

SAORSTÁT EIREANN.

BILLE CHUN DEANTUISI DO RIALU, 1934. CONTROL OF MANUFACTURES BILL, 1934.

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

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[No. 28c of 1934.]

SAORSTÁT EIREANN.

BILLE CHUN DEANTUISI DO RIALU, 1934.
CONTROL OF MANUFACTURES BILL, 1934.

BILL

entitled

5

AN ACT TO AMEND AND EXTEND THE CONTROL OF
MANUFACTURES ACT, 1932, AND TO MAKE PROVISION
IN RELATION TO CERTAIN MATTERS DEALT WITH
BY THE SAID ACT.

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

PART I.

PRELIMINARY AND GENERAL.

Short title and
citation.

1.—This Act may be cited as the Control of Manufactures Act,
1934, and the Control of Manufactures Act, 1932 (No. 21 of 1932), 15
and this Act may be cited together as the Control of Manufactures
Acts, 1932 and 1934.

Definitions.

2.—(1) In this Act—

the expression “the Principal Act” means the Control of
Manufactures Act, 1932 (No. 21 of 1932); 20

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

(2) Every word and expression used in this Act to which
a particular meaning is given by the Principal Act for the
purposes of that Act has in this Act the meaning so given to it. 25

(3) Each of the following persons shall for the purposes of
this Act be a qualified person, that is to say:—

(a) a person born in Saorstát Eireann or the area now com-
prised in Saorstát Eireann;

(b) a person who at the relevant time is and for not less 30
than five consecutive years immediately preceding the
2nd day of July, 1934, has been ordinarily resident
in Saorstát Eireann.

Service of
notices.

3.—(1) Where a notice is permitted by this Act to be served
on any person, such notice shall be served on such person in one 35
or other of the following ways, that is to say:—

(a) by delivering to such person such notice, or

(b) by sending such notice by post in a prepaid registered
letter addressed to such person at the address where
he carries on business. 40

(2) For the purposes of this section a body corporate regis-
tered in Saorstát Eireann under the Companies Acts, 1908 to
1924, shall be deemed to carry on business at its registered office,
and every other body corporate and every unincorporated body
shall be deemed to carry on business at its principal office or place 45
of business in Saorstát Eireann.

4.—Where an offence under any section of the Principal Act or this Act committed by a body corporate is proved to have been committed with the consent or approval of, or to have been facilitated by any neglect of, any director, manager, secretary, or other officer of such body corporate, such director, manager, secretary or other officer (as the case may be) shall also be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly.

Offences by
bodies
corporate.

5.—(1) Proceedings in respect of an offence under any section of the Principal Act or of this Act shall not be instituted except by or with the consent of the Minister.

Prosecutions.

(2) Every offence under this Act may be prosecuted by or at the suit of the Minister as prosecutor.

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.

Regulations.

7.—Sections 2, 3, and 11 of the Principal Act are hereby repealed.

Repeal of
sections 2, 3, and
11 of the
Principal Act.

8.—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.

Expenses of the
Minister.

PART II.

AMENDMENT AND EXTENSION OF THE PRINCIPAL ACT.

9.—(1) It shall not be lawful for any person, who carries on a business by way of trade or for the purposes of gain, to do any of the following things in the course or as part of such business, that is to say, to make, alter, repair, ornament, finish, or to adapt for sale any article, material, or substance or any part of any article, material, or substance, unless either—

Restriction on the
carrying on of
manufactures.

(a) such business was carried on continuously in Saorstát Eireann between the 2nd day of July, 1934, and the time at which such thing is done, and such business was on the 2nd day of July, 1934, in the beneficial ownership of an individual who was on the 2nd day of July, 1934, a national of Saorstát Eireann, and such business is at the time such thing is done in the beneficial ownership of an individual who is at that time a national of Saorstát Eireann; or

(b) such business is, at the time such thing is done, in the beneficial ownership of an individual who is at that time a qualified person; or

(c) such business was carried on continuously in Saorstát Eireann between the 2nd day of July, 1934, and the time at which such thing is done, and such business was on the 2nd day of July, 1934, owned by two or more individuals and more than half the capital invested on the 2nd day of July, 1934, in such business was beneficially owned by an individual who was or two or more individuals each of whom was on the 2nd day of July, 1934, a national of Saorstát Eireann, and such business is, at the time such thing is done, owned by two or more individuals and more than half the capital invested at that time in such business is beneficially owned by an individual who is or two or more individuals each of whom is at that time a national of Saorstát Eireann; or

(d) such business is at the time such thing is done, beneficially owned by two or more individuals each of whom is at that time a qualified person; or

- (e) such business was carried on continuously in Saorstát Eireann between the 2nd day of July, 1934, and the date at which such thing is done, and such business was on the 2nd day of July, 1934, owned by a body corporate the issued shares of which were on the 2nd day of July, 1934, to an extent exceeding one-half (in nominal value) thereof in the beneficial ownership of a person who was or of two or more persons each of whom was on the 2nd day of July, 1934, either a national of Saorstát Eireann or a body corporate the issued shares of which were on the 2nd day of July, 1934, to an extent exceeding one-half (in nominal value) thereof in the beneficial ownership of persons who were on the 2nd day of July, 1934, nationals of Saorstát Eireann, and such business is, at the time such thing is done, owned by a body corporate the issued shares of which are at the time such thing is done to an extent exceeding one-half (in nominal value) in the beneficial ownership of a person who is or of two or more persons each of whom is at that time either a national of Saorstát Eireann or a body corporate the issued shares of which are at that time to an extent exceeding one half (in nominal value) thereof in the beneficial ownership of nationals of Saorstát Eireann; or
- (f) such business is, at the time such thing is done, owned by a body corporate (in this paragraph referred to as the owning body corporate) in respect of which all the following conditions are complied with, that is to say:—
- (i) the issued shares of the owning body corporate are at that time to an extent exceeding one-half (in nominal value) thereof in the beneficial ownership of a person who is or two or more persons each of whom is at that time either a qualified person or a body corporate which is a body corporate (in this paragraph referred to as a qualified holding body corporate) in respect of which both the following conditions are complied with, that is to say:—
- (I) the issued shares of such holding body corporate are at that time to an extent exceeding one-half (in nominal value) thereof in the beneficial ownership of persons who are at that time qualified persons, and
- (II) at least two-thirds (in nominal value) of every class of shares carrying voting rights (whether immediate or to arise in certain future circumstances) and issued by such holding body corporate are at that time in the beneficial ownership of persons who are at that time qualified persons; and
- (ii) at least two-thirds (in nominal value) of every class of shares carrying voting rights (whether immediate or to arise in certain future circumstances) and issued by the owning body corporate are at that time in the beneficial ownership of a person who is or two or more persons each of whom is at that time either a qualified person or a body corporate which is a qualified holding body corporate; and
- (iii) a majority of the directors (other than a managing director giving the whole of his time to his duties as such director) of the owning body corporate are nationals of Saorstát Eireann; or
- (g) such business was carried on continuously in Saorstát Eireann between the 1st day of June, 1932, and the time at which such thing is done and such business is,

- at the time such thing is done, owned by the body corporate by which it was owned on the said 1st day of June, 1932, and the doing of such thing would, if it had been done on the said 1st day of June, 1932, or within one month immediately preceding that date have been in the ordinary course or formed part of such business or have been a reasonable extension of such business as then carried on in Saorstát Eireann; or
- (h) such business was carried on continuously in Saorstát Eireann between the 1st day of June, 1932, and the time at which such thing is done, and such business is, at the time such thing is done, beneficially owned by the individual or all, some, or one of the individuals by whom it was beneficially owned on the 1st day of June, 1932, and the doing of such thing would, if it had been done on the said 1st day of June, 1932, or within one month immediately preceding that date have been in the ordinary course or formed part of such business or have been a reasonable extension of such business as then carried on in Saorstát Eireann; or
- (i) such business was carried on continuously in Saorstát Eireann between the 1st day of June, 1932, and the time at which such thing is done, and such business is, at the time such thing is done, owned by a body corporate the issued shares of which are beneficially owned to an extent exceeding one half (in nominal value) by the individual or individuals by whom the business was beneficially owned on the 1st day of June, 1932, and the doing of such thing would, if it had been done on the said 1st day of June, 1932, or within one month immediately preceding that date, have been in the ordinary course or formed part of such business or have been a reasonable extension of such business as then carried on in Saorstát Eireann; or
- (j) such person is the holder of a new manufacture licence granted (whether before or after the passing of this Act) under the Principal Act and such thing is done under such licence; or
- (k) such business is carried on in direct succession to a deceased person who would, if such thing had been done immediately before his death, have been lawfully entitled, under the foregoing provisions of this sub-section, to do such thing in the course or as part of such business, and such thing is done in the course or as part of such business between the date of the death of such person and the grant of probate of his will or letters of administration of his personal estate or, is so done by the personal representative of such person while carrying on such business in due course of administration; or
- (l) such thing is done in the course or as part of a business carried on by an assignee in bankruptcy, a trustee of an arranging debtor, or a receiver or manager appointed by a court in continuation of the business of a person who would, if such thing had been done immediately before such assignee, trustee, receiver, or manager commenced to carry on such business, have been lawfully entitled under the foregoing provisions of this sub-section to do such thing in the course or as part of such business.

(2) For the purposes of paragraphs (e) and (f) of sub-section (1) of this section but not further or otherwise, the following provisions shall have effect, that is to say:—

- (a) where an individual who is either a national of Saorstát Eireann or a qualified person dies and is at the time of his death the beneficial owner of any shares in a body

corporate, such shares shall, until the grant of probate of his will or letters of administration of his personal estate, be deemed to continue, in case such individual was a national of Saorstát Eireann, in the beneficial ownership of a national of Saorstát Eireann or, in 5 case such individual was a qualified person, in the beneficial ownership of a qualified person, and upon the said grant being made the personal representative for the time being of such individual shall, so long as he is entitled to such shares in his representative capacity, 10 be deemed to be the beneficial owner of such shares and, in case such individual was a national of Saorstát Eireann and such personal representative is not a national of Saorstát Eireann, to be a national of Saorstát Eireann or, in case such individual was a 15 qualified person and such personal representative is not a qualified person, to be a qualified person, and

(b) where an individual who is either a national of Saorstát Eireann or a qualified person becomes a bankrupt or carries an arrangement with his creditors and such 20 individual was at the time of his bankruptcy or arrangement the beneficial owner of any shares in a body corporate, and his interest in such shares becomes vested in his assignee in bankruptcy or a trustee of the estate of such individual as an arranging debtor, such 25 shares shall be deemed so long as such interest remains so vested, to be in the beneficial ownership of such assignee or trustee, and such assignee or trustee shall, so long as such interest remains so vested, be deemed, in case such individual is a national of Saorstát Eireann 30 and such assignee or trustee is not a national of Saorstát Eireann, to be a national of Saorstát Eireann or, in case such individual is a qualified person and such assignee or trustee is not a qualified person, to be a qualified person; and 35

(c) where a person is for the time being entitled to the income arising from any shares in a body corporate held by a trustee, such person shall, so long as he continues to be entitled to such income, be deemed to be the beneficial owner of such shares; and 40

(d) where two or more persons are each for the time being entitled to a proportionate part of the income arising from shares in a body corporate or from such shares and other property held by a trustee, each of such persons, so long as he continues to be entitled to a 45 proportion of such income, shall be deemed to be the beneficial owner of a corresponding proportion of such shares; and

(e) where the issued shares of a body corporate are transferred to a bank, being a body corporate, by way of security for an advance and such bank is registered as the owner of such shares in the register of shareholders of such body corporate, such transfer and registration shall be deemed not to operate to transfer the ownership of such shares to such bank. 55

(3) Whenever the issued shares of a body corporate cease to be held in the manner stated in paragraph (e) of sub-section (1) of this section, such shares shall for the purposes of that paragraph be deemed to continue to be held in accordance with that paragraph for a period of six months after they cease to be in fact so 60 held.

(4) Whenever the issued shares of a body corporate cease to be held in the manner stated in paragraph (f) of sub-section (1) of

this section, such shares shall for the purposes of that paragraph be deemed to continue to be held in accordance with that paragraph for a period of six months after they cease to be in fact so held.

- 5 (5) Every person who does any act which is a contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds and, in the case of a continuing offence, a further fine not exceeding fifty pounds for every day
10 during which the offence is continued.

10.—(1) Where a body corporate which is not registered in Saorstát Eireann under the Companies Act, 1908 to 1924, is charged with having committed an offence under the immediately preceding section, the onus of proving the matters or any of the
15 matters mentioned in paragraphs (e), (f), (g), and (i) respectively of sub-section (1) of the said section shall lie upon the body corporate so charged, and until the contrary is proved it shall be presumed that none of those matters is applicable in relation to the act alleged to constitute such offence. Evidence.

20 (2) In any proceedings against a body corporate which is not registered in Saorstát Eireann under the Companies Acts, 1908 to 1924, for an offence under the immediately preceding section, the production of a certificate, in the prescribed form and containing the prescribed particulars and verified in the prescribed
25 manner under the hand of a person registered as the proprietor of shares in such body corporate, certifying—

- (a) that he is the beneficial owner of such shares and is a national of Saorstát Eireann, or
(b) that he holds such shares on behalf of another person
30 and that such other person is a national of Saorstát Eireann, or
(c) that he is the beneficial owner of such shares and is a qualified person, or
(d) that he holds such shares on behalf of another person
35 and that such other person is a qualified person,
shall be prima facie evidence of the facts so certified.

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

11.—(1) Where—

- (a) a new manufacture licence has been granted before the date of the passing of this Act, and
45 (b) the holder of such licence has not commenced to do all the things authorised by such licence,

the Minister may serve on such person a notice requiring such person, within such time as the Minister thinks fit and specifies in such notice, to commence to do all such things.

50 (2) Where a notice has been served on the holder of a new manufacture licence under the immediately preceding sub-section, the Minister may, notwithstanding anything contained in sub-section (3) of section 10 of the Principal Act, revoke such licence if it appears to him that the requirements of such notice have not
55 been complied with.

(3) Every new manufacture licence granted after the date of the passing of this Act shall, in addition to any term or condition subject to which by virtue of paragraph (c) of sub-section (2) of section 6 of the Principal Act such licence is to be granted, be
60 and be expressed to be granted subject to a stipulation that the holder of such licence shall commence to do within such time as the Minister thinks proper and specifies in such licence all the things authorised to be done under such licence.

Revocation of new manufacture licence on failure to commence operations within a specified time.

(4) If any holder of a new manufacture licence granted after the date of the passing of this Act fails or neglects to do within the time specified in such licence all the things authorised to be done under such licence, the Minister may, notwithstanding anything contained in sub-section (3) of section 10 of the Principal Act, revoke such licence. 5

Register of
new
manufacture
licences.

12.—(1) As soon as may be after the passing of this Act the Minister shall establish and shall thereafter maintain a register (in this section referred to as the said register) of new manufacture licences granted under this Act. 10

(2) Immediately upon the establishment of the said register the Minister shall enter therein all new manufacture licences granted under the Principal Act before the passing of this Act, and whenever a new manufacture licence is granted after the passing of this Act the Minister shall forthwith enter such licence in the said register. 15

(3) Every entry of a new manufacture licence in the said register shall include a statement of the name of the person to whom such licence was granted, the article, material, or substance to which such licence relates, and the thing or things which the licensee under such licence is authorised by such licence to do. 20

(4) The said register shall be kept at such place in the City of Dublin as the Minister shall direct and shall be open to inspection by the public during the prescribed hours on every day (except Sundays and bank holidays) on payment of the prescribed fee. 25

Amendment of
section 10 of
the Principal
Act.

13.—The expression “ under any section of this Act ” in sub-section (2) of section 10 of the Principal Act shall be construed as meaning under any section of the Principal Act or under any section of this present Act.

Information
from certain
individuals and
bodies
corporate.

14.—(1) The Minister may from time to time serve a notice in writing on any individual, who appears to him to be the owner or part owner of or in control of a business which appears to him to be carried on by way of trade or for the purposes of gain and to be one to which this section applies, requiring such individual to state if he is the owner or part-owner of or is in control of such business, and if so within twenty-eight days after the service of such notice, to send to the Minister a return— 30

(a) stating whether such business complies with all the following conditions, that is to say:—

(i) that such business was carried on continuously in Saorstát Eireann between the 2nd day of July, 1934, and the date (in this sub-section referred to as the specified date) specified in such notice, and 40

(ii) that such business was on the 2nd day of July, 1934, in the beneficial ownership of an individual who was on the 2nd day of July, 1934, a national of Saorstát Eireann, and 45

(iii) that such business was on the specified date in the beneficial ownership of an individual who was on the specified date a national of Saorstát Eireann, and if so, stating— 50

(I) in respect of the individual by whom such business was beneficially owned on the 2nd day of July, 1934, the required particulars in relation to such individual in respect of the 2nd day of July, 1934, and 55

(II) in respect of the individual by whom such business was beneficially owned on the specified date, the required particulars in relation to such individual in respect of the specified date; and 60

- 5 (b) stating whether such business was on the specified date in the beneficial ownership of an individual who was on the specified date a qualified person, and if so, stating the required particulars in relation to such individual in respect of the specified date; and
- (c) stating whether all the following conditions are complied with in respect of such business, that is to say:—
- 10 (i) that such business was carried on continuously in Saorstát Eireann between the 2nd day of July, 1934, and the specified date, and
- (ii) that such business was on the 2nd day of July, 1934, owned by two or more individuals, and
- 15 (iii) that more than half the capital invested on the 2nd day of July, 1934, in such business was beneficially owned by an individual or individuals each of whom was on the 2nd day of July, 1934, a national of Saorstát Eireann, and
- (iv) that such business was on the specified date owned by two or more individuals, and
- 20 (v) that more than half the capital invested on the specified date in such business was beneficially owned by an individual who was or two or more individuals each of whom was on the specified date a national of Saorstát Eireann;
- 25 and if so, stating—
- (I) in respect of the individual (being then a national of Saorstát Eireann) or each of the individuals (being then nationals of Saorstát Eireann) by whom more than half the capital invested on the 2nd day of July, 1934, in such business was owned, the required particulars in relation to such individual or each of such individuals in respect of the 2nd day of July, 1934, and
- 30 (II) in respect of the individual (being then a national of Saorstát Eireann) or each of the individuals (being then nationals of Saorstát Eireann) by whom more than half the capital invested on the specified date in such business was owned, the required particulars in relation to such individual or each of such individuals in respect of the specified date; and
- 45 (d) stating whether such business was on the specified date beneficially owned by two or more individuals each of whom was on the specified date a qualified person, and if so, stating the required particulars in relation to each such individual, in respect of the specified date; and
- 50 (e) stating whether such business complies with both the following conditions, that is to say:—
- (i) that such business was carried on continuously in Saorstát Eireann between the 1st day of June, 1932, and the specified date, and
- 55 (ii) that such business was on the specified date beneficially owned by the individual or all or some one of the individuals by whom it was beneficially owned on the 1st day of June, 1932, and if so, stating the following particulars, that is to say:—
- 60 (I) the name and address of the individual or the names and addresses of the individuals by whom such business was beneficially owned on the 1st day of June, 1932, and on the specified date, and

- (II) the nature and extent of the business (including such matters as capital invested in the business, output and number of employees) on the specified date, and the 1st day of June, 1932, and, if such business was carried on 5 during the month of May, 1932, during such month.

(2) The Minister may from time to time serve a notice in writing on any body corporate which by way of trade or for purposes of gain carries on any business to which this section 10 applies, requiring such body corporate within twenty-eight days after the service of such notice to send to the Minister a return—

(a) stating whether such business complies with all the following conditions, that is to say:—

- (i) that such business was carried on continuously in 15
Saorstát Eireann between the 2nd day of July, 1934, and the date specified in such notice (in this sub-section referred to as the specified date), and
(ii) that such business was owned by a body corporate on the 2nd day of July, 1934, and 20
(iii) that such business was owned by a body corporate on the specified date; and

(b) stating whether such business complies with both the following conditions, that is to say:—

- (i) that such business was carried on continuously 25
between the 1st day of June, 1932, and the specified date, and
(ii) that such business is on the specified date owned by the body corporate by which it was owned on the 1st day of June, 1932, 30

and if so, stating particulars of the nature and extent of the business (including such matters as capital invested in the business, output and number of employees) on the specified date, and on the 1st day of June, 1932, and also, if such business was carried 35 on during the month of May, 1932, during such month; and

(c) stating whether all the following conditions are complied with in respect of such business, that is to say:—

- (i) that such business was carried on continuously in 40
Saorstát Eireann between the 1st day of June, 1932, and the specified date, and
(ii) that such business was owned by a body corporate on the specified date, and
(iii) that the issued shares of such body corporate 45
were on the specified date to an extent exceeding one half (in nominal value) owned by the individual or individuals by whom such business was beneficially owned on the 1st day of June, 1932, 50

and if so, stating the following particulars, that is to say:—

- (I) the name and registered office of the body corporate by whom such business was owned on the specified date, and 55
(II) the name and address or the names and addresses of the individuals by whom such business was owned on the 1st day of June, 1932, and
(III) particulars of the nature and extent of the 60
business (including such matters as capital invested in the business, output and number of employees) on the specified date, and on the 1st day of June, 1932, and also if such business was carried on during the month of 65
May, 1932, during such month.

- (3) The Minister may from time to time serve notice in writing on any body corporate requiring such body corporate within twenty-eight days after the service of such notice to send to the Minister a return either—
- 5 (a) in case one class only of shares has been issued by such body corporate on the date specified in such notice (in this sub-section referred to as the specified date), stating the following particulars, that is to say:—
 - 10 (i) the number of such shares issued on the specified date, and the nominal value of each of such shares, and
 - (ii) the names and addresses of the shareholders on the specified date, and
 - 15 (iii) the number of such shares held by each shareholder on the specified date; or
 - (b) in case more than one class of shares have been issued by such body corporate on the specified date, stating the following particulars in respect of each such class, that is to say:—
 - 20 (i) the number of shares of that class issued on the specified date, the nominal value of each of those shares, and the voting rights (if any) attached to such shares, and
 - 25 (ii) the names and addresses of the shareholders of such shares on the specified date, and
 - (iii) the number of such shares held by each shareholder on the specified date.
- (4) The Minister may from time to time serve a notice in writing on any individual, who on the date specified in such
- 30 notice (in this sub-section referred to as the specified date) is a shareholder in any body corporate which by way of trade or for the purposes of gain carries on any business to which this section applies or in any body corporate which holds shares in any such first mentioned body corporate, requiring him, within
 - 35 twenty-eight days after the service of such notice, to send to the Minister a return—
 - (a) stating whether he was or was not on the specified date the beneficial owner of such shares, and
 - 40 (b) in case on the specified date either, he was not the beneficial owner of all such shares but was the owner of some of them, or he was not the beneficial owner of any of such shares, stating the name and address of the person or the names and addresses of the persons on whose behalf he held on the specified date such shares, specifying in the case of each such person the number and particulars of the shares held for him, and
 - 45 (c) in case he was on the specified date the beneficial owner of all or some of such shares, stating—
 - 50 (i) whether he claims to have been on the specified date a national of Saorstát Eireann or a qualified person, and
 - (ii) if he claims to have been on the specified date a national of Saorstát Eireann, the required particulars in relation to himself in respect of the specified date, and
 - 55 (iii) if he claims to have been on the specified date a qualified person, the required particulars in relation to himself in respect of the specified date.
- (5) The Minister may from time to time serve a notice in
- 60 writing on any individual who is or is deemed to be the beneficial owner of any shares in any body corporate which by way of trade or for purposes of gain carries on any business to which this section applies or in any body corporate which holds shares in any such first-mentioned body corporate requiring him within twenty-
 - 65 eight days after the service of such notice to send a return to the Minister—

- (a) stating whether he claims to have been on the date specified in such notice (in this sub-section referred to as the specified date) a national of Saorstát Eireann or a qualified person, and
- (b) if he claims to have been on the specified date a national of Saorstát Eireann, stating the required particulars in relation to himself in respect of the specified date, and
- (c) if he claims to have been on the specified date a qualified person, stating the required particulars in relation to himself in respect of the specified date.

(6) If any person on whom a notice is served under this section either refuses or neglects to make a return in accordance with such notice or makes a return 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, in the case of a first offence under this section, a fine not exceeding ten pounds or, in the case of a second or subsequent offence under this section, a fine not exceeding twenty pounds.

(7) This section applies to every business which includes the doing of any one or more of the following things, the making, altering, repairing, ornamenting, finishing or adapting for sale of any article, material or substance or any part of any article, material or substance.

(8) In this section—
the expression “ the required particulars ” when used in relation to an individual who, it is claimed, was on a particular date a national of Saorstát Eireann means—

- (a) his name and address;
- (b) the ground on which it is claimed he was on such date a national of Saorstát Eireann, specifying in case such claim is based on birth, the place and date of birth, and in case such claim is based on residence, the place or places in Saorstát Eireann at which he resided during the five years immediately preceding such date, and the period or periods of residence in each such place;

the expression “ the required particulars ” when used in relation to an individual who, it is claimed, was a qualified person on a particular date means—

- (a) his name and address;
- (b) the ground on which it is claimed he was on such date a qualified person, specifying in case such claim is based on birth, the place and date of birth, and in case such claim is based on residence, the place or places in Saorstát Eireann at which he resided during the five years immediately preceding the 2nd day of July, 1934, and the period or periods of residence in each such place.

Investigation of premises by order of the Minister.

15.—(1) If at any time the Minister is of opinion that it is expedient to investigate whether anything is being done in any premises or place in contravention of this Act, the Minister may, by order under his official seal of office directed to an officer of the Minister, authorise such officer to enter such premises or place at all reasonable times and as often as such officer thinks proper during the period specified in such order, and there do all or any of the following things, that is to say, inspect such premises or place, examine any process being carried on in such premises or place, and examine any articles found in such premises or place.

(2) Whenever an order is made under this section the officer to whom such order is directed shall be entitled to do all or any of the things authorised by such order.

(3) Every person who obstructs or impedes any officer in the exercise of any powers conferred on him by this section shall be guilty of an offence under this section and shall be liable on

summary conviction thereof to, in the case of a first offence under this section, a fine not exceeding ten pounds or, in the case of a second or any subsequent offence under this section, to a fine not exceeding twenty pounds.

- 5 (4) Every officer to whom an order under this section is directed shall, while exercising the powers conferred on him by this section, produce on demand to any person concerned such order.

16.—This Part of this Act shall not apply to:—

Non-application
of Part II of this
Act.

- 10 (a) the process of milling wheat, or
(b) the adapting for sale at a mill of any product of wheat milled at such mill, or
(c) agriculture, or
15 (d) the altering or repairing by a retailer of any article intended to be sold retail by him, or
(e) the doing, under and in accordance with a licence granted under Part III of this Act, of anything authorised to be done under such licence in relation to any commodity which is for the time being a reserved commodity within the meaning of the said Part III, or
20 (f) in respect of any period after the commencement of the Cement Act, 1933 (No. 17 of 1933), the process of manufacturing cement which is Roman cement, Portland cement or other hydraulic cement, or the adapting for sale at a factory of any such cement manufactured at such factory or
25 (g) any act or thing done by Cómhlucht Siúiere Eireann, Teoranta.

PART III.

30 FURTHER RESTRICTION ON MANUFACTURE OF CERTAIN COMMODITIES.

- 17.—(1) Whenever the Executive Council is of opinion that a particular commodity is either not being manufactured in Saorstát Eireann or not being manufactured in Saorstát Eireann to a substantial extent, and that it is desirable that such commodity
35 should be manufactured to a substantial extent in Saorstát Eireann, and that the reservation to a limited number of persons of the right to manufacture in Saorstát Eireann such commodity would result in such commodity being manufactured to a substantial extent in Saorstát Eireann, the Executive Council may
40 by order made under and in accordance with this section declare such commodity to be a reserved commodity.

Reserved
commodities.

(2) An order under this section may relate to more than one commodity.

- 45 (3) No order shall be made under this section in relation to the commodity which is Roman cement, Portland cement or other hydraulic cement.

(4) In making an order under this section the Executive Council may, if they so think fit, fix the period during which such order is to remain in force.

- 50 (5) The following provisions shall have effect in relation to the making of an order under this section, that is to say:—

- (a) before making such order the Executive Council shall publish, in the *Iris Oifigiúil* and in such other manner as they think best adapted for making public their
55 intention to make such order, a notice of such intention, and such notice shall state the commodity or commodities the subject of the proposed order, and, if the Executive Council propose to fix a period during which such order is to remain in force, the period proposed to be so fixed, and shall also state the
60 time (in this sub-section referred to as the time

limited for making objections) within which any objections to the making of such order may be made, and the time limited for making objections to be so stated shall not in any case be less than thirty days after the date of the publication in the *Iris Oifigiúil* 5 of such notice;

(b) any person objecting to the making of such order may within the time limited for making objections send a statement in writing to the Executive Council of his objection and of the specific grounds on which it is based; 10

(c) the Executive Council shall not make such order until the expiration of the time limited for making objections and until they have considered such objections (if any) to the making of such order as may have been made within the time limited for making objections. 15

(6) No order under this section shall come into force unless and until resolutions have been passed by each House of the Oireachtas approving of such order. 20

(7) Every order under this section which has been approved by resolutions passed by each House of the Oireachtas shall come into force on the date of the passing of whichever of such resolutions is later passed or, if a later date has been specified in such order as the date on which it is to come into force, such later date. 25

(8) Whenever an order under this section has come into force the particular commodity to which such order relates or, where such order relates to more than one commodity, every commodity to which such order relates shall for the purposes of this Part of this Act be a reserved commodity but shall, if such order fixes a period during which it is to remain in force, cease, from and after the expiration of such period, to be for the said purposes a reserved commodity and the expression "reserved commodity" shall in this Part of this Act be construed accordingly. 30 35

The appointed day.

18.—(1) The Minister may by order fix in respect of any reserved commodity a day to be the appointed day for the purpose of this Part of this Act.

(2) In this Part of this Act the expression "the appointed day" when used in relation to a reserved commodity means the day appointed by order under this section to be the appointed day in respect of that commodity. 40

Restriction on manufacture of reserved commodities.

19.—(1) On and after the appointed day in respect of any reserved commodity it shall not be lawful for any person to manufacture, by way of trade or for the purposes of gain, such commodity in Saorstát Éireann unless— 45

(a) such person is the holder of a licence (in this Part of this Act referred to as a reserved commodity manufacture licence) granted by the Minister under this Part of this Act authorising such person to manufacture such commodity and such manufacture is carried on by such person within the area specified in such licence, or 50

(b) such manufacture is carried on in direct succession to a deceased person who was at the date of his death manufacturing such commodity under a reserved commodity manufacture licence and such manufacture is carried on during the currency of such licence within the area specified in such licence, between the date of the death of such person and the grant of probate of his will or letters of administration of his personal estate, or after such grant by his personal representative in due course of administration, or 55 60

(c) such manufacture is carried on by an assignee in bankruptcy, a trustee of an arranging debtor, or a receiver or manager appointed by a court in continuation of the business of a person who, immediately before such 65

5 assignee, trustee, receiver or manager commenced to carry on such manufacture, was the holder of a reserved commodity manufacture licence authorising the manufacture of such commodity within the area where such manufacture is so carried on and such manufacture is carried on during the currency of such licence.

(2) Every person who acts in contravention of this section shall be guilty of an offence under this section and shall be liable
10 on summary conviction thereof to a fine not exceeding five hundred pounds and, in the case of a continuing offence, a further fine not exceeding fifty pounds for every day during which the offence is continued.

(3) Where the manufacture of a particular reserved com-
15 modity is being carried on by a person lawfully entitled, by virtue of paragraph (b) or paragraph (c) of sub-section (1) of this section, to carry on such manufacture in succession to a deceased person or in continuation of the business of a person who was the holder of a reserved commodity manufacture licence, such
20 first-mentioned person shall, for the purposes of the succeeding provisions of this Part of this Act, be deemed to be the holder of such licence.

20.—(1) Any person who proposes to manufacture a reserved commodity may apply to the Minister for a reserved commodity
25 manufacture licence.

Application for reserved commodity manufacture licences.

(2) The following provisions shall have effect in relation to any application for a reserved commodity manufacture licence to manufacture a particular reserved commodity, that is to say:—

(a) such application shall be in the prescribed form and be
30 made in the prescribed manner, and

(b) such application shall state—

(i) the area within which the applicant proposes to manufacture such reserved commodity, and

(ii) such other particulars as may be prescribed.

35 (3) Every person who applies for a reserved commodity manufacture licence shall, when required by the Minister so to do, furnish to the Minister all such information as the Minister may require for the consideration of such application.

(4) If any person in furnishing any information in pursuance
40 of a requisition of the Minister under the immediately preceding sub-section makes 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 in the case of a first offence to a fine not exceeding fifty
45 pounds and, in the case of a second or any subsequent offence, to a fine not exceeding one hundred pounds.

(5) In making regulations under this Act in relation to any matter or thing referred to in this section as prescribed, the Minister may make different regulations in respect of different
50 reserved commodities.

21.—(1) Whenever an application is made to the Minister for the grant of a reserved commodity manufacture licence, the Minister may, in his discretion, grant or refuse to grant to the applicant such licence.

Grant of a reserved commodity manufacture licence.

55 (2) Where the Minister refuses to grant a reserved commodity manufacture licence to an applicant who claims that he was, on the date of the application or on the day before the appointed day (whichever is the earlier), manufacturing the reserved commodity to which such application related, the following provisions shall have effect, that is to say:—
60

(a) such applicant may, within three months after such refusal, apply in a summary manner to the High Court for a declaration that such licence should be granted to him;

(b) the High Court, if it is satisfied that such applicant was so manufacturing such reserved commodity as aforesaid and that having regard to all the circumstances of the case it is just and equitable that such licence should be granted to such applicant, may make a declaration that such licence should be granted to such applicant accordingly; 5

(c) whenever the High Court makes an order under this section declaring that a reserved commodity manufacture licence should be granted to a person, the Minister shall, as soon as conveniently may be, grant under and in accordance with this Act such licence to such person. 10

Form and operation of reserved commodity manufacture licences.

22.—(1) Every reserved commodity manufacture licence shall be in the prescribed form and be expressed and operate to authorise the person who is for the time being the holder of such licence to manufacture the particular reserved commodity specified in such licence within the area specified in such licence, but subject to the conditions (if any) attached to such licence. 15

(2) The Minister may, if he so thinks proper, on the application of the holder of a reserved commodity manufacture licence, alter the area specified in such licence. 20

Attachment of conditions to reserved commodity manufacture licences.

23.—(1) Whenever the Minister grants a reserved commodity manufacture licence in respect of a particular area, the Minister may attach to such licence conditions in respect of all or any of the following matters, that is to say:— 25

- (a) the manufacture of the particular reserved commodity to which such licence relates within such area by the holder of such licence at one specified factory only;
- (b) the extent to which materials for the construction or adaptation by such holder of any factory within such area and the plant, equipment, and apparatus of such factory shall be materials, plant, equipment and apparatus produced or manufactured in Saorstát Éireann; 30
- (c) the time within which such holder shall commence to manufacture such reserved commodity within such area; 35
- (d) the maximum quantity of such reserved commodity which may be manufactured in any year at the factory in such area in which such holder manufactures such reserved commodity; 40
- (e) the maximum quantity of such reserved commodity manufactured at such factory which may be sold in any year by such holder;
- (f) the minimum quantity of such reserved commodity which may be manufactured in any year at such factory; 45
- (g) the maximum price which may be charged by such holder for any such reserved commodity manufactured at such factory;
- (h) the nature and quality of such reserved commodity manufactured at such factory; 50
- (i) the mode of manufacture of such reserved commodity at such factory;
- (j) the packing of any such reserved commodity manufactured at such factory; 55
- (k) the employment at such factory of nationals of Saorstát Éireann;
- (l) the extent to which the raw materials and articles used for the manufacture of such reserved commodity at such factory shall be materials and articles produced or made in Saorstát Éireann; 60
- (m) the extent to which the capital invested in the business carried on under such licence is from time to time to be owned by nationals of Saorstát Éireann;

- (n) the extent to which the management of such business is from time to time to be controlled by nationals of Saorstát Eireann;
- (o) the extent to which the directors of the company shall be nationals of Saorstát Eireann;
- (p) the transfer of such licence;
- (q) the returns to be made to the Minister by such holder;
- (r) the records to be kept at such factory and the production of such records for inspection by an officer of the Minister.
- (s) the powers of inspection of such factory by an officer of the Minister;
- (t) the right of taking samples of such reserved commodity manufactured at such factory.

(2) Whenever the Minister attaches any conditions to a reserved commodity manufacture licence he shall specify such conditions in such licence.

(3) The Minister may, if he so thinks fit, on the application of the holder of a reserved commodity manufacture licence, alter any conditions attached to such licence.

24.—If any person who is the holder of a reserved commodity manufacture licence fails, neglects or refuses to observe or comply with any of the conditions attached to such licence, 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 and, in the case of a continuing offence, a further fine not exceeding fifty pounds for every day during which the offence is continued.

Breach of conditions of reserved commodity manufacture licence.

25.—(1) The wages paid by the holder of a reserved commodity manufacture licence to persons employed by him for the purposes of the business authorised by such licence shall not be less than would be payable if such business were carried on under a contract between the Minister and such holder containing a fair wage clause similar to that for the time being contained in contracts made by Ministers and Government Departments.

Payment of fair wages.

(2) If any person who is the holder of a reserved commodity manufacture licence 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 fifty pounds.

26.—(1) The Minister may at any time revoke a reserved commodity manufacture licence on the application of the holder of such licence.

Revocation of reserved commodity manufacture licences.

(2) The Minister may at any time on his own motion revoke a reserved commodity manufacture licence if the holder of such licence has been convicted of an offence under any section contained in this Part of this Act.

Saorstát Éireann.

Saorstát Éireann

BILLE CHUN DEANTUISI DO RIALU,
1934.

CONTROL OF MANUFACTURES BILL
1934.

BILLE

dá ngairmtear

Acht chun an Achta chun Deántúisí do Rialú,
1932, do leasú agus do leathnú agus chun
socrúithe do dhéanamh maidir le nithe
áirithe le n-a ndeighleáil an tAcht san.

BILL

entitled

An Act to amend and extend the Control of
Manufactures Act, 1932, and to make pro-
vision in relation to certain matters dealt
with by the said Act.

Rithite ag dhá Thigh an Oireachtais.

12adh Méan Fómhair, 1934.

Passed by both Houses of the Oireachtas.

12th September, 1934.

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