



BILLE NA bhFRANCACH MUISC, 1933.  
MUSK RATS BILL, 1933.

*Mar do tugadh isteach.*

*As introduced.*

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# SAORSTÁT EIREANN.

BILLE NA bhFRANCACH MUISC, 1933.

MUSK RATS BILL, 1933.

## BILL

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*entitled*

AN ACT TO MAKE PROVISION FOR REGULATING AND CONTROLLING THE IMPORTATION AND KEEPING OF MUSK RATS AND CERTAIN OTHER DESTRUCTIVE NON-INDIGENOUS ANIMALS, FOR THE EXTERMINATION OF ANY MUSK RATS AND OTHER ANIMALS AFORESAID FOUND AT LARGE AND FOR OTHER PURPOSES CONNECTED WITH THE MATTERS AFORESAID.

10  
15 BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT EIREANN AS FOLLOWS:—

### PART I.

#### PRELIMINARY AND GENERAL.

- 1.—This Act may be cited as the Musk Rats Act, 1933. Short title.
- 2.—(1) In this Act— Definitions.
- 20 the expression “ the Minister ” means the Minister for Agriculture;
- the expression “ musk rat ” means any animal of the species designated *Fiber zibethicus* or *Ondatra zibethica*, and commonly known as the musk rat, or musquash;
- 25 the word “ land ” includes land covered with water and any buildings and any other erection on land and any cellar, sewer, drain, or culvert in or under land;
- the word “ prescribed ” means prescribed by regulations made by the Minister under this Act.
- 30 (2) For the purposes of this Act every musk rat, other than a musk rat kept under and in accordance with a musk rat licence, shall be deemed to be at large.
- 3.—The Minister may authorise in writing any person (including, with the consent of a committee of agriculture, an officer of such committee) to exercise the powers conferred on an authorised officer by this Act, and every person so authorised shall be an authorised officer for the purposes of this Act. Authorised officers.
- 4.—No licence granted by the Minister under this Act shall be capable of being transferred. Non-transferability of licences.

Prosecution of offences.	<b>5.</b> —An offence under any section of this Act may be prosecuted by or at the suit of the Minister as prosecutor.	
Regulations.	<b>6.</b> —The Minister may by order make regulations in relation to any matter or thing referred to in this Act as prescribed.	
Disposal of fees.	<b>7.</b> —All fees received by the Minister under this Act shall be collected and accounted for in such manner as shall be prescribed by the Minister with the sanction of the Minister for Finance.	5
Expenses.	<b>8.</b> —All 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.	10

## PART II.

### RESTRICTION ON KEEPING MUSK RATS.

Restriction on keeping musk rats.	<b>9.</b> —(1) It shall not be lawful for any person to keep in Saorstát Eireann any musk rat unless—	
	(a) such person is the holder of a licence (in this Part of this Act referred to as a musk rat licence) granted by the Minister under this Part of this Act authorising such person to keep musk rats, and	15
	(b) such musk rat is kept at the premises specified in such licence, and	20
	(c) such person complies with the conditions attached to such licence.	
	(2) If any person keeps in Saorstát Eireann any musk rat 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.	25
Applications for musk rat licences.	<b>10.</b> —(1) Any person may apply to the Minister for a musk rat licence.	
	(2) Every application for a musk rat licence shall be in the prescribed form and shall contain the prescribed particulars.	30
Grant of licences.	<b>11.</b> —The Minister may, in his absolute discretion, grant or refuse to grant an application for a musk rat licence.	
Operation of musk rat licences.	<b>12.</b> —Every musk rat licence shall operate and be expressed to authorise the holder of such licence to keep at the premises specified in such licence musk rats, but subject to the conditions specified in such licence.	35
Fees on musk rat licences.	<b>13.</b> —There shall be paid to the Minister on every application for a musk rat licence a fee of such amount as the Minister, with the consent of the Minister for Finance, may from time to time appoint.	40
Attachment of conditions to musk rat licences.	<b>14.</b> —Whenever the Minister grants a musk rat licence he may attach to such licence such conditions as he may think proper and shall specify in such licence and, in particular and without prejudice to the generality of the foregoing power, conditions in respect of all or any of the following matters, that is to say:—	45
	(a) the nature of the premises upon which the musk rats may be kept,	

- (b) the manner in which the musk rats are to be kept,
- (c) the precautions to be taken to prevent the escape of the musk rats,
- (d) the duration of such licence,
- 5 (e) the returns to be made by the holder of such licence.

15.—(1) The Minister may revoke a musk rat licence on either of the following grounds, that is to say:—

Revocation of musk rat licences.

- 10 (a) on the ground that in his opinion there has been a breach or a failure to observe or comply with one or more of the conditions attached to such licence,
- (b) on the ground that the holder of such licence has been convicted of an offence under any section of this Act.

15 (2) Where at any time the Minister is of opinion that the keeping of musk rats in Saorstát Eireann should, in the public interest, be absolutely prohibited, he may revoke all musk rat licences then in force.

16.—Where the holder of a musk rat licence dies, and musk rats were immediately before the death of such holder kept by him at the premises specified in such licence, the keeping of such musk rats at such premises under and in accordance with the conditions of such licence until the expiration of a period of one month from the date of the death of such person, or the revocation of such licence, whichever first happens, shall not constitute an offence under the provisions of this Part of this Act relating to restriction on keeping musk rats and the person by whom such musk rats are so kept shall until the expiration of such period or the revocation of such licence, whichever first happens, be deemed for the purposes of this Act to be the holder of such licence.

Provisions on death of holder of musk rat licence.

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### PART III.

#### RESTRICTION ON IMPORT OF MUSK RATS.

17.—(1) It shall not be lawful for any person to import into Saorstát Eireann any musk rats unless—

Restriction on import of musk rats.

- 35 (a) such person is the holder of a licence (in this Act referred to as an import licence) granted by the Minister under this Part of this Act authorising him to import such musk rats, and
- (b) the number of such musk rats does not exceed the number specified in such licence, and
- 40 (c) such musk rats are imported within the time specified in such licence, and
- (d) such musk rats are imported through the port in Saorstát Eireann specified in such licence, and
- 45 (e) such person complies with the conditions (if any) attached to such licence.

(2) If any person imports into Saorstát Eireann any musk rat 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.

50 18.—(1) Any person who is the holder of a musk rat licence may apply to the Minister for an import licence.

Applications for import licences.

(2) Every application for an import licence shall be in the prescribed form and shall contain the prescribed particulars.

Grant of import licences.

**19.**—(1) Subject to the provisions of this section the Minister may, in his absolute discretion, grant or refuse to grant an application for an import licence.

(2) The Minister shall not grant an import licence to any person who is not the holder of a musk rat licence. 5

Operation of import licences.

**20.**—Every import licence shall operate and be expressed to authorise the holder of such licence to import into Saorstát Eireann through the port in Saorstát Eireann and within the time specified in such permit the number of musk rats specified in such licence, but subject to such conditions (if any) as the Minister shall think proper to attach to such licence and shall specify therein. 10

Fees on import licences.

**21.**—There shall be paid to the Minister on every application for an import licence a fee of such amount as the Minister, with the consent of the Minister for Finance, may from time to time appoint. 15

Application of Customs Acts.

**22.**—Musk rats prohibited to be imported by virtue of this Part of this Act shall be deemed to be included among the goods enumerated and described in the Table of Prohibitions and Restrictions Inwards contained in section 42 of the Customs Consolidation Act, 1876, and the provisions of that Act, as amended or extended by any subsequent Act, applying to the importation of prohibited or restricted goods, shall apply accordingly. 20

#### PART IV.

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#### RESTRICTION ON PURCHASE OF PELTS OF MUSK RATS.

Prohibition of purchase of pelts of musk rats by unlicensed persons.

**23.**—(1) It shall not be lawful for any person other than the Minister to purchase the pelt of any musk rat unless such person is the holder of a licence (in this Act referred to as a purchasers' licence) granted by the Minister under this Part of this Act authorising him to purchase pelts of musk rats. 30

(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 to a fine not exceeding twenty pounds. 35

Grant of purchaser's licence.

**24.**—(1) Subject to the provisions of this section, the Minister shall grant to every person who applies to him therefor a purchaser's licence.

(2) The Minister may refuse to grant to any person a purchaser's licence, if such person was previously the holder of a purchaser's licence which was revoked under this Part of this Act or such person has been convicted of an offence under any section of this Act. 40

Operation of purchaser's licence.

**25.**—Every purchaser's licence shall operate and be expressed to authorise the holder of such licence to purchase pelts of musk rats. 45

Fees on purchasers' licences.

**26.**—There shall be paid to the Minister on every purchaser's licence such fee of such amount as the Minister, with the consent of the Minister for Finance, may from time to time appoint.

Returns by holders of purchasers' licences.

**27.**—(1) The Minister may by order make regulations in relation to all or any of the following matters, that is to say:— 50

- (a) the returns to be made by holders of purchaser's licences;
- (b) the times at which such returns are to be made;
- (c) the forms 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  
5 summary conviction thereof to a fine not exceeding five pounds.

**28.**—(1) Every holder of a purchaser's licence shall cause to be kept at such place as the Minister may appoint in respect of such holder a record of all pelts of musk rats purchased by him, and to enter in such record within twenty-four hours after the  
10 purchase of any such pelts, particulars of such purchase.

Records to be kept by holders of purchasers' licences.

(2) Every record kept in pursuance of this section may be inspected at all reasonable hours by an authorised officer, and it shall be the duty of the person liable under this section to keep such record to produce for the inspection of such authorised  
15 officer on demand such record.

(3) If any holder of a purchaser's licence—

- (a) fails to keep at the place appointed by the Minister in respect of such holder such record as is required by this section, or  
20 (b) fails to make in such records within the time fixed by this section any entry required by this section to be made therein, or
- (c) fails to produce for the inspection of an authorised officer on demand any record which he is required by this section so to produce or obstructs any such  
25 authorised officer in making such inspection, or
- (d) wilfully makes or causes to be made in such record any entry which is false or misleading in any material particular,

30 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.

**29.**—The Minister may revoke a purchaser's licence if the holder thereof has been convicted of an offence under any section  
35 of this Act.

Revocation of purchasers' licences.

**30.**—(1) The Minister may purchase pelts of any musk rats found at large.  
Purchase of pelts by the Minister.

(2) There shall be paid by the Minister in respect of each pelt purchased by him such sum as he may from time to time, with the  
40 consent of the Minister for Finance, determine.

(3) The Minister may sell any pelts purchased by him under this section at such price as he may, after consultation with the Minister for Finance, think proper.

(4) All moneys received by the Minister on the sale of any  
45 pelt under this section shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct.

## PART V.

50 DESTRUCTION OF MUSK RATS FOUND AT LARGE AND OTHER PROVISIONS.

**31.**—The Minister may take such steps as he considers necessary for the destruction of any musk rats found at large.  
Destruction of musk rats by the Minister.

Destruction of musk rats by authorised officers.

**32.**—(1) Without prejudice to the provisions of the immediately preceding section, where any musk rats, other than musk rats kept under a musk rat licence, are found on any land, any authorised officer may enter on such land and take such steps as he may think necessary for the destruction of such musk rats and for the purposes of enabling such steps to be taken it shall be the duty of the occupier of such land to afford to such officer such facilities as he may reasonably require. 5

(2) If—

(a) any person obstructs any authorised officer in the exercise of the powers conferred on him by this section, or 10

(b) any occupier of land fails or neglects to comply with the obligation imposed on him by this section,

such person or occupier shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds. 15

Powers of inspection.

**33.**—(1) An authorised officer shall be entitled at all reasonable times to enter and inspect any land occupied by a person who is the holder of a musk rat licence and any other land where he has reason to believe that any musk rats are being kept or may be found thereon. 20

(2) If any person obstructs any authorised officer in the exercise of the powers conferred on him by 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 ten pounds. 25

Duty of occupier of land.

**34.**—(1) It shall be the duty of the occupier of any land who knows that any musk rats, not being musk rats kept by him under a musk rat licence, are to be found on such land to give forthwith to the Minister notice in the prescribed form and containing the prescribed particulars of such knowledge. 30

(2) If any occupier of land fails or neglects to comply with the obligation imposed on him by the immediately preceding sub-section, such occupier shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds. 35

Turning loose musk rats.

**35.**—Every person who turns loose any musk rat or wilfully allows any musk rat to escape shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds. 40

Compensation for destruction of certain musk rats.

**36.**—Where the Minister is satisfied that any musk rats which were kept in confinement on the 21st day of February, 1933, are while kept in confinement destroyed before the passing of this Act in pursuance of a request made by the Minister, the Minister shall pay in respect of each such musk rat to the owner thereof such sum as the Minister with the consent of the Minister for Finance may fix. 45

Killing, etc., of musk rats found at large not actionable.

**37.**—No action for damages shall lie in respect of the killing or wounding of any musk rat found at large.

## PART VI.

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### EXTENSION OF ACT TO CERTAIN OTHER DESTRUCTIVE NON-INDIGENOUS ANIMALS.

Extension of Act to certain other destructive non-indigenous animals.

**38.**—(1) If at any time the Minister is of opinion that, by reason of the destructive habit of any animals of a species to which this section applies, it is desirable that the provisions of this Act should be applied to such animals, the Minister may, 55

with the consent of the Minister for Finance, by order under this sub-section apply the provisions of this Act with such exceptions and modifications as he may think fit and may specify in such order to such animals, and whenever any such order is made and  
5 is in force, the provisions of this Act, other than the provisions relating to compensation for destruction of certain musk rats, shall apply to the animals to which such order relates in like manner as it applies to musk rats, subject however to such exceptions and modifications (if any) as may be specified in  
10 such order.

(2) The Minister may by order under this sub-section revoke any order made under the immediately preceding sub-section.

(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,  
15 and if a resolution annulling such order is passed by either House of the Oireachtas within the next subsequent twenty-one days on which that House has sat after such order is so laid before it, such order shall be annulled accordingly but without prejudice to the validity of anything previously done under such order.

(4) This section applies to every mammalian species (other than a species which was at the date of the passing of this Act  
20 commonly kept in Saorstát Eireann in a domesticated state) which at the said date was not established in a wild state in Saorstát Eireann or which had only become so established  
25 during the fifty years immediately preceding the said date.

# Saorstát Éireann.

# Saorstát Éireann.

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BILLE na bhFRANCACH MUISC, 1933.

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MUSK RATS BILL, 1933.

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## BILLE

(*mar do tugadh isteach*)  
*dá ngairmtear*

Acht chun socruithe do dhéanamh chun iomportáil agus coimeád Frannach Muise agus ainmhithe nea-dhúthchasacha loitbheartacha áirithe eile do rialáil agus do stiúradh, chun aon Fhrannach Muise agus aon ainmhithe eile den tsórt san roimhráite do gheobhfad agus iad saor gan cosc do dhísciú agus chun crícheanna eile bhaineas leis na nithe roimhráite.

*An tAire Talmhaíochta do thug isteach.*

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*Do hordúidh, ag Dáil Éireann, do chlóbhualadh, 22ad Meitheamh, 1933.*

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**BAILE ATHA CLIATH:**  
FOILLSITHE AG OIFIG AN tSOLATHAIR.

Le ceannach trí aon díoltóir leabhar, no díreach ó Oifig Díolta Foillseacháin Rialtais, 5, Sráid Thobair Phádraig, Baile Atha Cliath, C.2.

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[*Trí Pingne Glan.*]

Wt. 4.—437. 575. 6/33. C.&Co. (3058).

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## BILL

(*as introduced*)  
*entitled*

An Act to make provision for regulating and controlling the importation and keeping of Musk Rats and certain other destructive non-indigenous animals, for the extermination of any Musk Rats and other animals aforesaid found at large and for other purposes connected with the matters aforesaid.

*Introduced by the Minister for Agriculture.*

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*Ordered, by Dáil Éireann, to be printed, 22nd June, 1933.*

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