facie evidence of the registration of a unit’

EXPLANATORY NOTE:

This removes from the required annual lists the references to holiday cottages, holiday apartments and motor hotels and sets out the requirement for the publication of registration numbers for short-term lettings and a technical means to verify registration numbers for short-term lettings.

HEAD 30 – FIXED PAYMENT NOTICE

The Principal Act is amended by the insertion of the following section after section 46

“46A

(1) This section applies in respect of an offence under sections 27A (6), 31, 33, 34, 35, 36, 37, 37B, 39, 43 and 44 (in this section referred to as a “relevant offence”),

(2) Where the board has reasonable grounds for believing that a person is committing, or has committed, a relevant offence under this Act it may serve the notice referred to in subsection (3) on the person

(3) A notice in writing (in this section referred to as a “fixed payment notice”), served under subsection (2) (b) shall be in the prescribed form and shall state

(a) that the person on whom it is served is alleged to have committed the relevant offence concerned,

(b) details of the alleged relevant offence,

(c) that a prosecution for it will not be instituted if, during the period of 28 days beginning on the date of the fixed payment notice, the person pays the amount specified in the notice,

(d) the amount to be paid under the fixed payment notice in accordance with subsection (8) by the method stated in the notice,

(e) that in default of such payment, the person shall be prosecuted for the alleged relevant offence following the period of 28 days.

(4) If a fixed payment notice is served on a person—

(a) the person may make a payment in accordance with subsection (3)(d),

(b) the board shall receive the payment and issue a receipt for it,

(c) any payment received shall not be recoverable by the person who made it.

(5) Where a person to whom notice is given under subsection (2) (b) produces to the board evidence of having complied with the requirements of this Act prior to the issuing of the notice given under subsection (2) (b), the notice shall be withdrawn.

(6) In a prosecution for a relevant offence, it shall be presumed until the contrary is shown that—

(a) the relevant fixed payment notice has been served or caused to be served, and

(b) a payment under the relevant fixed payment notice, duly completed, has not been made.

(7) For the purposes of subsection (6) –

(a) a document purporting to be a certificate or receipt of posting or delivery issued by or on behalf of An Post or another postal service is admissible in evidence as proof of the posting or delivery, as the case may be, of a fixed payment notice,

(b) the onus of proving that a payment pursuant to a notice under this section has been made lies on the defendant.

(8) The amount of a fixed payment notice shall be prescribed by the Minister by way of regulation.

(9) All payments received by way of fixed payment notices under this Section shall be placed to the credit of an account of the Central Fund.”

EXPLANATORY NOTE:

Where Fáilte Ireland has reasonable grounds for believing that a person has committed an offence under specified sections of this legislation, this section empowers it to issue a person with a fixed payment notice. The amount for such a fixed payment notice will be prescribed by the Minister by way of Regulation.

HEAD 31 – SUMMARY OFFENCES

The Principal Act is amended

(a) By the substitution of Section 47(1) with the following paragraphs:

Summary proceedings for an offence under this Act may be brought and prosecuted by the Board.

(b) By the insertion after Section 47(2) of the following subsections:

(3) Notwithstanding the provisions of section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence on account of contravention or failure to comply with any section of this Act may be commenced –

(a) at any time within 12 months from the date on which the offence was committed
or

(b) at any time within 6 months from the date on which evidence sufficient, in the opinion of the person by whom the proceedings are initiated, to justify the proceedings, comes to such person's knowledge,

whichever is the later: provided that no such proceedings shall be initiated later than 2 years from the date on which the offence concerned was committed.

(4) Without prejudice to subsection (3), a certificate signed by or on behalf of the person initiating the proceedings for an offence on account of contravention or failure to comply with any section of this Act as to the date on which evidence relating to the offence came to his or her knowledge shall be prima facie evidence thereof and in any legal proceedings a document purporting to be a certificate issued for the purposes of this subsection and to be so signed shall be deemed to be so signed and shall be admitted as evidence without proof of the signature of the person purporting to sign the certificate, unless the contrary is shown.

(5) The Authority shall publish particulars, in such form and manner and for such period as it thinks fit of any conviction of a person under this Act.

EXPLANATORY NOTE:

This section sets the time limits on when summary proceedings can be commenced.

NEW PART VI to be inserted into the Principal Act after Section 52

HEAD 32 APPOINTMENT OF REGISTRATION APPEALS OFFICERS

The Principal Act is amended with the insertion of a new section

53

(1)

(a) The Minister shall

- (i) have the power to appoint an independent registration appeals officer panel from which a registration appeals officer will be selected from for the purposes of determining appeals made under Section 27 B (3) of this Act.
- (ii) make Regulations prescribing the criteria and terms of such appointments in accordance with subsection (3).

(b) The registration appeals office panel referred to in paragraph (a) of this subsection shall

- (i) include three persons,
- (ii) discharge the functions conferred upon registration appeals officers under this Act
- (iii) shall not be involved in decisions pertaining to the registration procedure under Section 27A (3) or Article 6 (3), (4), (6) and (11) of the Short-term Accommodation Regulation and shall not be a member or employee of the board,

(2) (a) The appointment of a person as a registration appeals officer shall not in itself

- (i) constitute employment by or within the board,
- (ii) constitute the holding of a position in the civil service, or
- (iii) otherwise create a contract between a registration appeals officers on the one part and the Minister or the board on the other part.

(3) In a manner ensuring the independence of registration appeals officers in the performance of their functions, the regulations referred to in subsection (1) shall

(a) identify categories of, and criteria for, persons eligible for appointment by the Minister as registration appeals officers and criteria for renewal of appointment of registration appeals officers by the Minister, which may include persons

- (i) who possess sufficient relevant expertise and experience to enable them to discharge the functions of a registration appeals officer,
- (ii) a person who is a member or employee of the board shall not be eligible for appointment.

(b) provide for the term of appointment which term shall be specified in the instrument of appointment, and may be

- (i) fixed and non-renewable, or
- (ii) fixed and renewable based upon objective, competence-based and independently-assessed criteria referred to in paragraph (a),

(c) provide that the remuneration of the registration appeals officers, may

- (i) not be reduced during the term of their appointment save in accordance with law,
- (ii) vary depending on the category of person appointed and
- (iii) be paid per diem, per piece, or periodically.

- (d) Provide that such prohibitions on the remuneration of registration appeals officers during their term of office, by persons or bodies other than the Minister, as are necessary to ensure that actual or perceived conflicts of interest do not arise in the performance of the registration appeals officer's functions,
- (e) provide for the resignation from office of registration appeals officers,
- (f) provide procedures and criteria whereby the Minister may revoke the appointment of registration appeals officers where
 - (i) the registration appeals officer concerned has become incapable through ill-health of effectively performing his or her functions,
 - (ii) the registration appeals officer concerned has engaged in serious misconduct, or
 - (iii) the Minister has been notified of a registration appeals officer's conflict of interest in more than one matter which conflict of interest is assessed to be likely to continue.

EXPLANATORY NOTE:

STL registration procedures are subject to an appeals mechanism. This section provides for the appointment of Registration Appeals Officers who will make decisions on STL registration appeals.

HEAD 33 DEFINITION OF ILLEGAL CONTENT

The Principal Act is amended with the insertion of a new section

54

A listing or advertisement offering a unit for short-term letting shall constitute “illegal content” within the meaning of Article 3(h) of Regulation (EU) 2022/2065 where such listing contravenes Section 27A (5) or Article 4 (3) (h) of the Short-Term Accommodation Regulation.

EXPLANATORY NOTE:

This defines “illegal Content” in the context of this act. Where the listing of a property for short-term letting purposes is illegal under an applicable national law which complies with EU law, such an advertisement qualifies as “illegal content” for the purposes of the Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act).

“Illegal content” is defined broadly under Article 3(h) of the Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act) to mean “any information that, in itself or in relation to an activity, including the sale of products or the provision of services, is not in compliance with Union law or the law of any Member State which is in compliance with Union law, irrespective of the precise subject matter or nature of that law.”

HEAD 34 - ORDERS ISSUED – ILLEGAL CONTENT

The Principal Act is amended to include a new section –

55

- (1) The board shall where it has identified one or more specific items of illegal content pursuant to Section 54 of this Act, issue an order under Article 9(1) of Regulation (EU) 2022/2065, subject to compliance with Section 198(1) and (2) and of the Broadcasting Act 2009.
- (2) The board shall where it requires specific information to establish compliance by hosts with Section 27A (5), and compliance by online short-term rental platforms with Article 7 (1) and (2) of the Short-term Accommodation Regulation, issue an order under Article 10 (1) of Regulation (EU) 2022/2065, subject to compliance with Section 199 (1) and (2) of the Broadcasting Act 2009.

EXPLANATORY NOTE:

This provides that Fáilte Ireland can issue orders to act against “illegal content” provided the order meets the conditions specified in Section 198 (1) and (2) of the Broadcasting Act 2009 which relates to Article 9 (1) and (2) of the Regulation (EU) 2022/2065 and orders for information provided the order meets the conditions specified in Section 199 (1) and (2) of the Broadcasting Act 2009 which relates to Article 10 (1) and (2) of the Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act).

HEAD 35 - ORDERS ISSUED UNDER ARTICLE 6 OF THE SHORT TERM ACCOMMODATION REGULATION

The Principal Act is amended to include a new section –

55 A

The board shall issue orders pursuant to Article 6 (3), (4), (6) and (11) of the Short Term Accommodation Regulation in accordance with Article 6(7) of the Short Term Accommodation Regulation.

EXPLANATORY NOTE:

This provides that Fáilte Ireland can issue orders under Article 6 (3), (4), (6) and (11) of the Short Term Accommodation Regulation. Article 6 (3), (4), (6) and (11) provide that a competent authority can issue an order requesting an online platform to provide further information or to remove, or disable access to any listing relating to a unit that following the verification of information provided upon registration does not have a valid registration.

HEAD 36 – AUTHORITY RESPONSIBLE FOR THE SINGLE DIGITAL ENTRY POINT AND ENTITY RESPONSIBLE FOR TRANSMITTING STL DATA TO EUROSTAT

The Principal Act is amended to include a new section –

56

(a) Fáilte Ireland is designated as the authority responsible for operating the single digital entry point in accordance with Article 10(1) of the Short-term Accommodation Regulation.

(b) The single digital entry point shall be established and operated in a manner that is compliant with Article 10 (2), (3) and (4) and Article 13 (1) and (3) of the Short-term Accommodation Regulation.

(c) The authority designated under paragraph (a) of this subsection shall

(i) comply with Article 12 (3), and publicise the lists referred to under Article 13 (1) the Short-term Accommodation Regulation on their website,

(ii) comply with Article 13 (2) of the Short-term Accommodation Regulation and

(iii) provide any such information as is required by the Minister in the performance of obligations as the authority designated pursuant to Article 14 of the Short-Term Accommodation Regulation.

(d) The authority designated under paragraph (a) shall for the purpose of Article 12 (4) of the Short-term Accommodation Regulation provide data to the Central Statistics Office who shall make such data available to Eurostat.

(e) The authority designated under paragraph (a) shall make available to online short-term rental platforms, a list of all premises registered on a register referred to in paragraph (a), (b), (c), (d), (e) or (g) of section 24(1), through a freely accessible official online database or online interface to facilitate checks by online short term rental platforms under Article 7 (1) and (2) of the Short-term Accommodation Regulation.

EXPLANATORY NOTE:

This section designates Fáilte Ireland as the authority responsible for the operation of the Single Digital Entry Point (SDEP), sets out the technical functionalities for the SDEP and the appointment by Fáilte Ireland of a National Coordinator of the SDEP. Fáilte Ireland will also be responsible for transmitting STL data to the Central Statistics Office who in turn will provide data to Eurostat.

HEAD 37 – APPOINTMENT OF THE ADJUDICATION PANEL

The Principal Act is amended to include a new section –

57

(1)

(a) The Minister shall have the power to appoint an independent adjudication panel and shall make Regulations prescribing the criteria and terms of such appointments in accordance with subsection (3).

(b) The adjudication panel referred to in paragraph (a) of this subsection shall

(i) include five persons including a Chief Adjudication Officer,

(ii) discharge the functions conferred upon adjudication officers under this Act.

(iii) not be involved in the investigation of suspected contraventions under Section 41C (1) and

(iv) shall not be a member or employee of the board.

(c) The Chief Adjudication Officer shall

(i) act as chairperson to the adjudication panel

(ii) report annually to the Minister on the compliance by the adjudication officers with the principle of independence under subsection (1) and any regulations made hereunder and the policies the adjudication officers have adopted in order to do so.

(2) (a) The appointment of a person as an adjudication officer shall not in itself

(i) constitute employment by or within the board,

(ii) constitute the holding of a position in the civil service, or

(iii) otherwise create a contract between an adjudication officer on the one part and the Minister or the board on the other part.

(3) In a manner ensuring the independence of adjudication officers in the performance of their functions, the regulations referred to in subsection (1) shall

(a) identify categories of, and criteria for, persons eligible for appointment by the Minister as adjudication officers (including a Chief Adjudication Officer) and criteria for renewal of appointment of adjudication officers by the Minister, which may include persons

(i) who are legally qualified,

(ii) who possess sufficient relevant expertise and experience to enable them to discharge the functions of an adjudication officer,

(iii) persons that have sufficient expertise in matters likely to come before an adjudication officer and

(b) provide for the term of appointment (including the term of appointment of a Chief Adjudication Officer), which term shall be specified in the instrument of appointment, and may be

- (i) fixed and non-renewable, or
- (ii) fixed and renewable based upon objective, competence-based and independently-assessed criteria referred to in paragraph (a),

(c) provide that the remuneration of the Chief Adjudication Officer and other adjudication officers, may

- (i) not be reduced during the term of their appointment save in accordance with law,
- (ii) vary depending on the category of person appointed and
- (iii) be paid per diem, per piece, or periodically.

(d) Provide that such prohibitions on the remuneration of adjudication officers during their term of office, by persons or bodies other than the Minister, as are necessary to ensure that actual or perceived conflicts of interest do not arise in the performance of the adjudication officer's functions,

(e) provide for the resignation from office of adjudication officers,

(f) provide procedures and criteria whereby the revocation of appointments of adjudication officers may only take place upon decision by the Government after independent assessment and recommendation by persons outside the board with relevant experience and expertise and where

- (i) the adjudication officer concerned has become incapable through ill-health of effectively performing his or her functions,
- (ii) the adjudication officer concerned has engaged in serious misconduct, or
- (iii) the Minister has been notified of an adjudication officer's conflict of interest in more than one matter which conflict of interest is assessed to be likely to continue,

EXPLANATORY NOTE:

This section provides that the Minister can appoint an adjudication panel by way of regulation. This panel will have the authority to determine administrative financial sanctions in respect of infringements applicable to Article 6 (4), (6), Article 7 (2), (3) and Article 9 of the Short-Term Accommodation Regulation.

HEAD 38 PENALTIES FOR ONLINE SHORT-TERM RENTAL PLATFORMS

The Principal Act is amended to include a new section –

58

(1) An adjudication panel, composed of three persons, one to be the Chief Adjudication Officer, from the adjudication panel established under Section 57 of this Act shall decide in respect of an online short term rental platform who is the subject of an investigation under Section 41C (1) of this Act

(a) whether or not it is satisfied on the balance of probabilities that the online short term rental platform concerned has committed the contravention to which the investigation relates, and

(b) if so, whether or not to impose an administrative financial sanction.

(2) (a) The adjudication panel when determining whether or not the online short term rental platform concerned has committed the contravention pursuant to subsection (1) (a) shall by notice in writing grant the online short term rental platform the opportunity to make submissions to the adjudication panel at

(i) an oral hearing where the adjudication panel considers this necessary, or

(ii) in writing, within 10 working days of having received the notice in writing issued under paragraph (a) of this subsection.

(b) Where the online short term rental platform makes a submission to the adjudication panel under paragraph (a) of this subsection, the adjudication panel may by notice in writing request the person to provide, within a specified period, such further information as the adjudication panel considers appropriate.

(3) Where the adjudication panel has in accordance with subsection 2 (a) (i), granted an oral hearing and where it is satisfied that special circumstances arise which so necessitate, it may

(a) hold an oral hearing otherwise than in public, or partly otherwise than in public, or

(b) require that any information is not disclosed in an oral hearing, or not otherwise published or reported where the adjudication panel considers that

(i) it is commercially sensitive,

(ii) its publication may prejudice an ongoing investigation by an authorised officer under Section 41C (1), the Garda Síochána or any other public body, or

(iii) it is personal data.

(c) Where a person provides evidence at an oral hearing held in public pursuant to subsection 2 (a)(i), or otherwise than in public pursuant to paragraph (a) or (b) of this subsection, the evidence provided before the adjudication panel may be examined and cross-examined.

(4) The adjudication panel may, at an oral hearing, take evidence on oath or affirmation.

(5) For the purposes of making a decision under subsection (1) (a) the adjudication panel shall consider

(a) the final report provided under Section 41C (12) and any submissions or views provided with the report in accordance with that Section,

(b) any evidence obtained under Section 41C (4) and

(c) any submissions made under Section 41C (11) (d).

(d) any submissions made pursuant to subsection (2).

(6) Where the adjudication panel established under subsection (1) determines that the online short term rental platform concerned has committed the contravention to which the investigation under Section 41C (1) of this Act relates, it shall determine the amount of financial sanction in accordance with Section 59 of this Act.

(7) Where the adjudication panel established under subsection (1) has determined under subsection (6) the amount of financial sanction to impose on an online short term rental platform it shall issue a notice to the online short term rental platform that shall state

(a) the decision of the adjudication panel established under subsection (1) specifying the Article or Articles of the Short-Term Accommodation Regulation that the online short term rental platform has contravened,

(b) the factors that were considered in determining that the online short term rental platform concerned has committed the contravention.

(c) the amount of financial sanction to be paid,

(d) the factors that were considered in determining the amount of financial sanction,

(e) the date by which the financial sanction must be paid and

(f) that the decision the adjudication panel established under subsection (1) does not take effect unless it is confirmed on appeal under Subsection (8) or on summary application under subsection (9).

(8) An online short term rental platform to which a notice under subsection (7) is given may, within 28 days from the date on which the notice is received, appeal to the High Court against the decision to impose the financial sanction.

(9) Where the online short term rental platform to which a financial sanction is imposed under subsection (7) does not appeal in accordance with subsection (8) against the decision to impose the financial sanction, the adjudication panel shall, as soon as is practicable after the expiration of the period referred to in subsection (8), and on notice to the online short term rental platform, make an application in a summary manner to the Circuit Court for confirmation of the decision.

(10) A decision of the adjudication panel established under subsection (1) to impose a financial sanction does not take effect unless it is confirmed on appeal under subsection (8) or on summary application under subsection (9).

(11) All payments received by way of a financial sanction issued under this Section shall be placed to the credit of an account of the Central Fund.

EXPLANATORY NOTE:

Under Article 15 (3) of the Short Term Accommodation Regulation Member States are required to lay down effective, proportionate and dissuasive penalties for infringements applicable to Article 6 (3), (4), (6), (11), Article 7 (2), (3) and Article 9 of the Short Term Accommodation Regulation. This section deals with the procedure for determining if a contravention of these Articles has occurred and if so the administrative financial sanctions that shall be imposed for the contraventions of those Articles.

Article 6 (3), (4), (6) and (11) provide that a competent authority can issue an order requesting an online platform to provide further information or to remove, or disable access to any listing relating to a unit that following the verification of information provided upon registration does not have a valid registration.

Article 7(2) and (3) deals with the results of random checks on registration numbers and information to hosts on registration procedures provided by the online Short term rental platforms.

Article 9 deals with online Short term rental platforms providing monthly reports on activity data and small or micro short term rental platforms to provide quarterly reports on activity data.

HEAD 39 MATTERS TO BE CONSIDERED IN DETERMINING AMOUNT OF FINANCIAL SANCTION

The Principal Act is amended to include a new section –

59

(1) The adjudication panel established under Section 57 of this Act shall determine the amount of any financial sanction pursuant to Section 58 (2) of this Act which shall

- (i) be proportionate to the nature of the contravention,
- (ii) not exceed 2 per cent of the online short term rental platform's annual income or turnover in the preceding financial year and
- (iii) should not be such as would likely cause the entity to cease trading.

(2) The adjudication panel when determining the amount of a financial sanction in accordance with subsection (1) shall consider

- (i) any submissions made by the online short term rental platform in relation to the draft report provided pursuant to Section 41C (11) (d) of this Act,
- (ii) any submissions made pursuant to Section 58 (2) of this Act.
- (iii) the final report provided under Section 41C (12) of this Act,
- (iv) the nature, gravity and duration of the contravention,
- (v) the degree of harm to particular people or to the public caused as a result of the contravention,
- (vi) whether a previous decision under Section 58 of this Act in respect of the online short term rental platform has been confirmed by the appropriate court,
- (vii) the extent of any failure by the online short term rental platform to co-operate with an investigation directed under Section 41C (1) (a) of this Act,
- (viii) any explanation accepted by the authorised officer appointed under Section 41A (1) of this Act for the contravention or the failure to co-operate with an investigation directed under Section 41C (1) (a) of this Act,
- (ix) the extent to which the online short term rental platform had taken steps in advance to identify and mitigate external factors that might result in a breach,
- (x) the absence or ineffectiveness of internal mechanisms or procedures intended to prevent such a contravention,
- (xi) the extent to which the management of the online short term rental platform knew, or ought to have known, that the contravention was occurring or would occur,
- (xii) the extent and timeliness of any steps taken to end the contravention in question,
- (xiii) the turnover of the online short term rental platform in the financial year ending in the year previous to the breach,
- (xiv) any gain (financial or otherwise) made by the online short term rental platform or by any person in which the online short term rental platform has a financial interest as a consequence of the breach,
- (xv) the ability of the online short term rental platform to pay the sanction.

EXPLANATORY NOTE:

This section sets out the factors that will be considered by the adjudication panel when determining the amount of any financial sanction to be imposed on an online short term rental platform for infringements of Article 6 (3), (4), (6), (11), Article 7 (2), (3) and, or Article 9 of the Short-Term Accommodation Regulation and the procedure for an oral hearing.

HEAD 40 AUTHORITY TO MONITOR THE IMPLEMENTATION OF THE OBLIGATIONS LAID DOWN BY THE SHORT TERM ACCOMMODATION REGULATION.

The Principal Act is amended to include a new section

60

- (1) The authority for the purpose of Article 14 of the Short-term Accommodation Regulation shall be the Minister.
- (2) The Minister shall appoint the national coordinator for the purposes of Article 11 of the Short-term Accommodation Regulation.
- (3) The Minister shall establish a list of any competent authority appointed under Section 27 (1) (a) of this act and make available such list make through the single digital entry point established in accordance with Section 56 (b) of this act.

EXPLANATORY NOTE:

This section appoints the Minister as the authority designated pursuant to Article 14 of the Short-term Accommodation Regulation. The Minister will be responsible for reporting every two years to the Commission on the implementation of the obligations laid down by the Short-term Accommodation Regulation.

HEAD 41 – AMENDMENT OF THE NATIONAL TOURISM DEVELOPMENT AUTHORITY ACT 2003 TO INCLUDE MATTERS RELATED TO STL DATA RETENTION, PROCESSING AND SHARING.

Section 8 of the Act of 2003 is amended

- (a) in subsection (1) (c) by the substitution of
“establish and maintain registers of hotels, guesthouses, holiday hostels, youth hostels, holiday camps, caravan sites, camping sites and Short Term Lettings,”
for
“establish and maintain registers of hotels, guesthouses, holiday camps, holiday hostels, caravan sites, camping sites, approved holiday cottages, holiday apartments, motor hotels and youth hostels,”

- (b) by the insertion of a new section after Section 8:

“8(A) -

(1) In this section—

‘Principal Act’ means the Tourist Traffic Act 1939.

‘Short-term Accommodation Regulation’ means Regulation (EU) 2024/1028 of the European Parliament and of the Council on data collection and sharing relating to short-term accommodation rental service and amending Regulation (EU) 2018/1724.

‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

‘register’ means a register established under paragraph (a), (b), (c) (d), (e), (g) or (j) of section 24 (1) of the Principal Act.

‘registration’ means the entry of a premises or unit in a register.

‘unit’ has the meaning given to it by Article 3 (1) of the Short-term Accommodation Regulation.

‘host’ has the meaning given to it by Article 3 (2) of the Short-term Accommodation Regulation.

‘local authority’ means—

(a) in relation to a municipal district, the county council or the city and county council in which the municipal district is situated, and

(b) in every other case—

(i) a county council,

(ii) a city council,

(iii) a city and county council.

‘activity data’ has the meaning given to it by Article 3 (12) of the Short-term Accommodation Regulation.

(2) In this section and within the meaning of Article 3 (11) of the Short-term Accommodation Regulation,

(a) The Authority shall be the competent authority with responsibility for

(i) managing and enforcing registration procedures in accordance with the provisions of the Principal Act and

(ii) collecting data on short-term accommodation rental services in accordance with the provisions of the Principal Act and Section 56 of the Principal Act.

(b) The Local Authority is the competent authority, within the meaning of Article 3 (11) of the Short-term Accommodation Regulation, with responsibility for ensuring compliance with the applicable rules concerning the access to, and provision of, short-term accommodation rental services located within their area of responsibility.

(3) The Authority shall retain information or documentation submitted pursuant to the registration procedure under Section 27A (3) of the Principal Act in a secure manner and only for a period which is necessary for the identification of the unit and for a maximum of 18 months after the host has indicated that the unit should be removed from the register via the technical means provided in accordance with Section 27A (2) of the Principal Act.

(4) The Authority may share Information submitted pursuant to the registration procedure under Section 27A (3) of the Principal Act for the purposes of subsection (5) (b).

(5) Information submitted pursuant to the registration procedure under Section 27A (3) of the Principal Act shall be processed

(a) by the Authority for the purpose of issuing the registration number pursuant to 27A (4) of the Principal Act and

(b) by the Local Authority for the purpose of ensuring compliance with

(i) the Planning and Development Act of 2000, as amended and associated regulations,

(ii) the Building Control Act 1990, the Building Regulations 1997 to 2024, the Building Control Regulations 1992 to 2021 and

(iii) the Fire Services Acts 1981 and 2003,

(6) The Authority may share with the Minister and the Minister for Housing, Local Government and Heritage

(i) activity data, and

(ii) information transmitted pursuant to Article 5(1)(a), points (i) to (iv) of the Short-term Accommodation Regulation,

for the purpose of the development by the Minister or the Minister for Housing, Local Government and Heritage of laws, regulations and administrative provisions concerning access to, and the provision of, short-term accommodation rental services.

(7) (a) The Authority may share activity data without any data that can identify individual units or hosts, including registration numbers and URLs of the listings and the relevant information transmitted pursuant to Article 5(1)(a), points (i) to (iv) with entities or persons carrying out scientific research, analytical activities or developing new business models, subject to

(i) the entity or persons making a request to the authority that specifies the data required and the purpose for which that data is being sought.

(b) the Authority being satisfied that the entity or person concerned is carrying out scientific research, analytical activities or developing new business models and that the sharing of the data referenced in paragraph (a) with that entity or person is necessary for the purposes of such scientific research, analytical activities or development of new business models.

(8) The matters that section 19 (1) of the Data Sharing and Governance Act 2019 requires to be specified or included in a data-sharing agreement shall be specified or included in any agreement entered into by the Authority for the sharing of personal data with another body in accordance with subsection (4), (6) and (10).

(9) The Authority shall comply with the provisions of the Data Protection Regulation when sharing data pursuant to subsection (4), (6) and (10).

(10) The Local Authority may share information with the Authority to confirm that a unit or premises registered in a register is compliant with

(i) the Planning and Development Act of 2000, as amended and associated regulations,

(ii) the Building Control Act 1990, the Building Regulations 1997 to 2024, the Building Control Regulations 1992 to 2021 and

(iii) the Fire Services Acts 1981 and 2003,

for the purpose of verifying the declaration and information submitted pursuant to the registration procedure under Section 27A (3) of the Principal Act and for the purpose of verifying information provided pursuant to the registration of a premises under Section 26 of the Principal Act.

EXPLANATORY NOTE:

This provides a legal basis under which Fáilte Ireland may retain, process and/or share information with other public bodies in the performance of its functions.

HEAD 42 – AMENDMENT TO SCHEDULE 5 OF THE SOCIAL WELFARE CONSOLIDATION ACT 2005

To provide that –

Schedule 5 to the Social Welfare Consolidation Act 2005 is amended, in paragraph 1(4), by the insertion, after “Enterprise Ireland,” of the following:

“National Tourism Development Authority”

EXPLANATORY NOTE:

This will allow Fáilte Ireland to verify the Personal Public Service Number provided by the STL host upon registration.

