

# SAORSTÁT ÉIREANN.

## BILLE MUC AGUS BAGUIN, 1934. PIGS AND BACON 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 MUC AGUS BAGUIN, 1934.  
PIGS AND BACON BILL, 1934.

## BILL

*entitled*

AN ACT TO MAKE PROVISION FOR THE CONTROL AND REGULATION OF THE PRODUCTION AND MARKETING OF BACON AND TO MAKE PROVISION FOR DIVERS MATTERS CONNECTED THEREWITH, INCLUDING THE REGULATION OF THE PRICE OF PIGS.

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

### PART I.

#### PRELIMINARY AND GENERAL.

Short Title and  
Commencement.

1.—(1) This Act may be cited as the Pigs and Bacon Act, 1935. 15

(2) This Act shall come into operation on such day or days as shall be fixed therefor by an Order made by the Minister, either generally or with reference to any particular Part or provision, and different days may be so fixed for different Parts and different provisions of this Act. 20

Definitions.

2.—In this Act—

the expression “ the Minister ” means the Minister for Agriculture;

the word “ carcase ” means the carcase of a pig, whether wholly or partly eviscerated; 25

the word “ bacon ” includes ham and gammons;

the word “ offals ” means any part of a pig (other than the carcase) which is capable of use for food for human consumption;

the expression “ the Bacon Marketing Board ” means the Bacon Marketing Board to be established under Part III of this Act; 30

the expression “ the Pigs Marketing Board ” means the Pigs Marketing Board to be established under Part IV of this Act;

the expression “ local sanitary authority ” means a sanitary authority for the purposes of the Public Health (Ireland) Acts, 1878 to 1931; 35

the expression “ the local slaughter-house authority ” means the local authority having in the place in relation to which the expression is used powers of registering and licensing slaughter-houses;

the expression “ office hours ” means— 40

(a) in relation to any day (not being a Sunday, a bank holiday, or a locally observed holiday or half-holiday) any time between the hours of ten o'clock in the morning and five o'clock in the afternoon during which business is being carried on or work is being done at the premises in relation to which the expression is used; and 45

(b) in relation to any locally observed half-holiday, any time between the hours of ten o'clock in the morning and one o'clock in the afternoon during which business is being carried on or work is being done at the premises in relation to which the expression is used. 50



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

Service of documents.

- 5 (a) by delivering to such person such document, or  
(b) by sending such document by post in a prepaid registered letter addressed to such person at the address where he carries on business.

(2) For the purposes of this section a body corporate registered in Saorstát Eireann under the Companies Acts, 1908 to 1924, shall  
10 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 of business in Saorstát Eireann.

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

Expenses of the Minister.

## PART II.

### 20 REGULATION OF THE BUSINESS OF CURING BACON AND OF THE CONSIGNMENT (INCLUDING EXPORTATION) OF BACON.

#### *Preliminary and General.*

5.—In this Part of this Act—  
the expression “pork butcher” means a person who sells or  
exposes for sale pork;  
25 the word “carcase” when used in relation to a pork butcher does not include the head, feet, or offals of a pig;  
the word “bacon” when used in relation to a pork butcher means a carcase or any part of a carcase which has been subjected to any process of preservation;  
30 the expression “the appointed day” means the day appointed by the Minister under this Part of this Act to be the appointed day for the purposes of this Part of this Act;  
the expression “the qualifying period” means the period of twelve months ended on the 30th day of April, 1935;  
35 the expression “the preliminary period” means the period of two years commencing on the appointed day;  
the word “inspector” means a person authorised in writing by the Minister to exercise the powers conferred on an inspector by this Part of this Act;  
40 the expression “veterinary examiner” means a person appointed by the Minister to be a veterinary examiner for the purposes of this Part of this Act;  
the expression “veterinary inspector” means an officer of the Minister authorised in writing (either generally or for a special  
15 purpose) by the Minister to exercise all or any of the powers and perform all or any of the duties conferred or imposed on a veterinary inspector by this Part of this Act;  
the word “prescribed” means prescribed by regulations made under this Part of this Act.

Definitions for purposes of Part II.

50 6.—The Minister may by order appoint a day to be the appointed day for the purposes of this Part of this Act.

The appointed day.

7.—Any offence under any section contained in this Part of this Act may be prosecuted by or at the suit of the Minister as  
prosecutor.

Prosecutions under Part II.

55 8.—(1) The Minister may by order make regulations in relation to any matter referred to in this Part of this Act as prescribed.

Regulations under Part II.

(2) Every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made, and, if a resolution annulling such regulation  
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is passed by either such House within the next subsequent twenty-one days on which that House has sat after such regulation is so laid before it, such regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done under such regulation.

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Collection and disposition of fees.

9.—(1) All fees paid to the Minister under this Part of this Act shall be collected in money and taken in such manner as the Minister for Finance may from time to time direct, and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the Minister for Finance.

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(2) The Public Offices Fees Act, 1879, shall not apply in respect of any fees payable under this Part of this Act.

*Registration of Minor Curers and Pork Butchers.*

Register of minor curers and register of pork butchers.

10.—(1) The Minister shall cause to be kept until the expiration of the preliminary period a register to be called and known as the register of minor curers.

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(2) The Minister shall cause to be kept a register to be called and known as the register of pork butchers.

(3) There shall be entered in every register kept under this section the matters required by this Part of this Act to be entered in such register.

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Applications for registration.

11.—(1) Any person (in this Act referred to as a qualified minor curer)—

(a) who carried on at any premises during not less than eight months in the qualifying period the business of curing bacon, and

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(b) who during the qualifying period manufactured at such premises less than two thousand two hundred hundredweights of bacon, may, before the appointed day, apply to the Minister to be registered in the register of minor curers in respect of such premises.

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(2) Any person (in this Act referred to as a qualified pork butcher)—

(a) who carried on at any premises during the qualifying period, the business of pork butcher, and

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(b) who, in the course of such business, during the qualifying period manufactured at such premises bacon from carcasses representing not more than fifteen per cent. by weight of the carcasses used by him during the qualifying period and dealt with at such premises, and

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(c) who, during the qualifying period, manufactured at such premises not more than four hundred hundredweights of bacon,

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may, before the appointed day, apply to the Minister to be registered in the register of pork butchers in respect of such premises.

(3) Any person—

(a) who carries on at any premises the business of pork butcher, and

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(b) who is not a qualified pork butcher, and

(c) who desires to carry on the business of curing bacon at such premises,

may, after the appointed day, apply to the Minister to be registered in the register of pork butchers in respect of such premises.

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(4) Every application for registration in the register of minor curers or the register of pork butchers shall—

(a) be made in the prescribed form and manner and contain the prescribed particulars, and

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(b) relate to one set of premises only.



(5) In making regulations in relation to any matter or thing referred to in this section as prescribed, different regulations may be made in respect of applications for registration in different registers and in respect of applications by qualified pork butchers and persons who are not qualified pork butchers.

12.—(1) On receipt of an application for registration in the register of minor curers by a qualified minor curer made under and in accordance with the immediately preceding section, the Minister shall enter in such register the name and address of the applicant and particulars of the premises specified in such application in respect of which registration is sought. Registration of persons and premises.

(2) On receipt of an application for registration in the register of pork butchers by a qualified pork butcher made under and in accordance with the immediately preceding section, the Minister shall enter in such register the name and address of the applicant and particulars of the premises specified in such application in respect of which registration is sought.

(3) On receipt of an application for registration in the register of pork butchers by a person who is not a qualified pork butcher made under and in accordance with the immediately preceding section, the Minister may, after consultation with the local slaughter-house authority, enter in such register the name and address of the applicant and particulars of the premises specified in such application in respect of which registration is sought.

(4) References in this Act to a registered minor curer and a registered pork butcher shall be construed as references to a person for the time being registered in the register of minor curers and a person for the time being registered in the register of pork butchers respectively.

13.—(1) Every applicant for registration in the register of minor curers or the register of pork butchers shall pay to the Minister in respect of each application a fee of five pounds, the payment of which shall be a condition precedent to the entertainment of such application by the Minister. Fees on applications.

(2) Where an application for registration in the register of minor curers or the register of pork butchers is refused by the Minister, the fee paid under this section in respect of such application shall be repaid to the applicant.

14.—(1) Every persons registered in the register of pork butchers in respect of any premises shall be registered subject to the following conditions (in this section referred to as the conditions of registration of pork butchers), that is to say:— Conditions of registration in register of pork butchers.

(a) that such person shall not, during any period of twelve months commencing on or after the appointed day, manufacture into bacon at such premises carcases representing more than fifteen per cent. by weight of the carcases used by him during such period and dealt with at such premises, and

(b) that such person shall not during any such period manufacture at such premises more than four hundred hundredweights of bacon.

(2) If any registered pork butcher fails to comply with the conditions of registration of pork butchers, such pork butcher shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

15.—(1) Every person who was, during the whole or any part of any accounting period which falls within the preliminary period, registered in the register of minor curers in respect of any premises shall do both of the following things, that is to say:— Returns by and fees payable by registered persons.



(a) send by post to the Minister not later than seven days after the expiration of such accounting period a return, in the prescribed form, showing the number of carcasses used for the production of bacon during such accounting period at such premises, and

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(b) pay to the Minister, in accordance with this section, a fee (in this section referred to as a minor curer's fee) calculated at the rate of two shillings for every carcass used for the production of bacon during such accounting period at such premises.

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(2) Every person who was, during the whole or any part of any accounting period, registered in the register of pork butchers in respect of any premises shall do both of the following things, that is to say:—

(a) send by post to the Minister not later than seven days after the expiration of such accounting period a return, in the prescribed form, showing the quantity (in terms of hundredweights) of pork used for the production of bacon during such accounting period at such premises, and the quantity (in terms of hundredweights) of pork sold as fresh pork during such accounting period, at such premises, and

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(b) pay to the Minister, in accordance with this section, a fee (in this section referred to as a pork butcher's fee) calculated at the rate of two shillings for every hundredweight of pork used for the production of bacon during such accounting period at such premises.

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(3) Where—

(a) a person is, at the commencement of any accounting period, registered in any register kept in pursuance of this Part of this Act in respect of any premises, and

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(b) another person claiming through such first-mentioned person is, at the expiration of such accounting period, registered in such register in respect of such premises,

such last-mentioned person shall for the purposes of the two immediately preceding sub-sections be deemed to have been registered in such register in respect of such premises during the whole of such accounting period.

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(4) As soon as may be after the seventh day after the expiration of every accounting period which falls within the preliminary period, the Minister shall make, in respect of every person who was, during such period or any part thereof, registered in the register of minor curers in respect of any premises and who used for the production of bacon any carcasses during such period at such premises (whether such person has or has not made the return required by sub-section (1) of this section), a certificate (in this section referred to as a certificate of indebtedness) certifying the amount of the minor curer's fee payable by such person for such period.

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(5) As soon as may be after the seventh day after the expiration of every accounting period the Minister shall make, in respect of every person who was, during such period or any part thereof, registered in the register of pork butchers in respect of any premises and who used for the production of bacon any pork during such period at such premises (whether such person has or has not made the return required by sub-section (2) of this section), a certificate (in this section also referred to as a certificate of indebtedness) certifying the amount of the pork butcher's fee payable by such person for such period.

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(6) Every certificate of indebtedness shall be *prima facie* evidence of all matters purported to be certified therein, and any document purporting to be a certificate of indebtedness issued under this section shall, on production thereof in any proceedings

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to recover the amount thereby certified to be payable, be deemed, until the contrary is proved, to be a certificate of indebtedness duly issued under this section and shall be admitted in evidence accordingly.

- 5 (7) Whenever the Minister makes a certificate of indebtedness he shall cause a copy of such certificate to be served on the person to whom such certificate relates, and thereupon the amount of the fee stated in such certificate shall become and be payable by such person to the Minister within seven days after such service of such certificate and shall, at the expiration of such seven  
10 days, be recoverable by the Minister from such person as a simple contract debt in any court of competent jurisdiction.

(8) If any person—

- 15 (a) fails to make any return which he is required by this section to make, or  
(b) makes any such 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 a fine not exceeding  
20 fifty pounds.

(9) Every fee paid to or recovered by the Minister 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.

- 25 (10) For the purposes of this section the month commencing on the appointed day and every subsequent month shall be an accounting period.

30 16.—(1) Any inspector shall be entitled (subject to the production by him if so required of his authority in writing as such inspector) at all reasonable times to enter any premises entered in the register of minor curers or the register of pork butchers and to inspect such premises and the plant, appliances, and equipment therein and all pigs, pork and bacon in such premises and to observe all or any of the processes used in the business carried on  
35 in such premises.

Inspection of registered premises.

(2) Every person who obstructs or impedes an inspector in the exercise of any of the 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 a fine not exceeding five pounds.

40 17.—(1) On and after the appointed day it shall be the duty of every person registered in the register of minor curers or the register of pork butchers in respect of any premises to keep or cause to be kept at such premises the following records, that is to say:—

Records to be kept at registered premises.

- 45 (a) if such premises are entered in the register of minor curers, records of all carcasses used for the production of bacon at such premises, or  
(b) if such premises are entered in the register of pork butchers, records of all pork used for the production  
50 of bacon on such premises,

and within twenty-four hours after such user to enter or cause to be entered in such records the prescribed particulars thereof.

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

(3) If any person liable under this section to keep a record in respect of any premises—



- (a) fails to keep or cause to be kept such record as is required by this section, or
  - (b) fails to make or cause to be made in such record within the time fixed by this section any entry required by this section to be made therein, or
  - (c) fails to produce or cause to be produced for the inspection of an inspector on demand any record, document, or copy of a document which he is required by this section so to produce, or obstructs any such inspector in the making of such inspection, or
  - (d) makes or causes to be made in such record any entry which is false or misleading in any material particular,
- 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.
- (4) For the purposes of this section—
- (a) inspection of a record or document shall include taking copies thereof or extracts therefrom; and
  - (b) a demand for an inspection of a record required by this section to be kept in respect of any premises, or of any other document reasonably demanded by an inspector under this section for the purpose of verifying any entry in or explaining any omission from such record, shall be deemed to have been duly made to the person liable under this section to keep such record if such demand is made verbally at the premises to any individual in the employment of such person; and
  - (c) a refusal or failure to produce a record required by this section to be kept in respect of any premises, or any other document reasonably demanded by an inspector under this section for the purpose of verifying any entry in or any omission from such record, if made or committed by an individual in the employment of the person liable under this section to produce such record or document shall be deemed to have been made or committed by such person.

Change of  
registration on  
death or transfer  
of business.

18.—(1) Where any person registered in any register kept in pursuance of this Part of this Act dies the Minister shall, on the application of the personal representative of such person, insert in the said register the name of such personal representative in lieu of that such person.

(2) Where the ownership of any business carried on at premises entered in any register kept in pursuance of this Part of this Act has been transferred to another person, the Minister shall, on the application of such person, insert in such register the name of such person in lieu of that of the person previously registered therein.

Cancellation of  
registration.

19.—(1) Immediately upon the expiration of the preliminary period the registration of every person then registered in the register of minor curers shall be cancelled with effect as from such expiration.

(2) Where a registered minor curer is convicted of an offence under any section of this Act or under section 9 of the Control of Manufactures Act, 1934 (No. 36 of 1934), the Minister may cancel the registration of such curer in the register of minor curers or, where such person has been registered in such register in respect of two or more sets of premises, all the registrations in such register of such curer.

(3) Where a registered pork butcher is convicted of an offence under any section of this Act or under section 9 of the Control of Manufactures Act, 1934 (No. 36 of 1934), the Minister may cancel the registration of such butcher in the register of pork butchers or, where such butcher has been registered in such register in respect of two or more sets of premises, all the registrations in such register of such butcher.



20.—(1) Every register kept in pursuance of this Part of this Act shall be—

Provisions in relation to registers.

5 (a) deemed to be in the proper custody when in the custody of the Minister or of an officer of the Minister authorised in that behalf by the Minister, and

(b) admissible in evidence without further proof on production from the proper custody.

10 (2) Conclusive evidence of any entry in any register kept in pursuance of this Part of this Act may be given in any court or any legal proceedings by the production of a copy of such entry purporting to be certified to be a true copy by any officer of the Minister authorised in that behalf, and it shall not be necessary to prove the signature of such officer or that he was in fact such officer or was so authorised.

15 (3) A certificate, purporting to be under the hand of an officer of the Minister authorised in that behalf by the Minister, that any premises specified in such certificate are not entered in a specified register kept in pursuance of this Act shall be conclusive evidence of the matters so certified, and it shall not be necessary to prove the signature of such officer, or that  
20 he was in fact such officer, or was in fact so authorised.

(4) Any person may—

25 (a) inspect any register kept in pursuance of this Part of this Act on payment of a fee of one shilling for each inspection;

30 (b) obtain a copy certified in manner hereinbefore mentioned to be a true copy of any entry in any register kept in pursuance of this Part of this Act on payment of a fee of sixpence for each folio of seventy-two words of the copy;

35 (c) obtain such certificate as is hereinbefore mentioned that any specified premises are not registered in a specified register kept in pursuance of this Part of this Act on payment of a fee of two shillings and sixpence for such certificate.

*Licensing of Persons Engaged in the Business of Curing Bacon.*

21.—(1) Any person may apply to the Minister for either—

Applications for curing licences and curing and slaughtering licences.

40 (a) a licence (in this Act referred to as a curing licence) to carry on in specified premises the business of curing bacon from the carcasses of pigs other than pigs slaughtered in such premises, or

45 (b) a licence (in this Act referred to as a curing and slaughtering licence) to carry on in specified premises the business of curing bacon and also the business of slaughtering pigs.

(2) Every application for a licence shall—

(a) be made in the prescribed form and contain the prescribed particulars, and

50 (b) relate to one set of premises only.

(3) Where—

(a) premises are used exclusively for the business of slaughtering pigs; and

55 (b) other premises situate within one mile from such first-mentioned premises are used for the manufacture of bacon from the carcasses of pigs slaughtered at such first-mentioned premises;

both such premises shall be deemed for the purposes of the immediately preceding sub-section to be one set of premises.

60 (4) In making regulations in relation to any matter or thing referred to in this section as prescribed, different regulations may be made in respect of applications for different kinds of licences.



(5) Where an application is made under this section for a licence, the Minister shall cause the premises to which the application relates to be inspected by an inspector.

Operation of  
licences.

**22.**—(1) Every curing licence shall be expressed and operate to authorise the holder of such licence to carry on in the premises specified in such licence, so long as such licence is in force, the business of manufacturing bacon from the carcases of pigs, other than pigs slaughtered in such premises.

(2) Every curing and slaughtering licence shall be expressed and operate to authorise the holder of such licence to carry on in the premises specified in such licence, so long as such licence is in force, the business of manufacturing bacon and also the business of slaughtering pigs.

Construction of  
references to  
licences,  
licensees, etc.

**23.**—In this Act—

the word “ licence ” when used without qualification shall be construed as equivalent to the expression “ a curing licence or a curing and slaughtering licence ”;

the word “ licensee ” means a person who is the holder of a licence;

the expression “ licensed curing premises ” means premises in respect of which a curing licence is in force;

the expression “ licensed curing and slaughtering premises ” means premises in respect of which a curing and slaughtering licence is in force;

the expression “ licensed premises ” when used without qualification means premises which are either licensed curing premises or licensed curing and slaughtering premises.

Grant of licences.

**24.**—(1) Subject to the provisions of this section, the Minister shall have absolute discretion to grant or refuse to grant an application for a licence.

(2) Where—

(a) an application is made before the appointed day for a licence in respect of any premises, and

(b) the applicant satisfies the Minister that—

(i) he was at the date of the passing of this Act carrying on the business of curing bacon, and

(ii) he manufactured at such premises, during the qualifying period, not less than two thousand two hundred hundredweights of bacon,

the Minister shall, subject however to the provisions of subsections (7) and (8) of this section, grant such application.

(3) Where—

(a) an application is made, after the expiration of the preliminary period and within one month after such expiration, for a licence in respect of any premises, and

(b) the applicant was, immediately before such expiration, registered in the register of minor curers in respect of such premises, and

(c) the applicant satisfies the Minister that he manufactured at such premises—

(i) during not less than forty-five weeks in the first twelve months of the preliminary period, at least one thousand five hundred hundredweights of bacon, and

(ii) during not less than forty-five weeks in the remainder of the preliminary period, at least two thousand two hundred hundredweights of bacon,

the Minister shall, subject however to the provisions of subsections (7) and (8) of this section, grant such application.

(4) Where—

(a) an application is made after the appointed day for a curing and slaughtering licence in respect of any premises, and



(b) the applicant is the holder of a curing licence in respect of the whole or any part of such first mentioned premises,  
the Minister shall, subject however to the provisions of sub-sections (7) and (8) of this section, grant such application, and thereupon such curing licence shall cease to be in force.

(5) Where—

(a) an application is made at any time by a company, registered under the Companies Acts, 1908 to 1924, or a society registered under the Industrial and Provident Societies Act, 1893, for a licence in respect of any premises, and

(b) such company or society satisfies the Minister that the number of its shareholders or members is not less than one thousand and that each shareholder or member is a pig producer in Saorstát Eireann,  
the Minister shall, subject to the provisions of sub-sections (7) and (8) of this section, grant such licence.

(6) Where the Minister proposes after the date of the establishment of the Bacon Marketing Board to grant, otherwise than under sub-sections (3), (4) or (5) of this section, a licence, he shall consult the said Board before granting such licence.

(7) The Minister shall not grant a licence unless he is satisfied that the premises to which such licence will relate comply with the following conditions (in this Part of this Act referred to as conditions of cleanliness and suitability of premises) that is to say:—

(a) that such premises are structurally suitable and adequate for the volume of business carried on therein at the date of the application for such licence; and

(b) that there are in such premises suitable and adequate facilities for the artificial chilling of carcasses and parts thereof; and

(c) that such premises and the equipment, fittings, and appliances therein are suitable and adequate for the production of bacon and are in a state of cleanliness and good repair; and

(d) that there are in such premises suitable and adequate facilities for the sterilisation of equipment, fittings and appliances; and

(e) that such premises are situated in such position and used in such manner as to prevent the exposure of pigs, carcasses or bacon to any effluvium from any drain, cesspool, refuse heap or other source of contamination; and

(f) that such premises are provided with suitable and adequate facilities for the proper disposal of washings and waste; and

(g) that there is available on such premises such adequate supply of good and wholesome water as may from time to time be reasonably necessary; and

(h) that suitable and adequate facilities are provided in such premises for the veterinary examination of carcasses and bacon; and

(i) that locked-up accommodation is provided on such premises for the safe custody of certificates, marks, records, and equipment.

(8) The Minister shall not grant a curing and slaughtering licence unless he is satisfied that the premises to which such licence will relate comply with the following conditions (in this Part of this Act referred to as conditions of suitability of slaughtering premises) that is to say:—

(a) that such premises are structurally suitable for the slaughtering of pigs; and

(b) that adequate facilities are provided in such premises for the veterinary examination of pigs ante mortem and post mortem and of the viscera of pigs; and

(c) that suitable and adequate facilities are provided in or in respect of such premises for the penning and resting of pigs before slaughter; and



- (d) that such premises are equipped with the prescribed plant and equipment; and
- (e) that such premises are provided with suitable and adequate facilities for the proper disposal of blood; and
- (f) that there are employed in such premises one or more persons skilled in the slaughtering of pigs.

(9) The Minister shall, before granting a licence, consult the local slaughter-house authority (if any).

(10) Where an application is made before the appointed day for a licence, and the Minister proposes to refuse to grant such licence, the Minister shall send by post to the applicant at his address as stated in the application one fortnight's notice of the Minister's intention to refuse the grant of such licence and of the reasons for such refusal and shall consider any representations made by the said applicant before the expiration of such notice.

(11) Where—

- (a) premises are used exclusively for the business of slaughtering pigs; and
- (b) other premises situate within one mile from such first-mentioned premises are used for the manufacture of bacon from the carcases of pigs slaughtered at such first-mentioned premises;

both such premises shall be deemed for the purposes of subsection (2) of this section to be one set of premises.

Fees on applications for licences.

25.—(1) Every applicant for a licence shall pay to the Minister in respect of each application a fee of ten pounds, the payment of which shall be a condition precedent to the entertainment of such application by the Minister.

(2) Where an application for a licence is refused by the Minister, the Minister may, if he thinks fit, repay to the applicant the fee paid under this section in respect of such application.

Provisional licences.

26.—(1) Where an application has been duly made for the grant of a licence and the Minister is not satisfied that the premises to which such application relates comply with the conditions of cleanliness and suitability of premises and (where the application is for a curing and slaughtering licence) with the conditions of suitability of slaughtering premises, the Minister may, if he so thinks fit and is satisfied that there are in such premises suitable and adequate facilities for the artificial chilling of carcases and parts thereof, grant to the applicant a provisional curing licence or a provisional curing and slaughtering licence, as the case may require.

(2) The provisions of this Part of this Act in relation to the form, operation, recording and revocation of licences, and as to the rights, duties and obligations of licensees under such licences, shall apply to provisional licences granted under this section and to licensees under such licences, but with and subject to the following modifications, that is to say:—

- (a) every such provisional licence, if not previously revoked, shall expire at the end of twelve months from the grant thereof;
- (b) the grant of such provisional licence shall not prevent the Minister granting to the licensee thereunder, at or before the expiration thereof, a licence (in this section referred to as a permanent licence) under any section of this Part of this Act other than this section;
- (c) the grant of a permanent licence to a licensee under a provisional licence which has not expired shall operate as a revocation of such provisional licence.

Evidence.

27.—A certificate purporting to be under the hand of an officer of the Minister, authorised by the Minister in that behalf certifying the matters mentioned in any one of the following paragraphs, that is to say:—

- (a) that a person named in such certificate was not during a specified period the holder of a curing licence;



- (b) that a person named in such certificate was not during a specified period the holder of a curing and slaughtering licence;
- 5 (c) that a person named in such certificate was not during a specified period the holder of a curing licence or a curing and slaughtering licence;
- (d) that premises specified in such certificate were not during a specified period premises in respect of which a curing licence was in force;
- 10 (e) that premises specified in such certificate were not during a specified period premises in respect of which a curing and slaughtering licence was in force;

shall be conclusive evidence of the matters so certified and it shall not be necessary to prove the signature of such officer or  
15 that he was in fact such officer or was so authorised.

28.—(1) Every person who holds or has held a licence shall, for every half-year during which or any part of which he held such licence, pay to the Minister in respect of such licence a fee (in this section referred to as the bacon curer's fee) calculated  
20 at the rate of a prescribed sum (not exceeding sixpence) for every pig or carcase presented, at the premises to which such licence relates, for veterinary examination under this Part of this Act, during such half-year. Fees payable by licensees.

(2) As soon as may be after the expiration of every half-year  
25 the Minister shall ascertain, in respect of every person who during the whole or any part of such half-year held a licence, the amount of the bacon curer's fee payable by such person for such half-year in respect of such licence.

(3) Where a licence held by a person is revoked by the Minister  
30 under this Part of this Act, the bacon curer's fee payable by such person in respect of such licence for the half-year then current, shall, if the Minister so directs, be ascertained immediately upon such revocation and not under the foregoing sub-section.

(4) Where a licence has been held by two or more persons in  
35 succession during a half-year, such licence shall, for the purposes of this section, be deemed to have been held during the whole of such half-year by the person who last held the same during such half-year and not to have been held by any other person at any time during such half-year.

(5) When and so soon as the amount of any bacon curer's fee  
40 has been ascertained under the foregoing provisions of this section, the Minister shall make a certificate (in this section referred to as a certificate of indebtedness) certifying the half-year for which such fee is payable, the person by whom and the  
45 premises in respect of which, such fee is payable, and the amount of such fee.

(6) Every certificate of indebtedness shall be *prima facie* evidence of all matters purported to be certified therein and any document purporting to be a certificate of indebtedness issued  
50 under this section shall, on production thereof in any proceedings to recover the amount thereby certified to be payable, be deemed until the contrary is proved to be a certificate of indebtedness duly issued under this section and shall be admitted in evidence accordingly.

(7) As soon as may be after the making of a certificate of  
55 indebtedness, a copy thereof shall be served on the person thereby certified as liable to pay the amount of the bacon curer's fee mentioned therein and immediately upon such service such amount shall become and be payable by such person to the Minister and  
60 shall, after the expiration of fourteen days from such service, be



recoverable by the Minister as a simple contract debt in any court of competent jurisdiction.

(8) If any licensee fails or neglects to pay the amount certified by a certificate of indebtedness to be payable by him within four weeks after the service of a copy of such certificate on him, the Minister may revoke the licence in respect of which such amount is payable, but such revocation shall not relieve such person from liability to pay the said amount. 5

(9) In this section the expression " half-year " means a period of six months commencing on any 1st day of January or 1st day of July. 10

(10) Regulations made in relation to any sum referred to in this section as prescribed shall be made with the consent of the Minister for Finance.

Devolution of  
licence on death  
and transfer of  
licence

**29.**—(1) Whenever an individual who is the licensee under a licence dies, such licence shall devolve upon the legal personal representative of such licensee as part of his personal estate and such legal personal representative shall become and be for all purposes the licensee under such licence. 15

(2) Whenever the premises to which a licence relates have been transferred to or become vested in a person other than the licensee under such licence, the Minister may, if he so thinks fit, on the application of such licensee or the legal personal representative or the liquidator of such licensee, transfer such licence to the person to or in whom the said premises have been transferred or become vested. 20 25

Alteration and  
revocation of  
licences.

**30.**—(1) The Minister may at any time, upon the application of the licensee under a licence or of the legal personal representative or the liquidator of such licensee, alter or revoke such licence.

(2) The Minister may at any time, on his own motion but subject to the provisions of this section, revoke a licence if he is satisfied— 30

(a) that such licence was obtained by fraud or by misrepresentation, or

(b) that the premises to which such licence relates have ceased to comply with any of the conditions of cleanliness and suitability of premises or (in the case of a curing and slaughtering licence) with any of the conditions of suitability of slaughtering premises, or 35

(c) that bacon has ceased to be produced in the said premises. 40

or  
(d) that the licensee under such licence has ceased to be the owner of the said premises and such licence has not been transferred by the Minister to any other person, 45

or  
(e) that such licensee, if an individual, has died or, if an incorporated body, has been dissolved and such licence has not been transferred by the Minister to another person within three months after such death or dissolution, or 50

(f) that such licensee has been adjudicated a bankrupt, or

(g) that in the opinion of the Minister there has been a contravention (whether by way of commission or omission) by such licensee of any of the provisions of this Act or any regulations made under this Act, or 55

(h) that such licensee has been convicted of an offence under section 9 of the Control of Manufactures Act, 1934, (No. 36 of 1934).



(3) Before revoking (otherwise than in accordance with an application in that behalf made under this section) a licence the Minister shall serve a notice in writing on the holder of such licence or his personal representative (if any) or its liquidator (as the case may be) stating his intention to revoke such licence and the reasons therefor, and whenever any such notice is so given the following provisions shall have effect, that is to say:—

(a) the Minister shall not revoke such licence until the expiration of one month after the service of such notice, and  
10 (b) where any representations are made within seven days after the service of such notice by the person to whom such notice is given, the following provisions shall have effect, that is to say:—

(i) the Minister shall consider such representations, and  
15 (ii) unless, as a result of such consideration, he decides not to revoke such licence, the Minister, in case such person, within seven days after the service of such notice, requests that an inquiry be held in relation to the matter, shall or, in any other case if he thinks fit so to do, may cause such inquiry to be held, and

20 (iii) where the Minister causes any such inquiry to be held, he shall not revoke such licence until such inquiry has concluded; and

25 (c) the following provisions shall have effect in relation to every inquiry held under this sub-section, that is to say:—

(i) the Minister shall appoint a person, being a practising barrister of at least ten years' standing to hold such inquiry, and the person so appointed shall have power to take evidence on oath which he is hereby authorised to administer;

30 (ii) the Minister shall give to the person in relation to whom such inquiry is to be held notice of the time and place of the holding of such inquiry, and such person shall be entitled to appear at such inquiry personally or by counsel or solicitor, and to adduce evidence.

40 (4) There shall be paid to a person appointed to hold an inquiry under the immediately preceding sub-section such remuneration as the Minister, with the consent of the Minister for Finance, shall fix.

31.—(1) Whenever the Minister grants a licence he shall communicate to the Bacon Marketing Board and to the Pigs Marketing Board the fact of the grant of such licence together with such particulars of such licence as the said Boards may respectively require.

Notification of grant and revocation of licences to Bacon Marketing Board and Pigs Marketing Board.

50 (2) Whenever the Minister revokes a licence he shall communicate to the Bacon Marketing Board and to the Pigs Marketing Board the fact of such revocation together with such particulars thereof as he shall think proper.

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

Returns under Part II by licensees.

55 (a) the returns to be made by holders of licences;  
(b) the persons to whom such returns are to be made;  
(c) the times at which such returns are to be made;  
(d) the forms in which such returns are to be made.

60 (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, or who makes in any such return any statement which is false or misleading in any material respect, shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence, to a fine not exceeding ten pounds, and, in the case of a second or any subsequent offence, to a fine not exceeding twenty-five pounds.



33.—(1) Every licensee under a licence shall keep or cause to be kept at the premises to which such licence relates such records as the Minister may, in each individual case, consider satisfactory of all consignments of bacon received into and dispatched from such premises, whether such bacon has or has not been produced at such premises, and within twelve hours after the receipt or dispatch of any such consignment shall enter or cause to be entered in such records such particulars as the Minister may require of the bacon comprised therein and the name and address of the person from whom it was received or to whom it was dispatched (as the case may be), and in regard to any consignment dispatched from the premises the route by which the same was consigned.

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

(3) If any person—

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

he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

(4) For the purposes of this section—

- (a) inspection of a record or document shall include taking copies thereof or extracts therefrom; and
- (b) a demand for an inspection of a record required by this section to be kept at any premises, or of any other document reasonably demanded by an inspector under this section for the purpose of verifying any entry in or explaining any omission from such record, shall be deemed to have been duly made to the person liable under this section to keep such record if such demand is made verbally at such premises to any individual in the employment of such person; and
- (c) a refusal or failure to produce a record required by this section to be kept at any premises or any other document reasonably demanded by an inspector under this section for the purpose of verifying any entry in or any omission from such record if made or committed at such premises by an individual in the employment of the person liable under this section to produce such record or document shall be deemed to have been made or committed by such person.

34.—(1) The Minister may publish in such manner as he may think fit—

- (a) all or any of the matters entered in the register of minor curers or the register of pork butchers;



- (b) notice of any cancellation or alteration of registration in either of the said registers;
- (c) particulars of all or any licences issued by him;
- (d) notice of the alteration or revocation by him of any licence;
- (e) notice of any conviction for an offence under any section contained in this Part of this Act.

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

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

**35.**—(1) The Minister shall cause a record (in this Act referred to as the record of licences) to be kept of all licences granted by him. Record of licences.

(2) Whenever a licence is granted, the Minister shall cause to be entered forthwith in the record of licences—

- (a) the grant of such licence, and
- (b) the date on which such licence was granted, and
- (c) the full name and description of the person to whom such licence was granted, and
- (d) a description of the situation of the premises to which such licence relates sufficient to identify such premises and the limits and extent thereof, and
- (e) such other particulars of or relating to such licence as the Minister shall from time to time direct.

(3) Whenever a licence granted under this Part of this Act is altered, revoked, or transferred, there shall be entered forthwith in the record of licences such particulars as the Minister shall from time to time direct of such alteration, revocation, or transfer, as the case may be.

(4) The record of licences shall be kept in such form, manner and place, as the Minister shall from time to time direct.

(5) Any person may inspect at such times as the Minister may appoint the record of licences on payment of a fee of one shilling for each inspection.

**36.**—(1) Any inspector, veterinary inspector, or veterinary examiner shall be entitled (subject to the production by him if so required of his authority in writing as such inspector, veterinary inspector or veterinary examiner) at all reasonable times to enter upon any licensed premises, any premises in respect of which an application for a licence has been made or any other premises in which he believes or suspects that bacon is being produced for sale, and to inspect such premises and the plant, machinery, appliances and equipment therein, to observe all or any of the processes used in the business carried on therein and, if such premises are licensed premises, to take samples of carcasses, bacon and materials used in the preparation of carcasses and the production of bacon, found therein. Inspection of premises, etc.

(2) Any duly authorised officer of a local sanitary authority shall be entitled at all reasonable times to enter upon any licensed premises situate in the functional area of such authority and to make such inspection therein as may be necessary to satisfy him that the conditions of cleanliness and suitability of premises and, if such premises are licensed curing and slaughtering premises, the conditions of suitability of slaughtering premises are being complied with.



(3) It shall be the duty of an inspector, veterinary inspector or veterinary examiner who, in the exercise of the powers conferred on him by this section, has inspected any licensed premises to furnish a report in writing to the Minister of any breaches observed by him in such premises of the conditions of cleanliness and suitability of premises and, in case such premises are licensed curing and slaughtering premises, the conditions of suitability of slaughtering premises. 5

(4) It shall be the duty of a duly authorised officer of a local sanitary authority who, in the exercise of the powers conferred on him by this section, has inspected any licensed premises to furnish a report in writing to the Minister of any breaches observed by him in such premises of the conditions of cleanliness and suitability of premises and, in case such premises are licensed curing and slaughtering premises, the conditions of suitability of slaughtering premises. 10 15

(5) Every person who obstructs or impedes any inspector, veterinary inspector or veterinary examiner or any duly authorised officer of a local sanitary authority in the exercise of any of the 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 a fine not exceeding five pounds. 20

(6) Whenever an inspector, veterinary inspector or veterinary examiner or a duly authorised officer of a local sanitary authority reports under this section to the Minister that any licensed premises do not comply with the conditions of cleanliness and suitability of premises or that any licensed curing and slaughtering premises do not comply with the conditions of suitability of slaughtering premises, the Minister may serve a notice upon the person who is the holder of the licence which relates to such premises requiring such person to do in the manner and within the time specified in such notice the things specified therein. 25 30

(7) A notice under the immediately preceding sub-section in relation to any licensed premises may require that all or any of the following things be done:— 35

- (a) that the premises or any specified portion thereof be cleansed;
- (b) that the equipment, fittings and appliances or any part thereof be cleansed;
- (c) that the premises or any specified portion thereof be put in a state of good repair; 40
- (d) that such structural alterations or additions be made in or to the premises as the notice may specify;
- (e) that the equipment, fittings or appliances, or any part thereof be put in a state of good repair; 45
- (f) that such improvements or additions as the notice may specify be made in or to the equipment, fittings and appliances used in the premises;
- (g) that any cause of contamination or deterioration to which the carcasses or offals prepared or packed in the premises are exposed be removed or rendered innocuous; 50
- (h) in case the premises are licensed curing and slaughtering premises, that adequate facilities be provided for the proper disposal of blood, washings and waste; 55
- (i) in case the premises are licensed curing and slaughtering premises, that there shall be made available on the premises an adequate supply of good and wholesome water;
- (j) in case the premises are licensed curing and slaughtering premises, that adequate facilities be provided on or in respect of the premises for the penning and resting of pigs before slaughter; 60



(k) in case the premises are licensed curing and slaughtering premises, that there be employed in the premises one or more persons skilled in the slaughtering of pigs and preparation of carcases and offals.

5 (8) Where a notice under this section in relation to any licensed premises has been duly served on any person, it shall not be lawful, after the expiration of the time specified in such notice for doing the things required by such notice, for such person to carry on in such premises the business of curing bacon  
10 unless such person has done all such things in the manner required by such notice.

(9) If any person acts in contravention of the immediately preceding sub-section, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a  
15 fine not exceeding twenty pounds and a further fine not exceeding five pounds for every day during which the offence is continued.

37.—Where a notice served by the Minister under the immediately preceding section of this Act on the licensee in respect of any licensed premises requires such premises or any part thereof  
20 to be put in a state of good repair or requires any structural alterations or additions to be made in or to such premises, the following provisions shall apply and have effect, that is to say:—

(a) if such licensee is not the rated occupier of such premises, it shall be the duty of such licensee to communicate  
25 the contents of the notice to the rated occupier of such premises within three days after the service of the notice, and

(b) if such premises are held by such licensee or by such rated occupier under a lease or other contract of tenancy, it shall be the duty of such licensee to communicate the  
30 contents of the notice to the immediate landlord of the premises or his agent within three days after service of the notice, and

(c) such licensee shall, if he has duly complied with the provisions of the foregoing paragraphs of this section so far (if at all) as they are applicable to the case, be at liberty to execute the work required by the notice, notwithstanding any covenant, agreement or condition to the contrary contained in any lease or other contract  
35 of tenancy under which the premises are held.  
40

38.—(1) The Minister may, after consultation with the Minister for Local Government and Public Health, by order make regulations prohibiting the employment in licensed premises of persons suffering from diseases specified in such regulations and contact  
45 cases and known carriers of diseases specified in such regulations until such persons, contact cases, and known carriers have been certified by a duly qualified medical practitioner as free from such diseases.

(2) If any licensee employs any person in contravention of any  
50 regulations made under this section he shall be guilty of an offence under this section and be liable on summary conviction thereof to a fine not exceeding twenty pounds.

39.—(1) Wages payable to a workman employed at licensed premises shall be at a rate not less than the rate generally recognised  
55 by trade unions and employers as the rate applicable to workmen employed in a similar kind of work at similar licensed premises.

(2) The conditions of employment (other than the rate of wages) of a workman employed at licensed premises shall not be less advantageous than the conditions of employment generally recognised  
60 by trade unions and employers as the conditions of employment applicable to workmen employed in a similar kind of work at similar licensed premises.

(3) If at any licensed premises the provisions of this section  
65 in relation to any workman employed at such premises are not

Special provisions where notice requires repair, etc., of premises.

Prohibition of employment of certain persons on licensed premises.

Rates of wages and conditions of employment at licensed premises.



observed, the holder of the licence in respect of such premises shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

*Prohibition of Curing Bacon for Sale by Persons, other than Registered Minor Curers, Registered Pork Butchers, and Licensees.*

Restriction on curing bacon for sale.

40.—(1) During the preliminary period it shall not be lawful for any person to cure at any premises bacon for sale unless—

- (a) such person is the holder of a licence in respect of such premises, or
- (b) such person is registered in the register of minor curers in respect of such premises, or
- (c) such person is registered in the register of pork butchers in respect of such premises.

(2) After the expiration of the preliminary period it shall not be lawful for any person to cure at any premises bacon for sale unless—

- (a) such person is the holder of a licence in respect of such premises, or
- (b) such person is registered in the register of pork butchers in respect of such premises.

(3) If any person acts in contravention of either of the immediately preceding sub-sections, 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 and, in the case of a continuing offence, a further fine not exceeding five pounds in respect of each day during which the offence is continued.

(4) Bacon which has been subjected by any person or at any premises to the process of smoking and no other process of manufacture shall be deemed, for the purposes of this section, not to have been cured by such person or at such premises.

*Regulations as to the Slaughter of Pigs, Production of Bacon, etc., at Licensed Premises.*

Regulations as to the slaughter of pigs.

41.—The Minister may by order make regulations (in this Act referred to as regulations as to the slaughter of pigs) applicable to licensed curing and slaughtering premises, in regard to all or any of the following matters, that is to say:—

- (a) the manner in which pigs intended to be used for the production of bacon are to be assembled and penned for slaughter;
- (b) the manner of slaughtering such pigs;
- (c) the times at which such slaughtering may take place;
- (d) the manner of dressing, cleaning, and disposing of offals.

Regulations for the dressing of carcasses.

42.—The Minister may by order make regulations (in this Act referred to as regulations for the dressing of carcasses) in regard to the manner of dressing carcasses.

Regulations for the production of bacon.

43.—(1) The Minister may, after consultation with the Minister for Local Government and Public Health, by order make regulations (in this Act referred to as regulations for the production of bacon) in regard to either or both of the following matters, that is to say:—

- (a) the method of curing and otherwise treating carcasses and parts of carcasses for the purpose or in the course of producing bacon therefrom;
- (b) the preservatives (if any) which may be used in the process of producing bacon.

(2) Before making on or after the date of the establishment of the Bacon Marketing Board regulations under the immediately preceding sub-section in relation to the matters mentioned in paragraph (a) of the said sub-section, the Minister shall consult the Bacon Marketing Board.



44.—The Minister may by order make regulations (in this Act referred to as regulations as to the condition of bacon at the time of consignment) prescribing the condition in which bacon must be at the time it is consigned from licensed premises. Regulations as to condition of bacon at the time of consignment.

5 45.—(1) The Minister may by order make regulations (in this Act referred to as regulations for the packing of bacon) in regard to all or any of the following matters, that is to say:— Regulations for the packing of bacon.

10 (a) the method and manner in all respects of packing bacon, including the materials and packages to be used for such packing;

(b) the cleanliness and sterilisation of such materials and packages;

(c) the classification and grading of the contents of such packages.

15 (2) Regulations for the packing of bacon shall not apply to bacon packed in hermetically sealed containers.

46.—(1) The Minister may by order make regulations (in this Act referred to as regulations for the conveyance of bacon) in regard to all or any of the following matters, that is to say:— Regulations for the conveyance of bacon.

20 (a) the covering, means of conveyance, and handling of bacon during, or at any stage of transit, from licensed premises either, in the case of bacon consigned to a person in Saorstát Eireann, until delivery to such person or, in the case of bacon consigned for export, until delivery (including stowage) on board ship or the placing in the railway wagon or other conveyance in which it is actually exported;

25 (b) the suitability of internal fittings, the ventilation, and the cleanliness of railway wagons, ships, and other conveyance in which bacon is transported in or from Saorstát Eireann.

30 (2) Regulations for the conveyance of bacon shall not apply to bacon packed in hermetically sealed containers.

35 *Veterinary Examination and Certification of Pigs, Carcases, and Bacon.*

47.—(1) the Minister may from time to time appoint such and so many duly qualified veterinary surgeons as he may think necessary and the Minister for Finance shall sanction to be veterinary examiners for the purposes of this Part of this Act. Veterinary examiners.

40 (2) Every person appointed a veterinary examiner under this section shall hold office on such terms and on such conditions and shall receive such remuneration and allowances as the Minister, with the sanction of the Minister for Finance, shall appoint.

45 48.—(1) The Minister may from time to time appoint such and so many persons as he may think necessary and the Minister for Finance shall sanction to assist veterinary examiners in the performance of their duties. Assistants to veterinary examiners.

50 (2) Every person appointed under this section shall hold office on such terms and on such conditions and shall receive such remuneration and allowances as the Minister, with the sanction of the Minister for Finance, shall appoint.

49.—(1) Whenever a veterinary examiner is unable, owing to illness or absence, to perform his duties as a veterinary examiner under this Part of this Act the Minister may, with the sanction of the Minister for Finance, appoint a person, being a duly qualified veterinary surgeon, to perform the duties of such veterinary examiner for such period as the Minister shall think fit, and such person shall during such period have all the powers, and be subject to all the obligations, conferred and imposed on such veterinary examiner by this Part of this Act. Deputy veterinary examiners.



(2) Every person appointed under this section shall hold office on such terms and on such conditions and shall receive such remuneration and allowances as the Minister, with the sanction of the Minister for Finance, shall appoint.

Appointment of veterinary examiners to licensed premises.

50.—The Minister shall from time to time appoint one or more veterinary examiners to every licensed premises but may appoint any particular veterinary examiner to two or more licensed premises.

Bacon (production from carcasses of pigs slaughtered in licensed slaughtering premises) order.

51.—(1) The Minister may at any time make an order (in this Part of this Act referred to as a bacon (production from carcasses of pigs slaughtered in licensed slaughtering premises) order) prohibiting the production at licensed premises of bacon unless such bacon is produced from the carcasses of pigs slaughtered in licensed curing and slaughtering premises.

(2) A bacon (production from carcasses of pigs slaughtered in licensed slaughtering premises) order shall specify the date, which shall not be earlier than six months after the date of the making of such order, on which such order is to come into force.

Veterinary examination regulations.

52.—(1) The Minister may by order make regulations (in this Act referred to as veterinary examination (pigs and carcasses) regulations) in regard to all or any of the following matters, that is to say:—

(a) the manner of ante mortem examination by veterinary examiners of pigs intended for slaughter in licensed curing and slaughtering premises;

(b) the diseases or conditions on account of which pigs may not be passed by a veterinary examiner as fit for slaughter;

(c) the manner of examination by veterinary examiners of carcasses and viscera of pigs slaughtered in licensed curing and slaughtering premises.

(2) The Minister may by order make regulations (in this Act referred to as veterinary examination (carcasses) regulations) in regard to the manner of examination by veterinary examiners of carcasses other than carcasses of pigs slaughtered in licensed curing and slaughtering premises.

(3) The Minister may by order make regulations (in this Act referred to as veterinary examination (bacon) regulations) in regard to the manner of examination by veterinary examiners of bacon.

Veterinary examination of pigs, carcasses and bacon at licensed premises.

53.—It shall be the duty of every veterinary examiner to attend, at such times as the Minister after consultation with the licensee shall fix, at every licensed premises to which he is appointed and there—

(a) in case such premises are licensed curing and slaughtering premises, examine in accordance with the veterinary examination (pigs and carcasses) regulations all pigs there presented to him for examination and the carcasses of such pigs;

(b) unless and until a bacon (production from carcasses of pigs slaughtered in licensed slaughtering premises) order has been made and come into force, examine in accordance with the veterinary examination (carcasses) regulations, all carcasses (other than carcasses of pigs slaughtered in licensed curing and slaughtering premises) there presented to him for examination;



- (c) examine, in accordance with the veterinary examination (bacon) regulations, all bacon produced in such premises there presented to him for examination.

54.—(1) The Minister may by order make regulations (in this Part of this Act referred to as regulations for the marking of carcasses) prescribing the mark to be applied to carcasses which have been examined and certified by a veterinary examiner in licensed premises for the purpose of indicating that such carcasses have been examined and certified by a veterinary examiner in accordance with this Part of this Act and regulations made thereunder.

Regulations for the marking of carcasses and bacon by veterinary examiners.

(2) The Minister may by order make regulations (in this Act referred to as regulations for the marking of bacon by veterinary examiners) prescribing the mark to be applied to bacon which has been examined and certified by a veterinary examiner in licensed premises for the purpose of indicating that such bacon has been examined and certified by a veterinary examiner in accordance with this Part of this Act and regulations made thereunder.

(3) Regulations made under this section may prescribe the manner in which the marks prescribed thereby are to be applied to the carcasses or the bacon (as the case may be) to which they are applicable.

(4) Regulations made under this section shall prescribe the design of the instruments to be used for applying to bacon the marks prescribed by such regulations.

(5) The application of a mark prescribed by regulations made under this section to any carcase or any bacon in any circumstances in which such application of such mark is not authorised by or is not in accordance with this Part of this Act shall be taken to be a false trade description within the meaning of the Merchandise Marks Acts, 1887 to 1931, and those Acts, including the penal provisions thereof, shall apply accordingly.

(6) In this section the word " mark " includes any word, letter, figure, or design, or any combination of words, letters, figures, and designs, or any of them.

55.—(1) Until a bacon (production from carcasses of pigs slaughtered in licensed slaughtering premises) order has been made and come into force, a veterinary examiner shall apply the mark prescribed by the regulations for the marking of carcasses in the manner prescribed by the said regulations to every carcase of a pig presented to him at any licensed premises, if, but only if, one or other of the following sets of conditions have been complied with, that is to say:—

Marking of carcasses by veterinary examiners.

(a) in case such premises are licensed curing and slaughtering premises and such pig was not slaughtered in such premises or in case such premises are licensed curing premises—

(i) that such carcase was examined by him in accordance with the veterinary examination (carcasses) regulations and on being so examined was found fit for human consumption, and

(ii) that at the time of applying the mark such carcase is clean, dressed in accordance with the regulations for the dressing of carcasses, fresh and wholesome;

(b) in case such premises are licensed curing and slaughtering premises and such pig was slaughtered in such premises—

(i) that such pig was examined by him, in accordance with the veterinary examination (pigs and carcasses) regulations, before slaughter and on being so examined was, having regard to such regulations, passed by him as fit for slaughter, and



- (ii) that such pig was slaughtered in accordance with the regulations as to the slaughter of pigs, and
- (iii) that the carcase of such pig was opened and eviscerated in his presence, and
- (iv) that the carcase and viscera of such pig were examined by him in accordance with the veterinary examination (pigs and carcases) regulations and such carcase, on such examination, was found fit for human consumption, and
- (v) that at the time of applying the mark, such carcase is clean, dressed in accordance with the regulations for the dressing of carcases, fresh and wholesome.

(2) If a bacon (production from carcases of pigs slaughtered in licensed slaughtering premises) order is made, then, as on and from the date on which such order comes into force, a veterinary examiner shall apply the mark prescribed by the regulations for the marking of carcases in the manner prescribed by the said regulations to every carcase of a pig presented to him for examination at any licensed premises, if, but only if, the following conditions have been complied with, that is to say:—

- (a) that such licensed premises are licensed curing and slaughtering premises, and
- (b) that such pig was slaughtered in such licensed premises in accordance with the regulations as to the slaughter of pigs, and
- (c) that such pig was examined by him at such licensed premises in accordance with the veterinary examination (pigs and carcases) regulations before slaughter and on being so examined was, having regard to such regulations, passed by him as fit for slaughter, and
- (d) that the carcase of such pig was opened and eviscerated in his presence, and
- (e) that the carcase and viscera of such pig were examined by him in accordance with the veterinary examination (pigs and carcases) regulations and such carcase, on such examination, was found fit for human consumption, and
- (f) that, at the time of applying the mark, such carcase is clean, dressed in accordance with the regulations for the dressing of carcases, fresh and wholesome.

Marking of  
bacon by  
veterinary  
examiners.

**56.**—A veterinary examiner shall apply the mark prescribed by the regulations for the marking of bacon by veterinary examiners in the manner prescribed by the said regulations to bacon presented to him for examination at any licensed premises, if, but only if, the following conditions have been complied with, that is to say:—

- (a) that the bacon has been produced in such premises from carcases which have had applied thereto the marks prescribed by the regulations for the marking of carcases; and
- (b) that the bacon has been produced in accordance with the regulations for the production of bacon; and
- (c) that the bacon has been examined by him in accordance with the veterinary examination (bacon) regulations, and on being so examined, was found fit for human consumption.

Consignment  
certificates.

**57.**—(1) The Minister may, whenever and so often as he thinks fit, make an order (in this Act referred to as a bacon (consignment certificates) order) requiring that, whenever any lot of bacon, to which a veterinary examiner has applied the marks prescribed by the regulations for the marking of bacon, is being consigned, such bacon shall be accompanied by a certificate (in



this Part of this Act referred to as a consignment certificate) in the form specified in such order, issued by a veterinary examiner under this section certifying the number of pieces of bacon in such lot.

- 5 (2) The Minister may by order under this sub-section amend or revoke a bacon (consignment certificates) order or any order made under this sub-section.

- (3) Whenever a bacon (consignment certificates) order is in force and a licensee proposes to consign in one lot a particular  
10 number of pieces of bacon to which the marks prescribed by the regulations for the marking of bacon have been applied by a veterinary examiner, such examiner shall, at the request of such licensee, issue to him a consignment certificate certifying the number of pieces of bacon in such lot.

- 15 **58.**—(1) If at any licensed premises it is found and certified by a veterinary examiner that any carcase or any portion of a carcase or any bacon or any offals is or are unfit for human consumption, such carcase or portion of a carcase or bacon or offals shall immediately be so treated by the licensee as to render it or  
20 them incapable of being used for the food of man or, if so required by the local sanitary authority within whose functional area such premises are situate, shall be surrendered to such local sanitary authority to be dealt with in accordance with the provisions of the Public Health Acts, 1878 to 1931.

Disposal of  
carcases, bacon  
and offals unfit  
for human  
consumption.

- 25 (2) Every licensee who is the owner of any carcase or of any portion of a carcase or of bacon or of offals found and certified under this section to be unfit for human consumption and who, through himself or his agent, neglects or refuses to treat or surrender the same as required by this section shall be guilty  
30 of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence under this section, to a fine not exceeding twenty pounds, or, in the case of a second or any subsequent offence under this section, to a fine not exceeding fifty pounds, or to imprisonment for any term not exceeding  
35 six months.

- (3) Nothing contained in this section shall be deemed to control or affect the provisions of section 131 of the Towns Improvement Clauses Act, 1847, or of sections 132 to 135 of the Public Health (Ireland) Act, 1878, as amended by section 28 of the  
40 Public Health Acts Amendment Act, 1890.

- 59.**—A veterinary examiner in the performance of his duties under this Act shall have the same responsibility in regard to the notification of diseases as is imposed on a veterinary surgeon or veterinary practitioner in his private practice by the Animals  
45 (Notification of Disease) Order of 1919 or as may for the time being be imposed by any like order made under the Diseases of Animals (Ireland) Acts, 1894 to 1934.

Notification of  
disease by  
veterinary  
examiner.

- 60.**—(1) The Minister may, with the consent of the Minister for Local Government and Public Health, authorise a veterinary  
50 officer of a local sanitary authority to exercise and perform the powers and duties conferred or imposed by this Part of this Act on a veterinary examiner, and a veterinary officer so authorised is in this section referred to as an authorised veterinary officer.

Veterinary  
officer of local  
authority acting  
as veterinary  
examiner.

- (2) An authorised veterinary officer shall have all the powers  
55 and perform all the duties conferred or imposed on a veterinary examiner by or under this Part of this Act.

- (3) There shall be paid by the Minister to a local sanitary authority whose veterinary officer is an authorised veterinary officer by way of contribution towards the remuneration payable  
60 by such local sanitary authority to such officer such moneys as the Minister with the sanction of the Minister for Finance shall determine.

to be paid  
by the Minister  
to the local  
sanitary  
authority



(4) The Minister may at any time revoke an authorisation given under this section in respect of a veterinary officer of a local sanitary authority and thereupon such veterinary officer shall cease to be an authorised veterinary officer.

(5) A veterinary officer of a local sanitary authority who is authorised under this section to exercise and perform the powers and duties conferred or imposed by or under this Act on a veterinary examiner shall not, if he was a pensionable officer within the meaning of Part IV of the Local Government Act, 1925 (No. 5 of 1925), or within the meaning of any other enactment relating to the superannuation of officers of local authorities at the time of such authorisation, cease to be a pensionable officer, within the meaning of the said Part IV, or such other enactment, by reason only of his devoting portion of his time to the exercise and performance of the said powers and duties.

Veterinary  
inspectors.

61.—A veterinary inspector shall have all the powers conferred on a veterinary examiner by this Part of this Act and shall, if required by the Minister so to do, perform all the duties imposed on a veterinary examiner by this Part of this Act, or such of the said duties as the Minister may direct.

#### *Regulations for the Marking of Bacon by Licensees.*

Regulations for  
the marking of  
bacon by  
licensees.

62.—(1) The Minister may by order make regulations (in this Part of this Act referred to as regulations for the marking of bacon by licensees) prescribing the marks to be applied by licensees to bacon, which has been examined and certified by a veterinary examiner under this Part of this Act, for the purposes of indicating all or any of the following matters, that is to say:—

- (a) the premises in which such bacon was produced;
- (b) that such bacon was produced in Saorstát Eireann;
- (c) any other matter which, in the opinion of the Minister, should be indicated on such bacon.

(2) Regulations made under this section may prescribe the manner in which the marks prescribed thereby are to be applied to the bacon to which they are applicable.

(3) Regulations made under this section shall prescribe the design of the instruments to be used for applying to bacon the marks prescribed by such regulations.

(4) For the purpose of so much of this section as relates to the indication by marks of the premises in which bacon was produced, the Minister may assign to every licensed premises a distinctive mark and may, by the regulations made under this section, require any such mark assigned to particular licensed premises to be used as the mark for indicating that bacon was produced in such licensed premises.

(5) The application of a mark prescribed by regulations made under this section to any bacon in any circumstances in which such application of such mark is not authorised by, or is not in accordance with, this Part of this Act shall be taken to be a false trade description within the meaning of the Merchandise Marks Acts, 1887 to 1931, and those Acts, including the penal provisions thereof shall apply accordingly.

(6) In this section the word "mark" includes any word, letter, figure, or design, or any combination of words, letters, figures and designs, or any of them.

(7) Before making on or after the date of the establishment of the Bacon Marketing Board, any regulations for the marking of bacon by licensees the Minister shall consult the Bacon Marketing Board.

#### *Grading of Bacon Produced in Licensed Premises.*

Grading of  
bacon produced  
in licensed  
premises.

63.—(1) The Minister may, whenever and so often as he thinks fit, do by order (in this Act referred to as a bacon (grade mark) order) the following things—



- (a) divide, by reference to the method of curing and the kind and quality of the bacon, bacon into such and so many grades as he thinks fit;
- 5 (b) appoint in respect of each such grade of bacon a mark (in this Act referred to as a grade mark);
- (c) require that whenever any bacon of any such grade is consigned from any licensed premises there shall be applied to such bacon the grade mark so appointed in respect of bacon of such grade;
- 10 (d) specify the manner in which the said grade marks are to be applied to the bacon to which they are applicable.

(2) The Minister may by order under this sub-section amend or revoke a bacon (grade mark) order or any order made under 15 this sub-section.

(3) Whenever a bacon (grade mark) order is in force, and any bacon produced in licensed premises and of a particular grade under such order has had applied thereto by a veterinary examiner the marks prescribed by the regulations for the marking of bacon by veterinary examiners, the licensee shall apply 20 to such bacon the grade mark appointed by such order in respect of bacon of that grade and in the manner specified in such order.

(4) Every instrument for marking bacon in accordance with a bacon (grade mark) order shall be of such design as may be 25 specified in such order.

(5) The application of a grade mark to any bacon in any circumstances in which such application is not authorised by, or is not in accordance with, this section shall be taken to be a false trade description within the meaning of the Merchandise 30 Marks Acts, 1887 to 1931, and those Acts, including the penal provisions thereof, shall apply accordingly.

(6) In this section the word "mark" includes any word, letter, figure, or design, or any combination of words, letters, figures and designs, or any of them.

35 (7) Before making on or after the date of the establishment of the Bacon Marketing Board any order under this section the Minister shall consult the Bacon Marketing Board.

#### *Reception of Bacon into Licensed Premises.*

40 64.—(1) On and after the appointed day it shall not be lawful for any bacon to be received into any licensed premises (in this sub-section referred to as the first-mentioned premises) except bacon which was produced in the first-mentioned or some other licensed premises and either—

Restriction on reception of bacon into licensed premises.

- 45 (a) is consigned to the first-mentioned premises directly from some other licensed premises, or
- (b) is consigned to the first-mentioned premises directly from a cold store in which it was stored by the licensee of the first-mentioned premises or the licensee of some other licensed premises, or
- 50 (c) was consigned from the first-mentioned premises.

(2) Whenever any bacon is received into licensed premises in contravention of this section the licensee under the licence in respect of those premises shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a 55 fine not exceeding twenty pounds.

(3) In this section the expression "cold store" does not include a cold store which forms part of licensed premises.

#### *Restriction on Export of Bacon and on Consignment of Bacon from Licensed Premises.*

60 65.—(1) On and after the appointed day it shall not be lawful for any person to export bacon from Saorstát Eireann unless—

- (a) such bacon is exported direct from licensed premises, or

Restriction on export of bacon.



- (b) such bacon is exported direct from a cold store to which it was consigned from licensed premises, or
- (c) such bacon is exported in hermetically sealed containers, or
- (d) such bacon is exported in one lot or consignment which does not exceed in total gross weight fourteen pounds, or
- (e) such bacon is exported under and in accordance with a licence granted by the Minister under this section.

(2) The Minister may grant to any person a licence to export bacon subject to such conditions as the Minister thinks fit, and may at any time revoke any such licence.

(3) If any bacon is exported in contravention of this section the person exporting such bacon 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.

Restriction on the consigning of bacon from licensed premises.

**66.**—(1) All bacon consigned on or after the appointed day from any licensed premises to any place, whether within or without Saorstát Éireann, shall comply with the following conditions, that is to say:—

- (a) such bacon shall comply with regulations (if any) as to the condition of bacon at time of consignment, and unless it is packed in hermetically sealed containers, with regulations (if any) for the packing of bacon, and
- (b) such bacon shall have applied thereto the marks prescribed by regulations for the marking of bacon by veterinary examiners, and
- (c) such bacon shall have applied thereto the marks prescribed by regulations (if any) for the marking of bacon by licensees, and
- (d) if a bacon (grade mark) order is for the time being in force, such bacon shall have applied thereto the grade mark appointed by such order in respect of bacon of the grade to which the bacon so being consigned belongs, and
- (e) such bacon shall unless it is packed in hermetically sealed containers be conveyed in accordance with regulations (if any) for the conveyance of bacon, and
- (f) if a bacon (consignment certificates) order is for the time being in force, such bacon shall be accompanied by consignment certificates.

(2) Every person who consigns or attempts to consign bacon in contravention of this section shall be guilty of an offence under this section.

(3) Every person who shall carry by land or sea or air for reward any bacon which is being consigned in contravention of this section shall be guilty of an offence under this section, unless such person proves that he did not know and could not reasonably have known that such bacon was being consigned in contravention of this section.

(4) Every person guilty of an offence under this section shall be liable on summary conviction thereof, in the case of a first offence under this section, to a fine not exceeding twenty pounds and, in the case of a second or any subsequent offence under this section, to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for any term not exceeding six months or to both such fine and such imprisonment.

Application of Customs Acts.

**67.**—(1) Any officer of Customs and Excise may detain and seize any bacon being or attempted to be exported in contravention of this Part of this Act and for that purpose may open any packet containing or suspected by him of containing any bacon, and the provisions of the Customs Consolidation Act, 1876, in relation to the condemnation and disposal of goods seized under that Act shall apply to all bacon seized under this



Act in like manner as if such bacon had been seized under that Act.

(2) The provisions of this Part of this Act relating to the prohibition of the export of bacon shall have effect as though those provisions were included in the Customs Consolidation Act, 1876, and that Act and any Act amending or extending that Act shall apply accordingly, and if any bacon the export of which is prohibited by this Part of this Act is exported in contravention of this Part of this Act or is brought to any quay or other place for the purpose of being so exported or are waterborne to be so exported, the exporter or his agent shall be liable to the same penalty as that to which a person is liable under section 186 of the Customs Consolidation Act, 1876, for illegally importing prohibited goods.

(3) The provisions of this Act relating to prosecutions under Part II shall not apply in respect of this section.

#### *Powers of Inspectors.*

68.—(1) Any inspector shall be entitled (subject to the production by him if so required of his authority in writing as such inspector) at all reasonable times to enter upon and have free access to the interior of— Powers of inspectors.

- (a) any licensed premises, and
- (b) any cold store, and
- (c) the premises of any person engaged in the business of carrying goods for reward, and
- (d) any warehouse or other premises of any person engaged in the business of warehousing goods intended for export or in process of being exported, and
- (e) any pier, quay, wharf, jetty, dock or dock premises, and
- (f) any ship, boat, railway wagon, motor lorry, cart, or other vessel or vehicle used for the conveyance of goods.

(2) Any inspector may inspect any bacon which has been consigned from a licensed premises, or any package found in any place upon or to which he is entitled under this section to enter or to have access, or upon or in any public place, and may open any such package which he reasonably believes or suspects to contain such bacon, and may take and remove without payment—

- (a) reasonable samples of any such bacon found in any such place, whether such bacon is or is not contained in a package, and
- (b) reasonable samples of any packing materials in which any such bacon is packed, and
- (c) any one package forming part of or the whole of a consignment of such bacon found in any such place.

(3) If any person—

- (a) obstructs or impedes any inspector in the exercise of any of the powers conferred on him by this section, or
- (b) knowing the name or other particulars of the consignor, consignee, or owner of any such bacon, or of any package, which an inspector is entitled to inspect under this section, refuses to give such name or other particulars to such inspector, or
- (c) gives to such inspector any false or misleading name or other particulars of any such consignor, consignee, or owner,

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 under this section, to a fine not exceeding five pounds and, in the case of a second or any subsequent offence under this section, to a fine not exceeding ten pounds.

(4) Where any sample or package is taken by an inspector under this section it shall be the duty of such inspector to notify the owner or the consignor and the consignee (if and so far as their names and addresses are known to or can reasonably be ascertained by him) of the taking of such sample or package.



(5) If, on the examination of any package taken under this section, it appears to the Minister that there was a contravention or attempted contravention of any of the provisions of this Part of this Act or any regulations made thereunder in relation to the consignment from which the package was taken, the package may be forfeited to the Minister, and if not so forfeited, and in any other case, the package shall be disposed of in accordance with the directions of the consignor, or in default of such directions, shall be sold and the net proceeds of sale paid to the consignor. 5

(6) Neither the Minister nor any inspector shall be liable for any loss or damage arising from the exercise by an inspector of the powers conferred upon him by this section and no action shall lie against the consignor or any other person for or on account of any such loss or damage as aforesaid. 10

(7) In the exercise in or upon the premises of any railway or shipping company of the powers conferred on him by this section, an inspector shall conform to such reasonable requirements of such company as are necessary to prevent the working of the traffic on such premises being obstructed or interfered with. 15

#### *Miscellaneous Provisions.*

20

Reduction of  
exporters'  
half-yearly fees  
payable by  
licensed pork  
exporters under  
the Agricultural  
Produce (Fresh  
Meat) Act, 1930.

69.—(1) Where—

- (a) any premises are both registered pig slaughtering premises and licensed curing and slaughtering premises, and
- (b) a person is in respect of such premises the holder of both a pork exporter's licence, and a curing and slaughtering licence, and
- (c) a pig, the offals only of which are intended to be exported in accordance with the Act of 1930, is slaughtered at such premises and presented by such person at such premises during a particular half-year for veterinary examination both under the Act of 1930 and this present Act, 25 30

the half-yearly exporter's fee payable by such person under section 13 of the Act of 1930 in respect of such half-year shall not include any sum in respect of the examination of such pig. 35

(2) In this section—

the expression "the Act of 1930" means the Agricultural Produce (Fresh Meat) Act, 1930 (No. 10 of 1930);

the expressions "registered pig slaughtering premises," "pork exporter's licence," "half-year," and "exporter's half-yearly fee" have the same meaning as they respectively have in the Act of 1930. 40

Classification and  
grading of  
carcases.

70.—(1) The Minister may from time to time by order make regulations (in this section referred to as carcasses (classification) regulations) with regard to the classification and grading of carcasses at licensed premises by licensees. 45

(2) If any licensee fails to comply with any of the provisions of any carcasses (classification) regulations for the time being in force, such licensee shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds. 50

Marking  
instruments and  
forms of  
consignment  
certificates.

71.—(1) Subject to the provisions of this section, it shall not be lawful for any person to make, order, purchase, import, or have in his possession— 55

- (a) any authorised marking instrument, or
- (b) any instrument by means of which a carcass (certification) mark or a colourable imitation thereof could be applied to a carcass, or
- (c) any instrument by means of which a bacon (veterinary examiner's) mark, a bacon licensee's mark or a bacon (grade) mark or a colourable imitation of any of the said marks could be applied to bacon, or 60



(d) a prescribed form of consignment certificate or any colourable imitation of such form.

(2) Nothing in this section shall render it unlawful for—

5 (a) any officer of the State acting in the course of his duty as such officer to order, purchase, import, or have in his possession an authorised marking instrument or a prescribed form of consignment certificate, or

10 (b) any person, in pursuance of an order lawfully given by or a contract lawfully made with any such officer, to make, import, or have in his possession any authorised marking instrument or any prescribed form of consignment certificate, or

15 (c) any licensee to order, purchase, import, or have in his possession any instrument for the marking of bacon with a bacon (licensee's) mark which is of the design prescribed by the regulations for the marking of bacon by licensees or any instrument for the marking of bacon with a bacon (grade) mark which is of the design appointed by a bacon (grade mark) order, or

20 (d) any person, in pursuance of a contract made with a licensee, to make, import, or have in his possession, any such instrument as is mentioned in paragraph (c) of this sub-section.

25 (3) Every person who does any thing the doing of which is declared unlawful by this section 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 or, at the discretion of the Court, to imprisonment for any term not exceeding three months.

30 (4) In this section—

the expression "carcase (certification) mark" means a mark prescribed by regulations for the marking of carcases for the time being in force;

35 the expression "bacon (veterinary examiner's) mark" means a mark prescribed by regulations for the marking of bacon by veterinary examiners for the time being in force;

the expression "bacon (licensee's) mark" means a mark prescribed by regulations for the marking of bacon by licensees for the time being in force;

40 the expression "bacon (grade) mark" means a mark appointed by a bacon (grade mark) order for the time being in force;

the expression "authorised marking instrument" means any instrument—

45 (a) which is an instrument for marking a carcase with a carcase (certification) mark and is of the design prescribed by regulations for the marking of carcases; or

50 (b) which is an instrument for the marking of bacon with a bacon (veterinary examiner's) mark and is of the design prescribed by regulations for the marking of bacon by veterinary examiners; or

55 (c) which is an instrument for the marking of bacon with a bacon (licensee's) mark and is of the design prescribed by regulations for the marking of bacon by licensees; or

60 (d) which is an instrument for the marking of bacon with a bacon (grade) mark and is of the design appointed by a bacon (grade mark) order.



Provisions in relation to other Acts. 72.—(1) Save as otherwise provided by this section, the powers conferred on the Minister by this Part of this Act shall be and be exercised without prejudice to—

- (a) the exercise by the Minister of the powers conferred on him by the Diseases of Animals (Ireland) Acts, 1894 to 1934, the Agricultural Produce (Fresh Meat) Acts, 1930 and 1931, or the Agricultural Produce (Regulation of Export) Act, 1933 (No. 26 of 1933), as amended by any subsequent enactment, or
- (b) to the exercise by the Minister for Local Government and Public Health of the powers conferred on him by the Public Health (Regulation as to Food) Act, 1907, or
- (c) to the exercise by local slaughter-house authorities of their statutory powers in relation to the inspection of slaughter-houses, or
- (d) to the exercise by local sanitary authorities of their powers in relation to slaughter-houses or in relation to articles intended for the food of man conferred on them by the Public Health Acts, 1878 to 1931, or conferred on them by any local or personal Act.

(2) Premises licensed as curing and slaughtering premises under this Part of this Act shall, so long as they continue to be so licensed, be exempt from the obligation to be registered or to be licensed under any other enactment relating to the registration or the licensing of slaughter-houses and shall also be exempt from all statutory provisions (including orders, regulations, rules and bye-laws) applicable to slaughter-houses in consequence of such registration or licensing.

(3) Section 50 of the Towns Improvement (Ireland) Act, 1854, shall not apply in respect of premises licensed under this Part of this Act as curing and slaughtering premises.

(4) Nothing in this Part of this Act shall be construed as limiting or affecting the operation of the Control of Manufactures Acts, 1932 and 1934.

### PART III.

#### REGULATION OF PRODUCTION AND SALE OF BACON.

Definitions for purposes of Part III.

73.—(1) In this Part of this Act—

the expression “ authorised officer of the Bacon Marketing Board ” means a person authorised in writing by the Bacon Marketing Board to exercise the powers conferred on an authorised officer of the Bacon Marketing Board by this Part of this Act;

the word “ prescribed ” means prescribed by regulations made by the Bacon Marketing Board under this Part of this Act.

(2) For the purposes of this Part of this Act each of the following years shall be an election year, that is to say, the year 1935, the year 1936, the year 1939, the year 1942, the year 1945, and so on.

Constitution of the Bacon Marketing Board.

74.—(1) There shall be established in accordance with this Part of this Act a Board (in this Part of this Act referred to as the Board) to be styled and known as the Bacon Marketing Board to fulfil the functions assigned to it by this Part of this Act.

(2) The Board shall be a body corporate with perpetual succession and an official seal (which shall be judicially noticed) and power to sue and be sued in its corporate name and to hold and dispose of land.

(3) The Board shall consist of eight members, namely, a Chairman (in this Part of this Act referred to as the Chairman) and seven ordinary members (in this Part of this Act referred to as the ordinary members) elected in the manner hereinafter mentioned.



75.—(1) The Minister shall as soon as may be necessary after the commencement of this Part of this Act and thereafter as occasion requires nominate a person to be the Chairman.

The Chairman of the Bacon Marketing Board.

(2) The Chairman shall hold office during the pleasure of the Minister.

(3) Whenever the Chairman is through ill-health or other sufficient cause temporarily incapacitated from performing the duties of his office, the Minister shall nominate a person to perform during such incapacity the duties of the Chairman and the person so appointed shall during such incapacity have all the powers of the Chairman and be deemed for the purposes of this Part of this Act to be the Chairman.

(4) There shall be paid by the Board to any person nominated under the immediately preceding sub-section such remuneration and such allowances for expenses as the Minister may appoint.

76.—(1) The Minister shall, in every election year as soon as may be after the qualifying date, do the following things, that is to say:—

Panels of large, medium, and small curers.

(a) if there are any persons who were on such date large curers, prepare a panel (in this Part of this Act referred to as a panel of large curers) of the names of such persons;

(b) if there are any persons who were on such date medium curers, prepare a panel (in this Part of this Act referred to as a panel of medium curers) of the names of such persons;

(c) if there are any persons who were on such date small curers, prepare a panel (in this Part of this Act referred to as a panel of small curers) of the names of such persons.

(2) For the purposes of this section—

(a) the expression "the qualifying date" means—

(i) in relation to the election year 1935, the seventh day after the commencement of this Part of this Act, and

(ii) in relation to any other election year, the 1st day of October in such year;

(b) the expression "the relevant period" means—

(i) in relation to the election year 1935, the year 1934;

(ii) in relation to any other election year, the period of twelve months ending on the 31st day of August in such year;

(c) a person shall be deemed to have been a large curer on the qualifying date in any election year if—

(i) he was the holder of a licence on such date, and

(ii) there was produced during the relevant period, at all the premises in respect of which he was licensed on such date, more than seventy-seven thousand hundredweights of bacon;

(d) a person shall be deemed to have been a medium curer on the qualifying date in any election year if—

(i) he was the holder of a licence on such date, and

(ii) there was produced during the relevant period, at all the premises in respect of which he was licensed on such date, not less than thirty-three thousand hundredweights of bacon nor more than seventy-seven thousand hundredweights of bacon;



(e) a person shall be deemed to have been a small curer on the qualifying date in any election year if—

- (i) he was the holder of a licence on such date, and
- (ii) there was produced, during the relevant period, at all the premises in respect of which he was licensed on such date, less than thirty-three thousand hundredweights of bacon.

(3) Any person may inspect any panel prepared under this section at such time and place as the Minister may appoint.

Number of  
ordinary  
members to be  
elected by  
different  
classes of curers  
and dates of  
election.

equal to seven  
the number  
of the Board

77.—(1) If one panel only is required under the immediately preceding section to be prepared in any election year, the Minister shall, as soon as may be after the preparation of such panel, make an order (in this Part of this Act referred to as an ordinary members (election) order) declaring that all the ordinary members of the Board shall be elected by persons whose names are entered in such panel at a meeting of such persons to be held on the date in such election year specified in that behalf in such order.

(2) If two panels only are required under the immediately preceding section to be prepared in any election year, the following provisions shall have effect, that is to say:—

(a) if such panels are a panel of large curers and a panel of medium curers, the Minister shall, as soon as may be after the preparation of such panels, make an order (in this Part of this Act also referred to as an ordinary members (election) order) declaring that of the seven ordinary members—

(i) such number as may be specified in such order shall be elected by the persons whose names are entered in such panel of large curers at a meeting of such persons to be held on the date in such election year specified in that behalf in such order, and

(ii) the remainder shall be elected by persons whose names are entered in such panel of medium curers at a meeting of such persons to be held on the date in such election year specified in that behalf in such order;

(b) if such panels are a panel of large curers and a panel of small curers, the Minister shall, as soon as may be after the preparation of such panels, make an order (in this Part of this Act also referred to as an ordinary members (election) order) declaring that of the seven ordinary members—

(i) such number as may be specified in such order shall be elected by the persons whose names are entered in such panel of large curers at a meeting of such persons to be held on the date in such election year specified in that behalf in such order, and

(ii) the remainder shall be elected by the persons whose names are entered in such panel of small curers at a meeting of such persons to be held on the date in such election year specified in that behalf in such order;

(c) if such panels are a panel of medium curers and a panel of small curers, the Minister shall, as soon as may be after the preparation of such panels, make an order (in this Part of this Act also referred to as an ordinary members (election) order) declaring that of the seven ordinary members—

(i) such number as may be specified in such order shall be elected by the persons whose names are



entered in such panel of medium curers at a meeting of such persons to be held on the date in such election year specified in that behalf in such order; and

- 5 (ii) the remainder shall be elected by the persons whose names are entered in such panel of small curers at a meeting of such persons to be held on the date in such election year specified in that behalf in such order.

10 (3) If three panels are required under the immediately preceding section to be prepared in any election year, the Minister shall, as soon as may be after the preparation of such panels, make an order (in this Part of this Act also referred to as an ordinary members (election) order) declaring that of the seven  
15 ordinary members—

- (i) such number as may be specified in such order shall be elected by the persons whose names are entered in such one of the said panels as is a panel of large curers at a meeting of such persons to be held on the date in such election year specified in that behalf in such order;

- 20 (ii) such number as may be specified in such order shall be elected by the persons whose names are entered in such one of the said panels as is a panel of medium curers at a meeting of such persons to be held on the date in such election year specified in that behalf in such order; and

- 25 (iii) the remainder shall be elected by the persons whose names are entered in such one of the said panels as is a panel of small curers at a meeting of such persons to be held on the date in such election year specified in that behalf in such order.

(4) Every ordinary members (election) order shall be published in the *Iris Oifigiúil* as soon as may be after it is made.

35 78.—(1) Where an ordinary members (election) order made in an election year declares that a number (in this section referred to as the appointed number) of ordinary members shall be elected by persons whose names are entered in a panel of curers at a meeting of those persons to be held on the date  
40 specified in that behalf in such order, the following provisions shall have effect, that is to say:—

Election of ordinary members and substitutive members.

- (a) the appointed number of ordinary members shall be elected at such meeting, and

- 45 (b) immediately after the said election there shall also be elected at such meeting a number of persons (in this Part of this Act referred to as substitutive members) to act, if so required, during their term of office as substitutes for such ordinary members, and the number of substitutive members to be so elected shall be twice  
50 the appointed number of ordinary members.

(2) References in this Act to substitutive members representative of the same class of curers as an ordinary member shall be construed as references to the substitutive members elected at the same meeting as that at which such ordinary member was elected.

55 79.—Where by virtue of an ordinary members (election) order ordinary members and substitutive members are required to be elected by the persons entered in a particular panel of curers at a meeting of such persons to be held on the date specified in that behalf in such order, the Minister shall, as soon as may be after  
60 the making of such order, do the following things, namely:—

Provisions in relation to meetings to elect ordinary members and substitutive members.

- (a) appoint the hour on such date and the place at which such meeting is to be held;



Conduct of  
elections of  
ordinary  
members and  
substitutive  
members.

- (b) nominate a person to act as chairman of such meeting;
- (c) at least ten days before the day fixed for the holding of such meeting send to each of the persons entered in such panel a written notice stating—
  - (i) the date, time, and place appointed for such meeting;
  - (ii) the name of the person appointed to act as the chairman;
  - (iii) the date by which the nominations of candidates for election as ordinary members and as substitutive members must be received by the Minister.

80.—The following provisions shall have effect in relation to every election of ordinary members and substitutive members held in pursuance of this Part of this Act at a meeting of persons entered in any panel of electors, that is to say:—

- (a) the election of ordinary members and the election of substitutive members shall be conducted as two separate elections held at such meeting and accordingly each such election shall be deemed for the purposes of this section to be a separate election and the word "election" shall in this section be construed accordingly;
- (b) the word "elector" means a person whose name is entered in such panel;
- (c) the expression "the number of vacancies"—
  - (i) when used in relation to the election of ordinary members, means the number of ordinary persons to be elected at such election,
  - (ii) when used in relation to the election of substitutive members, means the number of substitutive members to be elected at such election;
- (d) the election of ordinary members shall be held first;
- (e) every elector shall be entitled to vote at each election either personally or, subject to the provisions of the next following paragraph, by proxy;
- (f) the following provisions shall have effect in relation to voting by proxy, that is to say:—
  - (i) the instrument appointing a proxy shall be in writing in such form as the Minister may direct, under the hand of the elector, or, if the elector is a limited company, either under its seal or under the hand of a person duly authorised by it in that behalf,
  - (ii) the said instrument shall be deposited at the office of the Minister not later than the end of the third day before the day fixed for such meeting, and if not so deposited shall be treated as invalid;
- (g) without prejudice to the right to vote by proxy, an elector who is a limited company may vote by any one of its directors, or its secretary, and an elector who is a partnership may vote by any one of the partners;
- (h) no person shall be qualified to be elected an ordinary member or a substitutive member at such meeting unless he has been nominated in writing as a candidate by an elector, and the nomination paper has not later than the end of the third day before the day fixed for the meeting been received by the Minister;
- (i) if a person who is nominated as both an ordinary member and a substitutive member is elected an ordinary member, the nomination of such person as a substitutive member shall be deemed to be withdrawn;
- (j) where no more candidates are duly nominated than the number of vacancies, those candidates shall be declared elected;



- (k) where the number of duly qualified candidates at any such election exceeds the number of vacancies, the following provisions shall have effect, that is to say:—
- (i) a vote shall be taken;
  - (ii) every elector shall be entitled to vote for as many candidates as there are vacancies and no more;
  - (iii) the candidates up to the number of vacancies who received most votes shall be declared elected and, in the case of two or more candidates receiving an equal number of votes, the chairman of the meeting shall have a casting vote;
- (l) immediately after such meeting the chairman shall send to the Minister a return showing the names of the persons elected as ordinary members and substitutive members at each election and such return shall be conclusive evidence of the election of such persons;
- (m) if the electors who attend such meeting fail to elect at any such election the number of persons required by this Part of this Act to be elected at such election, or if none of the electors attend such meeting, the Minister shall, as soon as may be, nominate that number or such less number as the circumstances require of persons willing to act as ordinary members or substitutive members (as the case may be) and the persons so nominated shall for all purposes be deemed to have been duly elected at such meeting as ordinary members or substitutive members (as the case may be).

81.—(1) Within one month after the completion of the first election of ordinary members and substitutive members, the Minister shall publish in the *Iris Oifigiúil* a notice declaring the Board to be established as from a date (subsequent to the publication of such notice) to be specified in such notice and thereupon the Board shall for all purposes be deemed to have been duly established on the date so specified.

Establishment  
of the Bacon  
Marketing  
Board.

(2) In this Act all references to the date of the establishment of the Board shall be construed as referring to the date on which the Board is by virtue of this section deemed to have been established.

82.—(1) Every ordinary member (other than a person appointed to fill a casual vacancy) shall, unless he sooner dies, resigns, or becomes disqualified, hold office—

Term of office of  
ordinary  
members and  
substitutive  
members.

(a) in case he is elected in the election year 1935, from the establishment of the Board until the 31st day of December, 1936;

(b) in case he is elected in any other election year, for a period of three years from the 1st day of January next following such election.

(2) Every substitutive member shall, unless he sooner dies, resigns, becomes disqualified, or is appointed to fill a casual vacancy amongst the ordinary members, hold office as a substitutive member—

(a) in case he is elected in the election year 1935, from the date of the establishment of the Board until the 31st day of December, 1936;

(b) in case he is elected in any other election year, for a period of three years from the 1st day of January next following such election.

(3) An ordinary member or a substitutive member retiring on the expiration by effluxion of time of his term of office shall be eligible for re-election.



Resignation and disqualification of ordinary members and substitutive members.

**83.—**(1) An ordinary member or a substitutive member may at any time resign his office as such member by letter addressed and sent to the secretary of the Board and every such resignation shall take effect at the commencement of the meeting of the Board held next after the receipt of such letter by the secretary. 5

(2) If and whenever any ordinary member or substitutive member is adjudged bankrupt, or makes a composition or arrangement with his creditors or is sentenced by a court of competent jurisdiction to suffer imprisonment or penal servitude, or ceases to be ordinarily resident in Saorstát Éireann or, in the case of 10 an ordinary member, absents himself without the consent of the Board from all meetings of the Board for a period of three months, he shall cease to hold office as an ordinary member or substitutive member, as the case may be.

Filling of casual vacancies amongst ordinary members of the Bacon Marketing Board.

**84.—**(1) Whenever a vacancy (in this section referred to as a 15 casual vacancy) occurs in the membership of the Board by reason of the death, resignation or disqualification of an ordinary member thereof, the Chairman shall notify the Minister of such vacancy, and the Minister shall, as soon as may be, appoint, in case there are any substitutive members representative of the 20 same class of curers as such ordinary member, one of such substitutive members or, in any other case, such person as he thinks proper to fill such vacancy.

(2) A substitutive member appointed to fill a casual vacancy shall thereupon cease to be a substitutive member. 25

(3) Every person appointed to fill a casual vacancy shall unless he sooner dies, resigns, or becomes disqualified, hold office as an ordinary member for the residue of the term of office for which the member whose death, resignation or disqualification occasioned the vacancy would have held office if he had not died, 30 resigned, or become disqualified.

Substitutive member acting for ordinary member.

**85.—**Whenever it appears to the Minister that on account of illness or for other sufficient reason an ordinary member is temporarily unable to discharge his duties as such member, the Minister may appoint one of the substitutive members repre- 35 sentative of the same class of curers as such ordinary member to act as an ordinary member for such period (not exceeding the duration of such inability) as he shall think proper, and every substitutive member so appointed to act as an ordinary member 40 of the Board shall during the period for which he is so appointed be an ordinary member in the place of such first-mentioned ordinary member.

Remuneration of members of the Bacon Marketing Board.

**86.—**(1) The Chairman shall be paid by the Board such remuneration and such allowances for expenses as the Minister 45 may from time to time appoint.

(2) Every ordinary member shall be paid by the Board such remuneration and such allowances for expenses as the Board, with the consent of the Minister, may from time to time appoint and different rates of remuneration may be appointed for 50 ordinary members of the Board who are members of the Pigs Marketing Board and for other ordinary members of the Board.

Offices and Staff of the Bacon Marketing Board.

**87.—**(1) The Board may purchase, take on lease, build or otherwise acquire and may equip and maintain such offices and other premises in such places as it considers necessary for the due performance of its functions under this Part of this Act and 55 may sell lease or otherwise dispose of any such premises which it considers to be no longer necessary for that purpose.

(2) The Board shall appoint, with the approval of the Minister, a person to be secretary of the Board who shall hold office upon such terms and conditions as the Board, with the 60 approval of the Minister, shall determine.



(3) The Secretary of the Board shall be paid by the Board such remuneration and such allowances for expenses as the Board, with the consent of the Minister, shall from time to time appoint.

(4) The Board shall also appoint such and so many officers (other than the secretary), servants, and agents as the Board shall from time to time consider necessary for the due performance of its functions under this Part of this Act and every officer, servant, and agent so appointed shall hold office upon such terms and subject to such conditions as the Board shall determine.

(5) There shall be paid by the Board to the officers (other than the secretary) servants and agents of the Board such remuneration and such allowances for expenses as the Board may from time to time appoint.

**88.**—Where a person serving in the Civil Service of the Government of Saorstát Eireann is seconded for service with the Board, the Board shall recoup to the Exchequer in such manner as the Minister for Finance may direct the salary of such person and also such charges in respect of superannuation and other allowances and gratuities payable under the Superannuation Acts for the time being in force to or in respect of such person as the said Minister shall determine to be proper.

Civil Servants  
seconded to the  
Bacon Marketing  
Board.

**89.**—(1) Subject to the provisions of this section, it shall not be lawful for any member or officer of the Board to disclose any information in relation to the business of any other person obtained by him in his capacity as such member or officer.

Prohibition on  
disclosure of  
information by  
members and  
officers of the  
Bacon Marketing  
Board.

(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 fifty pounds.

(3) Nothing in sub-section (1) of this section shall apply to the disclosure of any information for the purposes of any legal proceedings (whether civil or criminal) taken or proposed to be taken under this Part of this Act.

**90.**—(1) The Board may act notwithstanding one or more vacancies amongst the ordinary members.

Procedure of the  
Bacon Marketing  
Board.

(2) The Board shall regulate with the approval of the Minister by standing orders or otherwise the procedure to be observed and the business to be transacted at its meetings.

**91.**—(1) The Board shall hold its first meeting on such day at such time and place as the Minister shall appoint.

Meetings of the  
Bacon Marketing  
Board.

(2) The Board shall hold, not later than the 7th day of January in every year next following an election year (other than the election year which is the year 1935), a meeting (in this Act referred to as the triennial meeting of the Bacon Marketing Board).

(3) Subject to the provisions of this section, the Board shall hold such and so many meetings and at such times as may be necessary for the proper discharge of its functions under this Act.

(4) The Chairman alone shall constitute a quorum at a meeting of the Board.

(5) No meeting of the Board shall be held unless the Chairman is present thereat.



92.—(1) Save as is otherwise provided by this section every question arising at a meeting of the Board shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of votes the Chairman shall have a second or casting vote.

5

(2) Every question in relation to the making of an order to which this sub-section applies arising at a meeting of the Board shall be determined in accordance with the following provisions, that is to say:—

- (a) if no ordinary members or only one ordinary member are or is present at such meeting such question shall be determined by the Chairman; 10
- (b) if two or more ordinary members are present—
  - (i) such question shall in the first instance be referred to such ordinary members for their vote thereon, 15
  - (ii) if all such ordinary members vote on such question and such vote is unanimous, such question shall be deemed to have been decided by the Board in accordance with such vote,
  - (iii) if some or all of such members do not vote on such question, or if all of such members vote and such vote is not unanimous, such question shall be referred to the Chairman for his decision and such question shall be deemed to have been determined in accordance with the Chairman's decision. 20 25

This sub-section applies to—

- (a) a home-sales order;
  - (b) an allocation (sales quota) order;
  - (c) a cold-storage order;
  - (d) an order amending a cold-storage order; 30
  - (e) a purchase order;
  - (f) an order making regulations fixing the prescribed sum for the purposes of the provisions of this Part of this Act relating to levy in respect of carcasses used for the production of bacon. 35
- (3) The following provisions shall have effect in relation to the making of a production order or an allocation (production quota) order at a meeting of the Board, that is to say:—
- (a) if no ordinary members or only one ordinary member are or is present at such meeting the Chairman shall make such order and such order as so made by the Chairman shall be deemed for the purposes of this Act to have been duly made by the Board at such meeting; 40
  - (b) if two or more ordinary members are present at such meeting the following provisions shall have effect, that is to say:—
    - (i) in case all such ordinary members pass unanimously a resolution in favour of the making of such order in terms specified in such resolution, such order shall be deemed for the purposes of this Act to have been duly made in such terms by the Board at such meeting, and 50
    - (ii) in any other case, the Chairman shall make such order, and such order as so made by the Chairman shall be deemed for the purposes of this Act to have been duly made by the Board at such meeting. 55

93.—The Board shall keep in a book to be provided by it for the purpose, minutes of the proceedings at every meeting of the Board, and all such minutes shall be signed either at the meeting to which they relate by the Chairman or at the next meeting by the Chairman and when so signed shall be admitted in evidence. 60



- 94.—(1) The Board shall provide and have a common seal. The seal of the  
Bacon Marketing  
Board.
- (2) The seal of the Board shall be authenticated by the signature of the Chairman.
- (3) Every document purporting to be an order or other instrument issued or made by the Board and to be sealed with the seal of the Board authenticated in the manner provided by this section shall be received in evidence and shall until the contrary is shown be deemed to be such order or instrument without proof of the authority or signature of the person signing the same.
- 10 95.—(1) The Board shall keep all proper books of accounts and other books and records and shall within three months after the end of every year prepare and transmit to the Minister, to every licensee and to the Pigs Marketing Board, a statement of accounts (duly audited and certified by an auditor appointed by  
15 the Board with the consent and approval of the Minister) in respect of such year. Accounts,  
records and  
reports of the  
Bacon Marketing  
Board.
- (2) The Board shall in each year, at such date and in such form as the Minister may direct, make to the Minister a report of its proceedings under this Part of this Act during the preceding year and the Minister shall lay such report before each  
20 House of the Oireachtas.
- (3) The Board shall furnish to the Minister such information, statistics and returns as the Minister may from time to time require.
- 25 (4) The Board shall on payment of one shilling furnish to any person a copy of any statement of accounts which has been prepared in pursuance of this section.
- 30 96.—(1) The Minister may, with the consent of the Minister for Finance, from time to time, out of moneys provided by the Oireachtas, lend to the Board such sums of money as he thinks proper. Loans by the  
Minister to the  
Bacon Marketing  
Board.
- (2) All moneys lent to the Board under this section shall be so lent on such terms and conditions as to time and manner of repayment, rate of interest, security and other matters as the  
35 Minister shall, with the consent of the Minister for Finance, appoint.
- (3) All moneys received by the Minister in repayment of any moneys lent by him under this section or in payment of interest on or otherwise in relation to such moneys shall be paid into or  
40 disposed of for the benefit of the Exchequer in such manner as the Minister for Finance shall direct.
- 45 97.—(1) The Board shall keep a fund (in this section referred to as the fund) to be called and known as the Bacon Marketing Fund and shall maintain and manage such fund in accordance with this Act. The Bacon  
Marketing Fund.
- (2) All moneys received by the Board under this Part of this Act shall be paid by the Board into the fund.
- (3) There shall be paid out of the fund the following moneys and no other moneys, that is to say, all moneys required by this  
50 Part of this Act to be paid by the Board and all other expenses incurred by the Board in the execution of its powers and duties under this Part of this Act.
- (4) The Board may for the purposes of meeting charges required by this Part of this Act to be paid out of the fund  
55 borrow on the security of the fund.
- (5) So much of the fund as in the opinion of the Board is for the time being not immediately required for the payment of sums payable out of the said fund under this Part of this Act shall be invested by the Board in securities in which trustees are  
60 by the law for the time being in force authorised to invest trust funds.



(6) The Board may from time to time at their discretion vary or transpose all moneys invested under this section into other investments authorised under this section and may at any time sell and convert into money all or any investments made by them under this section. 5

(7) All dividends and interest received by the Board on investments made by them under this section or in respect of the sale of any such investments shall be paid into the fund.

Production  
periods and  
quotas.

98.—(1) The Board shall, not later than one month after the date of the establishment of the Board, or such subsequent date (if any) as the Minister may appoint, hold a meeting and at such meeting make an order (in this Part of this Act referred to as a production order)— 10

(a) appointing a period (beginning on a day not later than one month after the date on which such order is made) to be the first production period for the purposes of this Part of this Act, and 15

(b) appointing a specified quantity of bacon to be the production quota in respect of the first production period.

(2) The Board shall, not later than one week before the end of a production period, hold a meeting and at such meeting make an order (in this Part of this Act also referred to as a production order)— 20

(a) appointing a period (beginning at the expiration of the said production period) to be the next production period for the purposes of this Part of this Act, and 25

(b) appointing a specified quantity of bacon to be the production quota in respect of the said next production period.

(3) If at any time the provisions of sub-section (2) of this section are not complied with, the Board may, with the consent of the Minister, make, at a meeting to be held on such date as the Minister may appoint, a production order, and the period to be appointed by such order as the production period for the purposes of this Part of this Act shall be a period beginning on such date as the Minister may direct. 30 35

(4) In making a production order the Board shall have regard to the following matters, namely:—

(a) the capacity of the markets (both home and export) for bacon; 40

(b) the quantity of bacon which the Board anticipates is required to be placed in cold storage against future requirements;

(c) the stock of bacon on hands;

(d) the supply of pigs likely to be available; 45

(e) such other matters as the Board considers relevant.

(5) The Pigs Marketing Board may make recommendations to the Board in relation to the production period and the production quota to be appointed by any production order, and the Board shall in making such order consider any such recommendations. 50

(6) Every production order shall be published in the *Iris Oifigiúil* as soon as may be after it is made.

Allotment of  
production  
quota amongst  
licensed  
premises.

99.—(1) Whenever the Board makes a production order at any meeting the Board shall at such meeting make an order (in this Part of this Act referred to as an allocation (production quota) order) allotting, subject to the provisions of this section, the production quota in respect of the production period appointed by such production order amongst all licensed premises in such proportions as the Board thinks proper, and references in this Part of this Act to the production sub-quota for particular licensed premises in respect of a particular production period shall be construed as references to the portion of the production quota in respect of such production period allotted to such premises by an allocation (production quota) order. 55 60 65



(2) Where the Minister, after the date of establishment of the Board, grants a licence, he may request the Board in making an allocation (production quota) order to allot to the premises in respect of which such licence was granted a specified proportion of the production quota in respect of the production period to which such allocation (production quota) order relates, and the Board shall comply with any such request.

(3) In allotting under an allocation (production quota) order a portion of the production quota in respect of a particular production period to any licensed premises, the Board shall, subject to the provisions of the immediately preceding sub-sections, have regard to—

(a) the obligations of the licensee in respect of such premises under any order made by the Minister under section 2 of the Agricultural Products (Regulation of Export) Act, 1933 (No. 26 of 1933), as amended by any subsequent enactment, and

(b) in case such allocation (production quota) order is made during the year 1935 or the year 1936, the quantity of bacon produced in such premises during the period of twelve months ending on the 31st day of December, 1934, and

(c) in case such allocation (production quota) order relates to the production quota in respect of any production period commencing on or after the 1st day of January, 1937, the quantity of bacon allotted to such licensed premises under allocation (production quota) orders in respect of the production periods corresponding as nearly as possible to the twelve months immediately preceding the commencement of such first-mentioned production period.

(4) As soon as an allocation (production quota) order has been made, the Chairman shall not later than five days before the commencement of the production period to which such order relates cause to be served on each licensee of licensed premises a notice (in this Part of this Act referred to as a production notice) in writing stating the proportion of the production quota in respect of such production period which has been allotted to such premises by such order.

(5) The Board may, on the joint application of the holder of a licence in respect of particular premises and the holder of a licence in respect of other premises, transfer from such first-mentioned premises to such other premises the whole or any part of the production sub-quota for such first-mentioned premises in respect of a particular production period, and thereupon the production sub-quota for such first-mentioned premises in respect of such production period and the production sub-quota for such other premises in respect of such production period shall, for the purposes of this Part of this Act, be deemed to have been respectively decreased and increased accordingly.

#### 100.—Where—

(a) a production notice in relation to any premises has been duly served on the licensee in respect of such premises, and

(b) the quantity of bacon produced in such premises during the production period to which such production notice relates is less than ninety-five per cent. of the production sub-quota for such premises in respect of such period,

such licensee shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine calculated at the rate of ten shillings for every hundredweight by which the amount of bacon produced at such premises during such production period falls short of the production sub-quota for such premises in respect of such period.

Penalty for under-production of bacon.

#### 101.—Where—

(a) a production notice in relation to any premises has been

Penalty for over-production of bacon.



duly served on the licensee in respect of such premises, and

- (b) the quantity of bacon produced in such premises during the production period to which such production notice relates exceeds by more than ten per cent. the production sub-quota for such premises in respect of such period,

such licensee shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine calculated at the rate of ten shillings for every hundredweight which the amount of bacon produced at such premises during such production period exceeds the production sub-quota for such premises in respect of such period.

Sale periods and quotas.

**102.**—(1) The Board may whenever and so often as they think it proper so to do, by order (in this Part of this Act referred to as a home-sales order)—

(a) appoint a specified period to be a sale period for the purposes of such order, and

(b) appoint a specified quantity of bacon to be the sales quota in respect of such period.

(2) Every home-sales order shall be published in the *Iris Oifigiúil* as soon as may be after it is made.

Allotment of sale quota amongst licensed premises.

**103.**—(1) Whenever the Board makes a home-sales order at any meeting the Board shall at such meeting make an order (in this Part of this Act referred to as an allocation (sales quota) order) allotting the sales quota in respect of the sale period appointed by such home-sales order between all licensed premises in such proportions as the Board thinks proper, and references in this Part of this Act to the sales sub-quota for particular licensed premises in respect of a particular sale period shall be construed as the portion of the sales quota in respect of such sale period allotted to such premises by an allocation (sales quota) order.

(2) As soon as an allocation (sales quota) order has been made the Chairman shall, not later than five days before the commencement of the sale period to which such order relates, cause to be served on each licensee of licensed premises a notice (in this Part of this Act referred to as a sale notice) in writing stating the proportion of the sales quota in respect of such sale period which has been allotted to such premises by such order.

Penalty for consigning bacon in excess of sales sub-quota.

**104.**—Where—

(a) a copy of a sale notice made in relation to any premises has been duly served on the licensee in respect of such premises, and

(b) the quantity of bacon consigned (other than by way of export) on sale during the sale period to which such notice relates exceeds by more than five per cent. the sales sub-quota for such premises in respect of such period,

such licensee shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine calculated at the rate of ten shillings for every hundredweight by which the amount of bacon so consigned from such premises during such period exceeds the sales sub-quota for such premises in respect of such period.

Cold-storing of bacon.

**105.**—(1) The Board may, whenever and so often as they think it proper so to do, by order (in this Part of this Act referred to as a cold-storage order) do the following things, that is to say:—

(a) declare that of the total amount of bacon produced in all licensed premises during any specified period (other than bacon produced in and exported from such licensed premises during such period) a specified percentage shall be the appointed national percentage in respect of such period;



(b) require every licensee in respect of particular premises to put, before the expiration of such period, from such premises into a cold store a percentage of the bacon produced in such premises during such period (other than bacon produced in and exported from such licensed premises during such period) equal to such appointed national percentage unless the said percentage of such bacon does not exceed twenty hundredweights.

10 (2) The Board may by order at any time revoke or amend a cold-storage order.

(3) Every cold-storage order shall be published in the *Iris Oifigiúil* as soon as may be after it is made.

15 (4) If the licensee in respect of any premises fails or neglects to comply with the obligations imposed on him in relation to such premises by a cold-storage order, such licensee shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine calculated at the rate of ten shillings for every hundredweight by which the amount of  
20 bacon put, during the period to which such cold-storage order relates, from such premises into a cold store falls short of the quantity of bacon required by such cold-storage order to be put during such period from such premises into a cold store.

106.—(1) Where any bacon has been placed in a cold store by a licensee in pursuance of a cold-storage order it shall not be lawful for such licensee to remove such bacon from such cold store otherwise than with the consent of the Board.

Restriction on removal of bacon placed in a cold store.

(2) If any bacon is removed by a licensee from a cold store in contravention of this section such licensee shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine calculated at the rate of ten shillings for every hundredweight of such bacon so removed.

107.—(1) Whenever the Board is of opinion that any bacon in the hands of a licensee (not being bacon kept in a cold store in pursuance of a cold-storage order) remains unsold owing to such licensee demanding an unreasonable price therefor, the Board may make an order (in this Part of this Act referred to as a purchase order) requiring such curer to sell to the Board at such price as may be specified in such order a quantity (to be specified in such order) of bacon equivalent to the quantity of such first-mentioned bacon and to deliver such quantity to a place and at a time specified in such order.

Compulsory purchase of bacon by the Bacon Marketing Board from licensees.

(2) Whenever the Board makes a purchase order the Board may, not less than five days before the date appointed by such order for the delivery of the bacon specified in such order, serve on the person to whom such order relates a copy of such order.

(3) Where—

(a) a copy of a purchase order is duly served on a licensee, and

50 (b) such licensee fails, neglects, or refuses to deliver to the Board at the time and place specified in such order the quantity of bacon specified in such order, such licensee shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine calculated at the rate of ten shillings for every  
55 hundredweight of bacon specified in such purchase order and not so delivered.

(4) Where any bacon is duly delivered by a licensee to the Board in pursuance of a purchase order the Board shall pay to  
60 such licensee the price of such bacon specified in such order.

108.—(1) The Board may, with the consent of the Minister and subject to compliance with such conditions as the Minister thinks fit, engage in the business of producing bacon, and do all things necessary for carrying on such business.

Production of bacon by the Bacon Marketing Board.



(2) The Control of Manufactures Acts, 1932 and 1934, shall not apply in respect of any act or thing done by the Board under this section.

Other powers of  
the Bacon  
Marketing  
Board.

109.—The Board may do all or any of the following things, that is to say:—

- (a) advertise, either alone or in co-operation with any other person, bacon;
- (b) undertake research work in relation to the manufacture of bacon and the preparation and utilisation of by-products, which, in the opinion of the Board, is calculated to benefit the bacon industry;
- (c) contribute, with the consent of the Minister, towards the cost of schemes for the improvement of pigs;
- (d) subject to conditions approved by the Minister, sell bacon or establish a marketing organisation for the sale of bacon.

Inspection of  
licensed  
premises, etc.,  
by authorised  
officers of the  
Bacon Marketing  
Board.

110.—(1) An authorised officer of the Bacon Marketing Board shall be entitled (subject to the production by him if so required of his authority in writing as such authorised officer) at all reasonable times to enter upon any licensed premises or cold store and to inspect any bacon in such premises or cold store.

(2) Every person who obstructs or impedes any authorised officer of the Bacon Marketing Board in the exercise of any of the 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 a fine not exceeding five pounds.

Levy in respect  
of carcases used  
for production  
of bacon.

111.—(1) Every person who holds or has held a licence shall, for every half-year during which or any part of which he holds or has held such licence, pay to the Board in respect of such licence a levy calculated at the rate of a prescribed sum for every carcase used for the production of bacon during such half-year at the premises to which such licence relates.

(2) As soon as may be after the expiration of every half-year the Board shall ascertain, in respect of every person who during the whole or any part of such half-year held a licence, the amount of the levy payable under this section by such person for such half-year in respect of such licence.

(3) Where a licence held by a person is revoked by the Minister under Part II of this Act, the levy payable by such person in respect of such licence for the half-year then current, shall, if the Board so directs, be ascertained immediately upon such revocation and not under the foregoing sub-section.

(4) Where a licence is held by two or more persons in succession during the half-year, such licence shall, for the purposes of this section, be deemed to have been held during the whole of such half-year by the person who last holds the same during such half-year and not to have been held by any other person at any time during such half-year.

(5) As soon as the amount of any levy has been ascertained under the foregoing provisions of this section, the Board shall make a certificate (in this section referred to as a certificate of indebtedness) certifying the half-year for which such levy is payable, the person by whom and the premises in respect of which such levy is payable, and the amount of such levy.

(6) Every certificate of indebtedness shall be *prima facie* evidence of all matters purported to be certified therein and any document purporting to be a certificate of indebtedness issued under this section shall, on production thereof in any proceedings to recover the amount thereby certified to be payable, be deemed until the contrary is proved to be a certificate of indebtedness duly issued under this section and shall be admitted in evidence accordingly.



(7) As soon as may be after the making of a certificate of indebtedness, a copy thereof shall be served on the person thereby certified as liable to pay the levy the subject thereof and immediately upon such service the amount certified by such certificate as payable by such person shall become and be payable by such person to the Board and shall, after the expiration of four weeks from such service, be recoverable by the Board as a simple contract debt in any court of competent jurisdiction.

(8) If any licensee fails or neglects to pay the amount certified by a certificate of indebtedness to be payable by him within four weeks after the service of a copy of such certificate on him, the Minister may revoke the licence in relation to which such amount is payable, but such revocation shall not relieve such person from liability to pay the said amount.

(9) The Board may at any time by order declare that there shall be no levy under this section in respect of any carcasses used for the production of bacon during any specified half-year or specified part of a half-year, and may at any time revoke or amend any such order, and whenever any such order is in force, then, notwithstanding anything contained in this section, no levy shall be payable under this section in respect of any carcasses used for the production of bacon during the half-year or part of a half-year to which such order relates.

(10) For the purposes of this section each of the following periods shall be deemed to be a half-year, that is to say:—

(a) the period commencing on the date of the establishment of the Board and ending on the 31st day of December, 1935;

(b) any period of six months commencing, after the date of the establishment of the Board, on any 1st day of January or 1st day of July.

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

Returns under Part III by licensees and registered minor curers.

(a) the returns (including returns in relation to any period or periods commencing before the date of such regulations, but not earlier than the 1st day of January, 1934) to be made to the Board by holders of licences and registered minor curers;

(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, or who makes in any such return any statement which is false or misleading in any material respect, shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence under this section, to a fine not exceeding ten pounds and, in the case of a second or any subsequent offence under this section, to a fine not exceeding twenty-five pounds.

**113.—**(1) Every licensee under a licence shall keep or cause to be kept at the premises to which such licence relates the prescribed records in the prescribed form and shall make or cause to be made in every such record the prescribed entries within the prescribed time.

Records under Part III.

(2) Every record kept in pursuance of this section may be inspected at any time during office hours by an authorised officer of the Bacon Marketing Board, 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 officer on demand such record and also all invoices, consignment notes, receipts and other documents (including copies thereof where the originals are not available) reasonably demanded by such authorised officer for the purpose of verifying any entry in or explaining any omission from such record.



(3) If any person—

- (a) fails to keep or cause to be kept such record as is required by this section to be kept or caused to be kept by him; or
- (b) fails to make or cause to be made in such record within 5 the time appointed by this section any entry required by this section to be made by him therein; or
- (c) fails to produce or cause to be produced for inspection by an authorised officer of the Bacon Marketing Board on demand any record, document, or copy of a 10 document which he is required by this section to produce or obstructs any such authorised officer in the making of such inspection; or
- (d) makes or causes to be made in such record any entry which is false or misleading in any material particular, 15

he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

(4) For the purposes of this section—

- (a) inspection of a record or document shall include taking 20 copies thereof or extracts therefrom, and
- (b) a demand for an inspection of a record required by this section to be kept at any premises or of any other document reasonably demanded by an authorised officer of the Bacon Marketing Board under this 25 section for the purpose of verifying any entry in, or explaining any omission from, such record shall be deemed to have been duly made to the person liable under this section to keep such record if such demand is made verbally at such premises to any individual in 30 the employment of such person; and
- (c) a refusal or failure to produce a record required by this section to be kept at any premises or any other document reasonably demanded by an authorised officer of the Bacon Marketing Board under this section for the 35 purpose of verifying any entry in or any omission from such record, if made or committed at such premises by an individual in the employment of the person liable under this section to produce such record or document, shall be deemed to have been made or 40 committed by such person.

Regulations by  
the Bacon  
Marketing Board

**114.**—The Board may by order make regulations in relation to any matter or thing referred to in this Part of this Act as prescribed.

Prosecutions  
under Part III.

**115.**—(1) Any offence under any section contained in this Part 45 of this Act may be prosecuted by, or at the suit of, the Board as prosecutor.

(2) Proceedings for an offence under any section contained in this Part of this Act shall not be instituted except by, or with the consent of, the Board. 50

## PART IV.

### REGULATION OF PRICES OF PIGS AND CARCASSES.

Definitions for  
purposes of  
Part IV.

**116.**—In this Part of this Act—

the expression “factory-purchased pig” means a pig delivered at licensed premises or premises registered in the register of 55 minor curers upon terms that the price of such pig is to be determined after slaughter;



the expression "non-factory-purchased pig" means a pig purchased upon terms which do not constitute such pig a factory-purchased pig;

the expression "authorised officer of the Pigs Marketing Board" means a person authorised in writing by the Pigs Marketing Board to exercise the powers conferred on an authorised officer of the Pigs Marketing Board by this Part of this Act;

the word "prescribed" means prescribed by regulations made by the Pigs Marketing Board under this Part of this Act.

10 117.—(1) There shall be established in accordance with this Part of this Act a board (in this Part of this Act referred to as the Board) to be styled and known as the Pigs Marketing Board to fulfil the functions assigned to it by this Part of this Act.

Constitution of  
the Pigs  
Marketing  
Board.

15 (2) The Board shall be a body corporate with perpetual succession and an official seal (which shall be judicially noticed) and power to sue and to be sued in its corporate name and to hold and dispose of land.

20 (3) The Board shall consist of seven members, namely, a Chairman (in this Part of this Act referred to as the Chairman) and six ordinary members (in this Part of this Act referred to as the ordinary members) elected or nominated in the manner hereinafter mentioned.

25 118.—(1) The Minister shall as soon as may be necessary after the commencement of this Part of this Act and thereafter as occasion requires nominate a person to be the Chairman.

The Chairman  
of the Pigs  
Marketing  
Board.

(2) The Chairman shall hold office during the pleasure of the Minister.

30 (3) Whenever the Chairman is through ill-health or other sufficient cause temporarily incapacitated from performing the duties of his office the Minister may nominate a person to perform during such incapacity the duties of the Chairman and the person so appointed shall during such incapacity have all the powers of the Chairman and be deemed for the purposes of this Part of this Act to be the Chairman.

35 (4) There shall be paid by the Board to every person nominated under the immediately preceding sub-section such remuneration and such allowances for expenses as the Minister may appoint.

40 119.—(1) Of the ordinary members three (in this Part of this Act referred to as curer members) shall be elected in accordance with this Act by the Bacon Marketing Board and three (in this Part of this Act referred to as producer members) shall be nominated in accordance with this Act.

The ordinary  
members of the  
Pigs Marketing  
Board.

45 (2) The curer members shall be persons who are ordinary members of the Bacon Marketing Board.

(3) The producer members shall be persons who are representative of pig producers in Saorstát Eireann.

50 120.—(1) The Bacon Marketing Board shall at its first meeting in the year 1935 and at each triennial meeting of the Bacon Marketing Board elect three curer members.

Election of  
curer members of  
Pigs Marketing  
Board.



(2) If the Bacon Marketing Board fails to elect at its first meeting or any triennial meeting three curer members the Minister shall, not later than five days after such meeting, nominate three or such less number as circumstances require of ordinary members of the Bacon Marketing Board to be curer 5 members and the persons so nominated shall for all purposes be deemed to have been duly elected at such meeting as curer members.

Nomination of  
producer  
members.

**121.**—Not later than five days after each election of curer members, the Minister shall nominate three persons to be 10 producer members.

Establishment  
of the Pigs  
Marketing  
Board.

**122.**—(1) Within one month after the completion of the first nomination of producer members, the Minister shall publish in the *Iris Oifigiúil* a notice declaring the Board to be established as from a date (subsequent to the publication of such notice) 15 to be specified in such notice and thereupon the Board shall for all purposes be deemed to have been duly established on the date so specified.

(2) In this Part of this Act all references to the date of the establishment of the Board shall be construed as referring to the 20 date on which the Board is by virtue of this section deemed to have been established.

Term of office of  
ordinary  
members.

**123.**—(1) Every curer member and every producer member (other than a person appointed to fill a casual vacancy) shall, unless he sooner dies, resigns, or becomes disqualified, hold office— 25

(a) in case he was elected or nominated in the year 1935, from the date of the establishment of the Board until the 10th day of January, 1937;

(b) in case he was elected or nominated in any other year, for a period of three years from the 11th day of 30 January in such year.

(2) A curer member or a producer member retiring on the expiration by effluxion of time of his term of office shall be eligible for re-election or re-nomination.

Resignation and  
disqualification of  
ordinary  
members of Pigs  
Marketing  
Board.

**124.**—(1) An ordinary member may at any time resign his 35 office as such member by a letter addressed and sent to the secretary of the Board and every such resignation shall take effect at the commencement of the meeting of the Board held next after the receipt of such letter by the secretary.

(2) If and whenever any ordinary member is adjudged bankrupt, or makes a composition or arrangement with his creditors, or is sentenced by a court of competent jurisdiction to suffer imprisonment or penal servitude, or ceases to be ordinarily resident in Saorstát Eireann, or absents himself without the consent of the Board from all meetings of the Board for a period of three 45 months, or, in the case of a curer member, ceases to be a member of the Bacon Marketing Board, he shall cease to hold office as an ordinary member.

Filling of casual  
vacancies  
amongst  
ordinary  
members of Pigs  
Marketing  
Board.

**125.**—(1) Whenever a vacancy (in this section referred to as a casual vacancy) occurs in the membership of the Board by 50 reason of the death, resignation or disqualification of an ordinary member, the Chairman shall notify the Minister of such vacancy, and the Minister shall, in case such ordinary member was a curer member, appoint one of the ordinary members of the Bacon Marketing Board who is not then a member of the Pigs Marketing 55 Board to fill such vacancy or, in case such ordinary member was a producer member, appoint a person representative of pig producers to fill such vacancy.

(2) Every person appointed to fill a casual vacancy shall, unless he sooner dies, resigns or becomes disqualified, hold office 60 as an ordinary member for the residue of the term of office for which the member whose death, resignation or disqualification occasioned the vacancy would have held office if he had not died, resigned or became disqualified.



126.—Whenever it appears to the Minister that on account of illness or for other sufficient reason an ordinary member is temporarily unable to discharge his duties as such member, the Minister may appoint, in case such member is a curer member, an ordinary member of the Bacon Marketing Board or, in case such member is a producer member, a person representative of pig producers, to act as an ordinary member for such period (not exceeding the duration of such inability) as he shall think proper, and every person so appointed to act as an ordinary member of the Board shall during the period for which he is so appointed be an ordinary member in the place of such first-mentioned ordinary member.

Appointment of substitute for ordinary member temporarily incapacitated.

127.—(1) The Minister may by order (in this section referred to as a producer members (election) order) direct that in the election year specified in such order, and in each subsequent election year, the three producer members and also six other persons (from whom (if available) casual vacancies amongst producer members shall be filled and substitutes shall be appointed to act for producer members temporarily unable to discharge their duties on account of illness or other sufficient cause) shall be elected by approved associations, and such order may contain all such provisions (including adaptations and modifications of this Part of this Act) as the Minister considers necessary for the purposes of giving effect to such direction.

Additional provisions in relation to producer members.

(2) The Minister may by order (in this section referred to as a producer members (panel) order) direct that there shall be formed in the election year specified in such order and each subsequent election year a panel of a specified number of persons eligible for nomination by the Minister as producer members, that the persons whose names are to be entered in such panel shall be nominated by approved associations and committees of agriculture, and that the persons nominated by the Minister to be producer members to fill casual vacancies amongst producer members and to act for producer members temporarily unable to discharge their duties owing to illness or other sufficient cause, shall be selected from the persons whose names are entered in such panel, and such order may contain such provisions (including adaptations and modifications of this Part of this Act) as the Minister considers necessary for giving effect to such direction.

(3) The Minister may at any time by order revoke or amend a producer members (election) order or a producer members (panel) order or any order made under this section amending a previous order.

(4) In this section the expression 'approved associations' means associations of pig producers in Saorstát Eireann for the time being approved by the Minister.

(5) For the purposes of this section each of the following years shall be an election year, that is to say, the year 1936, the year 1939, the year 1942, the year 1945, and so on.

128.—(1) The Chairman shall be paid by the Board such remuneration and such allowances for expenses as the Minister may from time to time appoint.

Remuneration of members of the Pigs Marketing Board.

(2) Every ordinary member shall be paid by the Board such remuneration and such allowances for expenses as the Board, with the consent of the Minister, may from time to time appoint and different rates of remuneration may be appointed for ordinary members of the Board who are members of the Bacon Marketing Board and for other ordinary members of the Board.

129.—(1) The Board may purchase, take on lease, build or otherwise acquire and may equip and maintain such offices and other premises in such places as it considers necessary for the due performance of its functions under this Part of this Act and may sell lease or otherwise dispose of any such premises which it considers to be no longer necessary for that purpose.

Offices and staff of the Pigs Marketing Board.



(2) The Minister shall as soon as may be necessary after the commencement of this Part of this Act and thereafter as occasion requires appoint a person to be the secretary of the Board.

(3) The secretary of the Board shall hold office during the pleasure of the Minister and shall be paid by the Board such remuneration and such allowances for expenses as the Minister may from time to time appoint.

(4) The Board shall appoint such and so many other officers (other than the secretary), servants, and agents as the Board shall from time to time consider necessary for the due performance of its functions under this Part of this Act and every officer, servant, and agent so appointed shall hold office upon such terms and subject to such conditions as the Board shall determine.

(5) There shall be paid by the Board to the officers (other than the secretary), servants, and agents of the Board such remuneration and allowances for expenses as the Board may from time to time appoint.

Civil servants seconded to the Pigs Marketing Board.

**130.**—Where a person serving in the Civil Service of the Government of Saorstát Eireann is seconded for service with the Board, the Board shall recoup to the Exchequer, in such manner as the Minister for Finance may direct, the salary of such person and also such charges in respect of superannuation and other allowances and gratuities payable under the Superannuation Acts for the time being in force to or in respect of such person as the said Minister shall determine to be proper.

Prohibition on disclosure of information by members and officers of the Pigs Marketing Board.

**131.**—(1) Subject to the provisions of this section it shall not be lawful for any member or officer of the Board to disclose any information in relation to the business of any other person obtained by him in his capacity as such member or officer.

(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 fifty pounds.

(3) Nothing in sub-section (1) of this section shall apply to the disclosure of any information for the purposes of any legal proceedings (whether civil or criminal) taken or proposed to be taken under this Part of this Act.

Procedure of the Pigs Marketing Board.

**132.**—(1) The Board may act notwithstanding one or more vacancies amongst the ordinary members.

(2) The Board shall regulate with the approval of the Minister by standing orders or otherwise the procedure to be observed and the business to be transacted at its meetings.

Meetings of the Pigs Marketing Board.

**133.**—(1) The Board shall hold its first meeting on such day at such time and place as the Minister shall appoint.

(2) Subject to the provisions of this section, the Board shall hold such and so many meetings and at such times as may be necessary for the proper discharge of its functions under this Act.

(3) The Chairman alone shall constitute a quorum at a meeting of the Board.

(4) No meeting of the Board shall be held unless the Chairman is present thereat.

Determination of questions by the Pigs Marketing Board.

**134.**—(1) Save as is otherwise provided by this section, every question arising at a meeting of the Board shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of votes the Chairman shall have a second or casting vote.

(2) The following provisions shall have effect in relation to the making of a price order, a freight allowance order, a buying allowance order, or an order amending a price order, a freight



allowance order or a buying allowance order, at a meeting of the Board, that is to say:—

5 (a) if no ordinary members or only one ordinary member are or is present at such meeting the Chairman shall make such order and such order as so made by the Chairman shall be deemed for the purposes of this Part of this Act to have been duly made by the Board at such meeting;

10 (b) if two or more ordinary members are present at such meeting, the following provisions shall have effect, that is to say:—

15 (i) in case all such ordinary members pass unanimously a resolution in favour of the making of such order in terms specified in such resolution, such order shall be deemed for the purposes of this Part of this Act to have been duly made in such terms by the Board at such meeting, and

20 (ii) in any other case, the Chairman shall make such order, and such order as so made by the Chairman shall be deemed for the purposes of this Part of this Act to have been duly made by the Board at such meeting.

25 **135.**—The Board shall keep in a book to be provided by it for the purpose, minutes of the proceedings at every meeting of the Board, and all such minutes shall be signed either at the meeting to which they relate by the Chairman or at the next meeting by the Chairman and when so signed shall be admitted in evidence. Minutes of meetings of the Pigs Marketing Board.

**136.**—(1) The Board shall provide and have a common seal. The seal of the Pigs Marketing Board.  
30 (2) The seal of the Board shall be authenticated by the signature of the Chairman.

(3) Every document purporting to be an order or other instrument issued or made by the Board and to be sealed with the seal of the Board authenticated in the manner provided by this section shall be received in evidence and shall, until the contrary is shown, be deemed to be such order or instrument without proof of the authority or signature of the person signing the same.

**137.**—(1) The Board shall keep all proper books of accounts and other books and records and shall within three months after the end of every year prepare and transmit to the Minister, to every licensee, and to the Bacon Marketing Board a statement of accounts (duly audited and certified by an auditor appointed by the Board with the consent and approval of the Minister) in respect of such year. Accounts, records and reports of the Board.

40 (2) The Board shall in each year, at such date and in such form as the Minister may direct, make to the Minister a report of its proceedings under this Part of this Act during the preceding year and the Minister shall lay such report before each House of the Oireachtas.

50 (3) The Board shall furnish to the Minister such information, statistics and returns as the Minister may from time to time require.

(4) The Board shall on payment of one shilling furnish to any person a copy of any statement of accounts which has been prepared in pursuance of this section.

55 **138.**—(1) The Minister may, with the consent of the Minister for Finance, from time to time out of moneys provided by the Oireachtas lend to the Board such sums as he thinks proper. Loans by the Minister to the Pigs Marketing Board.

60 (2) All moneys lent to the Board under this section shall be so lent on such terms and conditions as to time and manner of repayment, rate of interest, security and other matters as the Minister shall, with the consent of the Minister for Finance, appoint.



(3) All moneys received by the Minister in payment of any moneys lent by him under this section or in payment of interest on or otherwise in relation to such moneys, shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance shall direct.

5

The Pigs

Marketing Fund.

**139.**—(1) The Board shall keep a fund (in this Part of this Act referred to as the fund) to be called and known as the Pigs Marketing Fund and shall maintain and manage such fund in accordance with this Act.

(2) All moneys received by the Board under this Part of this Act shall be paid by the Board into the fund. 10

(3) There shall be paid out of the fund the following moneys and no other moneys, that is to say, all moneys required by this Part of this Act to be paid by the Board and all other expenses incurred by the Board in the execution of its powers and duties under this Part of this Act. 15

(4) The Board may for the purposes of meeting charges required by this Part of this Act to be paid out of the fund borrow on the security of the fund.

(5) So much of the fund as in the opinion of the Board is for the time being not immediately required for the payment of sums payable out of the said fund under this Part of this Act shall be invested by the Board in securities in which trustees are by the law for the time being in force authorised to invest trust funds. 25

(6) The Board may from time to time at their discretion vary or transpose all moneys invested under this section into other investments authorised under this section and may at any time sell and convert into money all or any investments made by them under this section. 30

(7) All dividends and interest received by the Board on investments made by them under this section or in respect of the sale of any such investments shall be paid into the fund.

Price Orders.

**140.**—(1) The Board shall, not later than one month after the date of the establishment of the Board, or such subsequent date (if any) as the Minister may appoint, hold a meeting and at such meeting make an order (in this Part of this Act referred to as a price order)— 35

(a) dividing non-factory-purchased pigs into such and so many classes as the Board thinks fit; and 40

(b) dividing carcasses of factory-purchased pigs into such and so many classes as the Board thinks fit, and dividing each such class into such and so many grades as the Board thinks fit; and

(c) dividing the carcasses of non-factory-purchased pigs into such and so many classes as the Board thinks fit, and if the Board thinks proper, dividing each such class into such and so many grades as the Board thinks fit; 45

(d) appointing a period (beginning on a day not later than one month after the day on which such order is made) to be the first sale period for the purposes of this Part of this Act; and 50

(e) fixing, in respect of non-factory-purchased pigs of each class sold during such sale period, the price (in terms of a rate per hundredweight) thereof; and 55

(f) fixing, in respect of carcasses of factory-purchased pigs of each grade of each class sold during such sale period, the price (in terms of a rate per hundredweight) thereof; and

(g) in case the Board divide each class of carcasses of non-factory-purchased pigs into grades, fixing in respect of each grade of each class sold during such sale period the price (in terms of a rate per hundredweight) thereof, or in any other case fixing in respect of each class sold during such sale period the price (in terms of a rate per hundredweight) thereof. 60 65



(2) The Board shall, not later than one week before the end of a sale period, hold a meeting and at such meeting make an order (in this Part of this Act also referred to as a price order)—

- (a) dividing non-factory-purchased pigs into such and so many classes as the Board thinks fit; and
- (b) dividing carcasses of factory-purchased pigs into such and so many classes as the Board thinks fit, and dividing each such class into such and so many grades as the Board thinks fit; and
- (c) dividing the carcasses of non-factory-purchased pigs into such and so many classes as the Board thinks fit and, if the Board thinks proper, dividing each such class into such and so many grades as the Board thinks fit; and
- (d) appointing a period (beginning on the expiration of the said sale period) to be the next sale period for the purposes of this Part of this Act; and
- (e) fixing in respect of non-factory-purchased pigs of each class sold during such next sale period the price (in terms of a rate per hundredweight) thereof; and
- (f) fixing in respect of carcasses of factory-purchased pigs of each grade of each class sold during such next sale period the price (in terms of a rate per hundredweight) thereof; and
- (g) in case the Board divide each class of carcasses of non-factory-purchased pigs into grades, fixing in respect of each grade of each class sold during such next sale period the price (in terms of a rate per hundredweight) thereof, or in any other case fixing in respect of each class sold during such next sale period the price (in terms of a rate per hundredweight) thereof.

(3) If at any time the provisions of sub-section (2) of this section are not complied with, the Board may, with the consent of the Minister, make, at a meeting to be held on such date as the Minister may appoint, a price order, and the period to be appointed by such order as the sale period for the purpose of this Part of this Act shall be a period beginning on such date as the Minister may direct.

(4) The Board may at any time by order amend a price order and every order amending a price order shall specify the date (not being earlier than the Monday next following the date on which such order is made) on which such order is to come into force.

(5) In making a price order or an order amending a price order the Board shall have regard to the following matters, namely—

- (a) the capacity of the markets (both home and export) for bacon;
- (b) the quantity of bacon which the Board anticipates is required to be placed in cold storage against future requirements;
- (c) the stock of bacon on hands;
- (d) the supply of pigs likely to be available;
- (e) the cost of production of pigs and particularly the cost of feeding stuffs for the previous four months;
- (f) such other matters as the Board considers relevant.

(6) Every price order and every order amending a price order shall be published in the *Iris Oifigiúil* as soon as may be after it is made.

141.—(1) The Board shall, at the meeting at which it makes the first price order, make an order (in this Part of this Act referred to as a freight allowance order)—

- (a) dividing Saorstát Eireann into such and so many areas (in this Part of this Act referred to as sale areas) as the Board thinks fit; and
- (b) in respect of each sale area, fixing the sum which is to be the freight allowance in respect of each pig or carcass sold in such area;

and different sums may be fixed in respect of different sale areas.



(2) The Board may at any time by order under this sub-section amend the order made under the immediately preceding sub-section or any order made under this sub-section.

(3) In this Part of this Act, the expression "the freight allowance" means in relation to a pig or carcase sold in a particular sale area, the sum for the time being fixed by an order under this section as the freight allowance in respect of a pig or carcase sold in such area.

Buying  
allowance.

**142.**—(1) The Board shall, at the meeting at which it makes the first price order, make an order (in this Part of this Act referred to as a buying allowance order) fixing the sum which is to be the buying allowance in respect of each pig or carcase sold. 10

(2) The Board may at any time by order under this sub-section amend the order made under the immediately preceding sub-section or any order made under this sub-section. 15

(3) In this Part of this Act the expression "the buying allowance" means in relation to any pig or carcase, the sum for the time being fixed by order under this section as the buying allowance. 20

Insurance  
allowance.

**143.**—The Board may by order make regulations fixing the sum (in this Part of this Act referred to as the insurance allowance) which is to be allowed, in respect of each pig or carcase sold to a licensee, by way of insurance against the condemnation of such pig or carcase and the offals thereof by a veterinary examiner under Part II of this Act or by a local sanitary authority under statutory powers. 25

Restriction on  
price of pigs and  
carcases.

**144.**—(1) It shall not be lawful, during any period appointed to be a sale period by a price order, for any licensee or registered minor curer to purchase or for any person to sell to a licensee or a registered minor curer— 30

(a) any non-factory-purchased pig of a class fixed by such order at a sum other than the following sum, namely, a sum calculated by reference to the weight of such pig and the price fixed by such order for non-factory-purchased pigs of that class, less the appropriate amount, the freight allowance, and the buying allowance; 35

(b) any factory-purchased pig at a sum other than the following sum, namely, a sum to be calculated by reference to the weight of the carcase of such pig and the price fixed by such order for carcasses of factory-purchased pigs of a grade and class corresponding to the grade and class of such carcase, less the appropriate amount; 40 45

(c) any carcase of a non-factory-purchased pig at a sum other than—

(i) in case such order fixes grades of classes of carcasses of non-factory-purchased pigs, the following sum, namely, a sum calculated by reference to the weight of such carcase and the price fixed by such order for carcasses of non-factory-purchased pigs of a grade and class corresponding to the grade and class of such carcase, less the appropriate amount, the freight allowance, and the buying allowance, or 50 55

(ii) in any other case, the following sum, namely, a sum calculated by reference to the weight of such carcase and the price fixed by such order for carcasses of non-factory-purchased pigs of a class corresponding to the class of such carcase, less the appropriate amount, the freight allowance, and the buying allowance. 60

(2) In this section the expression "the appropriate amount"



in relation to any pig or carcase sold means the sum of the following amounts:—

- (a) in case such pig or carcase is purchased by a licensee—
- 5 (i) a sum equal to the sum for the time being prescribed for the purposes of the levy payable to the Board by licensees under the provisions of this Part of this Act relating to levy payable by licensees to the Pigs Marketing Board; and
  - 10 (ii) a sum equal to the sum for the time being prescribed by the Minister under the provisions of Part II of this Act relating to fees payable by licensees; and
  - (iii) a sum equal to the sum for the time being fixed as the insurance allowance; and
- 15 (b) in case such pig or carcase is purchased by a registered minor curer, a sum of one shilling; and
- (c) in case such pig or carcase is purchased at a fair or market at which tolls are payable, a sum equal to the amount of the toll for one pig or one carcase (as the case may be); and
- 20 (d) in case such a pig or carcase is purchased at a fair or market and was for the purpose of such sale weighed on a weighing machine provided for the purpose of such fair or market, a sum equal to the sum chargeable for weighing one pig or one carcase (as the case may be) on such weighing machine; and
- 25 (e) in case such pig or carcase is weighed at a place other than the premises of such licensee or registered minor curer on a weighing machine provided by such licensee or registered minor curer, a sum equal to the sum (if any) customarily chargeable by such licensee or registered minor curer for weighing one pig or one carcase (as the case may be).
- 30
- (3) If any licensee or registered minor curer purchases, or any
- 35 person sells to a licensee or a registered minor curer, any pigs or carcasses in contravention of this section, such licensee or registered minor curer and such person shall each be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine of two pounds for every pig or carcase
- 40 in respect of which such offence is committed.

145.—(1) The Board may by order make regulations in relation to the manner in which the weight of pigs and carcasses sold during any sale period to a licensee or a registered minor curer is to be ascertained for the purposes of such sale, and may by any such order require such weight to be ascertained by actual

45 weighing, and may by any such order make different regulations in relation to pigs and carcasses and in relation to pigs and carcasses sold at different places.

(2) Whenever during any sale period any pigs or carcasses are sold to a licensee or a registered minor curer, and the weight of

50 such pigs or carcasses has, for the purposes of such sale, been ascertained in a manner other than that prescribed by regulations made under this section, the vendor and purchaser of such pigs or carcasses shall each be guilty of an offence under this section

55 and shall be liable on summary conviction thereof to a fine not exceeding two pounds for every pig or carcase in respect of which such offence is committed.

146.—(1) Whenever the Board is of opinion that the number of pigs available for the production of bacon is in excess of the

60 requirements of the bacon trade, the Board may purchase pigs.

(2) Where the Board purchases any pigs under this section, the Board may do all or any of the following things—

- (a) cause such pigs or any of them to be slaughtered and
- 65 cured by a licensee on behalf of the Board in pursuance of an agreement entered into with such licensee

Manner of  
ascertaining  
weight of pigs  
and carcasses.

Purchase of  
surplus pigs by  
the Pigs Market-  
ing Board and  
disposal of such  
pigs.



and cause the bacon derived therefrom to be sold or to be put in a cold store;

(b) cause any bacon placed in a cold store under paragraph (a) of this sub-section to be sold on behalf of the Board;

(c) cause such pigs or any of them to be exported;

(d) cause such pigs or any of them to be slaughtered and either sold as dressed pork or subject to the provisions of the Agricultural Produce (Fresh Meat) Acts, 1930 and 1931, exported as dressed pork.

(3) Bacon produced by a licensee on behalf of the Board under this section shall for the purposes of Part III of this Act and this Part of this Act be deemed to have been produced by the Board and not by such licensee, and the provisions of Part III of this Act relating to levy in respect of carcasses used for production of bacon and the provisions of this Part of this Act relating to levy payable by licensees to the Pigs Marketing Board shall not apply in relation to carcasses used for the production of such bacon.

Payments by licensees and registered minor curers to the Pigs Marketing Board and by the Pigs Marketing Board to licensees and registered minor curers in certain cases.

147.—(1) Whenever the Board, in making a price order, fixes, in respect of pigs of any class to which such order relates, a price (in this sub-section referred to as the appointed price) lower or higher than the price (in this sub-section referred to as the hypothetical price) which, in the opinion of the Board, would, under normal conditions, be the proper price for pigs of that class, the following provisions shall have effect, that is to say:—

(a) the Board shall, in respect of pigs of each such class, state in such order the hypothetical price thereof;

(b) in case the appointed price for pigs of each such class is less than the hypothetical price for pigs of that class, the Board, shall at the expiration of the sale period to which such order relates, serve a notice on every licensee and every registered minor curer requiring him to pay to the Board, in respect of each pig of each such class purchased by him during such sale period, a sum calculated by reference to the weight of such pig and a price equal to the difference between the appointed price for pigs of that class and the hypothetical price for pigs of that class, and upon service of such notice the moneys required thereby to be paid shall be a debt due and payable by such licensee or registered minor curer to the Board and shall be recoverable as a simple contract debt in a court of competent jurisdiction;

(c) in case the appointed price for pigs of each such class exceeds the hypothetical price of pigs of that class, the Board may pay to each licensee and each registered minor curer, in respect of each pig of each such class purchased by him during the sale period to which such order relates, such sum as the Board thinks proper subject however to the following limitation, namely, that the total amount payable under this paragraph in respect of all pigs of that class purchased by licensees and registered minor curers during such sale period shall not, unless the Board is of opinion that it is just and equitable that the said total amount should not be so limited, exceed a sum calculated by reference to the total weights of such pigs and a price equal to the difference between the appointed price for pigs of that class and the hypothetical price for pigs of that class.

In this sub-section the word "pigs" means non-factory-purchased pigs.

(2) Whenever the Board, in making a price order, fixes, in respect of carcasses of any grade of any class to which such order



relates, a price (in this sub-section referred to as the appointed price) lower or higher than the price (in this sub-section referred to as the hypothetical price) which, in the opinion of the Board, would, under normal conditions, be the proper price for carcasses of that grade of that class, the following provisions shall have effect, that is to say:—

- (a) the Board shall, in respect of carcasses of each such grade of each such class, state in such order the hypothetical price thereof;
- (b) in case the appointed price for carcasses of each such grade of each such class is less than the hypothetical price for carcasses of that grade of that class, the Board shall, at the expiration of the sale period to which such order relates, serve a notice on every licensee and every registered minor curer requiring him to pay to the Board, in respect of each factory-purchased pig purchased by him during such sale period, the carcase of which is a carcase of that grade of that class, a sum calculated by reference to the weight of such carcase and a price equal to the difference between the appointed price for carcasses of that grade of that class and the hypothetical price for carcasses of that grade of that class, and upon service of such notice the moneys required thereby to be paid shall be a debt due and payable by such licensee or registered minor curer to the Board and shall be recoverable as a simple contract debt in a court of competent jurisdiction;
- (c) in case the appointed price for carcasses of each such grade of each such class exceeds the hypothetical price for carcasses of that grade of that class, the Board may pay to each licensee and each registered minor curer, in respect of each factory-purchased pig purchased by him during the sale period to which such order relates, the carcase of which is a carcase of that grade of that class, such sum as the Board thinks proper, subject however to the following limitation, namely, that the total amount payable under this paragraph in respect of all carcasses of that grade of that class purchased by licensees and registered minor curers during such sale period shall not, unless the Board is of opinion that it is just and equitable that the said total amount should not be so limited, exceed a sum calculated by reference to the total weights of such carcasses and a price equal to the difference between the appointed price for carcasses of that grade of that class and the hypothetical price for carcasses of that grade of that class.

In this sub-section the word "carcasses" means the carcasses of factory-purchased pigs.

- (3) Whenever the Board, in making a price order, divides the classes of carcasses into grades and fixes in respect of carcasses of any grade of any class a price (in this sub-section referred to as the appointed price) lower or higher than the price (in this sub-section referred to as the hypothetical price) which, in the opinion of the Board, would, under normal conditions, be the proper price for carcasses of that grade of that class, the following provisions shall have effect, that is to say:—

- (a) the Board shall, in respect of carcasses of each such grade of each such class, state in such order the hypothetical price thereof;
- (b) in case the appointed price for carcasses of each such grade of each such class is less than the hypothetical price for carcasses of that grade of that class, the Board shall, at the expiration of the sale period to which such order relates, serve a notice on every licensee and every registered minor curer requiring him to pay to the Board, in respect of each carcase of that grade of that class purchased by him during such sale period,



a sum calculated by reference to the weight of such carcass and a price equal to the difference between the appointed price for carcasses of that grade of that class and the hypothetical price for carcasses of that grade of that class, and upon service of such notice the moneys required thereby to be paid shall be a debt due and payable by such licensee or registered minor curer to the Board and shall be recoverable as a simple contract debt in a court of competent jurisdiction;

- (c) in case the appointed price for carcasses of each such grade of each such class exceeds the hypothetical price for carcasses of that grade of that class, the Board may pay to each licensee and each registered minor curer, in respect of each carcass of each such grade of each such class purchased by him during the sale period to which such order relates, such sum as the Board thinks proper, subject however to the following limitation, namely, that the total amount payable under this paragraph in respect of all carcasses of that grade of that class purchased by licensees and registered minor curers during such sale period shall not, unless the Board is of opinion that it is just and equitable that the said total amount should not be so limited, exceed a sum calculated by reference to the total weights of such carcasses and a price equal to the difference between the appointed price for carcasses of that grade of that class and the hypothetical price for carcasses of that grade of that class.

In this sub-section the word "carcasses" means carcasses of non-factory-purchased pigs.

(4) Whenever the Board, in making a price order, does not divide the classes of carcasses into grades, but fixes in respect of carcasses of any class a price (in this sub-section referred to as the appointed price) lower or higher than the price (in this sub-section referred to as the hypothetical price) which, in the opinion of the Board, would, under normal conditions, be the proper price for carcasses of that class, the following provisions shall have effect, that is to say:—

- (a) the Board shall, in respect of carcasses of each such class, state in such order the hypothetical price thereof;
- (b) in case the appointed price for carcasses of each such class is less than the hypothetical price for carcasses of that class, the Board shall, at the expiration of the sale period to which such order relates, serve a notice on every licensee and every registered minor curer requiring him to pay to the Board, in respect of each carcass of that class purchased by him during such sale period, a sum calculated by reference to the weight of such carcass and a price equal to the difference between the appointed price for carcasses of that class and the hypothetical price for carcasses of that class, and upon service of such notice the moneys required thereby to be paid shall be a debt due and payable by such licensee or registered minor curer to the Board and shall be recoverable as a simple contract debt in a court of competent jurisdiction;

- (c) in case the appointed price for carcasses of each such class exceeds the hypothetical price for carcasses of that class, the Board may pay to each licensee and each registered minor curer, in respect of each carcass of each such class purchased by him during the sale period to which such order relates, such sum as the Board thinks proper, subject however to the following limitation, namely, that the total amount payable under this paragraph in respect of all carcasses of that class purchased by licensees and registered minor curers during such sale period shall not, unless the Board is of opinion that it is just and equitable that



the said total amount should not be so limited, exceed a sum calculated by reference to the total weights of such carcases and a price equal to the difference between the appointed price for carcases of that class and the hypothetical price for carcases of that class.

In this sub-section the word "carcases" means carcases of non-factory-purchased pigs.

(5) Where the Board are authorised under any of the following provisions of this section, namely, paragraph (c) of sub-section (1), paragraph (c) of sub-section (2), paragraph (c) of sub-section (3) and paragraph (c) of sub-section (4), to pay a sum in respect of any pig or carcase, the Board may pay different sums in respect of a pig or carcase, the bacon derived from which is exported, and in respect of a pig or carcase, the bacon derived from which is not exported.

(6) Moneys received by the Board under this section from licensees and registered minor curers shall be used for no purpose other than the purpose of making payments under this section to licensees and registered minor curers.

148.—(1) The Board may undertake research work in relation to the production of pigs and the manufacture of bacon.

Other powers of the Pigs Marketing Board.

(2) The Board shall publish from time to time particulars of the composition of a suitable ration for pig feeding and the cost of such ration.

149.—(1) An authorised officer of the Pigs Marketing Board shall be entitled (subject to the production by him if so required of his authority in writing as such authorised officer) at all reasonable times to enter upon any licensed premises and to inspect all pigs, carcases and bacon in such premises.

Inspection of licensed premises, etc., by authorised officers of the Pigs Marketing Board.

(2) Every person who obstructs or impedes any authorised officer of the Pigs Marketing Board in the exercise of any of the 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 a fine not exceeding five pounds.

150.—(1) Every person who holds or has held a licence shall, for every half-year during which or any part of which he holds or held such licence, pay to the Board in respect of such licence a levy calculated at the rate of a prescribed sum for every carcase used for the production of bacon during such half-year at the premises to which such licence relates.

Levy payable by licensees to Pigs Marketing Board.

(2) As soon as may be after the expiration of every half-year the Board shall ascertain, in respect of every person who during the whole or any part of such half-year held a licence, the amount of the levy payable under this section by such person for such half-year in respect of such licence.

(3) Where a licence held by a person is revoked by the Minister under Part II of this Act, the levy payable by such person in respect of such licence for the half-year then current, shall, if the Board so directs, be ascertained immediately upon such revocation and not under the foregoing sub-section.

(4) Where a licence is held by two or more persons in succession during a half-year, such licence shall, for the purposes of this section, be deemed to have been held during the whole of such half-year by the person who last holds the same during such half-year and not to have been held by any other person at any time during such half-year.

(5) As soon as the amount of any levy has been ascertained under the foregoing provisions of this section, the Board shall make a certificate (in this section referred to as a certificate of indebtedness) certifying the half-year for which such levy is payable, the person by whom and the premises in respect of which such levy is payable, and the amount of such levy.



(6) Every certificate of indebtedness shall be *prima facie* evidence of all matters purported to be certified therein and any document purporting to be a certificate of indebtedness issued under this section shall, on production thereof in any proceedings to recover the amount thereby certified to be payable, be deemed until the contrary is proved to be a certificate of indebtedness duly issued under this section and shall be admitted in evidence accordingly. 5

(7) As soon as may be after the making of a certificate of indebtedness, a copy thereof shall be served on the person thereby certified as liable to pay the levy the subject thereof and immediately upon such service the amount certified by such certificate as payable by such person shall become and be payable by such person to the Board and shall, after the expiration of four weeks from such service, be recoverable by the Board as a simple contract debt in any court of competent jurisdiction. 10 15

(8) If any licensee fails or neglects to pay the amount certified by a certificate of indebtedness to be payable by him within four weeks after the service of a copy of such certificate on him, the Minister may revoke the licence in relation to which such amount is payable, but such revocation shall not relieve such person from liability to pay the said amount. 20

(9) The Board may at any time by order declare that there shall be no levy under this section in respect of any carcasses used for the production of bacon during any specified half year or specified part of a half year, and may at any time revoke or amend any such order, and whenever any such order is in force, then, notwithstanding anything contained in this section, no levy shall be payable under this section in respect of any carcasses used for the production of bacon during the half year or part of a half year to which such order relates. 25 30

(10) For the purposes of this section each of the following periods shall be deemed to be a half-year, that is to say:—

(a) the period commencing on the date of the establishment of the Board and ending on the 31st day of December, 1935; 35

(b) any period of six months commencing, after the date of the establishment of the Board, on any 1st day of January or 1st day of July.

Returns by  
licensees and  
registered  
minor curers to  
Pigs Marketing  
Board.

151.—(1) The Board may by order make regulations in relation to all or any of the following matters, that is to say:— 40

(a) the returns (including returns in relation to any period or periods commencing before the date of such regulations, but not earlier than the 1st day of January, 1934) to be made to the Board by holders of licences and registered minor curers; 45

(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, or who makes in any such return any statement which is false or misleading in any material respect shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence under this section, to a fine not exceeding ten pounds and, in the case of a second or any subsequent offence under this section, to a fine not exceeding twenty-five pounds. 50 55

Records under  
Part IV.

152.—(1) Every licensee under a licence and every registered minor curer shall keep or cause to be kept, in the case of a licensee, at the premises to which his licence relates and, in the case of a registered minor curer, at the premises in respect of which he is registered in the register of minor curers, the pre- 60



scribed records in the prescribed form and shall make or cause to be made in every such record the prescribed entries within the prescribed time.

(2) Every record kept in pursuance of this section may be inspected at any time during office hours by an authorised officer of the Pigs Marketing Board, 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 officer on demand such record and also all invoices, consignment notes, receipts and other documents (including copies thereof where the originals are not available) reasonably demanded by such authorised officer for the purpose of verifying any entry in or explaining any omission from such record.

(3) If any person—

(a) fails to keep or cause to be kept such record as is required by this section to be kept or caused to be kept by him; or

(b) fails to make or cause to be made in such record within the time appointed by this section any entry required by this section to be made by him therein; or

(c) fails to produce or cause to be produced for inspection by an authorised officer of the Pigs Marketing Board on demand any record, document, or copy of a document which he is required by this section to produce or obstructs any such authorised officer in the making of such inspection; or

(d) makes or causes to be made in such record any entry which is false or misleading in any material particular; he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

(4) For the purposes of this section—

(a) inspection of a record or document shall include taking copies thereof or extracts therefrom; and

(b) a demand for an inspection of a record required by this section to be kept at any premises or of any other document reasonably demanded by an authorised officer of the Pigs Marketing Board under this section for the purpose of verifying any entry in, or explaining any omission from, such record shall be deemed to have been duly made to the person liable under this section to keep such record if such demand is made verbally at such premises to any individual in the employment of such person; and

(c) a refusal or failure to produce a record required by this section to be kept at any premises or of any other document reasonably demanded by an authorised officer of the Pigs Marketing Board under this section for the purpose of verifying any entry in, or any omission from, such record, if made or committed at such premises by an individual in the employment of the person liable under this section to produce such record or account, shall be deemed to have been made or committed by such person.

153.—The Board may by order make regulations in relation to any matter or thing referred to in this Part of this Act as prescribed.

Regulations by  
the Pigs  
Marketing  
Board.

154.—(1) Any offence under any section contained in this Part of this Act may be prosecuted by, or at the suit of, the Board as prosecutor.

Prosecutions  
under Part IV.

(2) Proceedings for an offence under any section contained in this Part of this Act shall not be instituted except by, or with the consent of, the Board.



# Saorstát Éireann.

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BILLE MUC AGUS BAGUIN, 1934.

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## BILLE

*dá ngairmtear*

Acht chun soeruithe do dhéanamh chun táirgeadh agus margú bagúin do stiúradh agus do rialáil agus chun soeruithe do dhéanamh i dtaobh nithe iomdha bhaineas leis sin, ar a n-áirmhítear praghas muc do rialáil.

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*Rithte ag dhá Thigh an Oireachtais 18adh Meitheamh, 1935.*

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BAILE ATHA CLIATH:  
FOILLSITHE AG OIFIG AN tSOLATHAIR.

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

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# Saorstát Éireann.

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PIGS AND BACON BILL, 1934.

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## BILL

*entitled*

An Act to make provision for the control and regulation of the production and marketing of bacon and to make provision for divers matters connected therewith, including the regulation of the price of pigs.

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*Passed by both Houses of the Oireachtas 18th June, 1935.*

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