

SAORSTAT EIREANN.

BILLE SIOLRUCHAIN EALLACH STUIC, 1925.

LIVE STOCK BREEDING BILL, 1925.

Mar do rilleadh ag dhá Thigh an Oireachtais.

As passed by both Houses of the Oireachtas.

ARRANGEMENT OF SECTIONS.

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SAORSTÁT EIREANN.

BILLE SIOLRUCHAIN EALLACH STUIC, 1925. LIVE STOCK BREEDING BILL, 1925.

BILL

entitled

5

AN ACT TO MAKE PROVISION FOR THE REGULATION
AND IMPROVEMENT OF BULLS AND OTHER LIVE
STOCK USED FOR BREEDING.

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT
EIREANN AS FOLLOWS:—

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Restrictions
on keeping
bulls.

1.—(1) On and after the appointed day it shall not be lawful for any person to keep or have in his possession any bull to which this Act applies save in so far as such keeping or possession is authorised by a licence or permit granted to such person under this Act and for the time being in force.

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(2) Every person who shall keep or have in his possession any bull to which this Act applies in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a penalty not exceeding twenty pounds.

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(3) In any prosecution for an offence under this section the burden of proof that a licence or permit had been granted under this Act in respect of the bull and was in force and (where the age of the bull is in issue) the burden of proof of the age of the bull shall lie on the person prosecuted and unless and until the contrary is proved it shall be presumed that no such licence or permit had been granted or that if such licence or permit had been granted it was no longer in force on the day on which the offence was alleged to have been committed and also that the bull was on that day a bull to which this Act applies.

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(4) For the purpose of a prosecution for an offence under this section a bull shall be deemed to be kept by and to be in the possession of each and every of the following persons, that is to say:—

(a) the owner of the bull, and

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(b) a person to whom the bull has been lent, hired or leased for a period exceeding one month, and

(c) the owner or the person having the charge or management of the lands or premises on which the bull was when the offence was alleged to have been committed, unless such owner or person proves that the bull was then on the said lands without his knowledge or connivance.

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Minister may
grant licences.

2.—(1) The Minister may, subject to the provisions of this Act and on payment of such fee (not exceeding five shillings) as may be prescribed, grant to any person a licence to keep and have in his possession a specified bull to which this Act applies.

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(2) Every application for a licence under this section shall be in the prescribed form and shall be made in the prescribed manner and at the prescribed time and shall be accompanied by the prescribed fee aforesaid.

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(3) The Minister may subject to such conditions as may be prescribed, including payment of such additional fee (not exceeding five pounds) as may be prescribed, grant a licence under this section notwithstanding that the application therefor
5 is made at a time other than the prescribed time.

(4) Where the Minister is satisfied that a licence granted under this section has been lost or destroyed he may, subject to the prescribed conditions and on payment of the prescribed fee, issue to the holder of such licence a duplicate thereof, and
10 such duplicate licence shall for all purposes have the same force and effect as the original licence, and all the provisions of this Act with respect to a licence granted under this Act shall apply to a duplicate licence issued under this section.

(5) Where the Minister refuses an application for a licence
15 under this section he shall return to the applicant for such licence the fee paid under sub-sections (1) and (2) of this section by such applicant on such application and may also if he thinks proper so to do return to such applicant the whole or any part of the additional fee (if any) paid under sub-section (3) of this
20 section by such applicant in respect of such application.

3.—(1) The Minister shall not grant a licence under this Act in respect of any bull which appears to him—

Conditions for granting a licence.

(a) to be calculated to beget defective or inferior progeny,
or

25 (b) to be affected by any contagious or infectious disease, or
(c) to be affected by any other disease or defect prescribed as a disease or defect rendering a bull unsuitable for breeding purposes.

(2) The Minister may for the purposes of this Act cause
30 any bull in respect of which an application for a licence under this Act has been made to be inspected and examined and, in the prescribed cases, to be marked in the prescribed manner with the prescribed mark by an inspector at the time and place appointed by the Minister for that purpose, and it shall be the duty of the
35 applicant for the licence to bring the bull at the time and to the place so appointed.

(3) Where the applicant for a licence under this Act fails to bring the bull to which his application relates at the time and to the place appointed as aforesaid, the Minister may refuse to
40 grant the licence or, if so required by the applicant and upon payment by the applicant of such fee (not exceeding five pounds) as may be prescribed, may cause the bull to be specially inspected, examined, and marked as aforesaid for the purposes of this section at such time and place as may be appointed by the Minister
45 for that purpose.

4.—Where the Minister is satisfied that a bull in respect of which a licence has been granted under this Act is—

Suspension and revocation of licences.

(a) calculated to beget defective or inferior progeny, or
(b) affected by any contagious or infectious disease, or
50 (c) affected by any other disease or defect prescribed as a disease or defect rendering a bull unsuitable for breeding purposes,

the Minister shall revoke the licence granted in respect of such bull.

55 5.—(1) The Minister may by regulations made under this Act declare that any particular breed or breeds or any particular type or types of bull is or are unsuitable for any specified area or areas, but the Minister shall not make, revoke or vary any such regulation until he has consulted the consultative council established under this Act in regard thereto, and the Minister, in the
60 making, revoking or varying any such regulation shall take into consideration any advice in regard thereto given to him by the said council after making such (if any) inquiries and investigations as it thinks proper.

Restrictions to ensure suitability of bull for district.

65 (2) Subject to the provisions of this section the Minister may, if he thinks fit so to do, refuse to grant a licence under this Act in respect of a bull kept or proposed to be kept in an area speci-

fied in such regulations if the bull is of a breed or of a type declared by such regulations to be unsuitable for that area.

(3) The Minister may, subject to the provisions of this section, at any time, if he thinks fit so to do, suspend or revoke a licence granted by him under this Act if the bull to which such licence relates is brought into or kept in an area specified in any such regulations and is of a breed or of a type declared by such regulations to be unsuitable for that area. 5

(4) The Minister shall not under this section refuse, revoke or suspend a licence in respect of a bull which is entered or eligible for entry in a prescribed herd book, and is used or intended to be used exclusively for the service of cows of the same breed as the bull. 10

Production of licence for inspection.

6.—(1) It shall be the duty of the holder of a licence granted under this Act to produce or cause to be produced on demand such licence, at the place where the bull to which it relates is kept, for inspection by— 15

(a) an inspector, or

(b) a member of the Dublin Metropolitan Police or of the *Gárda Síochána*, or 20

(c) the person in charge of a cow about to be served by such bull.

(2) Every holder of a licence granted under this Act who fails without just cause or excuse to produce such licence or to cause the same to be produced on any occasion on which he is required by this section so to do shall be guilty of an offence under this section and shall be liable on summary conviction to a penalty not exceeding ten pounds. 25

(3) A demand for the production of a licence shall be deemed for the purpose of this section to have been made to the holder of the licence if such demand is made verbally at the place where the bull to which the licence relates is kept to the person in the employment of the holder of the licence and having the care, custody, or charge of the bull for the time being. 30

Duty on persons having custody of bulls.

7.—(1) It shall be the duty of any person having custody of any bull to which this Act applies, and of the owner or the person having the charge or management of the lands or premises on which any such bull is found, if so required by an inspector or by any member of the Dublin Metropolitan Police or of the *Gárda Síochána*, to give to such inspector or such member the name and address of the owner of such bull and of the person by whom such bull is kept, so far as the same are known to him. 35 40

(2) Every such person as aforesaid who, knowing the name or address of the owner of a bull to which this Act applies or of the person by whom such bull is kept, refuses when so required to give such name or address to an inspector or to any member of the Dublin Metropolitan Police or of the *Gárda Síochána* shall be guilty of an offence under this section and shall be liable on summary conviction to a penalty not exceeding two pounds. 45 50

Permits for fattening for slaughter.

8.—(1) The Minister may grant to any person on payment of such fee (not exceeding two shillings and sixpence) as may be prescribed a permit to keep and fatten off for slaughter subject to and in accordance with the prescribed conditions a specified bull to which this Act applies. 55

(2) A permit granted under this section shall authorise the person to whom it is granted to keep and have in his possession subject to and in accordance with the prescribed conditions the bull mentioned in the permit during the period of time specified in the permit or during any extension thereof endorsed on the permit. 60

(3) The provisions (including the penal provisions) of this Act in relation to the production and inspection of licences shall apply to the production and inspection of permits granted under this section. 65

9.—(1) Save in the manner and to the extent authorised by this section licences and permits granted under this Act shall not be transferable.

Transfer of
licences and
permits.

(2) Where the right to the possession of a bull in respect of which a licence or permit granted under this Act is in force passes from the holder of the licence or permit to another person (in this section called the transferee) either by a transfer or devolution of the property in the bull or by a loan, hire, or lease of the bull for a period exceeding one month, or by the cesser or surrender of any such loan, hiring, or lease, the Minister may, on the application of the transferee and on notice to the holder of the licence or permit or his personal representative and on compliance with the prescribed conditions, transfer the licence or permit in the prescribed manner to the transferee.

(3) In any such case as is mentioned in the foregoing subsection no offence under this Act shall be deemed to be committed by reason only of the transferee keeping or having possession of the bull during the period between his applying for a transfer of the licence or permit and his receipt of the decision of the Minister on such application and for the purposes of this sub-section the decision of the Minister, if communicated to the transferee by post, shall be deemed to be received by him at the time when the same would be delivered in the ordinary course of the post.

(4) On the death of the holder of a licence or permit, his personal representative may retain possession of the bull to which the licence or permit relates for a period not exceeding three months from the death of the holder or until the sooner determination of the licence or permit without obtaining a transfer to himself of the licence or permit and such personal representative shall during such period or until such determination (as the case may be) be deemed for the purposes of this Act to be the holder of such licence or permit.

10.—(1) Where the holder of a licence or permit granted under this Act lends, hires, or leases the bull to which the licence or permit relates to another person for a period not exceeding one month, such bull shall be deemed for the purposes of this Act to continue during such lending, hiring, or lease in the possession of and to be kept by the holder of such licence or permit.

Effect of loans,
etc., of bulls.

(2) Where the holder of a licence or permit granted under this Act lends, hires, or leases the bull to which the licence or permit relates to another person for a period exceeding one month, such bull shall be deemed for the purposes of this Act to have passed into the possession and keeping of such other person.

11.—(1) It shall be the duty of the holder of a licence or permit granted under this Act—

Duties of holder
of licences and
permits.

(a) to send within the prescribed time and in the prescribed form to the Minister the prescribed particulars of—

- (i) any transfer (whether by sale or otherwise) or devolution of the property in the bull to which the licence or permit relates, and
(ii) any loan, lease, or hiring of such bull,
(iii) the castration of such bull,
(iv) the death of such bull;

(b) on or within three days after the happening of any event which would entitle any other person to obtain a transfer of the licence or permit, to return the licence or permit to the Minister, with such particulars of the transfer as may be prescribed:—

(c) to return to the Minister within the prescribed time the licence or permit after the termination thereof by suspension, revocation, effluxion of time, death or castration of the bull, or otherwise.

(2) If and whenever the holder of a licence or permit granted under this Act refuses, neglects, or omits to comply with any

of the provisions of this section he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a penalty not exceeding ten pounds.

Inspection, etc.,
of bulls.

12.—(1) An inspector may inspect and examine and, in the prescribed cases, mark in the prescribed manner with the prescribed mark, and any member of the Dublin Metropolitan Police or the *Gárda Síochána* may inspect and examine at all reasonable times any bull to which this Act applies or any bull which is reasonably believed by such inspector or member to be a bull to which this Act applies. 5 10

(2) Any inspector or any member of the Dublin Metropolitan Police or the *Gárda Síochána* may for the purpose of exercising all or any of the powers conferred on him by this section enter at all reasonable times any lands or premises on which any such bull as is mentioned in the foregoing section is for the time being kept or is reasonably believed by such inspector or member to be so kept. 15

(3) Every person who shall obstruct or impede an inspector or any member of the Dublin Metropolitan Police or the *Gárda Síochána* in the exercise of any of the powers conferred on him by this section shall be guilty of an offence under this section and shall be liable on summary conviction to a penalty not exceeding ten pounds. 20

Minister may
order slaughter
or castration of
certain bulls.

13.—(1) Where the Minister refuses an application for a licence under this Act or revokes or suspends a licence granted under this Act, or is of opinion that a bull to which this Act applies is not suitable for breeding purposes the Minister may serve on the owner, reputed owner, or other person keeping or having possession of the bull the subject of such application, licence, or opinion a notice in the prescribed form requiring such person within the time (not being less than seven days) specified in such notice to do such one of the following things as the Minister shall specify in the notice, that is to say:— 25 30

- (a) to take out a permit under this Act in respect of the bull, or 35
- (b) to have the bull slaughtered, or
- (c) to have the bull castrated.

(2) In the event of a notice served under the foregoing subsection not being complied with within the time limited therein, the Minister may cause the bull the subject of the notice to be slaughtered or to be castrated at the expense of the owner of the bull, and for that purpose any persons authorised in that behalf by the Minister may enter any premises in which the bull may be or may reasonably be believed to be and the cost of such slaughter or castration shall be paid by the owner of the bull to the Minister on demand and may be recovered by the Minister on demand from such owner as a civil debt. 40 45

(3) Any person who shall obstruct or impede the Minister or any person duly authorised by him in the exercise of any of the powers conferred by this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a penalty not exceeding ten pounds. 50

(4) The exercise by the Minister of the powers conferred on him by this section shall not relieve any person from any penalty which he may have incurred under any other section of this Act. 55

(5) Where the owner of a bull is not known, a notice under this section in relation to that bull may be addressed to "the owner of a bull" without naming him, and in any case a notice under this section may be served by delivering it to the person to whom it is addressed, or by delivering it to a person over sixteen years of age on the lands or premises on which the bull to which it relates is then kept, or by sending it by post to the person to whom it is addressed at his last known place of abode 60

or the place at which the bull to which it relates was last known to be kept.

14.—(1) There shall be established and maintained for the purposes of this Act a panel of referees consisting of such number of fit and proper persons as shall from time to time be found necessary for the purposes aforesaid.

Establishment of panel of referees.

(2) The members of the panel of referees shall be appointed by the Executive Council, and every such member shall hold office for five years from the date of his appointment and shall be eligible for re-appointment at the expiration of any such term of office.

(3) Every member of the panel of referees shall be paid such fees and expenses for every inspection and examination made by him in pursuance of this Act as the Minister shall, with the approval of the Minister for Finance, direct.

15.—(1) Where the Minister—

(a) refuses an application for a licence or permit under this Act, or

(b) refuses to transfer a licence or permit granted under this Act or to grant a new licence or permit in lieu of such transfer, or

(c) revokes or suspends a licence granted under this Act, or

(d) serves under this Act either a notice requiring that a permit to be taken out in respect of a bull or a notice requiring that a bull be slaughtered or a notice requiring that a bull be castrated,

the owner or any person keeping or having possession of the bull to which the application, licence, permit, or notice relates shall be entitled on application in the prescribed manner and within the prescribed time and on payment of the prescribed fee not exceeding one pound, to have such bull inspected and examined by a referee.

(2) Upon receipt of an application under the foregoing subsection, together with the prescribed fee thereon, the Minister shall cause the bull to which the application relates to be inspected and examined by a referee nominated by the Minister from the panel of referees, and such referee shall make a report in writing to the Minister of the result of his inspection and examination of the bull.

(3) The Minister shall thereupon consider the said report and shall either confirm, with or without modification, reverse, or cancel the refusal, revocation, suspension, or notice aforesaid.

(4) Where an application for inspection and examination of a bull is made under this section on account of the refusal to grant or to transfer a licence or permit or to grant a new licence or permit in lieu of such transfer, no offence under this Act shall be deemed to be committed by the keeping or having possession of the bull to which the application relates pending the decision of the Minister on the report of the referee.

(5) Where an application for inspection and examination of a bull is made under this section on account of the revocation or suspension of a licence or the service of a notice, such revocation, suspension, or notice shall be deemed to be withdrawn pending the decision of the Minister on the report of the referee, and if such revocation, suspension, or notice is confirmed, with or without modification, by the Minister under this section, the revocation or suspension as so confirmed shall take effect as on and from the date of such confirmation or the notice as so confirmed shall be deemed for the purposes of this Act to have been served on the date of such confirmation.

(6) When selecting a member of the panel of referees to inspect and examine a bull under this section, the Minister shall not nominate any member who has within one year previously been employed by the person making the application or by the Minister to inspect or examine the bull.

Requisition for examination by a referee.

	(7) Where the Minister reverses or cancels under this section any such refusal, revocation, suspension, or notice as aforesaid the fee paid on the application for the examination and inspection of the bull by a referee shall be returned to the person by whom the same was paid.	5
Consultative council.	16. —(1) The Minister shall, after consultation with such bodies and persons as he may consider most representative of the several interests concerned, establish by order a consultative council for giving advice and assistance to the Minister in connection with any matter in relation to the making of regulations under, or otherwise carrying into execution of, the provisions of this Act, or any other matter affecting the live stock industry.	10
	(2) The said consultative council shall consist of such persons (being persons having experience or special knowledge in relation to the matters on which the council may give advice or assistance to the Minister) as the Minister after such consultation as aforesaid shall from time to time nominate to be members thereof, each of whom shall unless he previously dies or resigns, retain his membership for two years only from the date of his nomination but shall be eligible for re-nomination.	15 20
	(3) The said consultative council shall meet whenever summoned by the Minister and also on such occasions as the council may from time to time determine.	
	(4) Payments may be made by the Minister out of moneys to be provided by the Oireachtas to members of the said consultative council and committees thereof, to such extent as may be sanctioned by the Minister for Finance, in respect of repayment of travelling expenses and payment of subsistence allowance.	25
Expenses.	17. —All expenses of carrying this Act into effect shall, to such extent as shall be sanctioned by the Minister for Finance, be paid out of moneys to be provided by the Oireachtas.	30
Penalty for fraudulent use of licences, etc.	18. —(1) Every person who fraudulently alters or uses or permits the fraudulent alteration or use of any licence, duplicate licence, or permit granted under this Act shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the option of the court, to imprisonment for a term not exceeding six months or to both such imprisonment and fine.	35
	(2) Every person who without lawful authority alters or defaces or permits the alteration or defacement of any mark placed by an inspector on any bull under this Act or who without lawful authority places on any bull any mark the same as a mark prescribed under this Act or so closely resembling any such mark as to be calculated to deceive, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds or, at the option of the court, to imprisonment for a term not exceeding three months, or to both such imprisonment and such fine.	40 45
Offences.	19. —Every offence under any provision of this Act may be prosecuted by or at the suit of the Minister as prosecutor.	50
Regulations.	20. —(1) The Minister may by order make regulations in regard to any matter or thing referred to in this Act as prescribed or to be prescribed, but no such regulation shall be made in relation to the amount or collection of fees without the consent of the Minister for Finance.	55
	(2) All regulations made, by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after they are made, and if a resolution is passed by either such House within the next subsequent twenty-one days on which that House has sat annulling such regulations, such regulations shall be annulled accordingly but without prejudice to the validity of anything previously done under such regulations.	60

21. (1) This Act shall apply to all bulls of such age as shall be prescribed for that purpose by regulations made under this Act, save that—

Application of the Act.

5 (a) this Act shall not apply to a bull kept solely for experimental purposes under and in accordance with the written authority of the Minister, and

10 (b) in the case of a bull lawfully imported into Saorstát Eireann after it has attained the prescribed age and in respect of which the prescribed conditions are complied with, this Act shall not apply to the bull until the expiration of the prescribed period after its importation into Saorstát Eireann.

15 (2) The Minister may at any time after the appointed day by order apply the provisions of this Act with such modifications as may be specified in such order to boars or rams or to both boars and rams, and any such order shall have effect as if enacted in this Act, but may be varied or revoked by any subsequent order of the Minister.

20 22.—The Minister may by order appoint a day to be the appointed day for the purpose of this Act, and the expression “the appointed day” when used in this Act means the day so appointed.

Appointed day

25 23.—In this Act—
the expression “the Minister” means the Minister for Lands and Agriculture;

Definitions.

the word “prescribed” means prescribed by regulations made under this Act;

30 the word “inspector” includes any person authorised (either generally or for a special purpose) by the Minister to exercise all or any of the powers and perform all or any of the duties conferred and imposed on an inspector by this Act.

24.—This Act may be cited as the Live Stock Breeding Act, 1925. Short title.

Saorstát Éireann.

BILLE SIOLRUCHAIN EALLACH STUIC,
1925.

BILLE

dá ngairmtear

Acht chun forálacha do dhéanamh chun tairbh agus eallach stuic eile a húsáidtear i gcóir síolrúcháin do regleáil agus d'fheabhasú.

*Riithe ag dhá Thigh an Oireachtais,
4adn Márta, 1925.*

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Saorstát Éireann.

LIVE STOCK BREEDING BILL, 1925.

BILL

entitled

An Act to make provision for the regulation and improvement of bulls and other live stock used for breeding.

*Passed by both Houses of the Oireachtas,
4th March, 1925.*

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