

SAORSTÁT EIREANN.

BILLE CHUN PRAGHSANNA DO RIALU, 1932 CONTROL OF PRICES BILL, 1932.

*Mar do ritheadh ag dhá Thigh an Oireachtais.
As passed by both Houses of the Oireachtas.*

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[No. 20c of 1932.]

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SAORSTÁT EIREANN.

BILLE CHUN PRAGHSANNA DO RIALU, 1932. CONTROL OF PRICES BILL, 1932.

BILL

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entitled

AN ACT TO MAKE PROVISION FOR CONTROLLING THE
PRICES OF COMMODITIES.

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

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PART I.

PRELIMINARY AND GENERAL.

1.—This Act may be cited as the Control of Prices Act, 1932. Short title.

2.—In this Act—

Definitions.

15 the expression “the Minister” means the Minister for Industry
and Commerce;

the expression “protected commodity” means a commodity
which if imported into Saorstát Eireann would on importation
be liable to a customs duty or a commodity the importation of
which into Saorstát Eireann is prohibited or restricted by law;

20 the word “specification” when used in relation to any com-
modity means such detailed particulars of such commodity as may
be required for the identification of such commodity for the pur-
pose of ascertaining the value thereof;

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

the word “inspector” means a person authorised in writing by
the Minister to exercise the powers conferred by this Act on an
inspector.

30 3.—(1) Each of the following commodities shall be a scheduled
commodity for the purposes of this Act, that is to say:—

Scheduled
commodities.

(a) the several commodities mentioned in the Schedule to
this Act;

35 (b) any other commodity which is by order of the Executive
Council made under this section declared to be a
scheduled commodity for the purposes of this Act.

40 (2) The Executive Council may by order under this section
declare any commodity of common use to be a scheduled com-
modity for the purposes of this Act.

(3) Every order made 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 such House has sat
after such order is laid before it annulling such order, such order
shall be annulled accordingly but without prejudice to the validity
of anything previously done under such order.

Construction of certain expressions.

4.—(1) References in this Act to the wholesale price charged or to be charged for a scheduled commodity shall be construed as references to the price at which such commodity is sold or is to be sold wholesale to a person engaged in the business of selling such commodity retail.

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(2) In this Act the expression "sell or offer for sale wholesale" in relation to a scheduled commodity means sell or offer for sale wholesale to a person engaged in the business of selling such commodity retail, and cognate expressions shall be construed accordingly.

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Prosecutions by the Minister.

5.—Save as otherwise expressly provided by this Act, any offence under any section of this Act may be prosecuted by or at the suit of the Minister as prosecutor.

General regulations.

6.—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.

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Laying of orders and regulations before Houses of Oireachtas.

7.—Every order and 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 order or regulation, such order or regulation (as the case may be) shall be annulled accordingly, but without prejudice to the validity of anything done previously under such order or regulation.

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Expenses.

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

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PART II.

PRICES COMMISSION AND CONTROLLER OF PRICES.

Establishment of Prices Commission.

9.—(1) As soon as conveniently may be after the passing of this Act, there shall be established a Commission (in this Act referred to as the Commission), which shall be known as and styled the Prices Commission, to fulfil the functions assigned to the Commission by this Act.

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(2) Subject to the provisions of this Act, the Commission shall consist of five members (in this Act called ordinary members) of whom at least two shall be women and of whom one who may be a woman shall be a person representative of agricultural interests.

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(3) The ordinary member who is required to be a person representative of agricultural interests shall be nominated by the Minister after consultation with the Minister for Agriculture and the other ordinary members shall be nominated by the Minister.

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(4) Every ordinary member shall, unless he sooner dies, resigns or becomes disqualified, hold office for such period, not exceeding five years, as the Minister shall fix at the time of his nomination, but shall be eligible for renomination.

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(5) If and whenever an ordinary member is adjudged bankrupt, or makes a composition or arrangement with his creditors, or is sentenced by a court of competent jurisdiction to suffer imprisonment or penal servitude, or ceases to be ordinarily resident in Saorstát Eireann, or absents himself from all sittings of the Commission for a period of three months without the permission of the Minister, he shall be disqualified from holding the office of an ordinary member.

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(6) Whenever it appears to the Minister that on account of illness or for other sufficient reason an ordinary member of the Commission is temporarily unable to discharge his duties as such member, the Minister may appoint a person to act as an ordinary member for such period (not exceeding the duration of such

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inability) as he shall think proper, and every person so appointed to act as an ordinary member of the Commission shall during the period for which he is so appointed be an ordinary member of the Commission in the place of such first-mentioned ordinary member.

5 **10.**—(1) The Minister may from time to time for the purposes of any particular investigation by the Commission appoint such and so many persons (not being ordinary members) to act as additional members of the Commission as he thinks fit. Additional members of the Commission.

(2) Every additional member so appointed shall for the purposes of the investigation for which he is appointed be a member of the Commission.

15 **11.**—(1) The Minister shall appoint one of the ordinary members to be Chairman of the Commission and the ordinary member so appointed shall hold office as such Chairman during the pleasure of the Minister. Chairman of the Commission.

(2) Where at any sitting of the Commission the Chairman of the Commission is absent, the members of the Commission present at such sitting shall appoint one of such members to act as such Chairman at such sitting.

20 **12.**—Any member of the Commission may, if the Minister for Finance so directs, be paid such remuneration and allowances as the said Minister shall determine. Remuneration of Commission.

25 **13.**—Whenever an investigation is being held under this Act by the Commission into the price of a particular commodity, and any member of the Commission is personally interested in any business selling such commodity, such member shall inform the Minister of the nature and extent of his interest and shall not, unless authorised by the Minister so to do, act as a member of the Commission for the purposes of such investigation. Restriction on interested person acting as member.

30 **14.**—The proceedings of the Commission shall not be invalidated by reason of the existence of any vacancy amongst the members or any defect in the appointment of any member. Validity of Proceedings of the Commission.

35 **15.**—(1) As soon as conveniently may be after the passing of this Act, the Minister shall appoint a person (in this Act referred to as the Controller) to be known as and styled the Controller of Prices. Controller of Prices.

(2) The Controller shall act as secretary to the Commission and shall discharge the other functions assigned to him by this Act.

40 (3) The Controller shall hold office upon such terms and be remunerated at such rates and in such manner as the Minister for Finance shall direct.

45 **16.**—The Minister, with the consent of the Minister for Finance may appoint such and so many persons as he shall consider necessary to be officers of the Commission, and such persons shall hold office upon such terms and be remunerated at such rates and in such manner as the Minister for Finance shall direct. Staff of Commission.

50 **17.**—(1) The Commission shall make regulations for the governance of its proceedings and may by such regulations make provision for all or any of the following matters, that is to say:— Regulations for proceedings of the Commission.

(a) the quorum at any sitting of the Commission;

(b) the times and places of the sittings of the Commission;

(c) the persons to whom notice of the sittings of the Commission shall be given;

55 (d) the form and manner in which submissions shall be made and evidence given to the Commission, and in particular, whether such submissions and evidence shall be given *viva voce* or in writing;

- (e) the attendance for *viva voce* or cross-examination of persons who have made submissions or given evidence in writing;
- (f) the admission or exclusion of any person to or from the sittings of the Commission; 5
- (g) such matters as appear to the Commission to be necessary or expedient for the proper conduct of its business.

(2) Regulations made under this section shall not have any force or effect unless and until they have been approved by the Minister. 10

Powers of Commission.

18.—(1) The Commission shall have all such powers, rights, and privileges for enforcing the attendance of witnesses and examining them on oath (which any member of the Commission is hereby authorised to administer) or otherwise, and for compelling the production of documents as are vested in the High Court, or a judge thereof in respect of the trial of an action, and a summons signed by any one or more members of the Commission shall be equivalent to and have the like effect as a formal process issued by the High Court for enforcing the attendance of witnesses and compelling the production of documents. 15 20

(2) If any person—

- (a) on being duly summoned as a witness before the Commission makes default in attending, or
- (b) being in attendance as a witness refuses to take an oath legally required by the Commission to be taken, or to produce any document in his power and control legally required by the Commission to be produced by him, or to answer any question to which the Commission may legally require an answer, or 25
- (c) does any other thing which would, if the Commission were a Court of Justice, having power to commit for contempt of court, be contempt of such court, 30

the Commission may certify the offence of that person under their hands to the High Court and that court may, after such inquiry as it thinks proper to make, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the said court. 35

(3) A witness before the Commission shall be entitled to the same immunities and privileges as if he were a witness before the High Court. 40

Notice of investigations by the Commission and submissions by interested persons.

19.—(1) Whenever the Commission are required by this Act to make an investigation, the Commission shall cause notice of the making of such investigation to be published in the *Iris Oifigiúil* and in such other manner as the Commission thinks suitable. 45

(2) On the publication of a notice under the foregoing subsection any person either on his own behalf or in a representative capacity may make a submission to the Commission in relation to the subject matter of the investigation to which such notice relates. 50

Private sittings of the Commission.

20.—The Commission may, in their absolute discretion, hold any sitting or part of a sitting in private and the reference in the next following section to a private sitting of the Commission shall be construed as a reference to a sitting or part of a sitting of the Commission held in private. 55

Prohibition on disclosure of information.

21.—(1) Subject to the provisions of this section it shall not be lawful for any person who is a member or an officer of the Commission to disclose any information available to him only by virtue of the powers of obtaining information conferred upon the Commission or upon an inspector by this Act to any person other than a member or officer of the Commission concerned with such information in the course of his duties. 60

(2) It shall not be lawful for any person (other than a member or officer of the Commission) who attends a private sitting of the Commission to disclose to any person any information acquired through being present at such sitting and which is available only by virtue of the powers of obtaining information conferred upon the Commission or an inspector by this Act.

(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 to a fine not exceeding fifty pounds or imprisonment for a period of six months or at the discretion of the Court to both such fine and such imprisonment.

(4) Nothing in sub-section (1) of this section shall apply to the disclosure of any information—

(a) to the Minister in a report (not being an annual report) or other communication from the Commission, or

(b) for the purposes of legal proceedings taken or proposed to be taken under this Act.

22.—The Commission shall, as soon as may be after the close of every year, make to the Minister a general report of the proceedings of the Commission under this Act, and the Minister shall cause every such general report received by him to be laid forthwith before each House of the Oireachtas.

Annual Reports by the Commission.

23.—The Minister may appoint the Commission to hold a public inquiry for the purposes of section 17 of the Housing (Financial and Miscellaneous Provisions) Act, 1932 (No. 19 of 1932), and whenever the Minister so appoints the Commission to hold any such inquiry, the following provisions shall have effect, that is to say:—

Appointment of Commission to hold inquiries under section 17 of the Housing (Financial and Miscellaneous Provisions) Act, 1932.

(a) the Commission shall hold such inquiry;

(b) the provisions of this Part of this Act relating to the following matters, that is to say, regulations for proceedings of the Commission, powers of the Commission, notices of investigations by the Commission and submissions by interested persons, private sittings of the Commission, prohibition on disclosure of information and annual reports by the Commission, shall not apply in respect of such inquiry.

PART III.

RETAIL AND WHOLESALE PRICES.

24.—(1) Where the Minister sends a request to the Commission to investigate whether unreasonably high retail prices or unreasonably high wholesale prices (as may be specified in such request) are being charged throughout Saorstát Eireann or in any specified part thereof for any scheduled commodity which conforms to the specification set out in such request, the Commission shall as soon as may be make an investigation (in this Part of this Act referred to as a price investigation) into, in case such request relates to retail prices, the retail and wholesale prices charged for such commodity in the area specified in such request or, in case such request relates to wholesale prices, the wholesale prices charged for such commodity in such area.

Investigations into retail and wholesale prices of scheduled commodities.

(2) Before sending under the immediately preceding subsection a request to the Commission to make an investigation into the price (whether retail or wholesale) of butter the Minister shall first consult the Minister for Agriculture.

(3) Where any person (other than the Minister) sends a representation in the prescribed form and containing the prescribed particulars representing that unreasonably high retail prices or unreasonably high wholesale prices (as may be specified in such representation) are being charged throughout Saorstát Eireann or in any specified part thereof for any scheduled com-

modity which conforms to the specification set out in such representation, the Commission shall, if and only if they are of opinion that an investigation should in the public interest be made, make subject to the provisions of the next following sub-section as soon as may be an investigation (in this Part of 5 this Act also referred to as a price investigation) into, in case such representation relates to retail prices, the retail and wholesale prices charged for such commodity in the area specified in such representation or, in case such representation relates to wholesale prices, the wholesale prices charged for such commodity in such 10 area.

(4) Where a representation under the immediately preceding sub-section relates to the price (whether wholesale or retail) of butter, the Commission shall refer such representation to the Minister for Agriculture and shall not make any investigation into 15 the subject matter of such representation except with the consent of the said Minister.

Proceedings consequential on price investigation.

25.—(1) Where after the completion of a price investigation the Commission are of opinion that the prices the subject of such investigation are not unreasonably high the Commission shall 20 report accordingly to the Minister.

(2) Where, after the completion of a price investigation into the retail and wholesale prices charged for a commodity, the Commission are of opinion that unreasonably high retail prices are being charged for such commodity but that the wholesale 25 prices charged for such commodity are not unreasonably high, the Commission shall give public notice, which shall not specify the names of the persons by whom such unreasonably high retail prices are being charged, in such manner as they think best suited for bringing to the notice of such persons such opinion and such 30 notice shall state the price to which such prices should in the opinion of the Commission be reduced and require such reduction to be made within a time specified in such notice.

(3) Where, after the completion of a price investigation into the retail and wholesale prices charged for a commodity, the 35 Commission are of opinion that both such prices are unreasonably high, the Commission shall give public notice, which shall not specify the names of the persons by whom such prices are being charged, in such manner as they think best suited for bringing to the notice of such persons such opinion and such notice shall 40 state the prices to which such prices should in the opinion of the Commission be reduced respectively and require such reductions to be made within a time specified in such notice.

(4) Where, after the completion of a price investigation into the retail and wholesale prices charged for a commodity, the Commis- 45 sion are of opinion that unreasonably high wholesale prices are being charged for such commodity but that the retail prices charged for such commodity are not unreasonably high or where, after the completion of a price investigation into the wholesale prices charged for a commodity, the Commission are of opinion 50 that unreasonably high wholesale prices are being charged for such commodity the Commission shall give public notice, which shall not specify the names of the persons by whom such unreasonably high wholesale prices are being charged, in such manner as they think best suited for bringing to the notice of such persons 55 such opinion and such notice shall state the price to which such prices should in the opinion of the Commission be reduced and require such reduction to be made within a time specified in such notice.

(5) If as a result of a notice under this section the reduction 60 or respective reductions required by such notice is or are made within the time specified in such notice, the Commission shall report accordingly to the Minister.

(6) If notwithstanding a notice under this section any reduction required by such notice is not made within the time specified 65 in such notice the Commission shall make a report to the Minister setting out—

(i) the reasons for their opinion that the prices or

respective prices required by such notice to be reduced are unreasonably high.

- 5 (ii) their opinion as to whether such prices are influenced by any agreement or combination for interference with trade competition,
- (iii) their opinion as to the price or respective prices to which such prices should be reduced and the reasons for such opinion,
- 10 (iv) their opinion as to the best methods of enforcing the reduction or respective reductions required by such notice,
- (v) if in the opinion of the Commission an order or orders should be made by the Minister under the next following section, the area or respective areas to which such order or orders should apply.
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(7) Every report made by the Commission under the immediately preceding sub-section shall be laid by the Minister before each House of the Oireachtas unless the Minister is of opinion that it is not desirable in the public interest so to do.

20 **26.**—(1) Where the Commission recommend in relation to any scheduled commodity that the Minister should make an order under this sub-section fixing a maximum retail price for such commodity, the Minister may, if he so thinks fit and subject to the provisions of this section, make an order (in this Act referred to as a price (retail) order) fixing as the maximum retail price for such commodity such price as he thinks fit. Price orders.

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(2) Where the Commission recommend in relation to any scheduled commodity that the Minister should make an order under this sub-section fixing a maximum wholesale price for such commodity, the Minister may, if he so thinks fit and subject to the provisions of this section, make an order (in this Act referred to as a price (wholesale) order) fixing as the maximum wholesale price for such commodity such price as he thinks fit.

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(3) In this Act the expression "price order" shall be construed as equivalent to the expression "a price (retail) order or a price (wholesale) order."

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(4) Every price order shall be published in the *Iris Oifigiúil*.

(5) Every price order shall specify the following things, that is to say:—

- 40 (a) the date (which shall not be earlier than the date of the publication of such order in the *Iris Oifigiúil*) on which such order is to come into force;
- (b) the duration of such order;
- (c) the area to which such order is to apply.

45 (6) Before making a price order in relation to butter the Minister shall first consult the Minister for Agriculture.

27.—The making of a price order shall be *prima facie* evidence that such order was validly made in all respects. Validity of price orders.

28.—(1) The Minister may by order under this section revoke or amend a price order. Revocation and amendment of price orders.

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(2) Every order under this section shall be published in the *Iris Oifigiúil*.

(3) Every order under this section shall specify the date (which shall not be earlier than the date of the publication of such order in the *Iris Oifigiúil*) on which such order is to come into force.

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(4) Before making an order under this section revoking or amending a price order in relation to butter, the Minister shall first consult the Minister for Agriculture.

29.—Whenever a price (retail) order in relation to a particular commodity is in force and an application in the prescribed form and containing the prescribed particulars is made to the Minister Application for amendment of price (retail) orders.

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by a person carrying on in the area to which such order relates the business of selling retail such commodity to amend such order by increasing the maximum price specified in such order on the ground that the wholesale price of such commodity has increased since the making of such order, the Minister shall, unless he 5
revokes or amends, in accordance with such application, such order, forthwith request the Commission to make an investigation into such application and the Commission shall as soon as may be make such investigation and report to the Minister the result thereof. 10

Offences in relation to price orders.

30.—(1) Whenever a price (retail) order is in force in relation to any scheduled commodity, it shall not be lawful for any person who carries on any business for trade or gain to sell or offer for sale retail in the course or as part of such business at any place in the area to which such order applies any commodity to which such order applies at a price in excess of the maximum price fixed by such order. 15

(2) Whenever a price (wholesale) order is in force in relation to any scheduled commodity, it shall not be lawful for any person who carries on any business for trade or gain to sell or offer for sale wholesale in the course or as part of such business at any place in the area to which such order applies any commodity to which such order applies at a price in excess of the maximum price fixed by such order. 20

(3) If any person acts in contravention of this section, such person 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 five pounds, and in the case of a second or any subsequent offence, to a fine not exceeding ten pounds, or, at the discretion of the Court, to imprisonment for any term not exceeding three months, or to both such fine and imprisonment. 25 30

PART IV.

OVERCHARGING FOR COMMODITIES NOT THE SUBJECT OF PRICE ORDERS. 35

Restriction on proceedings under Part IV.

31.—The Controller shall not do any act or thing or make a certificate under this Part of this Act in relation to the price (whether wholesale or retail) of butter except he is authorised in writing by the Minister for Agriculture to do such act or thing or make such certificate. 40

Statement of particulars of purchases.

32.—(1) Where a person who carries on a business by way of trade or gain sells in the course or as part of such business a scheduled commodity, the price of which exceeds two shillings, such person shall, if so required by the purchaser at the time of sale, then and there deliver to the purchaser a statement in writing setting out in respect of such commodity the following particulars, that is to say:— 45

- (a) a description,
- (b) if the sale is by weight or measure, the net weight or measure, as the case may be, 50
- (c) if the sale is by number, the number,
- (d) the sum charged.

(2) If any person fails, neglects, or refuses to comply with this section, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding two pounds. 55

Complaints of overcharging.

33.—(1) Any person may make in writing to the Controller a complaint (in this Part of this Act referred to as a complaint) alleging that a person who carries on a business by way of trade or for the purposes of gain has sold or offered for sale to him in 60

the course or as part of such business at an unreasonably high price a scheduled commodity.

(2) Every complaint shall—

- (a) state the name and address of the complainant;
- 5 (b) state the name and address of the person who is alleged to have sold or offered for sale the commodity to which the complaint relates;
- (c) state the date of the alleged sale or offering for sale;
- (d) state the nature of the alleged transaction (whether
10 wholesale or retail);
- (e) state the place where the transaction is alleged to have taken place;
- (f) state the price alleged to have been charged or demanded for such commodity;
- 15 (g) contain a specification of such commodity.

(3) If any person makes in any complaint any statement which is false or misleading in any material respect, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

20 **34.**—The Controller shall on receipt of a complaint refer it to an inspector for investigation under this Part of this Act unless—

Reference of complaints to inspectors for investigation.

- (a) he is of opinion that such complaint is frivolous, or
- (b) the several matters alleged in such complaint would, if
25 proved, constitute an offence under the provisions of this Act relating to offences in relation to price orders.

30 **35.**—(1) Whenever a complaint is referred to an inspector under the immediately preceding section, such inspector shall investigate such complaint and when he has completed his investigations shall report the result thereof to the Controller.

Investigation of complaints by inspectors.

(2) For the purposes of an investigation into a complaint an inspector may on production of his authority to act as an inspector require—

- 35 (a) the person who made the complaint the subject of such investigation to furnish him with such information relevant to the complaint as he may reasonably require and as is either in the possession of such person or in the power, without incurring unreasonable expense, of such person to obtain;
- 40 (b) the seller mentioned in such complaint to furnish him with such information relevant to the complaint as he may reasonably require and as is either in the possession of such seller or in the power, without incurring unreasonable expense, of such seller to obtain.

45 (3) If any person refuses or neglects to furnish an inspector with any information lawfully required by him under this section, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

50 **36.**—(1) Where a report is made to the Controller by an inspector on a complaint referred to him for investigation and the Controller, after consideration of such report, is of opinion that such complaint is well founded but is also of opinion that it is desirable in the public interest that an investigation should be held by the
55 Commission into, in case such complaint related to a retail price, the retail prices or, in case such complaint related to a wholesale price, the wholesale prices charged for the commodity to which such complaint relates in the area where the seller mentioned in such complaint carries on business, the Controller shall not take
60 any steps under the next succeeding sub-section but shall refer the matter to the Commission who shall forthwith make an investigation into, in case such complaint related to a retail price, the retail and wholesale prices charged for such commodity in such

Proceedings consequential on inspector's report and price certificates

area (including the area where such seller carries on business) as the Commission thinks fit, or in case such complaint related to a wholesale price, the wholesale prices charged for such commodity in such area (including the area where such seller carries on business) as the Commission thinks fit and such investigation shall be deemed to be a price investigation within the meaning of Part III of this Act, and the provisions of that Part relating to the following matters, that is to say, proceedings consequential on price investigation, price orders, validity of price orders, revocation and amendment of price orders, and offences in relation to price orders, shall apply accordingly.

(2) Subject to the provisions of the immediately preceding sub-section where a report is made to the Controller by an inspector on a complaint referred to him for investigation and the Controller, after consideration of such report, is of opinion that such complaint is well founded, the following provisions shall have effect, that is to say:—

- (a) the Controller shall serve on the seller mentioned in such complaint a notice in the prescribed form—
- (i) stating the nature of such complaint, and
 - (ii) stating that in the opinion of the Controller such complaint is well founded, and
 - (iii) in case such complaint relates to a sale or offering for sale retail, specifying the price which in the opinion of the Controller is a reasonable retail price for the commodity the retail price of which was the subject of such complaint, and
 - (iv) in case such complaint relates to a sale or offering for sale wholesale, specifying the price which in the opinion of the Controller is a reasonable wholesale price for the commodity the wholesale price of which was the subject of such complaint, and
 - (v) requiring such seller within ten days after the service of such notice to give to the Controller an undertaking in writing to charge in future a reasonable price for the commodity mentioned in such notice, and
 - (vi) if such complaint relates to a sale, requiring such seller within ten days after the service of such notice to pay to the complainant the difference between the price the subject of such complaint and the price specified in such notice as the reasonable price;
- (b) if such seller complies with the requirements of such notice, the following provisions shall have effect, that is to say:—
- (i) the Controller shall take no further steps in relation to such complaint (in this paragraph referred to as the investigated complaint),
 - (ii) if another complaint is made in relation to a sale or offering for sale whether retail or wholesale by such seller on a date previous to the date to which the investigated complaint relates the Controller shall take no proceedings under this Part of this Act in relation to such other complaint.
- (c) if such seller does not comply with the requirements of such notice and such complaint relates to a sale or offering for sale retail the Controller shall subject to the provisions of the next following sub-section do the following things, that is to say:—
- (i) make a certificate (in this Part of this Act referred to as a price (retail) certificate) in the prescribed form and containing the prescribed particulars certifying the price which, in the opinion of the Controller, is a reasonable retail price to be charged by persons selling such commodity,

- (ii) serve a copy of such certificate on such seller,
- (iii) publish a copy of such certificate in a newspaper or newspapers circulating in the district where the commodity the price of which was the subject of such complaint was sold or offered for sale;

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(d) if such seller does not comply with the requirements of such notice and such complaint relates to a sale or offering for sale wholesale, the Controller shall subject to the provisions of the next following sub-section do the following things, that is to say:—

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(i) make a certificate (in this Part of this Act referred to as a price (wholesale) certificate) in the prescribed form and containing the prescribed particulars certifying the price which, in the opinion of the Controller, is a reasonable wholesale price to be charged by persons selling such commodity,

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(ii) serve a copy of such certificate on such seller,

(iii) publish a copy of such certificate in a newspaper or newspapers circulating in the district where the commodity the price of which was the subject of such complaint was sold or offered for sale.

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(3) The Controller shall, before making, serving, or publishing a price (retail) certificate or a price (wholesale) certificate in relation to a commodity, serve on the seller to whom such certificate, if made, would relate a notice in the prescribed form stating his intention to make, serve, and publish such price certificate, and whenever any such notice is served on any person the following provisions shall have effect, that is to say:—

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(a) the Controller shall not in any case make, serve or publish any such certificate in relation to such person until the expiration of fourteen days from the date of the service of such notice;

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(b) if before the expiration of the said fourteen days, such person applies in the prescribed manner to the Commission to investigate, in case such certificate, if made, would relate to a retail price, the retail prices or, in case such certificate, if made, would relate to a wholesale price, the wholesale prices, charged for such commodity in the area where such person carries on business and states in such application the grounds on which it is based, the following provisions shall have effect, that is to say:—

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(i) the Commission shall forthwith hold a preliminary inquiry into such application, and

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(ii) the Controller shall not, in any case make, serve, or publish such certificate until the Commission have concluded such inquiry, and

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(iii) if, as the result of such inquiry, the Commission are satisfied that such application is bona fide made and that it is desirable in the public interest that such investigation should be made, the following provisions shall have effect, that is to say, the Controller shall not make, serve, or publish such price certificate, and the Commission shall forthwith make an investigation into, in case such certificate, if made, would relate to a retail price, the retail and wholesale prices charged for such commodity in such area (including the area where such person carries on business) as the Commission think fit, or in case such certificate, if made, would relate to a wholesale price, the wholesale prices charged for such commodity in such area (including the area where such person carries on business) as the Commission think fit, and such investigation shall be deemed to be a price investigation within the meaning of Part III of this Act, and the

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provisions of that Part relating to the following matters, that is to say, proceedings consequential on price investigation, price orders, validity of price orders, revocation and amendment of price orders, and offences in relation to price orders, shall apply accordingly, and

(iv) if, as the result of such inquiry, the Commission are not so satisfied, the Controller shall at the conclusion of such inquiry make, serve, and publish such price certificate.

(4) Every certificate under this section shall specify the period during which such certificate is to remain in force, and every such certificate shall, subject to the provisions of this section, remain in force for the period so specified.

(5) Every certificate under this section shall specify the following things, that is to say:—

(a) the date (which shall not be earlier than the date of publication thereof in pursuance of sub-section (1) of this section) on which such certificate is to come into force, and

(b) the area to which such certificate is to apply.

(6) No certificate under this section shall state the name of the seller upon whom such certificate is to be served.

(7) The Controller may and, if he is satisfied that the relevant wholesale price has substantially advanced since such certificate was made, shall revoke a certificate under this section and thereupon such certificate shall cease to be in force.

(8) Whenever a price (retail) order is made in relation to a commodity, every price (retail) certificate relating to such commodity which is in force in any place to which such order applies shall cease to be in force.

(9) Whenever a price (wholesale) order is made in relation to a commodity, every price (wholesale) certificate relating to such commodity which is in force in any place to which such order applies shall cease to be in force.

(10) Any notice or certificate required by this section to be served on any person may be served by delivering it to such person or by sending it by registered post to such person at the premises where he carries on business.

Offences in relation to price certificates.

37.—(1) Whenever a price (retail) certificate in force in relation to a scheduled commodity is duly served on any person who carries on any business by way of trade or gain, it shall not be lawful for such person to sell or offer for sale retail in the course or as part of such business at any place in the area to which such certificate applies any commodity to which such certificate applies at a price in excess of the price certified in such certificate.

(2) Whenever a price (wholesale) certificate in force in relation to a scheduled commodity is duly served on any person who carries on any business by way of trade or gain, it shall not be lawful for such person to sell or offer for sale wholesale in the course or as part of such business at any place in the area to which such certificate applies any commodity to which such certificate applies at a price in excess of the price certified in such certificate.

(3) If any person acts in contravention of this section such person 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 five pounds, and in the case of a second or any subsequent offence to a fine not exceeding ten pounds, or, at the discretion of the Court, to imprisonment for any term not exceeding three months or to both such fine and imprisonment.

(4) In any proceeding for an offence under this section the production of a price (retail) certificate or a price (wholesale)

certificate purporting to be signed by the Controller shall be *prima facie* evidence that such certificate was validly made in all respects and was signed by the Controller.

(5) Proceedings for an offence under this section shall not be instituted by any person other than the Controller.

PART V.

DISPLAY OF RETAIL PRICE LISTS IN RETAIL SHOPS.

38.—(1) The Commission may make a report (in this Part of this Act referred to as price list report) to the Minister stating that in their opinion it is desirable, in the public interest, that the Minister should make an order under this Part of this Act requiring every person who carries on the business of selling retail either (as may be specified in such report) at any place in Saorstát Eireann or, at particular places in Saorstát Eireann any scheduled commodity or commodities to display at the premises where such person carries on such business a list stating the retail price of such commodity or commodities.

Recommendations as to the display of price lists in retail shops.

(2) Every report under this section shall specify:—

- (a) the reasons why the Commission consider it desirable that the order the subject of the report should be made;
- (b) a specification of every commodity to which the proposed order should relate;
- (c) the date on which the Commission recommend the proposed order should come into force, and the duration of such order;
- (d) the area to which the Commission recommend the proposed order should apply;
- (e) the manner in which the Commission recommend that the proposed order should require the price list of every such commodity to be displayed.

39.—(1) Where the Commission make a price list report the Minister may, if he so thinks fit, make an order (in this Part of this Act referred to as a display of retail prices order) requiring every person who carries on the business of selling retail, in any area to which such order relates, if the report relates to one scheduled commodity, such scheduled commodity, or, if the report relates to several scheduled commodities, such one or more of such scheduled commodities as the Minister thinks proper and specifies in such order, to display in the manner required by such order at any premises, vehicle, stall, booth or other stand where he carries on such business in such area a list stating the retail price of every scheduled commodity to which such order applies.

Display of retail prices order.

(2) The Minister may by order under this sub-section revoke or amend a display of retail prices order.

(3) Every order under this section shall be published in the *Iris Oifigiúil* and every such order shall specify the date (which shall not be earlier than ten days after the date of publication thereof in the *Iris Oifigiúil*) on which such order is to come into force.

(4) The making of a display of retail prices order shall be *prima facie* evidence that such order was validly made in all respects.

40.—If any person acts in contravention of or fails or neglects to comply with a display of retail prices order for the time being in force, such person 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 five pounds, and in the case of a second or any subsequent offence, to a fine not exceeding ten pounds or, at the discretion of the Court, to imprisonment for any term not exceeding three months, or to both such fine and imprisonment.

Offences in relation to display of retail prices order.

PART VI.

MANUFACTURER'S PRICES FOR PROTECTED COMMODITIES.

Prices
(manufacturer's)
investigation.

41.—(1) The Minister may, subject to the provisions of the next following sub-section, from time to time send to the Commission a requisition requiring the Commission to investigate the prices charged for any protected commodity which conforms to the specification set out in such request by persons manufacturing or producing such commodity in Saorstát Eireann, and upon receipt of such request the Commission shall make an investigation (in this Part of this Act referred to as a manufacturer's price investigation) in accordance with such requisition. 5

(2) Before sending under the immediately preceding sub-section to the Commission a requisition to make an investigation into the price of butter, the Minister shall first consult the Minister for Agriculture. 15

(3) Subject to the provisions of the next following sub-section the Commission shall on its own motion, from time to time as the other business of the Commission permits, select from amongst protected commodities manufactured or produced in Saorstát Eireann a commodity, and make an investigation (in this Part of this Act also referred to as a manufacturer's price investigation) into the prices charged for such commodity, by manufacturers or producers thereof in Saorstát Eireann. 20

(4) The Commission shall not make an investigation under the immediately preceding sub-section into the price of butter except with the consent of the Minister for Agriculture. 25

Reports to the
Minister on
manufacturer's
price
investigation.

42.—(1) On the completion of a manufacturer's price investigation in relation to a protected commodity the Commission shall make a report (in this Part of this Act referred to as a manufacturer's price report) to the Minister setting out— 30

- (a) a specification of such commodity;
- (b) the movements of the prices of such commodity over a specified period;
- (c) whether in the opinion of the Commission such prices are or are not unreasonably high, together with the reasons for such opinion; 35
- (d) their opinion as to whether such prices are influenced by any agreement or combination for interfering with free competition;
- (e) if the Commission are of opinion that such prices are unreasonably high— 40
 - (i) the opinion of the Commission as to what would be a reasonable price for such commodity,
 - (ii) their opinion as to the best methods of enforcing a reduction of such prices to a reasonable price, 45
 - (iii) if in their opinion a maximum price should be fixed by order of the Minister under this Part of this Act, the area to which such order should apply,
 - (iv) in case such commodity is a commodity which if imported into Saorstát Eireann would on importation be liable to a customs duty, the price which, in the opinion of the Commission, an importer would give for such commodity if it were imported direct from the manufacturer or producer thereof and were delivered freight and insurance paid, in bond, at a specified place of importation in Saorstát Eireann, 50
 - (v) in case such commodity is a commodity the importation of which into Saorstát Eireann is prohibited or restricted by law, the price which, in the opinion of the Commission, an importer would give for such commodity, if the importation of such 55

commodity were not so prohibited or restricted, and such commodity were imported direct from the manufacturer or producer thereof and were delivered freight and insurance paid at a specified place of importation in Saorstát Éireann.

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(2) Every manufacturer's price report shall be laid by the Minister before each House of the Oireachtas unless the Minister is of opinion that it is not desirable in the public interest so to do.

43.—(1) On receipt of a manufacturer's price report in relation to a protected commodity the Minister may, if he so thinks fit and subject to the provisions of this section, make an order (in this Part of this Act referred to as a manufacturer's price order) fixing as the maximum price for such commodity such price as he thinks proper. Manufacturer's price order.

(2) Every manufacturer's price order shall be published in the *Iris Oifigiúil*.

(3) Every manufacturer's price order shall specify the following things, that is to say:—

(a) the date (which shall not be earlier than the date of publication thereof in the *Iris Oifigiúil*) on which such order is to come into force;

(b) the duration of such order;

(c) the area to which such order is to apply.

(4) The Minister may by order revoke or amend a manufacturer's price order.

(5) Before making a manufacturer's price order in relation to butter or an order revoking or amending any such manufacturer's price order, the Minister shall first consult the Minister for Agriculture.

44.—The making of a manufacturer's price order shall be *prima facie* evidence that such order was validly made in all respects. Validity of manufacturer's price order.

45.—(1) Whenever a manufacturer's price order in relation to any protected commodity is in force, it shall not be lawful for any person who is a manufacturer or producer of that commodity in an area to which such order applies to sell any such commodity at a price in excess of the maximum price fixed by such order. Offences in relation to manufacturer's price orders.

(2) If any person acts in contravention of this section such person 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 fifty pounds or, at the discretion of the Court, to imprisonment for any term not exceeding six months, or to both such fine and imprisonment.

PART VII.

PROVISIONS SUPPLEMENTARY TO PARTS III, IV AND VI.

46.—(1) Where a person being an employer or a principal is charged with having committed an offence under the provisions of this Act relating to offences in relation to price orders or to offences in relation to manufacturer's price orders, it shall be a good defence to such charge for such person to prove— Statutory defences.

(a) that he used due diligence to prevent the commission of the acts alleged to constitute an offence; and

(b) that the acts alleged to constitute such offence were not done by him personally; and

(c) that the said acts were done without his consent, connivance or wilful default; and

(d) that on service of the summons on him he gave to the prosecutor all information in his power with respect to the person who did the said acts.

(2) Where a person being a servant or employee is charged with having committed an offence under the provisions of this Act relating to offences in relation to price orders or to offences in relation to manufacturer's price orders it shall be a good defence to such charge for such person to prove—

(a) that he was in the employment of another person (in this sub-section referred to as the employer); and 10

(b) that the acts alleged to constitute such offence were committed by him in the course of and for the purposes of such employment; and

(c) that the said acts were committed by him in obedience to the express orders of the employer; and 15

(d) that on service of the summons on him he gave all information in his power with respect to the matters mentioned in the foregoing paragraphs.

Effect of orders under Parts III and VI and certificates under Part IV on existing contracts.

47.—(1) Where a contract for the sale of any commodity which is the subject of a price order or a price certificate has been entered into before the date on which such order or certificate comes into force and the whole or any part of such contract is to be performed after such date, the following provisions shall have effect, that is to say:— 20

(a) nothing in Part III, Part IV, or Part VI of this Act shall affect such contract or any of the terms thereof; 25

(b) anything done under such contract shall, for the purposes of Part III, Part IV, or Part VI of this Act, but not further or otherwise, be deemed to have been done before such date. 30

(2) Where a tender to supply any commodity at certain prices during a certain period has been accepted before the date on which a price order or a price certificate relating to such commodity comes into force and the person making such tender is legally bound, subject to the terms of such tender, to supply such quantities of such commodity as may from time to time be ordered from him during the said period, every contract effected by an order for such commodity during the said period and after such date shall be deemed for the purposes of sub-section (1) of this section to have been entered into before such date. 40

(3) In this section—

the expression "price order" means any order made by the Minister under either Part III or Part VI of this Act, and the expression "price certificate" means any certificate made by the Controller under Part IV of this Act. 45

SCHEDULE.

Every commodity which is used as food or drink by man, other than drugs or water.

Every commodity which is used as clothing, material for clothing, or fuel. 50

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Saorstát Éireann.

Saorstát Éireann.

BILLE CHUN PRAGHSANNA DO RIALU,
1932.

CONTROL OF PRICES BILL, 1932.

BILLE

BILL

dá ngairmtear

entitled

Acht chun soeruithe do dhéanamh chun
praghsanna earraí do rialú.

An Act to make provision for controlling
the prices of commodities.

*Ritithe ag dhá Thigh an Oireachtais, 22adh Mí
na Nódlag, 1932.*

*Passed by both Houses of the Oireachtas, 22nd
December, 1932.*

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