



BILLE TORA DEIRIOCHTA (PRAGHAS DO DHEANAMH
SEASMHACH), 1932.

DAIRY PRODUCE (PRICE STABILISATION) BILL, 1932.

Mar do tugadh isteach.

As introduced.

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SAORSTÁT EIREANN.

BILLE TORA DEIRIOCHTA (PRAGHAS DO DHEANAMH
SEASMHACH) 1932.

DAIRY PRODUCE (PRICE STABILISATION) BILL, 1932.

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BILL

entitled

AN ACT TO PROMOTE THE STABILISATION OF THE
PRICE OF BUTTER AND CERTAIN OTHER MILK
PRODUCTS, AND FOR THAT PURPOSE TO PROVIDE
10 FOR THE PAYMENT OF A BOUNTY ON EXPORTED
BUTTER AND CERTAIN OTHER MILK PRODUCTS,
FOR THE IMPOSING OF A LEVY ON CERTAIN CLASSES
OF BUTTER, FOR RESTRICTING THE EXPORTATION
OF BUTTER AND THE IMPORTATION OF MILK AND
15 OF BUTTER AND CERTAIN OTHER MILK PRODUCTS,
AND TO MAKE PROVISION FOR OTHER MATTERS
CONNECTED WITH THE MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTÁS OF SAORSTAT
EIREANN AS FOLLOWS:—

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PART I.

PRELIMINARY AND GENERAL.

1.—This Act may be cited as the Dairy Produce (Price Stabili-
sation) Act, 1932.

Short title.

2.—(1) In this Act—

Definitions.

25 the expression “ the Minister ” means the Minister for Agricul-
ture;

the words “ imported ” and “ exported ” mean respectively im-
ported into and exported from Saorstát Eireann, and cognate
words shall be construed accordingly;

30 the expression “ the butter duty ” means the customs duty for
the time being imposed by law on imported butter;

the expression “ registered premises ” means premises registered
in any register kept in pursuance of the Dairy Produce Act, 1924
(No. 58 of 1924);

35 the expression “ creamery premises ” means premises registered
in the registry of creameries and premises in respect of which
a license under section 42 of the Dairy Produce Act, 1924, has
been granted and is in force;

40 the expression “ creamery butter ” means butter manufactured on
creamery premises;

the expression “ butter factory ” means premises on which by
way of trade butter is blended, re-worked, or subjected to any
other treatment, but not so as to cease to be butter;

45 the expression “ factory butter ” means butter which is manu-
factured in or brought on to a butter factory;

the expression “ butter trader ” means a person who carries on
for trade or gain, whether alone or in conjunction with any other
business, the business of selling butter wholesale;

the expression “ farm butter ” means butter which has been

manufactured in Saorstát Éireann and is neither creamery butter nor factory butter;

the word "prescribed" means prescribed by regulations made by the Minister under this Act;

the expressions "the creamery butter account", "the factory butter account" and "the miscellaneous butter account" respectively mean the several accounts required by this Act to be kept by the Minister under those respective names;

the expression "the preliminary period" means the period commencing on the 21st day of April, 1932, and ending on the 31st day of May, 1932.

(2) Each of the following months shall be a levy month for the purposes of this Act, that is to say, the months of June, July, August, September, October, and November in the year 1932, and the months of April, May, June, July, August, September, October and November in the year 1933 and every succeeding year. 15

(3) Butter which undergoes the process of blending or re-working in a butter factory and no other process shall not be deemed to be manufactured for the purposes of this Act. 20

General regulations.

3.—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.

Laying of orders and regulations before Houses of Oireachtas.

4.—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. 25 30

PART II.

LEVIES ON BUTTER STORED, MANUFACTURED AND PURCHASED.

Scheduled societies and scheduled premises.

5.—(1) Each of the bodies specified in the First Part of the Schedule to this Act shall be a scheduled society for the purposes of this Act, subject however to the following provisions, that is to say:— 35

(a) the Minister may from time to time by order under this paragraph declare that any such body shall cease to be a scheduled society for the purposes of this Act, and so long as such order is in force such body shall not be a scheduled society for the purposes of this Act; 40

(b) the Minister may by order under this paragraph revoke an order made under the next preceding paragraph. 45

(2) Each of the several premises specified in the Second Part of the Schedule to this Act shall be scheduled premises for the purposes of this Act, subject however to the following provisions, that is to say:—

(a) the Minister may from time to time by order made under this paragraph declare that any such premises shall cease to be scheduled premises for the purposes of this Act, and so long as such order is in force such premises shall not be scheduled premises for the purposes of this Act; 50 55

(b) the Minister may by order under this paragraph revoke an order made under the next preceding paragraph.

6.—(1) The Minister may make regulations prescribing the general rate for the purposes of a levy on butter under this Act, but the general rate so prescribed by any such regulations shall not exceed one half of the rate of the butter duty. General rate of levy.

5 (2) In this Act the expression "the general rate" means the rate for the time being in force by virtue of regulations under this section or if no such rate is for the time being in force, two pence per pound.

10 7.—(1) The Minister may make regulations prescribing the special rate for the purposes of a levy on butter under this Act, but the special rate prescribed by any such regulations shall not exceed the general rate. Special rate of levy.

15 (2) In this Act the expression "the special rate" means the rate for the time being in force by virtue of regulations under this section, or if no such rate is for the time being in force, one halfpenny per pound.

20 8.—(1) There shall be paid to the Minister in accordance with this section by every registered proprietor of registered premises on all butter held in stock by or on behalf of such registered proprietor at six o'clock a.m. on the 21st day of April, 1932, a levy at the rate of two pence per pound. Levy on butter held in stock on the 21st April, 1932.

25 (2) Every person liable to pay a levy under this section shall furnish to the Minister not later than the seventh day after the date of the passing of this Act a return showing the amount of butter held by him liable to such levy and the places where it was held.

30 (3) If any person liable to pay a levy under this section fails or neglects to send the said return in accordance with the next preceding sub-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.

35 (4) As soon as may be after the seventh day after the date of the passing of this Act the Minister shall make in respect of every person (whether such person has or has not made the said return) liable to pay a levy under this section a certificate certifying the amount of the levy payable under this section by such person, and shall serve a copy of such certificate on such person.

(5) Every certificate made under this section shall be *prima facie* evidence of all matters purported to be certified therein.

40 (6) Every sum certified by a certificate to be due by any person shall on the expiration of seven days after the service of a copy of such certificate be a debt due and payable by such person to the Minister and may be recovered as a simple contract debt in any court of competent jurisdiction.

45 (7) The creamery butter account shall be credited with all moneys received by the Minister under this section in respect of creamery butter, the factory butter account shall be credited with all moneys received by the Minister under this section in respect of factory butter, and the miscellaneous butter account shall be credited with all moneys received by the Minister under this section in respect of farm butter. 50

55 9.—(1) Subject to the provisions of this section there shall be paid to the Minister not later than the seventeenth day after the date of the passing of this Act, by the registered proprietor of every creamery premises on all butter manufactured on such creamery premises during the preliminary period the following levies, that is to say:— Levy on creamery butter,

60 (a) in respect of so much (if any) of the said butter as was manufactured from cream separated on scheduled premises, a levy at the rate of one halfpenny per pound;

65 (b) if such registered proprietor is a scheduled society, in respect of so much (if any) of the said butter, as was manufactured from cream separated on premises owned and controlled by such society, a levy at the rate of one halfpenny per pound;

(c) in respect of so much (if any) of the said butter as does not come within the foregoing paragraphs, a levy at the rate of twopence per pound.

(2) Subject to the provisions of this section, there shall be paid to the Minister not later than the seventh day after the expiration of every levy month by the registered proprietor of every creamery premises on all butter manufactured on such creamery premises during such levy month the following levies—

(a) in respect of so much (if any) of the said butter as is manufactured within five years from the passing of this Act from cream separated on scheduled premises, a levy at the special rate in force at the time of manufacture;

(b) if such registered proprietor is a scheduled society, in respect of so much (if any) of such butter as is manufactured within five years from the passing of this Act from cream separated on premises owned and controlled by such society, a levy at the special rate in force at the time of manufacture;

(c) in respect of so much (if any) of the said butter as does not come within the provisions of the foregoing paragraphs, a levy at the general rate in force at the time of manufacture.

(3) Where any creamery butter manufactured during a levy month is placed in cold store in Saorstát Éireann, the levy in respect of such butter shall not be payable until the first day of March next following such levy month, unless before that date such butter is removed from cold store or sold while in cold store, in which event the said levy shall be payable on such removal or sale whichever first happens.

(4) The creamery butter account shall be credited with all moneys received by the Minister under this section.

Levy on butter manufactured on premises registered in register of butter factories.

10.—(1) There shall be paid to the Minister not later than the seventeenth day after the date of the passing of this Act by the registered proprietor of every premises registered in the register of butter factories on all butter manufactured in such premises during the preliminary period a levy at the rate of twopence per pound.

(2) There shall be paid to the Minister not later than the seventh day after every levy month by the registered proprietor of every premises registered in the register of butter factories on all butter manufactured in such premises during such levy month a levy at the general rate in force at the time of manufacture.

(3) The factory butter account shall be credited with all moneys received by the Minister under this section.

Levy on certain manufactured non-creamery butter.

11.—(1) The Minister may serve notice in writing on the proprietor of any premises (not being creamery premises) on which butter is manufactured for sale from any milk or cream wholly or partly supplied by other persons requiring such proprietor to pay to the Minister not later than the seventh day after the expiration of the levy month specified in such notice and every subsequent levy month, on all butter manufactured during such levy month on such premises a levy at the general rate in force at the time of manufacture.

(2) Whenever a notice under this section is served on the proprietor of any premises (not being creamery premises) on which butter is manufactured for sale from any milk or cream wholly or partly supplied by other persons there shall, until the Minister otherwise directs, be paid by such proprietor to the Minister not later than the seventh day after the expiration of the levy month specified in such notice and every succeeding levy month on all butter manufactured during such levy month on such premises a levy at the general rate in force at the time of manufacture.

(3) For the purposes of this section the rated occupier of any premises shall, until the contrary is proved, be deemed to be the proprietor of such premises.

(4) The miscellaneous butter account shall be credited with all moneys paid to the Minister under this section.

12.—(1) The Minister may serve notice in writing on any person who manufactures butter for sale requiring such person to pay to the Minister not later than the seventh day after the expiration of the levy month specified in such notice and every subsequent levy month on all butter (other than butter in respect of the manufacture of which a levy is required to be paid by or under any other provision of this Act) manufactured by him during such levy month, a levy at the general rate in force at the time of manufacture.

Levy on other manufactured non-creamery butter.

(2) Whenever a notice under this section is served under this section on a person who manufactures butter for sale there shall until the Minister otherwise directs, be paid by such person to the Minister not later than the seventh day after the expiration of the levy month specified in such notice and every succeeding levy month on all butter (other than butter in respect of the manufacture of which a levy is required to be paid by or under any other provision of this Act) manufactured by him during such month, a levy at the general rate in force at the time of manufacture.

(3) The factory butter account shall be credited with all moneys paid to the Minister under this section in respect of all butter manufactured in a butter factory (not being registered premises) and the miscellaneous butter account shall be credited with all other moneys paid to the Minister under this section.

13.—(1) There shall be paid to the Minister not later than the seventeenth day after the date of the passing of this Act by the registered proprietor of every premises registered in the register of butter factories or in the register of non-manufacturing exporters on all farm butter acquired, by purchase, exchange or barter, by such proprietor during the preliminary period for use in such premises or for resale a levy at the rate of twopence per pound.

Levy on farm butter purchased by registered proprietors.

(2) There shall be paid to the Minister not later than the seventh day after every levy month by the registered proprietor of every premises registered in the register of butter factories or in the register of non-manufacturing exporters on all farm butter acquired by purchase, exchange or barter, by such proprietor during such levy month for use in such premises or for resale a levy at the general rate in force at the time of acquisition.

(3) In this and the next succeeding section the expression "farm butter" includes any imported butter exempt from customs duty under sub-section (3) of section 1 of the Finance (Customs Duties) Act, 1931 (No. 14 of 1931).

(4) The factory butter account shall be credited with all moneys received by the Minister under this section.

14.—(1) The Minister may serve a notice in writing on any butter trader or butter factory owner requiring such trader or owner to pay to the Minister not later than the seventh day after the expiration of the levy month specified in such notice and every successive levy month on all farm butter acquired by purchase, exchange or barter by such trader or owner during such levy month for use in a butter factory or for resale a levy at the general rate in force at the time of acquisition.

Levy on farm butter purchased by butter traders and butter factory owners.

(2) Whenever a notice under this section is served on a butter trader or a butter factory owner, there shall until the Minister otherwise directs be paid by such trader or owner to the Minister not later than the seventh day after the expiration of the levy month specified in such notice and every successive levy month on all farm butter acquired by purchase, exchange or barter by such trader or owner during such month for use in a butter factory or for resale, a levy at the general rate in force at the time of acquisition.

(3) In this section the expression "butter factory" does not include premises registered in the register of butter factories.

(4) The factory butter account shall be credited with all moneys received by the Minister under this section in respect of butter acquired for use in a butter factory and the miscellaneous butter account shall be credited with all other moneys received by the Minister under this section.

Refund of levies
on farm
butter.

15.—(1) Where a person who has paid a levy under the two next preceding sections of this Act in respect of any farm butter acquired by him proves to the satisfaction of the Minister that a levy has been already paid in respect of the manufacture of or the previous purchase of such butter, the Minister shall refund to such person a sum equal to the levy paid by such person in respect of the acquisition of such butter.

(2) The miscellaneous butter account shall be debited with all moneys refunded by the Minister under this section.

Recovery of
levies.

16.—(1) Every levy required by this Act to be paid by any person to the Minister shall be a debt due and payable by such person to the Minister, and in case such levy or any part thereof remains unpaid after the last date specified in this Act for the payment of such levy, such levy or part may be recovered from such person by the Minister as a simple contract debt in a court of competent jurisdiction.

(2) In any proceedings under this section to recover the amount of a levy or part of a levy from any person a certificate under the seal of the Minister certifying that such amount is due by such person shall be *prima facie* evidence of the facts so certified.

(3) This section shall not apply to a levy payable under the provisions of this Act relating to a levy on butter held in stock on the 21st day of April, 1932.

Returns to
be made by
person liable
to pay levy.

17.—(1) Every person who is required by or under this Act to pay a levy in respect of any butter manufactured or acquired by him during the preliminary period or a levy month shall not later than the last date specified in this Act for the payment of such levy, send to the Minister particulars of the butter manufactured or acquired by him during the preliminary period or such levy month, and in the case of butter acquired during the preliminary period or such levy month the names and addresses of any butter trader or butter factory owner to whom any of such butter has been resold and the dates of such resale and the amount of such butter resold, and in the case of any butter such other particulars as may be prescribed.

(2) If any such person fails or neglects to comply with the provisions of 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 one hundred pounds.

PART III.

LEVY ON IMPORTED BUTTER, AND RESTRICTION OF IMPORTATION OF BUTTER.

Levy on
imported butter.

18.—(1) There shall be paid to the Minister at the time specified in this Act on all butter which is exempt from customs duty by virtue of sub-section (2) of section 1 of the Finance (Customs Duties) Act, 1931 (No. 14 of 1931) and is brought on to any butter factory in Saorstát Eireann and which is imported on or after the date of the passing of this Act a levy at the same rate as the butter duty.

(2) There shall be paid to the Minister at the time specified in this Act on all butter which is reimported on or after the date of the passing of this Act without payment of customs duty by virtue of sub-section (5) of section 1 of the Finance (Customs Duties) Act, 1931, a levy as follows, that is to say:—

- (a) if a bounty was paid under this Act in respect of the export of such butter, the levy shall be at which-ever is the greater of the following rates:—
- (i) the rate at which such bounty was paid;
 - (ii) the rate of bounty payable under this Act on the export of butter of the same description, at time of reimport;
- (b) if no bounty was paid under this Act in respect of such butter at the time of export, the levy shall be at the rate of bounty payable under this Act on the export of butter of the same description at the time of reimport.
- (3) The factory butter account shall be credited with all moneys received by the Minister under sub-section (1) of this section and with all moneys received by the Minister in respect of reimported factory butter under sub-section (2) of this section.
- (4) The creamery butter account shall be credited with all moneys received by the Minister in respect of reimported creamery butter under sub-section (2) of this section.
- (5) The miscellaneous butter account shall be credited with all moneys received by the Minister in respect of reimported farm butter under sub-section (2) of this section.
- 19.—(1) It shall not be lawful for any person to import into Saorstát Eireann any butter save under and in accordance with a licence granted by the Minister under this section. Prohibition of import of butter.
- (2) The Minister may, upon the application of any person in the prescribed form and manner and upon payment by that person of the appropriate levy (if any) payable thereon under this Act grant to such person a licence to import the consignment of butter specified in the licence by such route (if any), and subject to such conditions as are stated in the licence.
- (3) A licence granted under this section shall operate to authorise the person to whom the same is granted to import in accordance with the terms of the licence, the consignment of butter specified therein.
- (4) The Minister may at any time before a consignment of butter specified in a licence is actually imported, revoke the licence relating to such consignment.
- (5) If any person imports butter without a licence granted under this section, or if any person to whom a licence has been granted under this section contravenes any of the terms or conditions contained in such licence, or if any person falsely represents, by means of a mark on the consignment or otherwise, that any consignment of butter is being imported pursuant to any such licence, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds.
- (6) Unless the Minister, either generally or in any particular case, otherwise prescribes this section shall not apply to the import of any butter which complies with all the conditions specified in paragraphs (a) (b) (c) and (d) of sub-section (3) of section 1 of the Finance (Customs Duties) Act, 1931 (No. 14 of 1931).
- (7) Section 42 of the Customs Consolidation Act, 1876, shall be construed and have effect as if the following article were added to the Table of Prohibitions and Restrictions Inwards in that section, that is to say, butter the importation of which is prohibited by this section.

PART IV.

60 RESTRICTION ON IMPORTATION OF MILK AND CERTAIN MILK PRODUCTS.

20.—In this Part of this Act the expression “dairy produce” means whole milk, and cream and other milk products, but does not include butter. Dairy produce.

Orders prohibiting import of certain dairy produce.

21.—(1) The Minister may from time to time by order (in this Part of this Act referred to as a prohibition (import) order) prohibit the importation of any particular class or classes of dairy produce.

(2) The Minister may at any time by order revoke a prohibition (import) order for the time being in force. 5

(3) Whenever a prohibition (import) order has been made in relation to any class of dairy produce, then so long as such order is in force the importation (otherwise than under and in accordance with a special licence granted under this Part of this Act or an exemption order made under this Part of this Act) of such class of dairy produce shall be added to and included in the Table of Prohibitions and Restrictions Inwards contained in section 42 of the Customs Consolidation Act, 1876, and that section shall have effect accordingly. 10 15

Restriction on importation of certain dairy produce.

22.—(1) Whenever a prohibition (import) order is made and is in force it shall not, subject to the provisions of this section, be lawful for any person to import the class of dairy produce to which such order applies.

(2) If any person imports any dairy produce in contravention of 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 twenty pounds. 20

(3) This section shall not apply to any dairy produce imported under and in accordance with a special import licence granted under this Part of this Act. 25

(4) This section shall not apply in the case of any milk or cream exempted from the operation of a prohibition (import) order by virtue of exemption order made under this Part of this Act. 30

Special import licences.

23.—(1) The Minister may, upon the application of any person in the prescribed form and manner, grant to such person a licence (in this Part of this Act referred to as a special import licence) to import the consignment of dairy produce specified in the licence by such route (if any), and subject to such conditions as are stated in the licence. 35

(2) A special import licence shall operate to authorise the person to whom the same is granted to import in accordance with the terms of the licence, the consignment of dairy produce specified therein. 40

(3) The Minister may at any time before a consignment of dairy produce is actually imported revoke the licence relating to such consignment.

(4) If any person to whom a special import licence has been granted contravenes any of the terms or conditions contained in such licence, or if any person falsely represents, by means of a mark on the consignment or otherwise, that any consignment of dairy produce is being imported pursuant to any such licence, 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. 45 50

Exemption orders.

24.—The Minister may from time to time by order under this section exempt from the operation of a prohibition (import) order subject to compliance by the importer with such conditions (if any) as may be specified in such order— 55

(a) any cream which is separated in a cream separating station in Northern Ireland owned and controlled by the registered proprietor of creamery premises in Saorstát Éireann and is brought direct from such cream separating station to such creamery premises; and 60

- (b) any milk which is supplied by a farmer resident in Northern Ireland to a cream separating station or creamery premises owned by a co-operative society in Saorstát Éireann.

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PART V.

RESTRICTION ON EXPORTATION OF BUTTER.

25.—(1) Whenever and so often as the Minister is satisfied that sufficient butter is not being retained in Saorstát Éireann to meet home requirements, he may by order (in this part of this Act referred to as prohibition (export) order), prohibit the export of butter. Prohibition (export) orders.

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(2) The Minister may at any time by order revoke a prohibition (export) order for the time being in force.

26.—(1) Whenever a prohibition (export) order is made and is in force, it shall not, subject to the provisions of this section, be lawful for any person to export any butter. Prohibition of export of butter.

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(2) If any person exports any butter in contravention of 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 one hundred pounds.

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(3) This section shall not apply to any butter exported under and in accordance with a special export licence granted under this Part of this Act.

(4) The foregoing provisions of this section shall have effect as though they were included in the Customs Consolidation Act, 1876, and the provisions of the said Act and of any Act amending or extending that Act shall apply accordingly.

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27.—(1) The Minister may, upon the application of any person in the prescribed form and manner, grant to such person a licence (in this Part of this Act referred to as a special export licence) to export the consignment of butter specified in the licence by such route (if any) and subject to such conditions as are stated in the licence. Special export licences.

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(2) A special export licence shall operate to authorise the person to whom the same is granted to export in accordance with the terms of the licence, the consignment of butter specified therein.

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(3) The Minister may at any time before a consignment of butter is actually exported revoke the licence relating to such consignment.

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(4) If any person to whom a special export licence has been granted contravenes any of the terms or conditions contained in such licence, or if any person falsely represents, by means of a mark on the consignment or otherwise, that any consignment of butter is being exported pursuant to any such licence, 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.

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PART VI.

BOUNTIES ON EXPORTED BUTTER.

28.—(1) The Minister may, subject to the provisions of this section, make regulations prescribing the rate of bounty on creamery butter, but the rate of bounty so prescribed shall not exceed the rate of the butter duty. Rate of bounty on exported butter.

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In this Part of this Act the expression "the appropriate rate" in relation to creamery butter means the rate in force at the time of the export of such butter by virtue of regulations under this sub-section, or if no such rate is for the time being in force, four pence per pound.

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(2) The Minister may, subject to the provisions of this section, make regulations prescribing the rate of bounty on factory

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butter, but the rate of bounty so prescribed shall not exceed the rate of the butter duty.

In this Part of this Act the expression "the appropriate rate" in relation to factory butter means the rate in force at the time of the export of such butter by virtue of regulations under this sub-section or if no such rate is for the time being in force twopence halfpenny per pound.

(3) The Minister may, subject to the provisions of this section, make regulations prescribing the rate of bounty on farm butter, but the rate of bounty so prescribed shall not exceed the rate of bounty on factory butter.

In this Part of this Act the expression "the appropriate rate" in relation to farm butter means the rate in force at the time of the export of such butter by virtue of regulations under this sub-section or, if there is no such rate for the time being in force, twopence halfpenny per pound.

(4) In prescribing the rates of bounty on creamery butter, factory butter and farm butter respectively, the Minister shall have regard to the following matters, namely—

- (a) the amounts credited to and the prospective amounts to be credited to the creamery butter account, the factory butter account and the miscellaneous butter account;
- (b) the existing commitments on such accounts and the prospective payments thereout;
- (c) the quantity of butter in Saorstát Eireann and prospective production and export;
- (d) the average current and prospective prices of butter on the home and outside markets;
- (e) such other matters as the Minister considers relevant.

Bounty on
butter.

29.—(1) Subject to the provisions of this Act, there shall be paid by the Minister to the exporter thereof on creamery butter, factory butter and farm butter lawfully exported on or after the 21st day of April, 1932, a bounty at the appropriate rate.

(2) No bounty shall be payable on any butter exported under a licence granted under section 12 of the Dairy Produce Act, 1924 (No. 58 of 1924).

(3) No bounty shall be payable on any butter unless the Minister is satisfied that a levy has been paid under this Act on the manufacture, acquisition or import thereof.

Claims for
bounty.

30.—(1) Every person who claims to be entitled to a bounty under this Part of this Act may apply to the Minister under this section for payment of such bounty.

(2) Every application under this section shall be in the prescribed form and shall contain the prescribed particulars.

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

(4) The creamery butter account shall be debited with all moneys paid by the Minister under this section in respect of creamery butter, the factory butter account shall be debited with all moneys paid by the Minister under this section in respect of factory butter, and the miscellaneous butter account shall be debited with all moneys paid by the Minister under this section in respect of farm butter.

Payment of
bounty.

31.—(1) On receipt of an application for payment of a bounty, under this Part of this Act the Minister shall examine such application, and if, but only if, he is satisfied that a bounty is payable under this Part of this Act in respect of the butter to which such application relates, shall pay to the applicant the bounty payable in respect of such butter.

PART VII.

BOUNTIES ON EXPORTED MILK PRODUCTS.

32.—(1) Subject to the provisions of this section, this Part of this Act applies to each of the following milk products (in this Act referred to as specified milk products), that is to say:—

Specified milk products to which this Part applies.

(a) cream which is put up in hermetically sealed vessels containing not more than sixteen ounces of cream;

(b) bulk cream;

(c) condensed milk;

10 (d) dried milk.

(2) The Minister may from time to time by order under this subsection declare that any specified milk product shall cease to be a milk product to which this Part of this Act applies and thereupon so long as such order is in force such specified milk product shall not be a milk product to which this Part of this Act applies.

(3) The Minister may by order under this subsection revoke an order under the next preceding subsection.

33.—(1) The Minister may from time to time by order under this subsection declare that any milk product (not being butter or a specified milk product) specified in such order shall be a milk product to which this Part of this Act applies and whenever any such order is made and is in force the milk product specified in such order shall also be a milk product to which this Part of this Act applies.

Other milk products to which this Part applies.

(2) The Minister may by order under this subsection revoke an order under the next preceding subsection.

34.—(1) The Minister may make regulations prescribing the rate per pound at which bounties are to be paid under this Part of this Act in respect of milk products and different rates may be prescribed in respect of different milk products.

Rate of bounty on milk products.

(2) Until regulations are made under this section prescribing the rate per pound at which bounties are to be paid under this Part of this Act in respect of any milk product, the rate per pound in respect of bulk cream shall be one penny, and in respect of other milk products twopence.

35.—(1) Subject to the provisions of this section there shall be paid by the Minister to every person who on or after the date of the passing of this Act exports any milk product to which this Part of this Act applies and who complies with the prescribed conditions, a bounty, and such bounty shall be at the rate fixed by or under this Part of this Act in respect of such milk product and in force at the time of exportation and shall be payable at that rate on the butter equivalent of such milk product.

Bounties on exported milk products.

(2) A bounty under this section shall not be payable in respect of any milk product unless all the following conditions are complied with in respect of such milk product, that is to say:—

(a) it is manufactured direct from whole milk; and

50 (b) it is manufactured either—

(i) on creamery premises, or

(ii) on other premises the milk supply to which is obtained solely from creamery premises, or from premises registered in the register of cream separating stations; and

55

(c) it is manufactured on or after the date of the passing of this Act on the premises from which it is exported or on premises owned and controlled by the proprietor of the premises from which it is exported; and

(d) it is exported by a person who is for the time being the holder of a milk product (export) licence granted by the Minister under this Part of this Act and is so exported in accordance with the terms of such licence.

(3) For the purposes of this section the butter equivalent of 5 any milk product shall be deemed to be the amount of butter to which such milk product would be equal, on the basis that eighty-four pounds of butter fat contained in such milk product equal one hundred pounds of butter.

(4) The creamery butter account shall be debited with all 10 moneys paid by the Minister under this section.

Milk product
(export)
licences.

36.—(1) The Minister may, if he so thinks fit, upon the application of any person in the prescribed form and manner grant to such person a licence (in this Part of this Act referred to as a milk product (export) licence) to export the milk product specified 15 in such licence subject to such terms as are stated in the licence.

(2) The Minister may revoke a milk product (export) licence.

PART VIII.

FINANCIAL PROVISIONS.

The butter
fund.

37.—(1) The Minister shall keep a separate capital fund to be 20 called the butter fund and shall maintain and manage such fund in accordance with this Act.

(2) All moneys received by the Minister under this Act by way of levy on butter shall be paid by the Minister into the butter fund. 25

(3) No moneys shall be paid out of the butter fund except—

(a) moneys required for the payment of bounties under this Act;

(b) moneys required for the payment of a refund under the provisions of this Act relating to refund of levies on 30 farm butter;

(c) any other moneys required by this Act to be paid out of the butter fund.

(4) Whenever during any financial year the moneys for the time being standing to the credit of the butter fund are insufficient to meet any payments required to be made thereout, the Minister shall pay into the butter fund out of moneys provided by the Oireachtas such sums as may be necessary to meet the deficiency. 35

(5) Any moneys paid into the butter fund under the next 40 preceding sub-section in any financial year shall not later than the expiration of such financial year be paid out of the butter fund into the Exchequer in such manner as the Minister for Finance may direct.

Accounts to be
kept by the
Minister.

38.—(1) The Minister shall cause to be kept the following 45 accounts, namely—

(a) the creamery butter account;

(b) the factory butter account; and

(c) the miscellaneous butter account.

(2) The creamery butter account, the factory butter account, 50 and the miscellaneous butter account shall be credited with all moneys with which each such account is required by this Act to be credited.

(3) The creamery butter account shall be debited with all moneys with which such account is required by this Act to be 55 debited and with no other moneys.

(4) The factory butter account shall be debited with all moneys with which such account is required by this Act to be debited and with no other moneys.

(5) The miscellaneous butter account shall be debited with all moneys with which such account is required by this Act to be debited and with no other moneys.

39.—Where at the expiration of any financial year there are any moneys standing to credit in the miscellaneous butter account, the Minister may, if he so thinks fit, apply such moneys or part of such moneys towards the encouragement of dairying in such manner as the Minister thinks fit, and in such case the miscellaneous butter account shall be debited with such money or part, and such moneys or part shall be paid out of the butter fund.

Disposal of surplus on miscellaneous butter account.

40.—The Minister shall prepare in such form and at such times as the Minister for Finance may direct accounts of the receipts and expenditure of the Minister under this Act, and within six months after the expiration of the financial year to which the accounts relate shall transmit the same to the Comptroller and Auditor-General to be audited, certified and reported upon in conformity with regulations made by the Minister for Finance and the accounts with the reports of the Comptroller and Auditor-General thereon, shall be laid before Dáil Eireann as soon as may be after the reports are made.

Auditing of accounts.

41.—Any expenses incurred by the Minister under this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Expenses of the Minister.

PART IX.

MISCELLANEOUS.

42.—(1) The Minister may from time to time by order fix in relation to any class of butter the price beyond which butter of that class may not be sold wholesale by the manufacturer or producer thereof.

Wholesale price of butter.

(2) The Minister may revoke an order made under the next preceding sub-section.

(3) Whenever an order in relation to any class of butter is made under sub-section (1) of this section and is in force, it shall not be lawful for any manufacturer or producer of butter to sell wholesale any butter of that class at a price exceeding the price fixed by such order.

(4) If any person acts in contravention of the next preceding sub-section, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds.

43.—(1) It shall be the duty of persons by whom levies are payable or to whom bounties are payable under this Act to keep or cause to be kept such records as may be prescribed by the Minister to be kept by such persons and different records may be required to be kept by different such persons.

Records to be kept by manufacturers, etc., under the Act.

(2) Every record kept in pursuance of this section may be inspected at all reasonable times by an inspector, and it shall be the duty of the person liable under this section to keep such records to produce for the inspection of such inspector on demand such records and also all invoices, consignment notes, receipts and other documents (including copies thereof where the originals are not available) reasonably demanded by such inspector for the purpose of verifying any entry in or explaining any omission from such record.

(3) If any person by whom any levy or to whom any bounty is payable under this Act—

- (a) fails to keep or cause to be kept such records as are required by this section to be kept or caused to be kept by him; or
- (b) fails to make or cause to be made in such records within the prescribed time the prescribed particulars; or 5
- (c) fails to produce or cause to be produced for the inspection of an inspector on demand any record, document, or copy of a document which he is required by this section to produce, or obstructs any inspector in the making of such inspection; or 10
- (d) wilfully or negligently makes or causes to be made in such record any entry which is false or misleading in any material particular;

he shall be guilty of an offence under this section and shall be liable on summary conviction thereof in the case of a first offence 15 to a fine not exceeding fifty pounds and in the case of a second or any subsequent offence to a fine not exceeding one hundred pounds or imprisonment for any period not exceeding six months or to both such fine and imprisonment.

- (4) For the purposes of this section— 20
 - (a) inspection of a record or document shall include taking copies thereof or extracts therefrom; and
 - (b) the word “inspector” means a person authorised in writing by the Minister to exercise the powers conferred on an inspector by this section; and 25
 - (c) a demand for inspection of a record or other document shall be deemed to have been duly made by an inspector to the person by whom a levy or to whom a bounty is payable under this Act if such demand is made verbally at the address of such person to such person or 30 to the manager, secretary, book-keeper or other member of the clerical staff of such person; and
 - (d) a refusal or failure to produce a record or other document for inspection if made or committed by a person employed on premises which are owned or occupied by 35 a person by whom a levy or to whom a bounty is payable under this Act shall be deemed to have been made or committed by the owner of such premises.

Returns by
manufacturers,
etc.

- 44.—(1) The Minister may by order make regulations in relation to all or any of the following matters, that is to say:— 40
 - (a) the returns to be made by manufacturers, purchasers, exporters and importers of butter and other milk products;
 - (b) the persons to whom such returns are to be made;
 - (c) the times at which such returns are to be made; 45
 - (d) the form in which such returns are to be made.

(2) Every person, required by regulations made under this section to make any return, who fails or refuses to make such return in accordance in all respects with such regulations shall be guilty of an offence under this section and shall be liable on 50 summary conviction thereof, to a fine not exceeding twenty pounds.

Variation of
contracts for
sale of butter
and cream.

- 45.—(1) Where a person has on or before the 21st day of April, 1932, entered into a contract for the delivery of butter or cream to any place in Saorstát Eireann, then in the absence of any agreement to the contrary, the following provisions shall have 55 effect—

- (a) if the contract relates to butter such person shall be entitled to add to the contract price in respect of all butter delivered under the contract an amount equivalent to the bounty which would be payable 60 on such butter if it were exported at the time of delivery;

(b) if the contract relates to cream such persons shall be entitled to add to the contract price in respect of all cream delivered under the contract an amount equivalent to the bounty (if any) which would be payable on such cream if it were exported at the time of delivery;

(2) Any person to whom butter or cream is to be supplied by another person under a contract entered into on or before the 21st day of April, 1932, may serve on such last mentioned person a notice terminating such contract, and upon such notice being served such contract shall at the expiration of seven days from the service of such notice be terminated.

46.—(1) If the registered proprietor of any premises registered under the Dairy Produce Act, 1924 (No. 58 of 1924) is convicted of an offence under any section of this Act or fails or neglects to pay to the Minister any levy required to be paid by him under this Act, or fails or neglects to keep any record or make any return required by this Act to be kept or made by him, the Minister may cancel the registration of such premises.

Cancellation of registration of premises on conviction or failure to pay levy, etc.

(2) Before cancelling the registration of any premises under this section the Minister shall give at least one fortnight's notice in writing of his intention so to cancel such registration to the registered proprietor, and shall consider any representations made before the expiration of such notice by such proprietor, and may if he thinks fit cause an inquiry to be held in relation to the matter.

47.—(1) The Minister may publish in such manner as he may think fit notice of any conviction for an offence under any section of this Act.

Publication of information.

(2) No individual return or part of a return furnished in pursuance of this Act shall be published or disclosed except for the purposes of a prosecution under this Act.

(3) The Minister may from time to time collect and publish such statistical information (including statistics derived from returns made pursuant to this Act) with respect to the condition of the butter trade as he may think fit.

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

Prosecution of offences.

49.—Any certificate or notice required or authorised by this Act to be served on any person may be served by delivering it to the person to whom it is addressed or by leaving it with a person over the age of sixteen years at the premises where the person to whom it is addressed carries on business or by sending it by registered post to the person to whom it is addressed at the premises where he carries on business.

Service of documents.

SCHEDULE.

PART I.

Scheduled Societies.

Donaghmore Co-operative Creamery, Ltd.,	Ballybrophy, Leix.
Mayo Co-operative Creameries, Ltd.,	Balla, Co. Mayo.
Midlands Co-operative Creameries, Ltd.,	Tullamore, Offaly.
Roscrea Co-operative Creamery, Ltd.,	Roscrea, Co. Tipperary.
Scariff Co-operative Creamery, Ltd.,	Scariff, Co. Clare.
Shelburne Co-operative Agricultural Society, Ltd.,	Campile, Co. Wexford.
Slaney Valley Co-operative Creameries, Ltd.,	Tullow, Co. Carlow.

PART II.

Scheduled Premises.

Premises at Coolbawn, Co. Wexford,	owned by—Boro Co-operative Creamery, Ltd.
Premises at Bunratty, Co. Clare,	owned by—Bunratty Co-operative Creamery, Ltd.
Premises at Graigue Cullen, Co. Carlow,	owned by—Carlow Co-operative Creamery, Ltd.
Premises at Dowra, Co. Cavan, owned by—	Dowra Co-operative Creamery, Ltd.
Premises at Edenderry, Offaly, owned by—	Edenderry Co-operative Creamery, Ltd.
Premises at Athy, Co. Kildare, owned by—	Kildare & Leix Co-operative Creameries, Ltd.
Premises at Timogue, Leix, owned by—	Kildare & Leix Co-operative Creameries, Ltd.

Saorstát Eireann.

BILLE TORADH DEIRIOCHTA (PRAGHAS
DO DHEANAMH SEASMHACH), 1932.

BILLE

(*mar do tugadh isteach*)
dá ngairmtear

Acht chun cabhruithe chun praghais ime agus praghais torthaí áirithe eile bainne do dhéanamh seasmhach, agus chun soeruithe do dhéanamh chuige sin chun deolchaire d'íoc ar im agus ar thorthaí áirithe eile bainne a heasportálfar, chun cánach do ghearradh ar shaghasanna áirithe ime, chun srian do chur le him d'easportáil agus le bainne agus le him agus le torthaí áirithe eile bainne d'iomportáil, agus chun soeruithe do dhéanamh i gcóir nithe eile bhaineas leis na nithe roimhraithe.

An tAire Talmhaíochta do thug isteach.

Do hordúiodh, ag Dáil Eireann, do chlóbhuála,
22adh Abrán, 1932.

BAILE ATHA CLIATH:
FOILLSITHE AG OIFIG AN TSOLATHAIR.

Le ceannach trí aon díoltóir leabhar, no díreach
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Thobair Phádraig, Baile Atha Cliath, C.2.

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Saorstát Eireann.

DAIRY PRODUCE (PRICE STABILISA-
TION) BILL, 1932.

BILL

(*as introduced*)
entitled

An Act to promote the stabilisation of the price of butter and certain other milk products, and for that purpose to provide for the payment of a bounty on exported butter and certain other milk products, for the imposing of a levy on certain classes of butter, for restricting the exportation of butter and the importation of milk and of butter and certain other milk products, and to make provision for other matters connected with the matters aforesaid.

Introduced by the Minister for Agriculture.

Ordered, by Dáil Eireann, to be printed,
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