

SAORSTÁT EIREANN.

**BILLE MONA (USAID AGUS FORBAIRT), 1935.
TURF (USE AND DEVELOPMENT) BILL, 1935.**

*Mar do ritheadh ag Dáil Eireann.
As passed by Dáil Eireann.*

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TURF (USE AND DEVELOPMENT) BILL, 1935.

BILL

entitled

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AN ACT TO MAKE PROVISION FOR PROMOTING THE MORE EXTENSIVE PRODUCTION AND CONSUMPTION OF TURF FOR DOMESTIC AND HOUSEHOLD PURPOSES, AND TO MAKE PROVISION FOR DIVERS MATTERS ANCILLARY TO OR CONNECTED WITH SUCH PRODUCTION AND CONSUMPTION, INCLUDING CONFERRING ON THE MINISTER FOR INDUSTRY AND COMMERCE POWERS TO ACQUIRE LAND AND CONSTRUCT TRANSPORT WORKS AND CONFERRING ON THE TURF DEVELOPMENT BOARD, LIMITED, POWERS IN CONNECTION WITH THE MATTERS AFORESAID. 10 15

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

Definitions.

1.—In this Act—

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

the expression “the Board” means the Turf Development Board, Limited;

the word “prescribed” means prescribed by regulations made by the Minister under this Act; 25

the word “inspector” means an officer of the Minister appointed (either generally or for a particular purpose) in writing by the Minister to be an inspector for the purpose or any particular purpose of this Act; 30

the word “turf” includes peat, and also includes briquettes made wholly or mainly of peat, but does not include peat moss litter;

the word “coal” means coal mined outside Saorstát Eireann and includes briquettes made wholly or mainly of such coal or the dust of such coal, but does not include coke; 35

the expression “coal retailer” means a person who carries on the business of selling coal by retail;

the word “register” when used as a noun and without qualification means a register of coal retailers kept by the Minister in pursuance of this Act; 40

the expression “registered coal retailer” means a coal retailer who is registered in a register of coal retailers kept by the Minister in pursuance of this Act, and the said expression when used in relation to an appointed area means a coal retailer registered in the register of coal retailers so kept in respect of such appointed area; 45

the word “delivery” wherever it occurs in the expression “sale and delivery” includes delivery at the premises of the coal retailer in relation to whom that expression is used; 50

the expression "consumption for domestic or household purposes" means consumption by burning for all or any of the following purposes, that is to say:—

- 5 (a) heating the whole or any part of any building or other place which is used as a dwelling-house for human beings, or as a stable for any kind of animal, or as a place in which human beings do any kind of work or to which human beings resort for any purpose, or
- 10 (b) the cooking of food, whether for human beings or animals, or
- (c) the heating of water for any purpose other than the generation of steam in a steam engine.

2.—(1) Every of the following persons shall, for the purposes of this Act, be an approved source for the obtaining of turf by coal retailers, that is to say:—

Approved sources
for the purposes
of this Act.

- (a) the Board;
- 20 (b) a co-operative society which is for the time being authorised by the Board to supply turf to coal retailers for the purposes of the provisions of this Act relating to the compulsory purchase of turf, but only to the extent and within the limits of such authority;
- (c) in relation only to turf briquettes, a limited company for the time being approved of in this behalf by the Minister;

25 (2) In this Act, the expression "approved source" means a person who is, by virtue of this section, for the time being an approved source for the purposes of this Act.

3.—(1) A coal retailer shall be deemed for the purpose of this Act to carry on his business as a coal retailer at any fixed place at which he habitually receives orders or makes contracts for the sale and delivery (whether immediately or at some future time) of coal by retail, but a coal retailer shall not be deemed for the purpose of this Act to carry on his said business at any other place which he uses for the purposes of his said business.

Place of business
of a coal retailer.

35 (2) A coal retailer who sells coal only by hawking in public thoroughfares and has no fixed place at which he habitually sells coal shall be deemed for the purposes of this Act to carry on his business as a coal retailer at the place at which he resides.

4.—(1) The Minister may whenever and so often as he so thinks proper, by order (in this Act referred to as an appointed area order) declare that a particular area specified or delimited in such order shall, as on and from a date (not less than one month after the date of such order) specified in such order, be an appointed area for the purposes of this Act.

Appointed areas.

45 (2) The Minister may at any time at his discretion by order revoke or amend an appointed area order and, in particular, may by any such amending order alter (whether by addition or subtraction or both addition and subtraction) as on and from a specified day, not less than one month after the date of such amending order, the area which is an appointed area by virtue of an appointed area order.

(3) In this Act the expression "appointed area" means an area which is for the time being an appointed area by virtue of an appointed area order.

55 5.—(1) The Minister may, whenever and so often as he thinks proper, by order (in this Act referred to as a suspension order) suspend, as on and from a date (not earlier than the date of such order) specified in such order, any appointed area order.

Suspension of
appointed
area order.

(2) Whenever the Minister has made a suspension order, he may at his discretion by order (in this section referred to as a termination order) terminate, as on and from a date (not earlier than the date of such termination order), specified in such termination order, the suspension effected by such suspension order of the appointed area order to which such suspension order relates. 5

(3) Whenever the Minister has made a suspension order, the appointed area order to which such suspension order relates shall be suspended as on and from the date specified in that behalf in such suspension order and shall continue to be so suspended until the date as on and from which such suspension is terminated by a termination order. 10

(4) Whenever an appointed area order is suspended under this section, the appointed area order to which such order relates shall, immediately upon the commencement of such suspension, cease to be an appointed area for the purposes of this Act, but shall, on the date as on and from which such suspension order is terminated, become and again be an appointed area for the said purposes. 15

(5) Whenever an appointed area order is suspended under this section, the Minister shall, during such suspension, maintain and keep in accordance with this Act the register of coal retailers established in pursuance of this Act in respect of the appointed area to which such order relates, but nothing in this sub-section shall render it obligatory upon any person to be registered in such register during such suspension. 20
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Provisions consequential on cesser to be an appointed area.

6.—Whenever an appointed area or a part of an appointed area ceases, by virtue of an order under this Act revoking or amending an appointed area order or by virtue of a suspension order, to be an appointed area or to be included in an appointed area (as the case may be), the following provisions shall have effect, that is to say:— 30

(a) such cesser shall not effect—

- (i) the previous operation of this Act in such appointed area or part of an appointed area (as the case may be) or anything done or suffered under this Act in such area or part; or 35
- (ii) any right, privilege, obligation, or liability acquired, accrued, or incurred under this Act in such appointed area or part of an appointed area (as the case may be); or 40
- (iii) any penalty, forfeiture, or punishment incurred under this Act; or
- (iv) any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, penalty, forfeiture, or punishment as aforesaid; 45
and

(b) any offence under any section of this Act committed before such cesser may be investigated, prosecuted, tried, and punished after and notwithstanding such cesser as if such cesser had not occurred. 50

Registers of coal retailers.

7.—(1) Whenever the Minister makes an appointed area order, he shall forthwith establish and thereafter maintain and keep a register of persons who carry on business as coal retailers in the area which is declared by such order to be an appointed area.

(2) In every register maintained in pursuance of this section there shall be entered, in respect of every person registered in such register, the following particulars, that is to say:— 55

- (a) the full name and description of such person; and
- (b) a description (sufficient to identify the premises and the situation and limits thereof) of the premises or every of the separate and distinct premises (as the case may be) in which such person carries on, in the appointed area to which such register relates, the business of selling coal by retail. 60

8.—(1) Save as is otherwise provided by this section, every person who carries on or proposes to carry on in an appointed area the business of selling coal by retail shall be entitled, on applying in the prescribed form and manner and paying the prescribed fee, to be registered in the register in respect of the premises in such appointed area in which he carries on or proposes to carry on such business.

Applications for
and right to regis-
tration in a
register.

(2) Where an application for registration in a register is made by a person who proposes to carry on business as a coal retailer in the appointed area to which such register relates, the registration of such person in pursuance of such application shall not become effective until such person commences to carry on such business.

(3) An application for registration in a register may be made at any time after the date of the relevant appointed area order, whether before or after the day on which the declaration of an appointed area made by such order takes effect, and accordingly the expression "appointed area" in the foregoing sub-sections of this section includes an area which has been declared by an appointed area order to be an appointed area as on and from a future date.

(4) Notwithstanding anything contained in the foregoing sub-sections of this section, the Minister may, in his absolute discretion, refuse an application by any person for registration in a register if such person has, previous to such application, been registered in that or any other register and such previous registration has been cancelled.

9.—(1) The Minister may, at any time, on his own motion amend a register by correcting any manifest error therein.

Amendment of
registers.

(2) The Minister shall, on the application of any person registered in a register, amend such register by correcting any error in the description in such register of such person or of the premises or any of the premises in respect of which he is so registered or by entering in such register a change in the ownership of the business in respect of which such person is so registered or a change (whether by addition, reduction, or complete transfer) in the premises or any of the premises in which such business is carried on.

(3) Where a person registered in a register has died, the Minister shall, on the application of the personal representative of such person, amend such register by entering therein the fact of such death and entering therein such personal representative as the registered person in lieu of the person so deceased.

10.—(1) The Minister may at any time cancel the registration of any person in a register upon the application in writing of such person, or, in the case of an individual, of his personal representative or, in the case of a body corporate, the liquidator of such body corporate.

Cancellation of
registration.

(2) The Minister may at any time, without any such application as aforesaid, cancel the registration of any person in a register if he is satisfied that—

- (a) such registration was procured through fraud or by misrepresentation (whether innocent or fraudulent); or
- (b) the business on account of which such person was so registered has ceased to be carried on; or
- (c) such person, if an individual, has died, or if a body corporate, has been dissolved, and, in either case, no other person has, within three months after such death or dissolution, been registered in the place of the person so dead or dissolved; or

- (d) that such person has been adjudicated a bankrupt; or
- (e) that such person has been convicted of a contravention (whether by way of commission or omission) of this Act or a regulation made thereunder

(3) Before cancelling under this section (otherwise than in accordance with an application in that behalf made under this section) the registration of any person in a register, the Minister shall give at least one month's notice in writing to such person or his personal representative (if any) or its liquidator (as the case may be) of his intention so to cancel such registration and the reasons therefor, and shall consider any representations made by such registered person or personal representative or liquidator (as the case may be) within seven days after the service of such notice.

(4) A notice of the Minister's intention to cancel a registration may be served by delivering it to the person to whom it is addressed or by sending it by post to such person at his last known place of abode or at the last known place at which he carried on the business in respect of which it is proposed to cancel the registration.

Issue and display
of registration
certificates.

11.—(1) Whenever the Minister has registered a person in a register, the Minister shall forthwith issue to such person a certificate in the prescribed form of such registration, and, if such person is so registered in respect of two or more distinct premises, shall so issue to such person a separate such certificate in respect of each such distinct premises.

(2) Every person to whom a certificate of registration is issued by the Minister under this section shall cause such certificate to be displayed prominently during business hours in the premises to which such certificate relates.

(3) Every coal retailer who fails to comply with the provisions of the next preceding subsection of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

Prohibition of
coal retailing
by unregistered
persons.

12.—(1) It shall not be lawful for any person to carry on in an appointed area, the business of selling coal by retail unless he is registered in the register kept in pursuance of this Act in respect of that appointed area.

(2) It shall not be lawful for any person to carry on, in an appointed area, the business of selling coal by retail at any premises or place in such appointed area other than premises in respect of which he is registered in the register kept in pursuance of this Act in respect of that appointed area.

(3) Every person who carries on the business of selling coal by retail in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for any term not exceeding three months, or to both such fine and such imprisonment.

Prohibition of
purchase of coal
from unregistered
coal retailer.

13.—(1) It shall not be lawful for any person to purchase in an appointed area any coal from a coal retailer who carries on, in that appointed area, the business of selling coal by retail unless such coal retailer is registered in the register kept in pursuance of this Act in respect of that appointed area.

(2) Every person who purchases any coal in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one pound for every ton or part of a ton of coal so purchased.

14.—(1) Whenever a coal retailer sells and delivers (whether in or not in an appointed area) to a purchaser who is not entitled to the benefit of an exemption under this Act in respect of such sale and delivery more than two hundredweights of coal for consumption for domestic or household purposes in an appointed area, such coal retailer shall, at the time of such sale and delivery, also sell and deliver to such purchaser and such purchaser shall at the said time purchase and take from such coal retailer the prescribed quantity of turf (obtained from an approved source) appropriate both to the quantity of coal so sold and delivered and to the appointed area for consumption in which such coal is so sold and delivered. Compulsory purchase of turf.

(2) Whenever, on a sale and delivery of coal by a coal retailer to a purchaser, such coal retailer fails to sell and deliver to such purchaser at the time of such sale and delivery of coal the quantity of turf (obtained from an approved source) mentioned in the foregoing sub-section of this section and such failure is a contravention of the said foregoing sub-section, such coal retailer shall be guilty of an offence under this sub-section and shall be liable on summary conviction thereof to a fine not exceeding one pound for every ton or part of a ton of coal so sold and delivered.

(3) Whenever, on a sale and delivery of coal by a coal retailer to a purchaser, such purchaser fails to purchase and take from such coal retailer at the time of such sale and delivery of coal the quantity of turf mentioned in the first sub-section of this section and such failure is a contravention of the said first sub-section, such purchaser shall be guilty of an offence under this sub-section and shall be liable on summary conviction thereof to a fine not exceeding one pound for every ton or part of a ton of coal so sold and delivered.

(4) This section is in this Act referred to as the provisions of this Act relating to the compulsory purchase of turf, and this section may be referred to in a similar manner in any order, regulation, exemption, or other instrument made under this Act.

15.—Whenever the Minister by regulations made under this Act prescribes the quantity of turf to be sold and delivered by a coal retailer to a purchaser and purchased and taken by such purchaser from such coal retailer in pursuance of the provisions of this Act relating to the compulsory purchase of turf, the Minister may make separate and different such regulations in respect of different appointed areas, and may by any such regulations prescribe different quantities of turf in respect of different appointed areas or different parts of the same appointed area, and may by any such regulations fix any such quantity of turf by reference to all or any of the following matters, that is to say, the period of the year at which such coal is so sold, the quantity of coal included in any one sale, the price at which such coal is so sold, and the place of delivery of such coal. Regulations prescribing the prescribed quantity of turf.

16.—(1) All turf sold and delivered by a coal retailer in pursuance of the provisions of this Act relating to the compulsory purchase of turf shall be turf obtained by such coal retailer from an approved source, and the sale and delivery by a coal retailer of turf obtained from a person who is not for the time being an approved source shall not be or be reckoned as a sale and delivery in pursuance of the said provisions of this Act. Obligation to supply turf obtained from an approved source.

(2) Every coal retailer who, in pretended compliance with the provisions of this Act relating to the compulsory purchase of turf, sells and delivers to a purchaser any turf which was not obtained by such coal retailer from an approved source shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding the sum of one pound for every ton or part of a ton of turf so sold and delivered.

(3) Every person who, in pretended compliance with the provisions of this Act relating to the compulsory purchase of turf, purchases and takes from a coal retailer any turf which was, to the actual knowledge of such person, not obtained by such coal retailer from an approved source shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one pound for every ton or part of a ton of turf so purchased and taken. 5

(4) Nothing in this section shall operate to impose on a purchaser of turf from a coal retailer in pursuance of the provisions of this Act relating to the compulsory purchase of turf any obligation to make inquiry as to the source from which such coal retailer obtained such turf or operate to impute to such purchaser constructive or other notice of such source. 10

Power to compel coal retailer to obtain turf.

17.—(1) Whenever the quantity of turf obtained by a coal retailer from approved sources during any particular period of not less than two months, together with the quantity (if any) of turf obtained from approved sources which is in the possession of such coal retailer at the beginning of such period, is less than the quantity of turf sold and delivered or which ought to have been sold and delivered by such coal retailer in pursuance of the provisions of this Act relating to the compulsory purchase of turf during the said period, the Minister may serve on such coal retailer a notice in writing— 15 20

(a) stating— 25

- (i) the particular period aforesaid to which such notice relates, and
- (ii) the quantity of turf obtained as aforesaid by such coal retailer and
- (iii) the quantity (if any) of turf in the possession as aforesaid of such coal retailer and 30
- (iv) the quantity of turf sold and delivered or which ought to have been sold and delivered as aforesaid, by such coal retailer, and

(b) requiring such coal retailer to obtain within a specified time (not less than fourteen days from the service of such notice) from some approved source or sources a specified quantity of turf not exceeding the amount by which the quantity of turf obtained as aforesaid by such coal retailer together with the quantity (if any) of turf in the possession as aforesaid of such coal retailer falls short of the quantity of turf sold and delivered or which ought to have been sold and delivered as aforesaid by such coal retailer and 35 40

(c) requiring such coal retailer, within two days after complying with the foregoing requirements of such notice, to send to the Minister in the manner stated in such notice a statement of the quantity or several quantities of turf obtained by such coal retailer in compliance with such notice and the source from which and the date on which such quantity, or every such quantity, of turf was so obtained. 45 50

(2) Every coal retailer on whom a notice is served under this section shall, within the time specified in that behalf in such notice, obtain from some approved source or sources the quantity of turf specified in that behalf in such notice, and if such coal retailer fails so to obtain the said quantity of turf he shall be guilty of an offence under this sub-section and shall be liable on summary conviction thereof to a fine not exceeding one pound for every ton or part of a ton of turf which he was required by such notice so to obtain or, if he has duly obtained part of the quantity of turf which he was so required to obtain, not exceeding one pound for every ton or part of a ton by which the said part of the said quantity of turf falls short of the full amount of the said quantity of turf. 55 60 65

(3) Every coal retailer, on whom a notice is served under this section shall, within the time specified in that behalf in such notice, send to the Minister in accordance in all respects with such notice such statement as he is required by such notice so to send and if he fails so to send such statement he shall be guilty of an offence under this sub-section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

(4) The following provisions shall have effect in relation to the prosecution of a coal retailer for an offence under any sub-section of this section, that is to say:—

(a) the notice under this section in relation to which such offence is alleged to have been committed shall be evidence, until the contrary is proved, of the several matters of fact stated in such notice in respect of the quantities of turf obtained by, in the possession of, or sold and delivered or which ought to have been sold and delivered by such coal retailer;

(b) an error in the statement of all or any of the said matters of fact in such notice shall not invalidate such notice if the quantity of turf which such coal retailer is required by such notice to obtain does not exceed the quantity of turf which he could lawfully have been so required to obtain if all such matters of fact had been correctly stated in such notice;

(c) the Court may, if it so thinks proper on the application of the prosecutor or of such coal retailer, amend the statement in such notice of any of the said matters of fact or of the quantity of turf which such coal retailer is required by such notice to obtain, and where the Court so amends such notice, such notice shall for all purposes have and be deemed always to have had effect as so amended;

(d) every record kept by such coal retailer in pursuance of this Act shall be admissible in evidence at the instance of either the prosecutor or such coal retailer, and the Court may, if it so thinks proper on the application of the prosecutor, compel such coal retailer to produce any such record and all invoices, consignment notes, receipts and other documents (including copies thereof where the originals are not available) in the possession of such coal retailer and necessary in the opinion of the Court for the purpose of verifying any entry in or proving or explaining any omission from such record;

(e) every return made by such coal retailer to the Minister in pursuance of this Act shall be admissible in evidence at the instance of either the prosecutor or such coal retailer, and the Court may, if it so thinks proper on the application of such coal retailer, compel the production by the Minister of any such return.

18.—(1) The Minister may, if and whenever he thinks proper so to do, grant to any person an exemption from the provisions of this Act relating to the compulsory purchase of turf.

Exemptions from compulsory purchase of turf.

(2) Every exemption granted under this section—

(a) shall be in the prescribed form, and

(b) may be granted for a limited period or without any limitation of time, and

(c) may be granted subject to such (if any) limitations (specified in such exemption) as the Minister shall think proper in relation to the coal to which the exemption

applies, whether in respect of the quantity, quality, place of purchase, place or purpose of user of or any other matter connected with such coal, and

- (d) shall be expressed and shall operate to relieve the person to whom it is granted from the obligation to comply with the provisions of this Act relating to the compulsory purchase of turf during the period specified in that behalf in the exemption or, where no such period is so expressed, without limitation of time, but subject to such (if any) limitations authorised by this sub-section as shall be specified in the exemption.

(3) An exemption granted under this section may be revoked at any time by the Minister at his absolute discretion.

Exemption in respect of turf purchased from the Board.

19.—(1) Whenever a person purchases a particular quantity of turf from an approved source and the Board, society, or company which is such approved source is satisfied that such turf is purchased for consumption for domestic or household purposes by such person in a particular appointed area, such Board, society, or company (as the case may be) shall, if so required by such person, give to such person a certificate, counter-signed by an officer of the Minister, certifying that such person has purchased from such approved source the said quantity of turf for consumption for domestic or household purposes by such person in the said appointed area.

(2) Whenever a person who holds an unexhausted certificate issued to him under this section by the Board or a society or company which is an approved source purchases coal from a coal retailer for consumption for domestic or household purposes in the appointed area mentioned in such certificate and the provisions of this Act relating to the compulsory purchase of turf apply to such purchase of coal, the purchase of turf from an approved source which is the subject of such certificate shall be deemed to be a compliance with the said provisions of this Act so far as the same apply to the said purchase of coal, but not to a greater extent than the quantity of turf in respect of which such certificate is effective at the time of such purchase of coal.

(3) Whenever coal is purchased by any person from a coal retailer and a certificate issued under this section is used by such person as a compliance in respect of such purchase of coal with the provisions of this Act relating to the compulsory purchase of turf, such coal retailer shall endorse on such certificate the prescribed particulars of such purchase of coal, including the quantity of turf which, but for such certificate, would have been required by the said provisions of this Act to have been purchased by such person in respect of such purchase of coal.

(4) A certificate issued under this section shall not relieve the person to whom it is issued from compliance with the provisions of this Act relating to the compulsory purchase of turf unless the endorsement mentioned in the next preceding sub-section of this section is duly made on such certificate on every occasion on which it is used as a compliance with the said provisions of this Act.

(5) For the purposes of this section—

(a) a certificate issued under this section shall be deemed to be unexhausted so long as the total quantity of turf mentioned in the endorsements made on such certificate in pursuance of this section does not exceed the quantity of turf certified by such certificate to have been purchased from an approved source, and

(b) a certificate issued under this section shall be deemed at any particular time to be effective in respect of the quantity of turf by which the quantity of turf certified by such certificate to have been purchased from an

approved source exceeds the total quantity of turf mentioned in the endorsements made on such certificate in pursuance of this section.

20.—Where a person (in this section referred to as a sub-
5 retailer) carries on the business of buying coal from another person (in this section referred to as a merchant) and selling such coal by retail in quantities not exceeding two hundredweights (whether such sub-retailer does or does not pay such merchant the full retail price for such coal and whether such sub-retailer
10 does or does not also sell such coal in quantities exceeding two hundredweights), the following provisions shall have effect in respect of all coal purchased by such sub-retailer from such merchant and sold by such sub-retailer by retail in quantities not exceeding two hundredweights for consumption for domestic
15 or household purposes in an appointed area, that is to say:—

Application of this Act to sales of two hundredweights or less of coal.

- (a) such sub-retailer shall be deemed for the purposes of this Act to have purchased such coal from such merchant for consumption for domestic or household purposes in an appointed area, and
- 20 (b) such merchant shall be deemed for the purposes of this Act to have sold such coal to such sub-retailer by retail for consumption for domestic or household purposes in an appointed area, and
- 25 (c) this Act and, in particular, the provisions of this Act relating to the compulsory purchase of turf shall apply to such sub-retailer and to such merchant accordingly.

21.—(1) The Minister may, if and whenever he so thinks proper on the recommendation of the Board, purchase from the
30 Irish Land Commission for and on behalf of the Board any land vested in the Irish Land Commission which is required by the Board for all or any of the following purposes, that is to say, the production, the preparation for sale, or the storage of turf, or any purpose ancillary to such production, preparation, or
35 storage.

Power of the Minister to purchase land from the Irish Land Commission for the Board.

(2) The following provisions shall have effect in respect of every purchase of land by the Minister from the Irish Land Commission under this section, that is to say:—

- 40 (a) such land shall be so purchased at such price and upon such other terms and conditions as shall be agreed upon by the Minister and the Irish Land Commission, subject to the restriction that in assessing such price no regard shall be had to, nor any enhancement of price allowed for, any improvements executed on such
45 land with moneys paid or advanced out of the Central Fund or out of moneys provided by the Oireachtas;
- (b) such land shall be conveyed by the Irish Land Commission to the Board;
- 50 (c) the price to be paid by the Minister to the Irish Land Commission for such land shall be provided and paid by the Board;
- (d) the Board shall defray all the costs and expenses of the Minister and of the Irish Land Commission of or incidental to such purchase.

55 (3) In this section (except this sub-section) the word "land" includes any easement, profit à prendre, or other right over or in relation to any land, and the power of purchase conferred by this section shall extend to the purchase of any such right, whether in conjunction with or apart from the purchase of land.

60 22.—(1) The Minister may, if and whenever he so thinks proper on the recommendation of the Board, purchase by agreement or compulsorily from any person for and on behalf of the Board any land which is required by the Board for all or any

General power of the Minister to purchase land for the Board.

of the following purposes, that is to say, the production, the preparation for sale, or the storage of turf, or any purpose ancillary to such production, preparation, or storage.

(2) Every officer of the Board authorised in that behalf in writing by the Minister is hereby authorised and empowered to enter on any land which is required by the Board under this section for the purpose of making thereon any inquiry, investigation, or examination preliminary or incidental to the purchase of such land by the Minister. 5

(3) The following provisions shall have effect in relation to every purchase (whether by agreement or compulsorily) of land by the Minister under this section, that is to say:— 10

(a) the price to be paid by the Minister for such land shall, in default of agreement, be assessed under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919; 15

(b) in assessing (whether by agreement or under the next preceding paragraph of this sub-section) the said price, no regard shall be had to, nor any enhancement of price allowed for, any improvements executed on such land with moneys paid or advanced out of the Central Fund or out of moneys provided by the Oireachtas; 20

(c) such land shall be conveyed to the Board;

(d) sections 69 to 83 of the Lands Clauses Consolidation Act, 1845, shall apply to the said price and to the conveyance of such land to the Board, and for the purpose of such application the Minister shall be deemed to be the promoter of the undertaking; 25

(e) the said price shall be provided and paid by the Board;

(f) at any time before assessment of such price or conveyance of such land to the Board, but subject to giving not less than one month's or, in the case of an occupied dwelling-house, three months' previous notice in writing to the occupier of such land, the Board may, with the consent of the Minister, enter on and take possession of such land, but in every such case the Board shall pay to such occupier interest on the amount of such price when assessed at the rate of four per cent. per annum from the date of such entry to the date of payment of such price; 30 35 40

(g) the Board shall defray all the costs and expenses of the Minister of or incidental to such purchase, including all costs and expenses of the vendor of such land lawfully payable by the Minister.

(4) In this section (except this sub-section) the word "land" includes any easement, profit a prendre, or other right over or in relation to any land, and the powers of purchase and of entry and taking possession conferred by this section shall extend to the purchase of any such right (whether in conjunction with or apart from the purchase of land) and to the exercise of such right, and for that purpose references to the occupier of such land shall include the owner of such right. 45 50

Records to be kept by registered coal retailers.

23.—(1) Every registered coal retailer shall keep or cause to be kept the prescribed records in the prescribed form of all coal and all turf bought, received, sold, or delivered by him and, shall, not later than the next day which is not a Sunday or a bank holiday after such buying, receipt, sale or delivery, make or cause to be made in every such record the prescribed entries in respect thereof. 55

(2) Regulations made under this Act prescribing the records to be kept in pursuance of this section may require that a registered coal retailer who is registered in respect of two or more distinct premises shall keep separate such records in respect of each such distinct premises. 60

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

(4) If any person—

15 (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 limited by this section, any entry required by this section to be made by him in such record; or

20 (c) fails to produce or cause to be produced on demand for inspection by an inspector or by an officer of the Board authorised for the purpose by the Minister in writing or by a member of the *Gárda Síochána* any record, document, or copy of a document which
25 he is required by this section to produce for such inspection, or obstructs any inspector or any such officer or member in the making of such inspection; or

(d) wilfully or negligently 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
40 twenty pounds.

(5) For the purposes of this section—

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

(b) a demand under this section by an inspector, an officer of the Board or a member of the *Gárda Síochána* for the production of a record or document for inspection
40 shall be deemed to have been duly made to the person liable under this section to keep such record or the record to which such document relates (as the case may be) if such demand is made verbally at such premises to any individual in the employment
45 of such person; and

(c) a refusal or failure to produce for inspection under this section a record or document, if made or committed at the premises at which such record or document is kept by an individual in the employment of the person
50 liable under this section to produce such record or document, shall be deemed to have been made or committed by such person; and

(d) the expression “ office hours ” means—

55 (i) 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 relevant premises; and
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(ii) 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 relevant premises.
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Returns to be made by registered coal retailers.

24.—(1) The Minister may by order make regulations requiring registered coal retailers to make periodical returns to the Minister showing the quantities of coal and of turf bought by them, the quantities of coal and of turf sold by them, and such other matters relating to the purchase or the sale of such coal 5 or of such turf as the Minister shall think proper to specify in such regulations, and the Minister may by such regulations prescribe the persons by whom, the times at which, and the form and manner 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 15 thereof, in the case of a first such offence, to a fine not exceeding ten pounds, and in the case of a second or any subsequent such offence to a fine not exceeding twenty-five pounds.

Power to require returns from unregistered coal retailers.

25.—(1) The Minister may, whenever he so thinks proper, serve on any coal retailer (whether carrying on business in or outside an appointed area) who is not a registered coal retailer a notice in writing requiring such coal retailer within a specified time not less than seven days from the service of such notice to make to the Minister a return showing the quantity of coal and of turf bought by such coal retailer during a specified period, 25 the quantity of coal and of turf sold by such coal retailer during such period, and such other matters relating to the purchase or the sale of such coal and such turf as the Minister shall think proper and shall specify in such notice.

(2) Every coal retailer on whom a notice is served under this section shall, within the time specified in that behalf in such notice, make to the Minister such return as is required of him by such notice, and if such coal retailer fails so to make such return or makes any such return which is false or misleading in any material respect he shall be guilty of an offence under this 35 section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

Publication of registers, returns, and statistics.

26.—(1) The Minister may publish, in such manner as he may think fit, all or any of the matters entered in a register and may also so publish notice of the cancellation or alteration by him of 40 the registration of any person registered in a register.

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

(3) The Minister may, from time to time, collect and publish 45 such statistical information (including statistics derived from returns made pursuant to this Act) as he shall think fit with respect to any matter to which this Act relates, but so far as is reasonably practicable, no statistical information so published shall contain any particulars which would enable any person to identify 50 such particulars as being particulars relating to any individual person, business, or concern.

Custody of and evidence of contents of registers.

27.—(1) Every register shall be—

(a) deemed to be in the proper custody when in the custody of the Minister or of an officer of the Minister authorised 55 in that behalf by the Minister, and

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

(2) Prima facie evidence of any entry in a register may be given in any court or any legal proceedings by the production of 60 a copy of such entry purporting to be certified to be a true copy by an officer of the Minister authorised in that behalf by the

Minister, 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.

- (3) A certificate, purporting to be under the hand of an officer of the Minister authorised in that behalf by the Minister, that any person specified in such certificate is not registered in any specified register shall in any court or legal proceedings be prima facie evidence of the matters so certified, and it shall not be necessary to prove the signature of such officer, or that he was in fact such officer, or was in fact so authorised.

10 (4) Any person may—

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

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(b) obtain such certificate as is hereinbefore mentioned that any specified person is not registered in a specified register or registers kept in pursuance of this Act on payment to the Minister of a fee of one shilling for each such certificate.

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28.—(1) Every inspector and every officer of the Board authorised in that behalf in writing by the Minister and every member of the *Gárda Síochána* is hereby authorised and empowered to do all or any of the following things, that is to say:—

Powers of inspection and examination.

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(a) at all reasonable times to enter upon and have free access to the interior of any registered premises or of any unregistered premises in which coal or turf is or is believed to be sold, or kept, exposed or stored for sale, or the premises of any person engaged in the business of carrying goods for reward, or any boat, railway waggon, motor lorry, cart, or other vehicle used for the conveyance of goods;

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(b) to examine all coal and all turf found in any premises, boat, or vehicle to the interior of which he has access by virtue of this section, and for that purpose to open any bag, sack, or other package found in such place and containing or believed to contain coal or turf;

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(c) at any time or place to ask of any person who has or at any time had the custody or possession of any coal or turf found in the exercise of any of the powers conferred by this section such questions in relation to such coal or turf as such inspector, officer, or member shall think proper, and to demand and take the name and address of such person and also to demand and take from such person the name and address of the owner or consignee of such coal or turf;

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(d) at any time or place to demand of any person who has or at any time had the custody or possession of any coal or turf found in the course of the exercise of any of the powers conferred by this section, the production of all records, invoices, consignment notes, receipts and other documents (including copies thereof where the originals are not available) relating to such coal or turf, and to take copies of and make extracts from any such documents (including copies thereof as aforesaid).

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(2) In the exercise in or upon the premises of any shipping or railway company of the powers conferred on him by this section, every inspector and every officer of the Board and member of the *Gárda Síochána* 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.

(3) Every person who shall do any of the following things, that is to say:—

- (a) obstruct or impede any inspector or any officer of the Board or member of the *Gárda Síochána* in the exercise of any of the powers conferred on such inspector, officer or member by this section, or 5
- (b) fail or refuse to answer to the best of his knowledge and ability any question asked of him by such inspector, officer or member in exercise of a power in that behalf conferred by this section, or 10
- (c) give an answer to any such question which is to his knowledge false or misleading, or
- (d) when his own or any other name or address is demanded of him by any such inspector, officer or member in exercise of a power in that behalf conferred by this section, fail or refuse to give such address, or give a name or an address which is false or misleading, or 15
- (e) fail or refuse to produce any document the production of which is lawfully demanded of him by any such inspector, officer or member in exercise of any of the powers in that behalf conferred by this section, or fail or refuse to permit any such inspector, officer or member to take copies of or to make extracts from any such document. 20

shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds. 25

Inspectors' certificates of appointment.

29.—Every inspector shall be provided with a certificate in the prescribed form of his appointment as such inspector and, when exercising any of the powers conferred on an inspector by or under this Act, shall, if so required, produce such certificate to any person affected. 30

Attestation and service of notices.

30.—(1) Every notice served under this Act on a coal retailer shall, if failure to comply with such notice is declared by this Act to be an offence, be sealed with the official seal of the Minister. 35

(2) Every notice which is required or authorised by this Act to be served on a coal retailer may be so served—

- (a) by delivering such notice to such coal retailer, or
- (b) by delivering such notice at any place at which such coal retailer carries on business as a coal retailer to a person of or over the age of sixteen years in the employment of such coal retailer in relation to such business, or 40
- (c) by sending such notice by prepaid registered post addressed to such coal retailer, if he is a registered coal retailer, at any premises in respect of which he is registered in a register kept under this Act, or if he is not a registered coal retailer, at any place at which he carries on his business as a coal retailer. 50

(3) Every notice served under this Act on a coal retailer may, in any prosecution of such coal retailer for failure to comply with such notice, be proved by the production of a copy of such notice sealed with the official seal of the Minister and having endorsed thereon a certificate, signed by an officer of the Minister authorised in that behalf by the Minister, certifying that such copy is a true copy of the notice so served on such coal retailer, and it shall not be necessary to prove the signature of such officer or that he was such officer as aforesaid or was so authorised as aforesaid. 55

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31.—The Minister may by order make regulations for the pur- Regulations.
poses of prescribing any matter or thing which is referred to in
this Act as prescribed or to be prescribed, but no such regulation
shall be made in relation to the amount or collection of fees
5 without the consent of the Minister for Finance.

32.—Save as is otherwise provided by this Act, all expenses Expenses.
incurred by the Minister in carrying this Act into execution shall,
to such extent as may be sanctioned by the Minister for Finance,
be paid out of moneys provided by the Oireachtas.

33.—(1) All fees taken under this Act shall be collected in Collection and
10 money and taken in such manner as the Minister for Finance may disposal of fees.
from time to time direct, and shall be paid into or disposed of
for the benefit of the Exchequer in accordance with the direc-
tions of the said Minister.

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

34.—This Act may be cited as the Turf (Use and Development) Short title.
Act, 1936.

Saorstát Éireann

BILLE MONA (USAID AGUS FORBAIRT),
1935.

BILLE

dá ngairmtear

Acht chun socrúithe do dhéanamh i dtreo go mbainfear agus go ndóghfar níos mó móna chun crícheanna tighis agus chun socrúithe do dhéanamh i dtaobh nithe iomdha bhaineas no ghabhas leis an mbaint agus leis an dóghadh san agus ar a n-áirmhítear comhachta do bronnadh ar an Aire Tionnscoil agus Tráchtála chun tailimh do thógaint agus oibreacha iompair do dhéanamh agus comhachta do bhronnadh ar Bhord na Móna, Teoranta, i dtaobh na nithe roimhráite.

Rithite ag Dáil Éireann, 25adh Meitheamh, 1936.

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.

TURF (USE AND DEVELOPMENT) BILL,
1935.

BILL

entitled

An Act to make provision for promoting the more extensive production and consumption of turf for domestic and household purposes, and to make provision for divers matters ancillary to or connected with such production and consumption, including conferring on the Minister for Industry and Commerce powers to acquire land and construct transport works and conferring on the Turf Development Board, Limited, powers in connection with the matters aforesaid.

Passed by Dáil Éireann, 25th June, 1936.

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