Coimisiún um Iomaíocht agus Cosaint Tomhaltóirí | Competition and Consumer Protection Commission

Compliance Notice

Section 75 of the Consumer Protection Act 2007

Kenmare Summit Trading Company Limited,
Kenmare Bay Hotel,
Gortamullen,
Kenmare,
Co. Kerry,
Kenmare,
Kerry,
V93 HY28,
Ireland

Competition and Consumer Protection Commission,
Bloom House,
Railway Street,
Dublin 1.
D01 C576

I, [redacted], an Authorised Officer of the Competition and Consumer Protection Commission ('the CCPC'), duly appointed under section 35 of the Competition and Consumer Protection Act 2014, hereby give Kenmare Summit Trading Company Limited notice pursuant to section 75(2) of the Consumer Protection Act 2007 as amended ('the 2007 Act'), that I am of the opinion that it has engaged in a prohibited act or practice as defined in section 67(e) of the 2007 Act, namely a contravention of an order referred to in section 92 of the 2007 Act. In particular, I am of the opinion that you have contravened Article 3(1) of the Retail Price (Beverages in Licensed Premises) Display Order 1999 (S.I. No. 263 of 1999) ('the 1999 Order') which is referred to in section 92(1)(e) of the 2007 Act. I hereby direct Kenmare Summit Trading Company Limited to remedy that contravention in the manner set out in Section D below.

A. Statement of Alleged Contravention

For the reasons outlined in section C below, it is alleged that Kenmare Summit Trading Company Limited, a trader for the purposes of the 2007 Act, engaged in a prohibited act or practice (as defined in section 67(e) of the 2007 Act) constituted by a contravention of Article 3(1) of the 1999 Order by carrying on the business of selling intoxicating liquor by retail for consumption on the premises at Kenmare Bay Hotel, Kenmare, Co. Kerry ('the Premises') and failing to display a notice inside the Premises where the business is carried on specifying:

(a) each kind of beverage (whether alcoholic or non-alcoholic) on sale at the Premises, and the quantities, measures or units thereof by reference to which the price therefor at the Premises is calculated, and

(b) opposite the mention of each such kind of beverage, the price charged at the Premises for the quantities, measures or units specified of each such kind of beverage.

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B. My Opinion

I am of the opinion that Kenmare Summit Trading Company Limited engaged in the prohibited act or practice outlined in the statement of alleged contravention above by failing to display a notice inside the Premises where the business is carried on, as required by Article 3(1) of the 1999 Order.

C. The Reasons for My Opinion

The reasons for my opinion are based on the following:

1. Kenmare Summit Trading Company Limited can be described as a 'trader' for the purposes of the 2007 Act. 'Trader' is defined in section 2 of the 2007 Act. It carries on in the State the business of selling intoxicating liquor by retail in the Premises for consumption on the Premises.

2. Section 67(e) of the 2007 Act states that a prohibited act or practice is any contravention of an order referred to in section 92 of the 2007 Act, one of which is the 1999 Order, which requires every person who carries on in the State the business of selling intoxicating liquor by retail in any premises for consumption on the premises to display certain information on the beverages sold and their prices.

3. I conducted an inspection of the Premises on 11 May 2026 and I found that, in contravention of Article 3(1) of the 1999 Order, there was no notice displayed inside the Premises specifying-
   (a) each kind of beverage (whether alcoholic or non-alcoholic) on sale at the Premises and the quantities, measures or units thereof by reference to which the price charged therefor is calculated, and
   (b) opposite the mention of each such kind of beverage the price charged at the Premises for the quantities, measures or units specified of each such kind of beverage.

   Such a contravention being a prohibited act or practice as defined in section 67(e) of the 2007 Act.

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D. Compliance Direction and Requirement

Kenmare Summit Trading Company Limited, a trader, is hereby directed to display a notice in accordance with the requirements of Article 3(1) of the 1999 Order. Such notice to be displayed inside the Premises where the business of selling intoxicating liquor by retail for consumption on the Premises is carried on and specifying each kind of beverage (whether alcoholic or non-alcoholic) on sale at the Premises, together with the required information on the price charged for the quantities, measures or units for each such kind of beverage as required by Article 3(1) of the 1999 Order.

This notice must be displayed in such a position as to be clearly visible and in a legible form pursuant to Article 6(1) of the 1999 Order.

You must comply with this compliance direction and requirement by **17 August 2026**.

E. Appeal Procedure

You may appeal this Compliance Notice to the District Court in the district in which the notice is served within **14 days after its service**.

The form and manner of such an appeal can be found in the District Court Rules available from the registrar at your local District Court office or on the Courts Service website www.courts.ie.

In the event that you decide to appeal the Compliance Notice, you must, at the same time, notify the CCPC of the appeal at Bloom House, Railway Street, Dublin 1, D01 C576. You must also notify the CCPC of the grounds for the appeal.

If an appeal is not made in accordance with section 75 of the 2007 Act and within 14 days after service of the notice, this notice will be treated as not disputed, you will be deemed to have accepted the notice and have agreed to comply with the compliance direction and requirement. Any failure or refusal to comply with this notice without reasonable excuse is an offence, and on summary conviction, you will be liable to the fines and penalties set out in Part 5, Chapter 4 of the 2007 Act.

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[redacted]

Authorised Officer

Competition and Consumer Protection Commission

27 July 2026

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This information is intended for information purposes only and does not constitute part of the Compliance Notice.

Compliance Notice Notes

Consumer Protection Act 2007 ('the 2007 Act')

1.	Section 75(6) of the 2007 Act requires a person, when lodging an appeal, to, at the same time, notify the Competition and Consumer Protection Commission ('the CCPC') of the appeal and the grounds for the appeal. The CCPC is entitled to appear, be heard and adduce evidence on the hearing of the appeal.
2.	If on appeal the compliance notice is not cancelled, the notice takes effect on the later of the following: a) the day after the day on which the notice is confirmed or varied on appeal, b) if the appeal is withdrawn by the appellant the day after the day it is withdrawn, c) the day specified in the notice.
3.	If there is no appeal under section 75(5) of the 2007 Act, the compliance notice takes effect on the later of the following: a) 14 days after the notice is served. b) the day specified in the notice.
4.	An Authorised Officer may- a) withdraw a compliance notice at any time, or b) if no appeal is made or pending under section 75(5) of the 2007 Act, extend the date by which the recipient is to comply with the compliance direction and requirements.
5.	Withdrawal of a compliance notice does not prevent the service of another compliance direction or requirement specified in a compliance notice, whether it relates to the same matter or a different matter.

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6.	In accordance with section 75(13) of the 2007 Act, if a compliance notice takes effect, the CCPC is required to publish the compliance notice, or cause it to be published in any form or manner it considers appropriate.
7.	Section 86 of the 2007 Act requires the CCPC to maintain a 'Consumer Protection List' of names and addresses of persons together with a description of their trade, business or profession and the particulars of the matter occasioning any enforcement actions taken by the CCPC. This includes persons against whom compliance notices have taken effect.
8.	Any person who, without a reasonable excuse, fails to comply with a direction or requirement specified in a compliance notice, commits an offence and, on summary conviction, is liable to the fines and penalties set out in section 79 of the 2007 Act.
9.	Section 79(1) of the 2007 Act provides that a person guilty of an offence under the 2007 Act is liable on summary conviction to the following fines and penalties: a) Class B fine not exceeding €4000 or up to 6 months imprisonment or both, b) on any subsequent summary conviction, a fine not exceeding €5000, or imprisonment for a term not exceeding 12 months or both, c) If, after being convicted of an offence, a person continues to contravene the requirement or prohibition to which the offence relates, the person is guilty of a further offence on each day the contravention continues and for each such offence is liable on summary conviction to a fine not exceeding €500.
10.	According to section 75(14) of the 2007 Act, the issuing of this notice does not prevent the commencement of proceedings for an offence.

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