

SAORSTÁT EIREANN.

BILLE TORA TALMHAIOCHTA (ARBHAR), 1935. AGRICULTURAL PRODUCE (CEREALS) BILL, 1935.

*Mar do leasúidh i gCoiste.
As amended in Committee.*

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SAORSTÁT EIREANN.

BILLE TORA TALMHAIOCHTA (ARBHAR), 1935.
AGRICULTURAL PRODUCE (CEREALS) BILL, 1935.

BILL

entitled

AN ACT TO AMEND THE AGRICULTURAL PRODUCE 5
(CEREALS) ACTS, 1933 AND 1934, TO REGULATE THE
SALE AND USE OF WHEAT GROWN IN SAORSTÁT
EIREANN, AND TO PROVIDE FOR OTHER MATTERS
ANCILLARY TO, CONSEQUENTIAL UPON OR CON-
NECTED WITH THE MATTERS AFORESAID. 10

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

Definitions.

1.—In this Act—

the expression “ the Minister ” means the Minister for Agriculture; 15

the expression “ the Principal Act ” means the Agricultural Produce (Cereals) Act, 1933 (No. 7 of 1933);

the expression “ the Amending Act of 1933 ” means the Agricultural Produce (Cereals) (Amendment) Act, 1933 (No. 49 of 1933);

the expression “ the Amending Act of 1934 ” means the Agricultural Produce (Cereals) Act, 1934 (No. 41 of 1934); 20

the expressions “ home-grown wheat,” “ home-grown millable wheat,” “ milling-licence,” “ preliminary quota period,” “ barrel,” “ registered distiller ” and “ registered wheat dealer ” have the same meanings as such expressions have in the Principal Act; 25

the expression “ licensed mill ” means a mill which is the subject of a milling licence.

Amendment of
definition of
“ cereal year.”

2.—So much of section 3 of the Principal Act as defines the expression “ cereal year ” is hereby repealed, and in lieu thereof it is hereby enacted that each of the following periods shall be a cereal year for the purposes of the Principal Act that is to say:— 30

(a) the period of twelve months which commenced on the 1st day of August, 1934; 35

(b) the period of thirteen months commencing on the 1st day of August, 1935;

(c) the period of twelve months commencing on the 1st day of September in the year 1936, and each subsequent year, 40

and the Agricultural Produce (Cereals) Acts, 1933 and 1934, and this Act shall be construed and have effect with due regard to the modification of the said expression effected by this section.

“ Sale (wheat)
year.”

3.—(1) For the purposes of this Act each of the following periods shall be a sale (wheat) year, that is to say— 45

(a) the period of twelve months commencing on the 1st day of September, 1935,

(b) the period of twelve months commencing on each subsequent 1st day of September.

(2) In this Act the expressions "the sale (wheat) year 1935-36" and "the sale (wheat) year 1936-37" mean the sale (wheat) years commencing respectively on the 1st day of September, 1935 and the 1st day of September, 1936.

4.—The quota for a licensed mill for the quota year commencing on the 1st day of August, 1935, and ending on the 31st day of August, 1936, shall, for the purposes of the Agricultural Produce (Cereals) Acts, 1933 and 1934, and this Act, be deemed to be the amount of wheat which is immediately before the passing of this Act required by section 28 of the Principal Act to be milled at such mill during the period of twelve months commencing on the 1st day of August, 1935, together with one-twelfth of such amount.

Increase of quota for quota year 1935-36.

5.—(1) For the purposes of sections 28 and 30 of the Principal Act, as amended by the Amending Act of 1934, and of section 61 of the Amending Act of 1934, the amount of wheat milled at a particular licensed mill during the preliminary quota period or any quota year shall be taken to be the sum of the following amounts namely, the amount of wheat at such mill at the commencement of such period or year (as the case may be) and the amount of wheat delivered at such mill during such period or year (as the case may be), less the sum of the following amounts, namely, the amount of wheat at such mill immediately before the expiration of such period or year (as the case may be) and the amount of wheat consigned from such mill during such period or year (as the case may be).

Method of computing amount of wheat milled at a mill during the preliminary quota period and quota years.

(2) The provisions of this section shall not apply in respect of any period commencing before the 1st day of August, 1935.

6.—(1) The Minister, after consultation with the Minister for Industry and Commerce, shall, before the commencement of every cereal year make, in the case of the cereal year commencing next after the passing of this Act, as soon as may be after such passing or, in the case of any other cereal year, not later than eight months before the commencement of such cereal year, an order fixing for the purposes of this section a percentage in respect of such cereal year, and the Minister may, after the like consultation, during such cereal year by a further order or orders vary the amount of such percentage, and the percentage fixed by an order or the last order under this section in respect of a cereal year shall for the purposes of this section be the appointed national percentage in respect of such cereal year.

Obligation to mill annually a percentage of home-grown wheat.

(2) Every person who is the holder of a milling licence in respect of a mill which is a licensed mill at the commencement of any cereal year shall mill at such mill, as part of the quota in respect of the quota year which is contemporaneous with such cereal year, home-grown wheat of an amount not less than a percentage of such quota equal to the appointed national percentage in respect of such cereal year.

(3) References in this Act to the home-grown wheat quota for a mill for a particular cereal year shall be construed as references to the minimum quantity of home-grown wheat which the holder of the licence in respect of such mill is required by the immediately preceding sub-section to mill at such mill during the quota year contemporaneous with such cereal year.

(4) Any person (in this sub-section referred to as the undertaking miller) who is the holder of a milling licence in respect of a mill which is a licensed mill at the commencement of any cereal year may undertake with another person (in this sub-section referred to as the liable miller) who is the holder of a milling licence in respect of a mill (in this sub-section referred to as the liable mill) which is a licensed mill at the commencement of such cereal year to mill during such cereal year or to have milled

during such cereal year by another holder of a milling licence in respect of a mill which is a licensed mill at the commencement of such cereal year a quantity of home-grown wheat equal to the whole or part of the home-grown wheat quota for the liable mill for such cereal year, and whenever any such undertaking is entered into the following provisions shall have effect, that is to say:—

- (a) if such undertaking relates to the whole of such home-grown wheat quota, the liable miller shall be exempt from the obligation imposed on him by the sub-section (2) of this section in relation to such cereal year in respect of the liable mill; and 10
- (b) if such undertaking relates to a part of such home-grown wheat quota, the liable miller shall, so far as relates to such part, be exempt from the obligation imposed on him by the said sub-section (2) in relation to such cereal year in respect of the liable mill; and 15
- (c) if the undertaking miller fails or neglects to comply with such undertaking such undertaking miller shall be guilty of an offence under this section; and 20
- (d) the liable miller shall, within fourteen days after such undertaking is entered into, send to the Minister full particulars of such undertaking, and if the liable miller fails to comply with this provision the liable miller shall be guilty of an offence under this section; 25
- (e) where any home-grown wheat is milled at a licensed mill in pursuance of such undertaking, such home-grown wheat—
 - (i) shall, for the purposes of sub-section (2) of this section, be deemed not to have been milled at such mill, 30
 - (ii) shall, for the purposes of sections 28 and 30 of the Principal Act, as amended by the Amending Act of 1934, be part of the quota milled at such licensed mill in the quota year contemporaneous with such cereal year, 35
 - (iii) shall not, for the purposes of sections 28 and 30 of the Principal Act, as amended by the Amending Act of 1934, be deemed to have been milled at the liable mill in the quota year contemporaneous with such cereal year, 40
- (f) such undertaking shall not release the liable miller or the undertaking miller or any other holder of a milling licence, who mills any home-grown wheat for the undertaking miller for the purposes of such undertaking, from the obligations imposed on him by the provisions of this Act relating to provision of storage accommodation and drying plant by holders of milling licences or relating to purchase of home-grown wheat by holders of milling licences. 50

(5) If the holder of a milling licence in respect of a mill which is a licensed mill at the commencement of any cereal year fails or neglects to perform the obligation imposed on him in relation to such cereal year in respect of such mill by sub-section (2) of this section, such holder shall, unless he is exempted from such obligation under the immediately preceding sub-section, be guilty of an offence under this section. 55

(6) Where a person is the holder of a milling licence in respect of a mill for which there is a preliminary quota period and such period is six months or more, the following provisions shall have effect, that is to say:— 60

- (a) such person shall mill at such mill as part of the quota in respect of such period home-grown wheat of an amount not less than a percentage of such quota equal to the appointed national percentage in respect of the cereal year which includes such period, and 65

(b) if such person fails or neglects to perform the obligation imposed on him by this sub-section he shall be guilty of an offence under this section.

(7) Every person guilty of an offence under this section shall be liable on summary conviction thereof to the penalties mentioned in Part 1 of the First Schedule to this Act.

(8) The provision of this section shall not apply in respect of any period commencing before the 1st day of August, 1935.

(9) Section 29 of the Principal Act shall cease to have effect in relation to any cereal year commencing after the date of the passing of this Act.

7.—(1) The Minister with the consent of the Minister for Industry and Commerce may, before the commencement of any cereal year, make an order (in this Act referred to as a home-grown wheat (storage and drying plant) order) requiring each person who is the holder of a milling licence in respect of a mill, which is a licensed mill at the commencement of such cereal year and the quota for which for such cereal year exceeds a specified amount of wheat, to provide in relation to such mill before the commencement of such cereal year stores of a capacity sufficient to accommodate a specified proportion of the home-grown wheat quota for such mill in respect of such year and drying plant capable of drying grain at the rate of a specified quantity per day of twenty-four hours in respect of every hundred tons of such home-grown wheat quota, to use such accommodation for such specified proportion, and to use such drying plant for drying so much of such home-grown wheat quota as requires drying.

Provision of storage accommodation and drying plant by holders of milling licences.

(2) Where a home-grown wheat (storage and drying plant) order has been made in respect of any cereal year, the Minister may, before the commencement of such cereal year, serve on the holder of a milling licence in respect of a mill, who is required by such order to provide stores and drying plant, a notice directing that such stores and drying plant shall be provided (as may be specified) at such mill or at some other specified place or within a specified distance from such mill.

(3) Where—

(a) a home-grown wheat (storage and drying plant) order has been made, and

(b) either—

(i) the holder of a milling licence fails or neglects to comply with such order so far as the same relates to him, or

(ii) the holder of a milling licence upon whom a notice under the immediately preceding sub-section has been served fails or neglects to comply with such notice,

such holder shall be guilty of an offence under this section and shall be liable on summary conviction thereof to the penalties mentioned in Part 1 of the First Schedule to this Act.

8.—(1) Where a home-grown wheat (storage and drying plant) order has been made in respect of a cereal year, each person who is the holder of a milling licence and who is required by such order to provide stores and drying plant shall not later than one week after the commencement of such cereal year send to the Minister a return containing such particulars as the Minister may direct of such stores and drying plant.

Returns in respect of stores and drying plant for home-grown wheat.

(2) Every person required by this section to make any return who fails or refuses to make such return in accordance in all respects with this section 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 to the penalties mentioned in Part II of the First Schedule to this Act.

Inspection of stores and drying plant for home-grown wheat.

9.—(1) Where a home-grown wheat (storage and drying plant) order has been made in respect of any cereal year, an inspector shall be entitled at all reasonable times to enter any premises on which the stores and drying plant required by such order are, and examine such stores and plant. 5

(2) Every person who shall obstruct or impede any 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. 10

(3) In this section the word "inspector" means a person authorised in writing by the Minister to exercise the powers conferred on an inspector by this section. 15

Purchase of home-grown wheat by holders of milling licences.

10.—(1) The Minister may by order made before the commencement of any cereal year make an order (in this section referred to as a purchase percentage order) requiring that of the home-grown wheat quotas, for all mills which are licensed mills at the commencement of such cereal year, for such cereal year a percentage (in this section referred to as the purchase percentage) fixed by such order shall be purchased and taken into store in such cereal year by holders of milling licences before the end of each month, specified in such order, in such cereal year, and such percentage may, in respect of any one month in such cereal year, be fixed at one hundred per cent. 20 25

(2) Where a purchase percentage order has been made in relation to any cereal year, the Minister may, whenever and so often as he thinks fit, by order (in this section referred to as an amending order) amend such purchase percentage order, in respect of any month or months in such cereal year commencing after the date of such order by increasing or reducing the purchase percentage for such month or months or, in respect of any month in such cereal year current at the date of such order, by reducing the purchase percentage for such month, and references in this section to a purchase percentage order shall be construed, in the case of a purchase percentage order amended by an amending order, as references to such purchase percentage order as so amended. 30 35

(3) Where— 40

(a) a purchase percentage order fixing a purchase percentage in respect of any month in a cereal year is in force; and

(b) any person, being the holder of a milling licence in respect of a mill at the commencement of such year, fails or neglects to purchase and take into his stores in such cereal year before the end of such month a percentage of the home-grown wheat quota for such mill in respect of such year at least equal to the purchase percentage for such month, 50

such person shall at the expiration of such month pay to the Minister a sum calculated at the rate of twenty shillings for every barrel of wheat by which the amount of home-grown wheat purchased and taken by him into his stores before the end of such month falls short of the said percentage of the home-grown wheat quota for such mill, and such sum shall be a debt due and payable by such person to the Minister and may be recovered as a simple contract debt in a court of competent jurisdiction. 55

(4) Where the holder of a milling licence has become liable to pay any moneys to the Minister under the immediately preceding sub-section, the Minister may, with the consent of the Minister for Finance, release such holder from such liability. 60

(5) In any proceedings by the Minister under this section to recover any sum from the holder of a milling licence the produc-

tion of a certificate by the Minister certifying that such sum is due shall be prima facie evidence of the facts so certified.

(6) All moneys 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.

11.—(1) It shall be the duty of every person who is the holder of a milling licence in respect of a mill to keep at such place as the Minister for Industry and Commerce may appoint, in addition to any records which he may be required by the Agricultural Produce (Cereals) Acts, 1933 and 1934, to keep, a record in such form as the said Minister may direct of all storages of home-grown wheat purchased by him and of transfers of such wheat before milling, and within twenty-four hours after such storages or transfers to enter in the said records such particulars thereof as the said Minister may direct.

Records to be kept by holders of milling licences in respect of home-grown wheat.

(2) Sub-sections (2), (3) and (4) of section 32 of the Principal Act shall apply in respect of records required by this section to be kept in like manner as those sub-sections apply in respect of records required to be kept by sub-section (1) of the said section 32, subject however to the following modifications that is to say:—

(a) the references in paragraph (b), (c), and (e) of the said sub-section (4) to the appointed place shall be construed as references to the place appointed by the Minister for Industry and Commerce under sub-section (1) of this section, and

(b) paragraph (d) of the said sub-section (4) shall not apply.

12.—(1) For the purposes of this Act the minimum price per barrel for home-grown millable wheat of each class specified in the second column of the Second Schedule to this Act for each month in the sale (wheat) year 1935-36, and the sale (wheat) year 1936-37, shall be the price set out opposite to the mention of wheat of that class in the sub-column relative to such month of the third column of the said Schedule.

Minimum prices of home-grown millable wheat.

(2) The Executive Council shall from time to time by order do, in respect of each sale (wheat) year (other than the sale (wheat) year 1935-36, and the sale (wheat) year 1936-37) commencing after the passing of this Act, the following things:—

(a) divide, by reference to bushel weights, home-grown millable wheat, the bushel weight of which is not less than the bushel weight declared by such order to be the minimum bushel weight for the purposes of classification, into such and so many classes as they think fit;

(b) fix in respect of wheat of each such class and in respect of each month in such sale (wheat) year, the price, in terms of a rate per barrel, of wheat of that class for that month,

and whenever any such order is made the price per barrel fixed by such order for home-grown wheat of a particular class constituted by such order for a particular month in the sale (wheat) year to which such order relates shall, subject to the provisions of this section, be the minimum price of home-grown wheat of that class for such month.

(3) Every order made under the immediately preceding sub-section shall be made not later than two years before the commencement of the sale (wheat) year to which it relates.

(4) Whenever during any sale (wheat) year (other than the sale (wheat) year 1935-36 or the sale (wheat) year 1936-37) the Executive Council are satisfied that home-grown millable wheat is being withheld from the market by growers or registered wheat dealers generally, the Executive Council may by order reduce the minimum price for wheat of every class for every month (not being a month ended before the date of such order) which falls within such sale (wheat) year to such price (not lower than the minimum price for wheat of that class for the month of

September of such sale (wheat) year) as they think fit, and whenever any such order is made the minimum price for home-grown millable wheat of a particular class shall in respect of every month to which such order relates be the minimum price for wheat of such class for such month as so reduced by such order.

(5) In this Act the word "class" when used in relation to home-grown millable wheat means—

(a) in respect of the sale (wheat) year 1935-36 and the sale (wheat) year 1936-37, home-grown millable wheat of 10 a class specified in the second column of the Second Schedule to this Act, and

(b) in respect of any other sale (wheat) year, home-grown millable wheat of a class fixed by the order made by the Executive Council under subsection (2) of this 15 section in respect of such sale (wheat) year.

Restriction on price to be paid for home-grown millable wheat.

13.—(1) It shall not be lawful during any month in any sale (wheat) year for any person, who is the holder of a milling licence, or a registered distiller or a registered wheat dealer, to purchase any home-grown millable wheat of a particular class at 20 a price lower than the minimum price for home-grown wheat of that class for that month, less such allowance (if any) for carriage as may be agreed upon by such person and the person from whom such wheat was purchased, the said allowance not to exceed in any case the reasonable cost of conveying such wheat 25 from the premises on which such wheat was grown or the premises on which it was stored at the time of such sale to the port, railway station, or canal depot nearest to such premises.

(2) If any person, who is either the holder of a milling licence or a registered distiller or a registered wheat dealer, purchases 30 any home-grown millable wheat 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 the penalties mentioned in Part 1 of the First Schedule to this Act.

Method of determining class of home-grown millable wheat.

14.—(1) The Minister may, whenever and so often as he thinks 35 fit by order require that whenever any home-grown millable wheat is sold to a person, who is the holder of a milling licence or a registered distiller or a registered wheat dealer, the class to which such wheat belongs shall for the purposes of such sale be determined by means of an apparatus of the type or types 40 specified in such order and by no other means.

(2) The Minister may by order under this sub-section revoke or amend an order made under sub-section (1) of this section or under this sub-section.

(3) Where— 45

(a) an order under sub-section (1) of this section is in force, and

(b) any home-grown millable wheat is sold to a person, who is either the holder of a milling licence, or a registered distiller or a registered wheat dealer, and 50

(c) the class to which such wheat belongs is, for the purposes of such sale, determined by any means, other than by means of an apparatus of the type or types specified in such order,

such person shall be guilty of an offence under this section and 55 shall be liable on summary conviction thereof to the penalties mentioned in Part II of the First Schedule to this Act.

(4) The Minister shall before making any order under this section consult the Minister for Industry and Commerce in regard to the making of such order. 60

(5) An Order under this section if made before the 1st day of September, 1935, shall not come into force on a date earlier than the 1st day of September, 1935.

15.—(1) Notwithstanding anything contained in section 71 of the Principal Act, no wheat bounty within the meaning of the said section shall be payable in respect of any home-grown millable wheat sold or milled into flour or wheaten meal after the 31st day of July, 1935.

Cesser of payment of bounty on home-grown millable wheat and consequential repeals of portions of the Agricultural Produce (Cereals) Acts, 1933 and 1934.

(2) Notwithstanding anything contained in sub-sections (2) and (3) of section 67 of the Principal Act, no order shall be made by the Executive Council under the said sub-section (2) after the passing of this Act.

10 (3) Section 68 of the Principal Act, as amended by section 21 of the Amending Act of 1934, shall cease to have effect in relation to any home-grown millable wheat sold after the 31st day of July, 1935.

15 (4) Section 69 of the Principal Act shall cease to have effect in relation to any home-grown millable wheat purchased after the 31st day of July, 1935.

20 (5) Section 70 of the Principal Act, as amended by section 22 of the Act of 1934, shall cease to have effect in relation to any sale (wheat) season subsequent to the sale (wheat) season ending on the 31st day of July, 1935.

(6) Section 72 of the Principal Act is hereby repealed.

25 (7) Section 76 of the Principal Act, as amended by section 9 of the Amending Act of 1933, shall cease to have effect in relation to any home-grown millable wheat sold after the 31st day of July, 1935.

(8) Part III of the Amending Act of 1933 shall cease to have effect in relation to any home-grown millable wheat sold after the 31st day of July, 1935.

30 (9) The enactments set out in the Third Schedule to this Act are hereby repealed as from the 1st day of August, 1935.

35 16.—(1) Where in any cereal year commencing after the passing of this Act the Minister is, after the month of May in such cereal year, satisfied that any home-grown millable wheat remains unsold in the hands of the grower thereof, the Minister may not later than the 31st day of July in such cereal year serve an order (in this Act referred to as a compulsory sale order) on such grower and on such other person, being the holder of a milling licence in respect of a mill, as the Minister may select requiring such grower to sell to such other person and such other person to purchase from such grower within a specified time a specified amount (not exceeding one-fourth of one per cent. of the home-grown wheat quota for such mill for such cereal year) of such home-grown millable wheat at the minimum price for wheat of the class to which such home-grown millable wheat belongs for the month of August in such cereal year, and subject to such conditions as to carriage and delivery as may be specified in such order.

Purchase by millers of home-grown wheat additional to home-grown wheat quota.

40 (2) Where a compulsory sale order has been duly served on the grower of home-grown millable wheat and the holder of a milling licence such grower and such holder shall be deemed to have entered into a contract in terms of the requirements of such order.

45 (3) The Minister shall so exercise the power conferred on him by sub-section (1) of this section that no holder of a milling licence in respect of a mill shall be required by virtue of a compulsory sale order or orders to purchase in all in any cereal year an amount of home-grown millable wheat exceeding one-fourth of one per cent. of the home-grown wheat quota for such mill for such cereal year.

60 17.—(1) Where on and after the 1st day of September, 1935, any home-grown wheat is purchased by the holder of a milling licence it shall not be lawful for such holder, otherwise than under and in accordance with a licence granted by the Minister

Restriction on resale of home-grown millable wheat by holders of milling licences.

under this section, to sell or to dispose (otherwise than by milling) of such wheat.

(2) The Minister may attach to any licence granted under this section such conditions as he thinks fit, and may revoke any such licence at any time.

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(3) 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 the penalties mentioned in Part 1 of the First Schedule to this Act.

Amendment of sub-section (2) of section 92 of the Principal Act.

18.—The Minister shall, before refusing a licence under sub-section (2) of section 92 of the Principal Act to import into Saorstát Eireann wheat, consult the Minister for Industry and Commerce.

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Amendment of sections 55 and 56 of the Amending Act of 1934.

19.—(1) Paragraph (a) of sub-section (1) of section 55 of the amending Act of 1934 is hereby amended by the insertion therein after the words "home-grown oats" of the words "the bushel weight of which is not less than the bushel weight declared by such order to be the minimum bushel weight for the purposes of classification," and the said section shall be construed and have effect accordingly.

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(2) Paragraph (a) of sub-section (1) of section 56 of the Amending Act of 1934 is hereby amended by the insertion therein after the words "home-grown barley" of the words "the bushel weight of which is not less than the bushel weight declared by such order to be the minimum bushel weight for the purposes of classification," and the said section shall be construed and have effect accordingly.

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Power of Minister to lend moneys for certain purposes.

20.—(1) It shall be lawful for the Minister, with the consent of the Minister for Finance, to lend out of moneys provided by the Oireachtas, any sum or sums of moneys to holders of milling licences for the purposes of the acquisition, erection, adaptation, or extension of premises for storing home-grown wheat and the installation of new or additional drying plant.

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(2) All moneys lent by the Minister 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, think proper in each particular case.

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

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(4) Whenever the Minister has lent any money under this section it shall be lawful for the Minister to do all or any of the following things, that is to say:—

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(a) with the consent of the Minister for Finance, to vary in any manner by agreement all or any of the terms and conditions on which such money was so lent;

(b) with the consent aforesaid, to compound for or wholly release all or any part of such moneys or of any interest or other payment payable on or in relation to such moneys;

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(c) to take such steps (including legal proceedings) as the Minister may think proper to compel payment of or to recover all or any part of such moneys or of any interest or other payment payable on or in relation to such moneys or to enforce compliance with any term or condition on which such moneys were so lent.

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21.—Where—

Recovery of price
of certain seed
wheat.

- 5 (1) seed wheat was during the period of twelve months commencing on the 1st day of August, 1934, sold on credit by a person (in this section referred to as the merchant) to another person (in this section referred to as the farmer), and
- 10 (2) the farmer on the occasion of such sale signed a document whereby he
- (I) admitted that a specified sum (in this section referred to as the debt) was due by him to the merchant for such seed wheat, and
- 15 (II) undertook to sow the said seed wheat during the said period, and
- (III) authorised the Minister to pay to the merchant the debt out of any wheat bounty payable to him in respect of the produce of such seed wheat, and
- 20 (IV) agreed that if no wheat bounty became payable to him in respect of such produce that the debt should be payable by him to the merchant, and
- (3) the farmer sowed the said seed wheat in pursuance of the said undertaking, and the crop, the produce of such sowing, is millable wheat, and
- 25 (4) the Minister has advanced to the merchant any moneys on account of the debt,

the following provisions shall have effect—

- 30 (a) the debt shall as on the date on which such crop is reaped, without any assignment, become and be vested in the Minister, and may be sued upon and recovered by the Minister in his corporate name and it shall not be necessary for the Minister to give notice to the farmer of the transfer effected by this section;
- 35 (b) the Minister shall pay to the merchant a sum equal to the amount of the debt, less any moneys already advanced by him to the merchant on account thereof;
- (c) the Minister is hereby appointed agent of the farmer for the purposes of the sale of such crop, and is hereby authorised to receive on behalf of the farmer the purchase price of such crop;
- 40 (d) the Minister may appoint any holder of a milling licence or registered wheat dealer to be his sub-agent for the purposes of the immediately preceding paragraph;
- 45 (e) if the purchase price of such crop equals or is less than the amount of the debt the Minister shall retain the purchase price in payment or towards payment of the debt;
- (f) if the purchase price of such crop exceeds the amount of the debt, the Minister shall retain out of the purchase price the debt and pay the balance to the farmer;
- 50 (g) if the farmer sells such crop otherwise than through the agency of the Minister as agent, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine equal to the amount of the debt;
- 55 (h) any fine imposed for an offence under this section shall, notwithstanding anything contained in any enactment, be paid to the Minister and when so paid shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct.
- 60

Revocation of milling licences and cancellation of registration.

22.—(1) Where the holder of a milling licence is convicted of an offence under any section of this Act, such holder shall for the purposes of section 34 of the Principal Act be deemed to have been convicted of an offence under the Principal Act, and the said section 34, as amended by the Amending Act of 1934, shall apply and have effect accordingly. 5

(2) A contravention of the Amending Act of 1934 or of this Act by a registered distiller or a registered wheat dealer shall, for the purposes of section 61 of the Principal Act as amended by section 20 of the Amending Act of 1934, be deemed to be a contravention of the Principal Act, and the said section 61, as so amended, shall apply and have effect accordingly. 10

Service of documents

23.—(1) Where a document is 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:— 15

(a) by delivering to such person a copy of such document certified to be a true copy under the Official Seal of the Minister;

(b) by sending by post in a prepaid registered letter addressed to such person at the address at which he carries on business a copy of such document certified to be a true copy under the Official Seal of the Minister. 20

(2) For the purposes of this section, a company registered in Saorstát Eireann under the Companies Acts, 1908 to 1924, shall be deemed to carry on business at its registered office, and every other body corporate and every unincorporated body shall be deemed to carry on business at its principal office or place of business. 25

Prosecution of offences under this Act.

24.—An offence under any section contained in this Act may be prosecuted by or at the suit of the Minister as prosecutor. 30

Publication of orders.

25.—Every order (other than a compulsory sale order) made under this Act shall be published in the *Iris Oifigiúil* as soon as may be after it is made.

Expenses.

26.—All expenses incurred by the Minister or the Minister for Industry and Commerce under this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. 35

Short title and citation.

27.—This Act may be cited as the Agricultural Produce (Cereals) Act, 1935, and the Agricultural Produce (Cereals) Acts, 1933 and 1934, and this Act may be cited together as the Agricultural Produce (Cereals) Acts, 1933 to 1935. 40

FIRST SCHEDULE.

PENALTIES FOR CERTAIN OFFENCES.

PART I.

In the case of a first offence under the relevant section, a fine not exceeding one hundred pounds, or, in the case of a second or any subsequent such offence, a fine not exceeding two hundred and fifty pounds or, at the discretion of the Court, imprisonment for any term not exceeding six months or both such fine and imprisonment. 50

PART III.

In the case of a first offence under the relevant section, a fine not exceeding fifty pounds, or in the case of a second or any subsequent such offence, a fine not exceeding one hundred pounds or, at the discretion of the Court, imprisonment for any term not exceeding six months or both such fine and imprisonment.

SECOND SCHEDULE.

MINIMUM PRICES FOR HOME-GROWN MILLABLE WHEAT FOR SALE
(WHEAT) YEARS 1935-36, AND 1936-37.

(1) Ref. No.	(2) Classes of Home-Grown Wheat	(3) MINIMUM PRICES PER BARREL OF 20 STONES	
		September, October, November, December	January, February, March, April, May, June, July, August
		s. d.	s. d.
1	Wheat having a bushel weight not less than 64 lbs....	24 6	27 0
2	Wheat having a bushel weight less than 64 lbs. but not less than 63 lbs.	24 3	26 9
3	Wheat having a bushel weight less than 63 lbs. but not less than 62 lbs.	24 0	26 6
4	Wheat having a bushel weight less than 62 lbs. but not less than 61 lbs.	23 9	26 3
5	Wheat having a bushel weight less than 61 lbs. but not less than 60 lbs.	23 6	26 0
6	Wheat having a bushel weight less than 60 lbs. but not less than 59 lbs.	23 3	25 9
7	Wheat having a bushel weight less than 59 lbs. but not less than 58 lbs.	23 0	25 6
8	Wheat having a bushel weight less than 58 lbs. but not less than 57 lbs.	22 9	25 3
9	Wheat having a bushel weight less than 57 lbs. but not less than 56 lbs.	22 6	25 0

THIRD SCHEDULE.

ENACTMENTS REPEALED AS FROM THE 1ST DAY OF AUGUST, 1935.

No. of 1933	Agricultural Produce (Cereals) Act, 1933.	Paragraph (c) of sub-section (2) of Section 45, sub-section (5) of Section 47, sub-section (2) of Section 48 (the words "a registered wheat grower" and the words "a person for the time being registered in the register of wheat growers"), Section 56, sub-section (2) of Section 60.
No. 7	Agricultural Produce (Cereals) Act, 1933.	Paragraph (c) of sub-section (2) of Section 45, sub-section (5) of Section 47, sub-section (2) of Section 48 (the words "a registered wheat grower" and the words "a person for the time being registered in the register of wheat growers"), Section 56, sub-section (2) of Section 60.

Saorstát Éireann.

BILLE TORA TALMHAIOCHTA
(ARBHAR), 1935.

BILLE

(mar do leasúidh i gCoiste)
dá ngairmtear

Acht chun na nAchtanna Tora Talmhaíochta (Arbhar), 1933 agus 1934, do leasú, chun díola agus úsáide cruithneachtan do fásadh i Saorstát Éireann do rialáil, agus chun socrúithe do dhéanamh i dtaobh nithe eile ghabhann no bhaineann leis na nithe roimhráite no leanann asta.

An tAire Talmhaíochta do thug isteach.

Do hordúidh, ag Dáil Éireann, do chlóbhuailadh, 26adh Meitheamh, 1935.

BAILE ATHA CLIATH:
FOILLSITHE AG OIFIG AN TSOLATHAIR.

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

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Saorstát Éireann.

AGRICULTURAL PRODUCE (CEREALS)
BILL, 1935.

BILL

(as amended in Committee)
entitled

An Act to amend the Agricultural Produce (Cereals) Acts, 1933 and 1934, to regulate the sale and use of wheat grown in Saorstát Éireann, and to provide for other matters ancillary to, consequential upon or connected with the matters aforesaid.

Introduced by the Minister for Agriculture.

Ordered, by Dáil Éireann, to be printed,
26th June, 1935.

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