

SAORSTÁT ÉIREANN.

BILLE TORA TALMHAIOCHTA (PRATAI), 1931. AGRICULTURAL PRODUCE (POTATOES) BILL, 1931.

Mar do leasúidh i gCoiste.
As amended in Committee.

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SAORSTÁT ÉIREANN.

BILLE TORA TALMHAIOCHTA (PRATAI), 1931. AGRICULTURAL PRODUCE (POTATOES) BILL, 1931.

BILL

5

entitled

AN ACT TO MAKE PROVISION FOR THE REGULATION
OF THE EXPORT OF POTATOES, AND FOR OTHER
MATTERS INCIDENTAL THERETO.

BE IT ENACTED BY THE OIREACHTAS OF SAORSTAT
10 ÉIREANN AS FOLLOWS:—

PART I.

PRELIMINARY.

1.—(1) This Act may be cited as the Agricultural Produce (Potatoes) Act, 1931. Short title and commencement.

15 (2) This Act shall come into operation on such day as shall be fixed for that purpose by order of the Minister.

2.—In this Act—

Definitions.

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

20 the word “inspector” means any person authorised in writing (either generally or for a special purpose) by the Minister to exercise all or any of the powers or perform all or any of the duties conferred or imposed on an inspector by this Act;

the expression “seed potatoes” means potatoes intended for
25 planting;

the expression “ware potatoes” means potatoes other than seed potatoes;

the word “package” includes any bag, sack, box, case, barrel or other receptacle containing or capable of containing potatoes;

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

PART II.

REGISTRATION OF PREMISES AND LICENSING OF EXPORTERS.

3.—(1) The Minister shall cause to be kept a register (to be Register of
35 called and known as the register of potato packing premises) of potato packing premises in Saorstát Éireann in which the business of grading premises.
and packing potatoes for export is carried on.

(2) There shall be entered in the said register in respect of all premises registered therein the following particulars, that is to
40 say:—

(a) the full name and description of the proprietor (in this Act referred to as the registered proprietor) of the premises, and

45 (b) a description of the situation of the premises sufficient to identify the same and the limits and extent thereof.

(3) In this Act the expression "registered premises" means premises registered in the register of potato packing premises.

Conditions of registration of premises.

4.—The Minister shall before registering any premises in the register of potato packing premises be satisfied that—

- (a) the premises are structurally suited for carrying on the business of grading and packing potatoes for export in the quantities which, in the opinion of the Minister, will be graded and packed in such premises; 5
- (b) the premises contain accommodation, equipment, fittings, and appliances suitable for the carrying on, in accordance with this Act and regulations made thereunder, of the business of grading and packing of potatoes; 10
- (c) the grading and packing of potatoes in the premises are under the control of a person qualified in the opinion of the Minister to undertake or supervise the grading and packing of potatoes. 15

Application for registration of premises.

5.—(1) Every application for the registration of any premises under this Part of this Act shall be made in writing by the proprietor of such premises in the prescribed form and manner and shall contain the prescribed particulars. 20

(2) Whenever an application is made under this section for the registration of any premises, the Minister shall cause such premises to be inspected by an inspector.

(3) Before refusing an application for the registration of any premises under this Part of this Act, the Minister shall send by post to the applicant at his address as stated in the application one fortnight's notice of the Minister's intention to refuse such application and of the reasons for such refusal and shall consider any representations made by the applicant before the expiration of such notice. 25 30

(4) A refusal by the Minister of an application for registration of any premises under this section shall not prevent the making of a fresh application at any subsequent time, but the Minister may refuse any such renewed application without causing any new inspection of the premises to be made. 35

Exporters' licences.

6.—(1) The Minister may grant a licence (in this Act referred to as an exporter's (general) licence) to export potatoes from any registered premises to any person who—

- (a) is the registered proprietor of any registered premises, and 40
- (b) applies in the prescribed form and manner for an exporter's (general) licence.

(2) Every exporter's (general) licence shall—

- (a) be in the prescribed form, and
- (b) be expressed and operate to license the person to whom it is granted to export, subject to the provisions of this Act and regulations made thereunder, potatoes from any registered premises. 45

(3) The Minister may grant a licence (in this Act referred to as an exporter's (grower's) licence) to export potatoes from particular registered premises to any person who— 50

- (a) is the registered proprietor of such premises, and
- (b) is a grower of potatoes, and
- (c) was at any time before the commencement of this Act an exporter of potatoes grown by himself, and 55
- (d) applies in the prescribed form and manner to the Minister for such exporter's (grower's) licence, and
- (e) supplies the Minister with the prescribed information.

(4) An exporter's (grower's) licence shall not be granted by the Minister until after the expiration of thirty days following the 60

date on which the application for such licence is received by the Minister.

(5) Every exporter's (grower's) licence shall—

- 5 (a) be in the prescribed form and shall specify the premises in respect of which it is granted and such other particulars as may be prescribed;
- (b) be expressed and operate to license the person to whom it is granted to export, subject to the provisions of this Act and regulations made thereunder, from such
- 10 premises, potatoes grown by him;
- (c) shall be and be expressed to be granted subject to the following conditions (in this Act referred to as the statutory conditions attaching to an exporter's (grower's) licence), that is to say:—
- 15 (i) that the holder thereof shall not export thereunder potatoes other than those grown by himself,
- (ii) that the holder thereof shall not export thereunder in any one calendar year more than one hundred tons of potatoes.

20 (6) In this Act the expression "licensed (general) exporter" means a person who is for the time being the holder of an exporter's (general) licence for the time being in force and the expression "licensed (grower) exporter" means a person who is for the time being the holder of an exporter's (grower's) licence

25 for the time being in force.

(7) In this Act the expression "exporter's licence" means any licence granted by the Minister under this section and the expression "licensed exporter" means a person who is for the time being the holder of an exporter's licence for the time being

30 in force.

(8) A certificate purporting to be under the hand of an officer of the Minister authorised in that behalf by the Minister, that a person named in such certificate is not the holder of an exporter's licence shall be *prima facie* evidence of the facts so certified and

35 it shall not be necessary to prove the signature of such officer or that he was, in fact, such officer or was so authorised.

7.—(1) On every application for an exporter's (general) licence there shall be paid to the Minister by the applicant a fee of one pound and ten shillings, returnable to the applicant if his

40 application be refused, and the payment of such fee shall be a condition precedent to the entertainment of the application by the Minister.

Fees on and issue of exporters' (general) licences.

(2) If the Minister after consideration of an application for an exporter's (general) licence is of opinion that such licence

45 should be granted, he shall cause a notification in writing to that effect to be sent to the applicant.

(3) If on receipt of a notification in accordance with the foregoing sub-section the applicant pays to the Minister a further fee of thirteen pounds and ten shillings the Minister shall forth-

50 with issue to him an exporter's (general) licence.

8.—(1) On every application for an exporter's (grower's) licence there shall be paid to the Minister by the applicant a fee of ten shillings, returnable to the applicant if his application be refused, and the payment of such fee shall be a condition prece-

55 dent to the entertainment of such application by the Minister.

Fees on and issue of exporters' (growers') licences.

(2) If the Minister, after consideration of an application for an exporter's (grower's) licence, is of opinion that such licence should be granted, the Minister shall cause a notification in writing to that effect to be sent to the applicant.

60 (3) If on receipt of a notification sent in accordance with the foregoing sub-section the applicant for an exporter's (grower's) licence pays to the Minister a further fee of four pounds and ten

shillings the Minister shall, on the expiration of the period of thirty days from the date of the application or, if at the time of receiving such further fee such period has expired, forthwith issue to such applicant an exporter's (grower's) licence.

Inspection fees.

9.—(1) Every licensed (general) exporter shall in respect of every consignment of potatoes submitted by him to an inspector for examination under this Act pay to the Minister at the time and in the manner provided by this Act a fee (in this Act referred to as an inspection fee) in accordance with the following provisions, that is to say:—

(a) the inspection fee shall be calculated by reference to the number of tons of potatoes in such consignment, and shall be at the respective rate for every ton mentioned in this sub-section;

(b) where the potatoes in such consignment are graded and packed in registered premises of which such exporter is the registered proprietor, the rate shall be—

(i) in the case of ware potatoes, sixpence, and

(ii) in the case of seed potatoes, such rate (not exceeding nine pence for every ton) as may be prescribed;

(c) where the potatoes in such consignment are graded and packed in registered premises of which such exporter is not the registered proprietor, the rate shall be—

(i) if such potatoes (whether ware potatoes or seed potatoes) are submitted for examination at a railway station or a wharf, such rate (not exceeding nine pence for every ton) as may be prescribed,

(ii) if such potatoes (whether ware potatoes or seed potatoes) are submitted for examination at any other place, such rate (not exceeding one shilling for every ton) as may be prescribed.

(2) Every licensed (grower) exporter shall in respect of every consignment of potatoes submitted by him to an inspector for examination under this Act pay to the Minister at the time and in the manner provided by this Act a fee (in this Act also referred to as an inspection fee) calculated by reference to the number of tons of potatoes in such consignment and such fee shall be at such rate (not exceeding six pence for every ton of ware potatoes and nine pence for every ton of seed potatoes) as may be prescribed.

(3) For the purpose of calculating the amount of any inspection fee chargeable under this section the following provisions shall have effect, that is to say:—

(a) any reference in this section to the weight of potatoes shall be deemed to be a reference to the weight of such potatoes and the packages in which they are contained;

(b) where the weight of the potatoes in any consignment is less than one ton the weight of such potatoes shall be deemed to be one ton;

(c) where the weight of potatoes in any consignment exceeds a ton or exceeds any complete number of tons such excess shall be deemed to be a ton.

Time and manner of payment of inspection fees.

10.—(1) As soon as may be after the expiration of every account period the Minister shall ascertain in the prescribed manner the amount (if any) due for inspection fees by every licensed exporter in respect of potatoes submitted by such exporter to an inspector for examination by such inspector under this Act during such period and shall issue a certificate (in this section referred to as a certificate of indebtedness) in the prescribed form certifying the amount due by such licensed exporter for inspection fees in respect of such account period.

(2) Every certificate of indebtedness shall be conclusive evidence of all matters purported to be certified therein.

(3) As soon as may be after the issue of each certificate of indebtedness, a copy thereof shall be served by post on the licensed exporter whose indebtedness for inspection fees is certified by such certificate and immediately upon such service the amount
5 certified to be payable by such certificate shall become and be due and payable by such licensed exporter to the Minister, and after the expiration of four weeks from such service shall be recoverable by the Minister as a simple contract debt in any court of competent jurisdiction.

10 (4) If a licensed exporter fails or neglects to pay the amount certified by a certificate of indebtedness to be payable by him within four weeks after the service of a copy of such certificate on him, the Minister may revoke such licensed exporter's licence, but such revocation shall not relieve such licensed exporter from
15 liability to pay the said amount.

(5) Where an exporter's licence is revoked under the foregoing sub-section, the registration in the register of potato packing premises of the premises of which he is the registered proprietor shall, by virtue of this sub-section, be cancelled as from the date
20 upon which the cancellation of such licence took place, and such premises shall not be again registered in the said register so long as the amount or any part of the amount the non-payment of which occasioned such cancellation remains unpaid.

(6) For the purposes of this section each of the following
25 periods shall be an account period, that is to say:—

- (a) every period of the three months commencing on any 1st day of January;
- (b) every period of three months commencing on any 1st day of April;
- 30 (c) every period of six months commencing on any 1st day of July.

11.—Where a licensed exporter dies, the exporter's licence held by him shall devolve on his legal personal representative as part of his personal estate. Devolution of licence on death.

35 12.—The Minister may on the application of a licensed exporter or, where a licensed exporter is an incorporated body, of the liquidator of such body, or of the legal personal representative of a deceased licensed exporter, transfer the licence held by such licensed exporter to another person, but an exporter's licence shall
40 not be so transferred to a person who at the date of such transfer is not the registered proprietor of registered premises. Transfer of exporter's licence.

13.—(1) The Minister may at any time alter or revoke an exporter's licence upon the application of the holder of such licence or, in the case of an individual, the personal representative or, in the case of an incorporated body, the liquidator of the
45 holder of such licence. Rectification and revocation of exporter's licences.

(2) The Minister may at any time, without any such application, revoke an exporter's licence if he is satisfied—

- 50 (a) that such licence was procured by fraud or by misrepresentation whether fraudulent or innocent; or
- (b) that the premises of which the holder of such licence is the registered proprietor have ceased to be registered in the register of potato packing premises; or
- 55 (c) that the holder of such licence, if an individual, has died or, if an incorporated body, has been dissolved and that such licence has not been transferred by the Minister under this Act to another person within three months after such death or dissolution; or
- 60 (d) that the holder of such licence has been adjudicated a bankrupt; or
- (e) in the case of an exporter's (general) licence, that in any calendar year other than the first calendar year

subsequent to the date on which such licence was issued either—

- (i) no potatoes were exported by the holder of such licence during such year, or
- (ii) if ware potatoes only were exported by such holder during such year, the quantity so exported was less than three hundred tons, or
- (iii) if seed potatoes only were exported by such holder during such year, the quantity so exported was less than one hundred and fifty tons, or
- (iv) if both ware potatoes and seed potatoes were exported by such holder during such year, the total quantity of potatoes so exported was less than three hundred tons;
for the purpose of this sub-paragraph, a quantity of seed potatoes shall be reckoned as weighing twice its actual weight; or
- (f) in the case of an exporter's (grower's) licence, that in the opinion of the Minister the holder of such licence has committed a breach of the statutory conditions attaching to an exporter's (grower's) licence or either of such conditions; or
- (g) that, in the opinion of the Minister, there has been any contravention by the holder of such licence (whether by way of commission or omission) of this Act or any regulations made thereunder; or
- (h) that the holder of such licence, having made a contract for the sale of potatoes to be exported by virtue of his licence has, in the opinion of the Minister, without reasonable cause failed or omitted to carry out such contract.

(3) Before revoking (otherwise than in accordance with an application in that behalf made under this section) an exporter's licence, the Minister shall give at least one fortnight's notice in writing of his intention so to revoke such licence to the holder thereof, or his personal representative (if any) or the liquidator of the holder (as the case may be), and shall consider any representations made before the expiration of such notice by such holder, 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.

(4) A notice of the Minister's intention to revoke or alter an exporter's licence may be served by delivering it to the person to whom it is addressed or by leaving it with a person over sixteen years of age on the registered premises of the holder of the licence or by sending it by post to the person to whom it is addressed at his last known place of abode.

(5) Where an exporter's licence has been revoked by the Minister under this section, the Minister may at any time thereafter refuse to grant an exporter's licence to the person who was the holder of such first-mentioned licence immediately before the revocation thereof.

Evidence of contents of register.

14.—(1) The register of potato packing premises shall be—

- (a) deemed to be in the proper custody when in the custody of the Minister or of any officer of the Minister authorised in that behalf by the Minister; and
- (b) admissible in evidence without further proof on production from the proper custody.

(2) *Prima facie* evidence of any entry in the register of potato packing premises may be given in any court or any legal proceeding by the production of a copy of such entry purporting to be

certified to be a true copy by any officer of the Minister authorised in that behalf, and it shall not be necessary to prove the signature of such officer, or that he was in fact such officer, or was in fact so authorised.

- 5 (3) A certificate purporting to be under the hand of an officer of the Minister authorised in that behalf by the Minister, that any premises specified in such certificate are not entered in the register of potato packing premises shall be conclusive evidence of the matters so certified, and it shall not be necessary to prove
10 the signature of such officer, or that he was in fact such officer, or was in fact so authorised.

(4) Any person may—

- (a) inspect the register of potato packing premises on payment of such fee, not exceeding one shilling for each
15 inspection, as shall be prescribed;
- (b) obtain a copy, certified in manner hereinbefore mentioned to be a true copy, of any entry in the register of potato packing premises on payment of such fee, not exceeding sixpence for each folio of seventy-two
20 words of the copy, as may be prescribed;
- (c) obtain such certificate as is hereinbefore mentioned that any specified premises are not registered in the register of potato packing premises on payment of such fee, not exceeding two shillings and sixpence for each certificate, as may be prescribed.
25

15.—(1) The Minister may publish in such manner as he may think fit— Publication of contents of register, etc.

- (a) all or any of the matter entered in the register of potato packing premises, and
30 (b) particulars of any exporter's licence, and
(c) notice of the cancellation of an exporter's licence, and
(d) notice of any cancellation or alteration of registration in the register of potato packing premises; and
(e) notice of any conviction for an offence against any
35 provision of this Act.

(2) The Minister may from time to time collect and publish such statistical information with respect to the extent and condition of the potato trade as he may think fit.

40 16.—(1) Any inspector shall be entitled at all reasonable times to enter any registered premises or any premises in respect of which an application for registration has been made, and there to do all or any of the following things, that is to say:— Inspection of registered premises.

- (a) to inspect all or any part of such premises and the equipment, appliances and fittings therein;
45 (b) to observe all or any of the processes of grading and packing of potatoes conducted in such premises;
(c) to examine all or any potatoes and packages in such premises and to take reasonable samples of all or any of such potatoes and packages.

50 (2) Every person who shall obstruct or impede any inspector in the exercise of any of the powers conferred on him by this section shall be guilty of an offence against this section, and shall be liable on summary conviction thereof to a penalty not exceeding five pounds.

55 17.—(1) The Minister may, at any time, alter or cancel the registration of any premises under this Part of this Act upon the application in writing in the prescribed form and manner of the registered proprietor, or in the case of an individual the personal representative, or, in the case of an incorporated body, the liquidator, of the registered proprietor of such premises. Rectification and cancellation of registration of premises.

(2) The Minister may, at any time, without any such application as aforesaid, alter the registration of any premises under this Part of this Act in any respect in which such registration or licence appears to him to be erroneous or misleading.

(3) The Minister may, at any time, without any such application as aforesaid, cancel the registration of any premises registered under this Part of this Act if he is satisfied—

- (a) that the registration of the premises was procured by fraud or by misrepresentation whether fraudulent or innocent; or 10
- (b) that the premises have ceased to be eligible for registration in the register in which the same are registered; or
- (c) that the accommodation and equipment provided in the premises is insufficient for the volume of business 15 carried on therein;
- (d) that the registered proprietor, if an individual, has died, or if an incorporated body has been dissolved, and no other person has, within one month after such death or dissolution, been registered as proprietor in 20 the place of the registered proprietor so dead or dissolved; or
- (e) that the registered proprietor has been adjudicated a bankrupt; or
- (f) that in the opinion of the Minister there has been any 25 contravention (whether by way of commission or of omission) of this Act or any regulations made thereunder on the premises.

(4) Before altering or cancelling (otherwise than in accordance with an application in that behalf made under this section) the registration of any premises under this Act, the Minister shall give at least one fortnight's notice in writing of his intention so to cancel or alter 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

(5) A notice of the Minister's intention to cancel or alter the registration of premises under this Part of 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. 40 45

(6) Where the Minister has cancelled under this section the registration of any premises, the Minister may at any time thereafter refuse to register such premises in any register kept in pursuance of this Part of this Act.

PART III.

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REGULATIONS AS TO THE GRADING AND PACKING OF POTATOES, THE MARKING OF PACKAGES OF POTATOES, AND THE CONVEYANCE OF POTATOES.

Regulations for the grading and packing of potatoes.

18.—The Minister may by order make regulations (in this Act referred to as regulations for the grading and packing of potatoes) 55 in regard to all or any of the following matters:—

- (a) the method and manner in all respects of grading potatoes;
- (b) the condition or state of potatoes in all respects at the time of packing; 60

(c) the method and manner in all respects of packing potatoes, including the packages to be used for such packing;

5 (d) the prohibition of packing of any particular grades or descriptions of potatoes.

19.—(1) The Minister may by order make regulations (in this Act referred to as regulations for the marking of packages) prescribing the marks to be applied to every package of potatoes for export sold on or exported or consigned from any registered premises, for the purpose of indicating all or any of the following matters, that is to say:—

Regulations for the marking of packages.

(a) the grade of the potatoes contained in such package;

(b) the registered premises in which such potatoes were packed;

15 (c) the licensed exporter of the potatoes;

(d) the kind of potato contained in such package;

(e) the variety of the potato contained in such package;

(f) the date upon which the potatoes were graded and packed;

20 (g) the colour of the soil on which the potatoes were grown;

(h) that such potatoes were grown in Saorstát Éireann;

(i) any other matter which, in the opinion of the Minister, should be indicated on such package.

25 (2) The regulations for the marking of packages shall prescribe the manner in which the marks prescribed thereby are to be applied to the packages of potatoes to which they are applicable and different manners of application may be prescribed in relation to the application of different marks.

30 (3) For the purpose of so much of this section as relates to the indication by marks of the premises in which potatoes were graded and packed and the licensed exporter of the potatoes, the Minister may assign to every registered premises and also to every licensed exporter a distinctive mark, and may by the regulations for the marking of packages require the marks so assigned to be used as the marks for indicating respectively the premises on which such potatoes were graded and packed and the licensed exporter of such potatoes.

40 (4) Whenever any mark is prescribed by the regulations for the marking of packages as the mark to be applied to packages containing potatoes of any particular kind or graded and packed in any particular premises, or exported by any particular licensed exporter, the application of such mark to packages of potatoes of any other kind or place of grading and packing or exported by any other person shall be taken to be a false trade description within the meaning of the Merchandise Marks Acts, 1887 to 1911, and those Acts, including the penal provisions thereof, shall apply accordingly.

50 (5) For the purpose of this section a mark shall be deemed to be applied if it is applied within the meaning of the Merchandise Marks Acts, 1887 to 1911.

(6) In this section the word "mark" includes any word, letter, figure, number, or design, or any combination of words, letters, figures, numbers, and designs or any one or more of them.

20.—(1) It shall not be lawful for any person to apply to any package of potatoes exported from registered premises any mark other than a mark required to be applied to such package by the regulations for the marking of packages.

Prohibition of unauthorised marks on packages.

60 (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 to a fine not exceeding twenty pounds.

Regulations for the conveyance of potatoes.

21.—The Minister may by order make regulations (in this Act referred to as regulations for the conveyance of potatoes) in relation to the protection of potatoes from contamination or deterioration in any vehicle, railway wagon, or ship while in transit from registered premises to any place outside Saorstát Éireann. 5

PART IV.

EXAMINATION OF CONSIGNMENTS OF POTATOES.

Inspection of crop of seed potatoes.

22.—(1) Any person who desires to sell as seed potatoes the whole or any part of a crop of potatoes grown by him may request the Minister to have such crop inspected while growing 10 and on such request being made the Minister may, if he thinks fit, cause such crop to be inspected by an inspector.

(2) If on inspection of any crop of potatoes under the foregoing sub-section, the inspector is satisfied that such potatoes or part thereof are suitable for seed potatoes, such inspector shall 15 issue a certificate (in this Act referred to as a certificate of suitability) in the prescribed form that such crop or such part thereof as is specified in such certificate is suitable for seed potatoes.

Examination regulations.

23.—The Minister may from time to time by order make 20 regulations (in this Act referred to as examination regulations) in relation to the following matters, that is to say:—

- (a) the method of examination by inspectors of consignments of potatoes submitted by licensed exporters to such inspectors for examination; 25
- (b) the conditions (in this Act referred to as the conditions of suitability) with which such consignments must comply in order to be passed by such inspectors as suitable for consignment;
- (c) the form design and material of the seal (in this Act 30 referred to as the official seal) to be placed on every package containing seed potatoes comprised in a consignment which has been so passed as suitable for consignment and the manner in which such seal is to be placed on such package; 35
- (d) the form design and material of the fastener (in this Act referred to as the official fastener) to be fastened to every package containing ware potatoes comprised in a consignment which has been so passed as suitable for consignment and the manner in which such 40 fastener is to be fastened to such package.

Examination of consignments of potatoes.

24.—(1) The Minister may arrange for the examination by inspectors of consignments of potatoes at such places, and on such days and at such hours, as he may from time to time determine.

(2) Whenever a consignment of potatoes is submitted to an 45 inspector for examination, such inspector shall, unless prohibited by this section from examining such consignment, examine such consignment and shall carry out such examination in accordance with the method prescribed by the examination regulations and if, but only if, on such examination he is satisfied that such con- 50 signment complies with the conditions of suitability he shall—

- (a) if the potatoes in such consignment are seed potatoes, seal each package in such consignment with the official seal;
- (b) if the potatoes in such consignment are ware potatoes, 55 fasten each package in such consignment with the official fastener.

(3) An inspector shall not examine any consignment of seed potatoes submitted to him for examination under this section unless there is produced to him at the time of such submission a certificate of suitability in respect of the potatoes contained in such consignment.

(4) Neither an official seal nor an official fastener sealed or fastened to a package of potatoes shall be deemed to be or construed in any way as a warranty of such potatoes, nor shall any liability attach to the Minister in respect of any such seal or fastener.

25 **25.**—(1) Whenever a licensed exporter proposes to export in one lot a particular number of packages of seed potatoes which an inspector has sealed with the official seal and so informs such inspector, such inspector shall, at the request of such licensed exporter, issue in respect of such lot a certificate (in this Act referred to as a consignment certificate) certifying the number of packages (to be specified therein) of seed potatoes in such lot which have been sealed with the said seal.

Consignment
certificates.

20 (2) Whenever a licensed exporter proposes to export in one lot a particular number of packages of ware potatoes which an inspector has fastened with the official fastener and so informs such inspector, such inspector shall, at the request of such licensed exporter, issue in respect of such lot a certificate (in this Act referred to as a consignment certificate) certifying the number of packages (to be specified therein) of ware potatoes in such lot which have been fastened with the said fastener.

PART V.

EXPORT OF POTATOES.

30 **26.**—(1) The Minister may from time to time by order declare that the period between the 1st day of June and the 31st day of August, both days inclusive, or such part of the said period as may be specified in such order shall in such year or years as may be specified in such order be a time of exemption for the purposes of this Part of this Act, and whenever such an order is made and in force the period declared by such order to be a time of exemption for the purposes of this Part of this Act shall in every year specified in such order be a time of exemption for the purposes of this Part of this Act.

Period of
exemption.

40 (2) The Minister may at any time by order revoke or amend an order made under the foregoing sub-section of this section.

45 (3) Every order made by the Minister under this section 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 such House within the next subsequent twenty-one days on which that House has sat annulling such order, such order shall be annulled accordingly, but without prejudice to the validity of anything previously done under such order.

50 **27.**—(1) Subject to the exceptions mentioned in this section, all potatoes exported from Saorstát Éireann shall comply with the following conditions, that is to say:—

Export of
potatoes.

(a) such potatoes shall be exported by a licensed exporter;

55 (b) such potatoes, if exported by a licensed (grower) exporter, shall be exported direct from the registered premises of which such licensed (grower) exporter is the registered proprietor;

(c) such potatoes if exported by a licensed (general) exporter, shall be exported direct from registered premises;

- (d) such potatoes shall comply with the regulations as to the grading and packing of potatoes, and shall have been graded and packed in the registered premises from which they are exported, and
- (e) such potatoes shall not, save by an inspector, have been removed from the packages in which they were so packed, and
- (f) such potatoes are contained in packages which have applied thereto the marks prescribed by regulations for the marking of packages of potatoes, and
- (g) such potatoes, if seed potatoes, shall be contained in packages sealed with the official seal, and
- (h) such potatoes, if ware potatoes, shall be contained in packages fastened with the official fastener, and
- (i) except in the case of early potatoes exported in barrels, such potatoes shall be contained in packages, each of which, when filled, shall contain not less than the prescribed weight of potatoes exclusive of the weight of the package, and any extraneous matter contained therein, and
- (j) such potatoes shall be accompanied by a consignment certificate.

(2) Subject to the exceptions mentioned in this section every person who exports or attempts to export or causes to be exported any potatoes which do not comply with all the conditions applicable thereto prescribed by the foregoing sub-section shall be guilty of an offence under this section.

(3) Every person who shall carry for reward any potatoes which are being or are intended to be exported in contravention of sub-section (1) of this section shall, if such carrying is done in the course or for the purpose of the exportation of such potatoes, be guilty of an offence under this section unless such person proves that he did not know and could not reasonably have known that such potatoes were being exported in contravention of this section.

(4) Every person carrying for reward any potatoes which are being exported who fails or neglects in relation to such potatoes to comply with the regulations for the carriage of potatoes shall be guilty of an offence under this section.

(5) Every person guilty of an offence under this section 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 direction of the court, to imprisonment for any term not exceeding six months or to both such fine and imprisonment.

(6) This section shall not apply to any potatoes—

- (a) which—
 - (i) are exported in one lot or consignment, and
 - (ii) do not, with the packages (if any) containing the same, exceed in weight five hundredweights, and
 - (iii) if contained in packages, are contained in packages which are not marked with any of the marks prescribed by the regulations for the marking of packages of potatoes, and are not sealed or fastened with the official seal or official fastener, or
- (b) which are exported under and in accordance with a special licence granted under this Act, or
- (c) which—

- (i) are exported in one lot or consignment into Northern Ireland by the grower thereof in his own vehicle, and
- (ii) do not, with the packages (if any) containing the same, exceed in weight one ton,
- (iii) if contained in packages, are contained in packages which are not marked with any of the marks prescribed by the regulations for the marking of packages of potatoes and are not sealed or fastened with the official seal or official fastener, or
- (d) which are exported in a package consigned and forwarded through Saorstát Éireann from any place outside Saorstát Éireann to another such place but not otherwise dealt with in Saorstát Éireann, or
- (e) which are exported during a period which is a time of exemption for the purposes of this Part of this Act, or
- (f) which are exported by the Minister.

28.—(1) Upon the application of any person who desires to export a particular consignment of potatoes grown by himself, upon payment to the Minister by such person of the fee chargeable under this section, and after inspection of such consignment by an inspector, the Minister may, if he thinks fit, grant to such person a licence (in this Part of this Act referred to as a special licence) in the prescribed form, to export such consignment subject to such conditions as may be imposed by the Minister and specified in such licence.

(2) A fee shall be charged under this section for every special licence granted under this section calculated by reference to the number of tons of potatoes in the consignment to which such licence relates at such rate (not exceeding six shillings for a ton) as may be prescribed.

(3) A special licence granted under this section shall operate to authorise the person to whom the same is granted to export, in accordance with the terms of such licence, the consignment of potatoes specified therein.

(4) The Minister may at any time before a consignment of potatoes specified in a special licence is actually exported without assigning any reason, revoke the special licence relating to such consignment and return the fee paid upon the application for such licence.

(5) For the purpose of calculating the amount of any fee chargeable under this section for the granting of a special licence the following provisions shall have effect, that is to say:—

(a) any reference in this section to the weight of potatoes shall be deemed a reference to the weight of such potatoes and of the packages in which they are contained;

(b) where the weight of the potatoes in any consignment is less than one ton, the weight of such potatoes shall be deemed to be one ton;

(c) where the weight of potatoes in any consignment exceeds a ton or exceeds any complete number of tons such excess shall be deemed to be a ton.

(6) Every person to whom a special licence has been granted under this section who contravenes any of the terms or conditions contained in such licence, and every person (whether holding or not holding a special licence) who falsely represents by means of a mark on any consignment of potatoes that such consignment of potatoes is being exported under a special licence granted under this 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.

29.—(1) Any inspector shall be entitled at all reasonable times to enter upon and have free access to the interior of—

- (a) any registered premises; or
- (b) the premises of any person engaged in the business of carrying goods for reward; or 5
- (c) any warehouse or other premises of any person engaged in the business of warehousing, goods intended for export, or in process of being exported; or
- (d) any pier, quay, wharf, jetty, dock or dock premises; or 10
- (e) any ship, boat, railway wagon, motor lorry, cart or other vessel or vehicle used for the conveyance of goods.

(2) Any inspector may inspect any potatoes, or any package found in any place upon or to which he is entitled under this section to enter or have access or upon or in any public place 15 and may open any such package which he reasonably believes or suspects to contain potatoes intended for export, and may take or remove without payment:—

- (a) reasonable samples of any potatoes found in any such place, whether such potatoes are or are not contained 20 in a package; and
- (b) any one package forming part of a consignment of potatoes found in any such place.

(3) If any person—

- (a) obstructs or impedes any inspector in the exercise of any 25 of the powers conferred on him by this section; or
- (b) knowing the name or other particulars of the consignor, consignee, or owner of any potatoes, or of any package which an inspector is entitled to inspect under this section, refuses to give such name or other 30 particulars to such inspector; or
- (c) wilfully or recklessly gives to such inspector any false or misleading name or other particulars of any such consignor, consignee, or owner;

such person shall be guilty of an offence under this section and 35 shall be liable on summary conviction thereof, in the case of a first offence to a penalty not exceeding five pounds, and in the case of a second or any subsequent offence to a penalty not exceeding ten pounds.

(4) Where any package is taken by an inspector under this 40 section in any place (other than registered premises) it shall be the duty of such inspector to notify the owner or the consignor and the consignee (if and so far as their names and addresses are known to or can reasonably be ascertained by him) of the taking of such sample or package. 45

(5) If on the examination of any package taken under this section it appears to the Minister that there was a contravention or attempted contravention of any of the provisions of this Act or any regulations made thereunder in relation to the consign- 50 ment from which the package was taken, the package may be forfeited to the Minister, and in any other case, the package shall be disposed of in accordance with the directions of the consignor, or in default of such direction, shall be sold and the net proceeds of sale paid to the consignor.

(6) Neither the Minister, nor any inspector, shall be liable for 55 any loss or damage arising from the exercise by an inspector of any of the powers conferred on him by this section, and no action shall lie against the consignor or any other person, for or on account of any such loss or damage as aforesaid.

(7) In the exercise in or upon the premises of any railway or 60 shipping company of the powers conferred on him by this section, an inspector shall conform to such reasonable require-

ments of such company as are necessary to prevent the working of the traffic on such premises being obstructed or interfered with.

- 30.—Officers of customs and excise shall have the like powers in relation to any potatoes and packages, the export of which is prohibited or restricted by this Act as such officers have by law in relation to other articles the export of which is prohibited or restricted by law.
- Powers of officers of Customs and Excise.

PART VI.

MISCELLANEOUS AND GENERAL.

- 31.—(1) It shall not be lawful for any person to make, order, purchase, import or have in his possession an official seal or a colourable imitation thereof, or an official fastener, or a colourable imitation thereof, or a prescribed form of certificate of suitability or a colourable imitation thereof, or a prescribed form of consignment certificate or a colourable imitation thereof.
- Unlawful possession of seals, fasteners, and certificates.

(2) Nothing in this section shall render it unlawful for any person to have in his possession an official seal or an official fastener with which a package of potatoes has been sealed or fastened by an inspector under this Act.

- (3) Nothing in this section shall render it unlawful for an officer of the State acting in the course of his duty as such officer to order, purchase, import or have in his possession an official seal, or an official fastener, or to order, purchase, import, or have in his possession a prescribed form of consignment certificate or certificate of suitability or for any person in pursuance of an order lawfully given or a contract lawfully made by any such officer to make, import or have in his possession any such seal, fastener or form.

- (4) Every person who in contravention of this section, makes, orders, purchases, imports or has in his possession an official seal or a colourable imitation thereof or an official fastener or a colourable imitation thereof or a prescribed form of consignment certificate or a colourable imitation thereof, or a prescribed form of certificate of suitability or a colourable imitation thereof 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 discretion of the Court, to imprisonment for any term not exceeding three months.

- 32.—(1) It shall not be lawful for any person (other than an inspector) to seal any package of potatoes with an official seal, or to fasten any package of potatoes with an official fastener.
- Unlawful use of seals and fasteners.

- (2) Every person who acts in contravention of this section 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 discretion of the Court, to imprisonment for any term not exceeding three months.

- 33.—The powers conferred on the Minister by this Act shall be and be exercised without prejudice to the exercise by the Minister and by local authorities of the powers respectively conferred on them by the Destructive Insects and Pests Acts, 1877 to 1929.
- Saving as to powers under other Acts.

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

- 35.—(1) The Minister may by order make regulations in regard to any matter or thing referred to in this Act as prescribed, or as being or to be prescribed.
- General Regulations.

(2) Any regulations made by the Minister under this Act may relate to several matters in respect of which the power to make regulations is conferred by different sections of this Act.

(3) Any regulations made by the Minister under this Act in regard to fees shall be subject to the approval of the Minister for Finance.

(4) 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 subsequent 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. 10

Disposition of
fees received by
the Minister.

36.—All fees received by the Minister under this Act shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct.

Expenses.

37.—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 from time to time by the Oireachtas. 15

Saorstát Éireann.

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BILL, 1931.

BILL

(as amended in Committee)

entitled

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matters connected therewith.

Introduced by the Minister for Agriculture.

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