

SAORSTÁT EIREANN.

BILLE SIOLTA TALMHAIOCHTA, 1935. AGRICULTURAL SEEDS BILL, 1935.

Mar do leasúíodh i gCoiste.
As amended in Committee.

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SAORSTÁT EIREANN.

BILLE SIOLTA TALMHAIOCHTA, 1935.
AGRICULTURAL SEEDS BILL, 1935.

BILL

entitled

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AN ACT TO MAKE FURTHER AND BETTER PROVISION
IN RELATION TO THE PRODUCTION, IMPORTATION,
CLEANING, AND SALE OF AGRICULTURAL SEEDS
AND FOR THOSE AND OTHER PURPOSES TO AMEND
THE LAW RELATING TO AGRICULTURAL SEEDS.

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

Definitions.

1.—In this Act—

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

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

the word “inspector” means a person appointed in writing by
the Minister to be an inspector for the purposes of this Act;

the word “class” when used in relation to agricultural seeds
or in relation to plants means a class delimited by reference to
botanical classification, or to name or variety, or to any
characteristic or quality, or by any other mode of classification;

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the word “cleaning” includes purifying, scarifying, clipping,
and other similar processes.

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Agricultural seeds.

2.—(1) The Minister may from time to time by order prescribe
the classes of seeds which shall be agricultural seeds for the
purposes of this Act, and may from time to time by order amend
or revoke any such order.

(2) In this Act the expression “agricultural seeds” means
seeds which are, by virtue of an order made by the Minister
under this section, for the time being agricultural seeds for the
purposes of this Act.

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Power to prohibit importation of agricultural seeds.

3.—(1) The Minister may, whenever he so thinks proper, by
order prohibit the importation into Saorstát Eireann on or after
a specified date (not being earlier than the date of the order) of
all or any particular classes or class of agricultural seeds save
under and in accordance with a licence in that behalf issued by
the Minister under this Act.

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(2) Whenever and so long as an order made by the Minister
under the foregoing sub-section of this section is in force it shall
not be lawful (save as is otherwise provided by this Act) for any
person to import into Saorstát Eireann any agricultural seeds in
contravention of such order.

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(3) The Minister may at any time by order amend or revoke
any order previously made by him under this section, including
an order made under this sub-section.

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(4) Every person who imports any agricultural seeds 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.

5 (5) Section 42 of the Customs Consolidation Act, 1876, shall be construed and have effect as if agricultural seeds the importation of which is for the time being prohibited by this section were added to the Table of Prohibitions and Restrictions Inwards in that section.

10 4.—(1) The Minister may, if he so thinks proper, issue to any person a licence (in this Act referred to as a seeds importation licence) to import, subject to such conditions as the Minister shall think proper and shall specify in such licence, a specified quantity of a specified class of agricultural seeds the importation of which
15 is for the time being prohibited by this Act.

(2) A seeds importation licence shall be expressed and shall operate to authorise the person to whom it is issued to import, in accordance with the terms and conditions stated in such licence, the agricultural seeds specified in such licence, but subject to the
20 payment of every (if any) duty of customs chargeable and payable on such importation.

5.—Nothing contained in this Act or any order made under this Act or in the Agricultural Produce (Cereals) Acts, 1933 to 1935, shall apply to or operate to prevent the importation by
25 post of a sample of agricultural seeds where such sample does not exceed one pound in weight, and is accompanied by a declaration that it is imported solely as a trade sample and is of no commercial value.

6.—(1) No person shall carry on, otherwise than under and in
30 accordance with a licence in that behalf issued to him under this Act, the business of cleaning for commercial purposes agricultural seeds to which this section applies.

(2) The Minister may, whenever he so thinks fit, by order declare that this section shall apply to any particular class or
35 classes of agricultural seeds, and may at any time by order amend or revoke any such order.

(3) This section shall apply to every (if any) class of agricultural seeds which is for the time being declared by an order made under the next preceding sub-section of this section to be a class of
40 agricultural seeds to which this section applies, and references in this section and the next following section to agricultural seeds to which this section applies shall be construed accordingly.

(4) Every person who carries on any business in contravention
45 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 together with a further fine not exceeding twenty pounds for every day during which such offence is continued.

(5) The following transactions shall not be deemed to be the
50 carrying on of the business of cleaning agricultural seeds within the meaning of this Act, that is to say:—

(a) the cleaning, by the owner of a threshing mill, of seeds obtained by threshing in such mill where such cleaning is done at the time of or immediately after such
55 threshing, or

(b) the cleaning, by a farmer on his own premises, of seeds produced by him on land in his own occupation, or

- (c) the cleaning by a farmer on his own premises of seeds *bona-fide* intended to be sown by him on land in his own occupation.

Seed cleaning
licences.

7.—(1) The Minister may, if he so thinks proper, after consultation with the Minister for Industry and Commerce, issue to 5
any person a licence (in this Act referred to as a seed cleaning
licence) to carry on in specified premises the business of cleaning
agricultural seeds to which the next preceding section applies
or any particular classes or class of such agricultural seeds, for
commercial purposes, and the Minister may attach to any such 10
licence such conditions as he shall think proper and shall specify
in such licence.

(2) A seed cleaning licence shall be expressed and shall
operate to authorise the person to whom it is issued to carry on,
in the premises specified in such licence and under and in 15
accordance with the terms of such licence, the business of cleaning
for commercial purposes agricultural seeds to which such licence
relates.

(3) The Minister may at any time revoke a seed cleaning
licence, but before so revoking any such licence, the Minister 20
shall give not less than seven days' notice in writing of his
intention so to revoke such licence to the holder thereof and
shall consider any representations made to him by such holder
within such seven days.

(4) A notice in pursuance of the next preceding sub-section 25
of this section may be served by delivering it to the holder of
such licence or by sending it by post to such holder at any place
at which he carries on business under such licence.

Prohibition of
sale, etc., of seeds
containing
injurious weed
seeds.

8.—(1) It shall not be lawful for any person to sell or offer
or expose for sale any agricultural seeds which contain more than 30
the prescribed percentage of the seeds of any prescribed injurious
weeds.

(2) Every person who shall sell or offer or expose for sale any
agricultural seeds in contravention of this section shall be guilty 35
of an offence under this section and shall be liable on summary
conviction thereof to a fine not exceeding twenty-five pounds.

Provisions in
respect of seeds
sold retail in
packets.

9.—(1) It shall not be lawful for any person to sell or offer or
expose for sale any agricultural seeds by retail in an envelope,
carton, box, or other container which is closed by seal, gum, glue,
or other similar means or in a bag (containing not more than 40
seven pounds weight of seeds) the mouth of which is closed by
being sewn, tied, or sealed, unless there is clearly marked on
such container or bag (as the case may be), in close proximity
to the statement thereon of the name or description of the seeds
contained therein, a statement of the year in which such container 45
or bag was packed and there is also clearly marked on such con-
tainer or bag the prescribed particulars of the following things
or such of them as shall be prescribed, that is to say, the company,
society, individual, or other trader by whom and the place at
which such container was packed and the nature and variety of 50
the seeds contained therein.

(2) The foregoing sub-section of this section shall not apply
to the sale of agricultural seeds by retail where such seeds are,
at the time and for the purpose of such sale, taken from a bulk
supply in the possession of the vendor and packed by him in such 55
container or bag as is mentioned in the said sub-section.

(3) Every person who sells any agricultural seeds in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction 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.

10 10.—(1) The Minister may, whenever he so thinks proper, by order require that all invoices and other like documents in respect of any specified classes or class (defined in such manner as the Minister shall think proper) of agricultural seeds shall contain such particulars as shall be specified in such order in regard to the name or variety of the agricultural seeds to which such invoice or other document relates.

Invoices in respect of agricultural seeds.

15 (2) Whenever and so long as an order made by the Minister under this section is in force, every person who issues or sends, in relation to any agricultural seeds to which such order applies, any invoice or other like document which does not contain all the particulars in regard to such seeds which are required by such order to be contained in such invoice or other document 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 (3) The Minister may at any time by order amend or revoke any order previously made by him under this section, including an order made under this sub-section.

30 11.—(1) Whenever the Minister is of opinion that permitting the growth of any particular class of plants in any particular area to continue to the stage of normal inflorescence would be likely to interfere with the production in that area of pure strains of agricultural seeds, the Minister may by order prohibit the growth of that particular class of plants being permitted in such area to continue to the stage of normal inflorescence.

Restrictions on the continuance of growth of plants in certain cases.

35 (2) Whenever and so long as an order made by the Minister under the foregoing sub-section of this section is in force, it shall not be lawful for any person to permit, in the area to which such order applies, the growth of any plant of the class to which such order applies to continue to the stage of normal inflorescence.

40 (3) Every person who shall permit the growth of a plant to continue in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first such offence, to a fine not exceeding twenty-five pounds and, in the case of a second or any subsequent such offence, to a fine not exceeding fifty pounds, together with, in any case, forfeiture of all plants in respect of which such offence was committed.

(4) The Minister may at any time by order amend or revoke any order previously made by him under this section, including an order made under this sub-section.

Control of the
growing of plants
in certain case.

12.—(1) Whenever the Minister is of opinion that the growing in any particular area of any particular class of plants would be likely to interfere with the production in that area of pure strains of agricultural seeds of any particular class, the Minister may by order prohibit the growing in the said area of any plants of the said class. 5

(2) Whenever and so long as an order made by the Minister under the foregoing sub-section of this section is in force, the following provisions shall have effect in the area to which such order applies, that is to say:— 10

(a) It shall not be lawful for any person to grow in the said area any plants the growing of which in the said area is prohibited by such order or to permit any such plants to grow on any land in the occupation of such person in the said area; 15

(b) every person who shall grow any plants in contravention of this sub-section or shall, in contravention of this sub-section, permit any plants to grow shall be guilty of an offence under this sub-section and shall be liable on summary conviction thereof, in the case of a first such offence, to a fine not exceeding twenty-five pounds and, in the case of a second or any subsequent such offence, to a fine not exceeding fifty pounds; 20

(c) an officer of the Minister may at any time enter any land in the said area on which plants of any description are growing and there inspect all plants growing on such land; 25

(d) whenever any plants, the growing of which in the said area is prohibited by the said order are growing on any land in the said area, the person in occupation of such land shall, on being required in writing by an officer of the Minister so to do, pull up and destroy all such plants within such time as shall be specified in that behalf by such officer in such requisition; 30

(e) if any person who is required by the next preceding paragraph of this sub-section to pull up and destroy any plants fails so to do within the time mentioned in the said paragraph, it shall be lawful for an officer of the Minister, with such assistants and vehicles as such officer considers necessary, to enter on the land on which such plants are growing and there pull up and destroy or remove all such plants, and it shall be lawful for the Minister to recover from such person as a civil debt in any Court of competent jurisdiction the sum which is certified by the Minister to be the amount of the costs and expenses incurred in such entry, pulling up, and destruction or removal. 35 40 45

(3) The Minister may at any time by order amend or revoke any order previously made by him under this section, including an order made under this sub-section. 50

Powers of
inspection and
taking samples.

13.—(1) Any inspector may at all reasonable times enter any shop, store, or other premises (including a booth, stall, cart, barrow, or other place or vehicle in a market or fair) in which agricultural seeds are sold or are offered, exposed, or kept for sale, and may there search for, examine, and take samples of all or any agricultural seeds found by such inspector in such premises, and may, in the case of any such agricultural seeds which are so sold or offered, exposed, or kept for sale in packets closed by seal, gum, glue, or other similar means or in bags, containing not more than seven pounds weight of seeds, the mouths of which are closed by being sewn, tied, or sealed, take any such sample by taking one or more such packets or bags unopened. 55 60

(2) Whenever an inspector proposes to take under this section in any premises a sample of agricultural seeds he shall, if so

required by the person in charge of such premises, produce his authority as such inspector before taking such sample.

5 (3) An inspector entering any premises under this section may demand of the person in charge of such premises the name and address of the person from whom any agricultural seeds found by such inspector in such premises were obtained and, on such demand being so made, it shall be the duty of the said person so in charge to furnish to such inspector in writing the name and address so demanded.

10 (4) The Minister may cause any sample of agricultural seeds taken by an inspector under this section to be tested for purity, germination, freedom from disease, and other matters, and may cause to be published, in such manner as he thinks fit, the result of such test and the names and addresses of both the
15 person in whose premises such sample was so taken and the person from whom the agricultural seeds comprised in such sample were stated by the person in charge of such premises to have been obtained, or the name and address of one of those persons only.

(5) Every person who shall—

- 20 (a) obstruct or impede an inspector in the exercise of any of the powers conferred by this section, or
(b) fail or refuse to furnish in writing to an inspector any name or address within his knowledge or procurement which is lawfully demanded of him by such inspector
25 under this section, or so furnish on such demand a name or an address which is to his knowledge 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 a fine not exceeding ten pounds.

30 14.—The Minister may by order make regulations for the purpose of prescribing any matter or thing which is referred to in this Act as prescribed or to be prescribed. Regulations.

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

16.—Sections 5 and 6 of the Weeds and Agricultural Seeds (Ireland) Act, 1909, and the whole of the Seeds Act, 1920, are hereby repealed. Repeals.

40 17.—This Act may be cited as the Agricultural Seeds Act, 1936. Short title.

BILLE SIOLTA TALMHAIOCHTA, 1935.

AGRICULTURAL SEEDS BILL, 1935.

BILLE

(mar do leasúodh i gCoiste)

dá ngairmtear.

Acht chun socrúithe bhreise agus fheabhsa do dhéanamh i dtaobh síolta talmhaíochta do tháirgeadh, d'iomportáil, do ghlanadh agus do dhíol agus chun an dlí bhaineas le síolta talmhaíochta do leasú chun na gerícheanna san agus chun crícheanna eile.

An tAire Talmhaíochta do thug isteach.

Do hordúodh, ag Dáil Éireann, do chlóbhuailadh, 11adh Márta, 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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BILL

(as amended in Committee)

entitled

An Act to make further and better provision in relation to the production, importation, cleaning, and sale of agricultural seeds and for those and other purposes to amend the law relating to agricultural seeds.

Introduced by the Minister for Agriculture.

Ordered, by Dáil Éireann, to be printed 11th March, 1936.

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