

SAORSTÁT EIREANN.

BILLE CHUN IOMPORTALANNA DO RIALU 1934.
CONTROL OF IMPORTS BILL, 1934.

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

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SAORSTÁT EIREANN.

BILLE CHUN IOMPORTALANNA DO RIALU, 1934.
CONTROL OF IMPORTS BILL, 1934.

BILL

entitled

5

AN ACT TO MAKE PROVISION FOR THE CONTROL OF IMPORTS AND FOR THAT PURPOSE TO AUTHORISE THE IMPOSITION AND PROVIDE FOR THE ENFORCEMENT OF IMPORT QUOTAS, AND GENERALLY TO MAKE PROVISION FOR MATTERS CONNECTED WITH 10 THE MATTERS AFORESAID.

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

Definitions.

1.—In this Act—

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

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

the expression “preliminary period” means the period beginning at the commencement of the quota order in relation to which the 20 expression is used and ending at the commencement of the first quota period under such quota order.

Divers Matters of Interpretation.

2.—(1) In this Act the word “importation” and cognate words shall be construed as not including or applying to importation for the purposes only of transit and consequent exportation. 25

(2) For the purposes of this Act, importation shall be deemed to take place when the importing conveyance is reported under the Customs Acts.

(3) For the purposes of this Act, goods shall not be deemed to have been manufactured in a particular country unless the prescribed proportion of their value is derived from expenditure of a prescribed kind incurred in the said country in respect of 30 materials produced or work done in that country.

(4) Each of the following persons shall for the purposes of this Act be a national of Saorstát Eireann, that is to say:— 35

(a) a person born in Saorstát Eireann or in the area now comprised in Saorstát Eireann;

(b) a person born outside Saorstát Eireann or the area now comprised in Saorstát Eireann whose mother at the time of his birth was ordinarily resident in Saorstát 40 Eireann or such area;

(c) a person who at the relevant time is and for not less than five consecutive years immediately preceding that time has been ordinarily resident in Saorstát Eireann.

Quota orders.

3.—(1) The Executive Council may at any time by order (in this Act called a quota order) prohibit, subject to the provisions of this Act, the importation into Saorstát Eireann on or after a 45

specified day (in this Act referred to as the commencement of such order) not prior to the date of such order of any particular description or descriptions of goods.

(2) The Executive Council shall, in and by every quota order, 5 appoint the day (not more than six weeks after the commencement of such order) on which the first quota period under such quota order shall commence.

(3) The Executive Council may, in and by any quota order, exempt from the prohibition of importation effected by such 10 order, goods imported in quantities not exceeding a specified amount for the personal use of the importer or members of his household.

(4) No quota order shall apply to or affect the importation into Saorstát Eireann of articles which were (whether before or after 15 the date of such order) manufactured or produced in and exported from Saorstát Eireann.

(5) A quota order shall not be made in respect of any description of goods the importation of which into Saorstát Eireann is for the time prohibited by law otherwise than under this Act.

20 4.—(1) Subject to the provisions of this section every quota order made by the Executive Council under this Act and every order similarly made amending or revoking a quota order shall have statutory effect. Effect and duration of quota orders.

(2) Every quota order made by the Executive Council under 25 this Act and every order similarly made amending a quota order shall cease to have effect at the expiration of six months from the making thereof unless it is approved of by each House of the Oireachtas by resolution passed before the expiration of the said six months.

30 (3) Whenever a quota order has been revoked by an order made by the Executive Council under this Act before such quota order has been approved of by each House of the Oireachtas or a quota order has, by virtue of this section, ceased to have effect, no quota order subsequently made by the Executive Council in respect of 35 the same or substantially the same descriptions of goods as those to which the said quota order so revoked or ceasing to have effect applied shall have effect until it has been approved of by each House of the Oireachtas by resolution, and every such order shall, for the purposes of this Act, be deemed to have been made when 40 it has been so approved.

5.—(1) Whenever and so long as a quota order is in force, it shall not be lawful for any person to import into Saorstát Eireann, otherwise than under and in accordance with a licence in that behalf issued under this Act, any goods the importation of which 45 is prohibited by such quota order. Prohibition of importation contrary to quota order.

(2) Goods the importation of which is for the time being unlawful by virtue of this section 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 50 Consolidation Act, 1876, and the provisions of that Act (as amended or extended by subsequent Acts) relating to the importation of prohibited or restricted goods shall apply accordingly.

6.—(1) Whenever the Executive Council makes a quota order, the Executive Council shall, by order made during the pre- 55 liminary period in respect of such quota order and as soon as may be after the making of such quota order— Appointment of quota periods and quotas.

(a) appoint a period (beginning on the day appointed by such quota order for the commencement of the first quota period thereunder) to be the first quota period under such quota order, and

(b) appoint a specified quantity of goods to which such quota order applies to be the quota for the purposes of this Act in respect of the said first quota period.

(2) So long as any particular quota order is in force the Executive Council shall, during and not less than one month before the end of every quota period under such quota order, by order—

- (a) appoint a period (beginning at the expiration of the said quota period) to be the next quota period under such quota order, and
- (b) appoint a specified quantity of goods to which such quota order applies to be the quota for the purposes of this Act in respect of the said next quota period.

(3) Whenever the Executive Council by order made under this section appoints a quota, the Executive Council may, if they so think fit, by the same order direct that a specified proportion (in this Act referred to as a special quota) of the said quota shall consist of goods which are shown to the satisfaction of the Revenue Commissioners either (as shall be specified in such order)—

- (a) to have been manufactured or produced in a specified country, or
- (b) to have been consigned to the importer from a specified country, or
- (c) to have been manufactured or produced in a specified country and consigned to the importer from that country.

(4) Whenever the Executive Council has, by order made under this section, appointed a quota in respect of any quota period, the Executive Council may, if they so think fit, by order made before the expiration of such quota period increase such quota by such amount (in this Act referred to as an additional quota) as they think proper.

Registers of importers.

7.—(1) Whenever the Executive Council makes a quota order, the Minister shall forthwith establish and shall, so long as such quota order remains in force, maintain a register (in this Act referred to as a register of importers) of persons engaged in the importation into Saorstát Eireann of goods to which such quota order applies.

(2) Whenever and so long as any particular register of importers is maintained in pursuance of this section, there shall be registered and, subject to the provisions of this Act, kept registered in such register every person who applies in the prescribed manner to the Minister for such registration and satisfies the Minister in the prescribed manner that he is either—

- (a) an individual who is a national of Saorstát Eireann and has a place of business in Saorstát Eireann, or
- (b) a partnership carrying on a business whereof more than half the capital is beneficially owned by an individual who is or two or more individuals each of whom is a national of Saorstát Eireann and which has a place of business in Saorstát Eireann, or
- (c) a company registered in Saorstát Eireann under the Companies Acts, 1908 to 1924, or
- (d) a person carrying on a manufacturing undertaking in Saorstát Eireann, or
- (e) a company, not registered or incorporated under the laws of Saorstát Eireann, which has a place of business in Saorstát Eireann and has, during at least the five consecutive years next preceding the establishment of the said register, carried on the business of importing into Saorstát Eireann goods to which the relevant quota order applies.

(3) The Minister may, if he so thinks proper, remove from any register of importers maintained in pursuance of this section—

- (a) any person convicted of an offence under any section of this Act, and

- 5 (b) any person who, having obtained licences under this Act for the importation of goods in two successive quota periods under the same quota order, has not imported under the said licences an aggregate quantity of goods exceeding twenty-five per cent. of the total of the quantities of goods authorised by the said licences respectively to be imported.

8.—(1) Whenever the Executive Council has made a quota order the Minister may, at any time before the expiration of the 10 preliminary period in respect of such quota order, issue to any person who applies in the prescribed manner therefor, a licence expressed to authorise such person to import into Saorstát Eireann during the said preliminary period a specified quantity of goods to which the said quota order applies.

15 (2) If and so far as an application for a licence under this section relates to goods which were actually consigned and in course of transit to the applicant at the commencement of the preliminary period, the Minister shall issue a licence under this section but only for so much of the said goods as will, in the 20 opinion of the Minister, meet the reasonable requirements of the applicant.

17 (3) Every licence issued under this section shall operate to authorise the person specified therein to import into Saorstát Eireann, during the preliminary period specified in such licence, 25 goods of the description and not exceeding the quantity specified in such licence, but subject to due compliance by such person with the law for the time being in force in relation to the importation of such goods and in particular to the payment of the duties of customs (if any) chargeable on such importation.

30 9.—(1) Whenever and so long as a quota order made by the Executive Council under this Act is in force, any person who is 35 for the time being registered in the register of importers maintained in pursuance of this Act for the purposes of such quota order may, not less than fourteen clear days before the commencement of any quota period under such quota order or, in the case 40 of an application in relation to an additional quota, within fourteen days after the fixing of such additional quota, apply in the prescribed manner to the Minister for a licence to import during such quota period a specified quantity of goods to which the said quota order applies.

45 (2) Before the commencement of every quota period under any quota order, the Minister shall issue to every person who has duly applied therefor under this section a licence to import during such quota period a quantity of goods to which such quota order applies determined in accordance with the following provisions, that is to say:—

- 50 (a) if the total quantity of goods for which such licences are so applied for does not exceed seventy-five per cent. of the quota in respect of such quota period, every such licence shall be a licence for the importation of the full quantity of goods mentioned in the application for such licence;
- 55 (b) if the total quantity of goods for which such licences are so applied for exceeds seventy-five per cent. of the said quota but does not exceed the said quota, then either (as the Minister shall in respect of each quota period determine) every such licence shall be a licence for the importation of the full quantity of goods mentioned in the application for such licence or every such licence shall be a licence for the importation of a rateable proportion of the said full quantity, such rateable proportion being so calculated that the total quantity of goods for the importation of which such licences are issued is equal to seventy-five per cent. of the said quota;

Licences for importation during the preliminary period.

Licences for importation during quota periods.

(c) if the total quantity of goods for which such licences are so applied for exceeds the said quota, every such licence shall be a licence for the importation of such quantity of goods (not exceeding the quantity mentioned in the application for such licence) as the 5 Minister shall, in the case of each particular licence, determine having regard to the interests of persons who were ordinarily engaged before the making of such quota order in the importation of goods to which the said quota order applies, but so that the total quantity of goods for the importation of which such licences are issued is not less than seventy-five per cent. of the said quota;

(d) where a special quota or special quotas has or have been fixed in respect of any quota period, each such special 15 quota and also the balance of the quota remaining after deducting such special quota or special quotas shall be deemed to be a separate quota for the purposes of this sub-section, and the provisions of this sub-section shall apply and have effect accordingly; 20

(e) where an additional quota has been fixed in respect of any quota period, such additional quota shall be deemed to be a separate quota for the purposes of this sub-section, and the provisions of this sub-section (save so much thereof as requires the licence to be issued 25 before the commencement of the quota period) shall apply and have effect accordingly. —

(3) During any quota period under any quota order, the Minister may, at his discretion, issue to any person who is for the time being registered in the register of importers maintained in pursuance of this Act for the purposes of such quota order, a licence to import during such quota period a specified quantity of goods to which such quota order applies and may, if he so thinks fit, attach to any such licensee conditions in respect of the country in which goods imported under such licence shall have been manufactured or produced and the country from which such goods shall have been consigned to the importer or in respect of either of those matters, but the total quantity of goods for the importation of which licences are issued under this sub-section in respect of any quota period together with the total 40 quantity of goods for the importation of which in such quota period licences were issued under this section at or before the commencement of such quota period shall not exceed the quota in respect of such quota period.

(4) The Minister may insert in any licence issued under this 45 section a condition as to the route by which goods imported under such licence shall be brought to Saorstát Eireann from the country from which they are consigned to the importer:

(5) Every licence issued under this section shall be expressed to authorise a specified person to import into Saorstát Eireann 50 during a specified quota period a specified quantity of goods of a specified description and shall operate to authorise the said person to import the said goods accordingly, but subject to due compliance by such person with the law for the time being in force in relation to the importation of such goods and in particular 55 to the payment of the duties of customs (if any) chargeable on such importation.

**Issue of extra
licences for
importation in
special cases.**

10.—(1) Where a licence has been issued under this Act and the person to whom such licence was issued fails to import, during the preliminary period or quota period to which such licence 60 relates, the quantity of goods the importation of which is authorised by such licence and it appears to the Minister that such failure was due to causes beyond the control of such person, the Minister may, if he so thinks fit, issue to such person a licence to import during a specified period subsequent to the said pre- 65

liminary period or quota period (as the case may be) and subject to such conditions as the Minister shall think proper to attach to such licence a quantity of goods of the description to which such first-mentioned licence applied but not exceeding the quantity 5 thereof mentioned in such first-mentioned licence.

(2) Every licence issued under this section shall operate to authorise the person named therein to import into Saorstát Eireann goods in accordance with the terms of such licence but subject to due compliance with the law for the time being in 10 force in relation to the importation of such goods and in particular the payment of the duties of customs (if any) chargeable on such importation.

(3) Goods for the importation of which a licence is issued under this section shall not be reckoned as part of any quota 15 fixed under this Act.

11.—The Executive Council may at any time by order amend or revoke any quota order or other order previously made under this Act, including an order made under this section amending a previous order.

20 **12.**—Every person who, for the purpose of procuring the Offences and registration of himself or any other person in a register of penalty importers maintained in pursuance of this Act or obtaining for himself or any other person a licence under this Act for the importation of goods, makes any statement or representation in 25 writing which is to his knowledge false or misleading in a material respect shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds.

30 **13.**—The Minister may by order make regulations prescribing Regulations. any matter or thing which is referred to in this Act as prescribed or to be prescribed.

35 **14.**—The expenses incurred by the Minister in the execution of Expenses. this Act shall, to such extent as shall be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

15.—This Act may be cited as the Control of Imports Act, 1934. Short title.

Saorstát Eireann.

BILLE CHUN IOMPORTALANNA DO RIALU, 1934.

BILLE

dá ngairmtear

Acht chun soeruite do dhéanamh chun iomportálanna do rialú agus chuige sin a údarú go leagfar amach agus a shocrú go gcuirfear i bhfeidhm quotanna iomportála, agus go generálta chun soeruite do dhéanamh i dtaobh nithe bhaineas leis na nithe roimhráite.

Rithte ag dhá Thígh an Oireachtais 22adh Márta, 1934.

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

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Saorstát Eireann.

CONTROL OF IMPORTS BILL, 1934.

BILL

entitled

An Act to make provision for the control of imports and for that purpose to authorise the imposition and provide for the enforcement of import quotas, and generally to make provision for matters connected with the matters aforesaid.

Passed by both Houses of the Oireachtas
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