

SAORSTÁT EIREANN.

BILLE TORA TALMHAIOCHTA (UIBHE), 1930. AGRICULTURAL PRODUCE (EGGS) BILL, 1930.

Mar do ritheadh ag Dáil Eireann.

As passed by Dáil Eireann.

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SAORSTÁT EIREANN.

BILLE TORA TALMHAIOCHTA (UIBHE), 1930.

AGRICULTURAL PRODUCE (EGGS) BILL, 1930.

BILL

entitled

5

AN ACT TO AMEND THE AGRICULTURAL PRODUCE (EGGS) ACT, 1924, TO MAKE FURTHER AND BETTER PROVISIONS IN RELATION TO PREMISES IN WHICH THE BUSINESS OF PRESERVING EGGS IS CARRIED ON, AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE SALE OF EGGS. 10

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

PRELIMINARY.

Definitions.

1.—In this Act—

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the expression “the Minister” means the Minister for Agriculture;

the expression “the Principal Act” means the Agricultural Produce (Eggs) Act, 1924 (No. 35 of 1924);

the expression “chemical storage” means storage for the purpose of preserving eggs by any process which does not alter the composition of the shells, including storage in any gas, vapour, or gaseous mixture; 20

the word “prescribed” means prescribed by regulations made under the Principal Act or under this Act. 25

Construction of the Principal Act and this Act.

2.—The Principal Act and this Act shall be read and construed as one Act, and accordingly the expression “this Act” wherever it occurs in the Principal Act shall mean the Principal Act and this Act construed as one Act, and (save where otherwise provided by this Act) expressions and words used in this Act which are also used in the Principal Act have the same meanings in this Act as they respectively have in the Principal Act. 30

PART I.

AMENDMENT OF THE PRINCIPAL ACT.

Amendment of section 3 of the Principal Act.

3.—Section 3 of the Principal Act shall not apply to eggs carried or driven by a farmer or his servants from Saorstát Eireann into Northern Ireland in the course of his business as a farmer. 35

Amendment of section 4 of the Principal Act.

4.—(1) An inspector, inspecting under section 4 of the Principal Act any eggs or any package in any place, may, in addition to or in lieu of all or any of the things which he is authorised by that section to do, do all or any of the following things, that is to say:— 40

(a) examine any eggs found by him in a package opened by him under the said section, and 45

(b) detain for so long as may be reasonably necessary for the

purpose of such examination, the package so opened and all or any other packages (if any) included therewith in the same consignment, and

5 (c) give a direction in writing to the carrier prohibiting the export of all packages so detained where it appears to such inspector on such examination that there has been a contravention or an attempted contravention of the Principal Act as amended by this Act or of this Act or 10 of any regulation made under those Acts or either of them in relation to such consignment, and that such contravention or attempted contravention extends, where such consignment consists of not more than twenty packages, to one or more or all of such packages or, where such consignment consists of more than 15 twenty packages, to not less than five per cent. of the packages comprised in such consignment.

(2) Whenever an inspector gives a direction under this section to the carrier prohibiting the export of any package of eggs, it shall be the duty of such inspector, where such carrier is not the 20 owner of such package, to notify the consignor of such package of the giving of such direction.

(3) Every person who exports or attempts to export any package of eggs in respect of which a direction prohibiting the export of such package has been given by an inspector under this 25 section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

(4) Whenever a direction prohibiting the export of a package of eggs has been given to the carrier under this section and such 30 package is, at the time such direction is given, actually loaded on a ship at a port in Saorstát Eireann, the carriage of such package on such ship shall not for the purpose of this section be deemed an exportation of such package if such carrier proves that such package was subsequently returned to and landed at the same port 35 in Saorstát Eireann by him at the first available opportunity and that between the time such package left and was landed at such port it was in the sole charge of such carrier and was not opened or interfered with in any way.

(5) Section 4 of the Principal Act shall be construed and have 40 effect as if—

(a) the words “the whole or” were inserted after the word “forming” in paragraph (c) of sub-section (2) thereof; and

45 (b) the words “or reasonable delay” were inserted in sub-section (6) thereof after the word “damage” wherever that word occurs in that sub-section.

(6) In the exercise in or upon the premises of any railway or shipping company of the powers conferred on him by this section, an inspector shall conform to such reasonable requirements of such 50 company as are necessary to prevent the working of the traffic on such premises being obstructed or interfered with.

(7) The expression “this section” wherever it occurs in section 4 of the Principal Act shall mean the said section 4 as amended by this present section and for that purpose every provision of this 55 present section shall be deemed to be an amendment of the said section 4.

5.—(1) The Minister shall, before registering any premises in the register of exporters, be satisfied (in addition to the matters mentioned in sub-section (3) of section 7 of the Principal Act) 60 that either the applicant for registration of such premises or one person at least employed by him on such premises is skilled in the business of testing, grading, and packing eggs in accordance with the Principal Act and regulations made thereunder.

Additional condition of registration in register of exporters.

(2) Until the expiration of a period of twelve months from the 65 passing of this Act, premises which are registered in the register

of exporters at the passing of this Act and continue to be so registered shall not be deemed, for the purposes of section 10 of the Principal Act, to have ceased to be eligible for registration in the register of exporters by reason merely of the fact that neither the registered owner of such premises nor any person 5 employed by him on such premises is skilled in the business of testing, grading, and packing eggs in accordance with the Principal Act and regulations made thereunder.

Reasons for refusal to register premises.

6.—Without prejudice to any other reason for refusal which may arise under the Principal Act or this Act, each of the following shall be a good reason for the refusal by the Minister of an application for the registration of premises in the register of exporters or in the register of preservers, that is to say:— 10

(a) that such premises were previously so registered and such registration was cancelled by the Minister under the Principal Act or this Act, or 15

(b) that the person applying for such registration was previously the registered proprietor of other premises so registered and, while he was such registered owner, the registration of such other premises was cancelled 20 by the Minister under the Principal Act or this Act.

Amendment of section 9 of the Principal Act.

7.—Sub-section (8) of section 9 of the Principal Act shall be construed and have effect and be deemed always to have had effect as if the words “ next following the year ” were inserted 25 therein after the words “ in the year.”

Cancellation of registration of premises on bankruptcy.

8.—Whenever the registered proprietor of any premises registered under the Principal Act or under that Act as amended by this Act is adjudicated a bankrupt, the Minister may cancel the registration of such premises.

Notice of intention to cancel registration of premises.

9.—(1) Before altering or cancelling (otherwise than in accordance with an application in that behalf made under section 10 of the Principal Act) the registration of any premises under the Principal Act or this Act, the Minister shall give at least one fortnight's notice in writing of his intention so to alter or cancel such registration to the registered proprietor of such premises or his personal representative (if any) or its liquidator (as the case may be) and shall consider any representations made before the expiration of such notice by such registered proprietor or personal representative or liquidator (as the case may be) and may, if he thinks fit, cause an inquiry to be held in relation to the matter. 30 35 40

(2) A notice of the Minister's intention to cancel or alter registration of premises under the Principal Act or this Act may be served by delivering it to the person to whom it is addressed or by leaving it for him with a person over sixteen years of age on the premises to which it relates or by sending it by post to the person to whom it is addressed at his last known place of abode. 45

(3) Sub-section (4) of section 10 of the Principal Act is hereby repealed.

Restriction on use of prescribed marks.

10.—(1) A mark prescribed or assigned under section 15 of the Principal Act for the purpose of indicating the premises on which eggs were packed shall be used and shall be placed on eggs or packages of eggs by the following persons only, that is to say, the registered proprietor for the time being of the registered premises for or to which such mark is prescribed or assigned or some person employed by such proprietor for that purpose, and it shall not be lawful for any other person to use such mark or to place such mark on any eggs or packages of eggs. 50 55

(2) A mark prescribed under section 15 of the Principal Act to be placed on packages of eggs for the purpose of indicating that such eggs were produced in Saorstát Eireann shall be used and shall be placed on packages of eggs by the following persons only, that is to say, the registered proprietor for the time being of premises registered in the register of exporters or some person 60

employed by such proprietor for that purpose and it shall not be lawful for any other person to use such mark or to place such mark on any packages of eggs.

(3) Every person who uses or places on any eggs or packages
5 of eggs in contravention of this section any mark prescribed or assigned under section 15 of the Principal Act shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence, to a fine not exceeding ten pounds and, in the case of a second or any subsequent offence, to a fine not exceeding twenty pounds or, at the
10 discretion of the court, to imprisonment for any term not exceeding three months or to both such fine and such imprisonment.

11.—(1) Where a package containing eggs is marked with a
15 mark (in this section called the grade mark) prescribed by regulations made under the Principal Act as the mark for eggs of a particular grade and there is also marked on such package a mark (in this section called the weight mark) intended to indicate or convey that each great hundred of eggs in such
20 package is greater in weight than the weight prescribed as the minimum weight for a great hundred of eggs belonging to the grade indicated by the grade mark, it shall not be lawful for a registered proprietor to export such package unless each great hundred of eggs contained in such package is not less in weight than the weight indicated by the weight mark.

Branding of weights of eggs on packages.

25 (2) If any person acts in contravention of this section he shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence, to a fine not exceeding ten pounds or, in the case of a second or any subsequent offence, to a fine not exceeding twenty pounds or, at
30 the discretion of the Court, to imprisonment for any term not exceeding six months or to both such fine and such imprisonment.

(3) In this section the expression " great hundred " means one hundred and twenty.

12.—(1) In addition to the powers conferred on an inspector
35 by sub-section (1) of section 17 of the Principal Act, an inspector shall be entitled at all reasonable times to enter any premises registered in the register of exporters or in respect of which an application for registration in such register has been made, and do all or any of the following things, that is to say:—

Amendment of section 17 of the Principal Act.

40 (a) search for eggs on such premises;
(b) require the registered proprietor or any person employed by such registered proprietor on such premises to furnish such inspector with such information as to the name and address of any person which such inspector
45 may deem necessary for the purposes of the administration of the Principal Act and this Act.

(2) In addition to the powers conferred on an inspector by sub-section (2) of section 17 of the Principal Act, an inspector shall be entitled at all reasonable times to enter any premises registered
50 in the register of preservers or in respect of which an application for registration in such register has been made and do all or any of the following things, that is to say:—

(a) search for and inspect eggs on such premises;
55 (b) require the registered proprietor or any person employed by such registered proprietor on such premises to furnish such inspector with such information as to the name and address of any person which such inspector may deem necessary for the purposes of the administration of the Principal Act and this Act.

60 (3) Every person who obstructs or impedes any inspector in the exercise of any of the powers conferred on him by this section or fails or refuses to give to any inspector on demand any information which such inspector is entitled to demand under this section shall be guilty of an offence under this section and shall be liable
65 on summary conviction thereof to a fine not exceeding five pounds.

Amendment of section 18 of the Principal Act.

13.—Section 18 of the Principal Act shall be construed and have effect as if the following sub-section were inserted therein in lieu of sub-section (1) now contained therein, that is to say:—

“(1) Any person who—

- (a) sells, exchanges, or barter, or offers or exposes for sale, 5
exchange, or barter any eggs which are externally dirty
or which are unfit for human consumption, whether
such sale, exchange, or barter is or is not made subject
to the condition that the eggs shall pass a particular
test; or 10
- (b) being a person engaged in the egg trade, buys or has in
his possession on premises on which he carries on such
trade any eggs which are externally dirty or which are
unfit for human consumption; or
- (c) being a person engaged in the egg trade, deposits in any 15
place any eggs which are externally dirty or which are
unfit for human consumption; or
- (d) consigns for sale on commission or otherwise eggs which
are externally dirty or which are unfit for human
consumption; 20

shall be guilty of an offence under this section and shall be punishable accordingly.”

Structural alterations of registered premises.

14.—(1) It shall not be lawful for any person to make, without the previous approval of the Minister, any structural alterations in any premises registered in the register of exporters or the 25 register of preservers.

(2) Every person who makes any structural alterations in any premises in contravention of this section shall be guilty of an offence under this section and be liable on summary conviction thereof to a fine not exceeding ten pounds. 30

PART II.

THE REGISTER OF PRESERVERS.

Avoidance of existing registrations in register of preservers.

15.—Every registration of premises in the register of preservers existing at the passing of this Act shall, immediately upon such passing, become and be void and of no effect. 35

Conditions of registration of premises in register of preservers.

16.—The Minister shall, before registering any premises in the register of preservers under the Principal Act, be satisfied that such premises comply with the following conditions, that is to say:—

- (a) that the premises and the equipment, fittings, and appli- 40
ances thereof are in a state of cleanliness and good
repair, and
- (b) that the premises contain adequate accommodation for
the storage therein of eggs and of packages of eggs in
such manner that the eggs and packages so stored are 45
accessible for inspection under the Principal Act as
amended by this Act.

Fees on application for registration in register of preservers.

17.—There shall be paid to the Minister by the person applying for the registration of any premises in the register of preservers the fee of one pound and the payment of such fee shall be a 50 condition precedent to the entertainment of the application by the Minister.

Prohibition of business of preserving eggs in unregistered premises.

18.—(1) It shall not be lawful for any person to carry on by way of trade or gain in premises which are not registered in the register of preservers the business of preserving eggs, whether 55 by cold storage, chemical storage, pickling, or otherwise.

(2) If any person acts in contravention of this section he shall be guilty of an offence under this section and shall be liable on

summary conviction thereof, in the case of a first offence, to a fine not exceeding twenty pounds and, in the case of a second or any subsequent offence, to a fine not exceeding fifty pounds or, at the discretion of the court, to imprisonment for any term not exceeding six months or to both such fine and such imprisonment.

(3) This section shall not come into force until the expiration of three months from the passing of this Act.

19.—The Minister may make regulations (in this Act referred to as the general regulations for the marking of preserved eggs) in relation to all or any of the following matters, that is to say:—

General regulations for marking preserved eggs.

(a) the marks to be borne on eggs sent or consigned to or removed from any premises registered in the register of preservers;

(b) the mode in and the means by which such marks are to be placed on such eggs;

and different marks may be prescribed in respect of different classes of eggs with the object of indicating the manner in which such eggs are intended to be or have been treated in such premises.

20.—(1) Subject to the provisions of this section, it shall not be lawful for any person to send or consign to or deliver at any premises registered in the register of preservers any eggs which at the time of such sending, consigning, or delivery are not marked in accordance with the general regulations for the marking of preserved eggs.

Prohibition of sending or receiving unmarked eggs.

(2) Subject to the provisions of this section, it shall not be lawful for the registered proprietor of premises registered in the register of preservers to accept on such premises delivery of any eggs which are not marked in accordance with the general regulations for the marking of preserved eggs or to receive into such premises any eggs not so marked.

(3) If any person acts in contravention of this section he shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence, to a fine not exceeding ten pounds and, in the case of a second or any subsequent offence, to a fine not exceeding twenty pounds or, at the discretion of the court, to imprisonment for any term not exceeding six months or to both such fine and such imprisonment.

(4) The Minister may by order made under this sub-section declare that the foregoing provisions of this section shall not apply in the case of eggs intended to be preserved by a particular process or processes specified in such order, and whenever any such order is made and is in force these provisions shall not apply to eggs intended to be preserved by the particular process or processes specified in such order.

(5) An order under the foregoing sub-section may be revoked, amended, or varied by an order made by the Minister under this sub-section.

21.—(1) It shall not be lawful for the registered proprietor of any premises registered in the register of preservers to sell, consign, or otherwise remove from such premises any eggs which do not bear visibly and legibly thereon the marks prescribed by the general regulations for the marking of preserved eggs.

Prohibition of removal, etc., of unmarked eggs.

(2) It shall not be lawful for any person to purchase at any premises registered in the register of preservers any eggs which do not bear visibly and legibly thereon the marks prescribed by the general regulations for the marking of preserved eggs or to accept delivery from any such premises of any eggs which do not bear visibly and legibly thereon such marks.

(3) If any person acts in contravention of this section he shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence, to a

fine not exceeding ten pounds and, in the case of a second or any subsequent offence, to a fine not exceeding twenty pounds or, at the discretion of the court, to imprisonment for any term not exceeding three months or to both such fine and such imprisonment.

5

Prohibition of removal, etc., of marks from preserved eggs.

22.—If any person—

- (a) removes, alters, or obliterates from or on any egg a mark prescribed by the general regulations for the marking of preserved eggs, or
- (b) sells, exchanges, or barter, or offers or exposes for sale, exchange, or barter any egg from or on which a mark prescribed by the general regulations for the marking of preserved eggs has been removed, altered, or obliterated,

he shall, unless he proves that he acted without intent to defraud, be guilty of an offence under this section and be liable on summary conviction thereof, in the case of a first offence, to a fine not exceeding ten pounds and, in the case of a second or any subsequent offence, to a fine not exceeding twenty pounds or, at the discretion of the court, to imprisonment for any term not exceeding three months or to both such fine and such imprisonment.

Register to be kept on premises registered in register of preservers.

23.—(1) It shall be the duty of the registered proprietor of every premises registered in the register of preservers to keep or cause to be kept in such premises a register in the prescribed form of all eggs received at and despatched from such premises and within twelve hours after the reception or dispatch of any such eggs to enter or cause to be entered in such register the prescribed particulars in relation to such eggs.

(2) Every register kept in pursuance of this section may be inspected at any time during office hours by any inspector, and it shall be the duty of the registered proprietor to produce for the inspection of such inspector on demand such register and also all invoices, consignment notes, receipts, and other documents (including copies thereof where the originals are not available) reasonably demanded by such inspector for the purpose of verifying any entry in or explaining any omission from such register.

(3) If any registered proprietor—

- (a) fails to keep or cause to be kept such register as is required by this section, or
- (b) fails to make or cause to be made in such register within the time prescribed by this section any entry required by this section to be made therein, or
- (c) fails to produce or cause to be produced for the inspection of an inspector on demand any register, document, or copy of a document which he is required by this section so to produce, or obstructs any such inspector in the making of such inspection, or
- (d) wilfully or negligently makes or causes to be made in such register any entry which is false or misleading in any material particular,

he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

(4) For the purposes of this section—

- (a) inspection of a register or document shall include taking copies thereof or extracts therefrom; and
- (b) a demand for inspection of a register or other document shall be deemed to have been duly made to the registered proprietor if such demand is made verbally on the registered premises to any person in the employment of the registered proprietor; and

- (c) a refusal or failure to produce a register or other document for inspection, if made or committed on the registered premises by a person in the employment of the registered proprietor, shall be deemed to have been made or committed by the registered proprietor; and
- (d) the expression "office hours" means any time between the hours of ten o'clock in the morning and five o'clock in the afternoon during which business is being carried on or work is being done on the registered premises.
- (5) Section 13 of the Principal Act shall cease to have effect in relation to premises registered in the register of preservers.

PART III.

MISCELLANEOUS AND GENERAL.

24.—(1) It shall not be lawful for any person to sell, exchange, or barter, or offer or expose for sale, exchange, or barter, any eggs in a place or under conditions which does or do not afford adequate protection to such eggs against wet, damp, dirt, or contamination of any sort.

Prohibition of sale of eggs in certain places.

(2) If any person acts in contravention of this section he shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence, to a fine not exceeding ten pounds and, in the case of a second or any subsequent offence, to a fine not exceeding twenty pounds or, at the discretion of the court, to imprisonment for any term not exceeding three months or to both such fine and such imprisonment.

25.—(1) A member of the *Gárda Síochána* shall be entitled at all reasonable times to enter any premises (not being premises registered in the register of exporters or the register of preservers) in which eggs are offered or exposed for sale.

Powers of the *Gárda Síochána*.

(2) A member of the *Gárda Síochána* may inspect any eggs offered or exposed for sale in any place upon which he is entitled under the foregoing sub-section to enter or in any public place and may take and remove without payment reasonable samples of any eggs which are offered or exposed for sale in any such place and are externally dirty.

(3) Every person who obstructs or impedes a member of 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 be liable on summary conviction thereof to a fine not exceeding five pounds.

26.—(1) The Minister may by order make regulations in relation to any matter or thing referred to in this Act as prescribed or to be prescribed and which is not prescribed or capable of being prescribed under the Principal Act.

Regulations.

(2) Every regulation made by the Minister 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 is passed by either House of the *Oireachtas* within the next twenty-one days on which that House has sat annulling such regulation such regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done under such regulation.

27.—All expenses of carrying this Act into effect shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the *Oireachtas*.

Expenses.

28.—Every offence under any provision of this Act may be prosecuted by or at the suit of the Minister as prosecutor.

Offences.

29.—This Act may be cited as the Agricultural Produce (Eggs) Act, 1930, and the Principal Act and this Act may be cited together as the Agricultural Produce (Eggs) Acts, 1924 and 1930.

Short title and citation

Saorstát Éireann

Saorstát Éireann

BILLE TORA TALMHAIOCHTA (UIBHE),
1930.

AGRICULTURAL PRODUCE (EGGS)
BILL, 1930.

BILLE

BILL

dá ngairmtear

entitled

Acht chun an tAcht Tora Talmhaíochta (Uibhe), 1924, do leasú, chun soerú breise agus feabhasa do dhéanamh i dtaobh áitreabhacha ina leasúitear uibhe, agus chun soerú do dhéanamh i dtaobh nithe eile bhaineas le huibhe do dhól.

An Act to amend the Agricultural Produce (Eggs) Act, 1924, to make further and better provisions in relation to premises in which the business of preserving eggs is carried on, and to provide for other matters relating to the sale of eggs.

*Rithte ag Dáil Éireann, 11adh Mí na Nodlag,
1930.*

Passed by Dáil Éireann, 11th December, 1930.

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