

SAORSTÁT EIREANN.

BILLE CHUN IOMPORTALANNA DO RIALU (LEASU), 1936. CONTROL OF IMPORTS (AMENDMENT) BILL, 1936.

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

ARRANGEMENT OF SECTIONS.

Section.

1. The Principal Act.
2. Exemptions in quota orders.
3. Amendment of quota orders already made.
4. Exclusion of certain articles from all quota orders.
5. Amendment of section 6 of the Principal Act.
6. Persons entitled to be registered.
7. Power to refuse registration in certain cases.
8. Powers of removal from a register.
9. Special licences in respect of the preliminary period.
10. Amendment of section 9 of the Principal Act.
11. Attachment of conditions to licences.
12. Amendment of licences.
13. Surrender of licences.
14. Power to issue licences in excess of a quota.
15. Obligation to furnish information.
16. Penalty for contravention of conditions.
17. Repeals.
18. Short title and citation.

SAORSTÁT EIREANN.

BILLE CHUN IOMPORTALANNA DO RIALU (LEASU), 1936. CONTROL OF IMPORTS (AMENDMENT) BILL, 1936.

BILL

entitled

5

AN ACT TO MAKE FURTHER AND BETTER PROVISION
IN RELATION TO THE CONTROL OF IMPORTS AND
THE IMPOSITION AND ENFORCEMENT OF IMPORT
QUOTAS, AND FOR THAT PURPOSE TO AMEND THE
CONTROL OF IMPORTS ACT, 1934.

10

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

The Principal
Act.

1.—(1) In this Act the expression “ the Principal Act ”
means the Control of Imports Act, 1934 (No. 12 of 1934).

(2) The Principal Act and this Act shall be construed together, 15
and accordingly every word or expression to which a particular
meaning is given by or in the Principal Act for the purposes
of that Act has, in this Act, the meaning so given to it.

Exemptions in
quota orders.

2.—The Executive Council may, in and by a quota order, do
all or any of the following things, that is to say:—

20

(a) exempt from the prohibition effected by such order
goods imported for a specified purpose or in specified
circumstances or in a specified manner or in limited
quantities;

(b) effect any such exemption as is mentioned in the next 25
preceding paragraph of this sub-section either directly
or by way of an authorisation to the Minister or to
the Revenue Commissioners;

(c) attach to any such exemption any specified limitation
or condition, whether as to quantity, time, proof, or 30
otherwise, and in particular a condition requiring the
Minister or the Revenue Commissioners to be satisfied
of specified matters before the exemption takes effect
in respect of any particular goods;

(d) give to the Minister or to the Revenue Commissioners 35
power, duty, or jurisdiction to determine whether
particular goods are or are not entitled to the benefit
of any particular such exemption;

(e) authorise the Minister or the Revenue Commissioners
to impose conditions (whether precedent or subse- 40
quent) to be complied with by persons claiming or
receiving the benefit of any such exemption.

Amendment of
quota orders
already made.

3.—(1) The Executive Council may amend, under section 11 of
the Principal Act, any quota order made before the passing of this
Act by inserting in such quota order any provision which could 45
lawfully have been inserted therein if this Act had been in force
when such quota order was made.

(2) Whenever the Executive Council amends by virtue of this
section a quota order made before the passing of this Act, the
Executive Council may by the order making such amendment 50

declare that such amendment shall have effect as from the date of such quota order, and whenever such declaration is so made such quota order shall have and be deemed always to have had effect as if the provisions inserted therein by such amendment had been
5 contained in such quota order when it was originally made.

4.—In lieu of sub-section (4) of section 3 of the Principal Act (which is repealed by this Act) it is hereby enacted that no quota order, whether made before or after the passing of this Act, shall apply to or affect or, in the case of a quota order made before the
10 passing of this Act, be deemed ever to have applied to or affected the importation into Saorstát Eireann of—

Exclusion of certain articles from all quota orders.

(a) articles (whether manufactured or produced in or imported into Saorstát Eireann) which are shown to the satisfaction of the Revenue Commissioners to have been exported from Saorstát Eireann, whether such exportation took place before or after the date of such quota order or the passing of the Principal Act or this Act, or

(b) any article which is shown to the satisfaction of the Revenue Commissioners to be imported in substitution for a similar article which had been imported (whether before or after the passing of this Act) under a licence issued under the Principal Act or this Act and subsequently either exported or destroyed without having been substantially used in Saorstát Eireann.

25 5.—(1) Whenever the Executive Council, by an order made under section 6 of the Principal Act, appoint a quota, they may, if they so think fit, by the same order direct that such quota shall not include any goods which, in the opinion of the Revenue Commissioners, either (as shall be specified in such order)—

Amendment of section 6 of the Principal Act.

30 (a) were manufactured or produced in a specified country, or

(b) were consigned to the importer from a specified country,
or

(c) were manufactured or produced in a specified country and consigned to the importer from that country.

35 (2) Whenever the Executive Council, by an order made under section 6 of the Principal Act, appoint a special quota, they may, if they so think fit, by the same order direct that goods to which such special quota applies shall be confined to such special quota and that no such goods shall be included in the residue of the
40 quota of which such special quota is a proportion.

(3) Whenever the Executive Council, by an order made under section 6 of the Principal Act, appoint an additional quota, they may, if they so think fit, by the same order direct that such additional quota or any specified portion thereof shall be in itself a
45 special quota or shall be added to and form part of a special quota previously appointed.

(4) Whenever the Executive Council, by an order made under section 6 of the Principal Act, appoint a quota, a special quota, or an additional quota, they may fix the quantity of goods to be comprised in such quota, special quota, or additional quota (as the case may be) by reference to the number, weight, volume, value, or any other characteristic of such goods.

6.—(1) In lieu of sub-section (2) of section 7 of the Principal Act (which is repealed by this Act) it is hereby enacted that when-
55 ever and so long as any particular register of importers is maintained in pursuance of sub-section (1) of the said section 7, there shall be registered and, subject to the provisions of the Principal

Persons entitled to be registered.

Act and of this Act, be kept registered in such register every person who applies in the prescribed manner to the Minister for such registration and satisfies the Minister in the prescribed manner—

(a) that he is either—

(i) an individual who is a citizen of Saorstát Éireann, 5
or

(ii) a partnership carrying on a business whereof more than half the capital is beneficially owned by an individual who is, or two or more individuals each of whom is, a citizen of Saorstát Éireann, or 10

(iii) a company which is incorporated under the laws of Saorstát Éireann, or

(iv) a person (not being a person to whom any of the preceding clauses of this paragraph applies) who has, during at least the five consecutive years next 15 preceding the establishment of such register, carried on the business of importing into Saorstát Éireann goods of a description to which the relevant quota order applies,

and that, in any such case, he has a place of business 20 in Saorstát Éireann and carries on or proposes to carry on, at such place of business, a business in connection with or as part of which it is, in the opinion of the Minister, necessary or usual to import goods of a description to which the relevant quota order applies, or 25

(b) that he is a society, institution, or other body (whether incorporated or not incorporated) formed wholly or mainly to carry on, and actually engaged in carrying on, in Saorstát Éireann a business or other undertaking of a religious, charitable, or sociological character in connection with or as part of which it is, in the opinion of the Minister, necessary or usual to import goods of a description to which the relevant quota order applies, or 30

(c) that he is a Minister, head of a Department of State, or

(d) that he is a corporation, board, committee, or other body 35 (whether incorporated or not incorporated) established by statute or by order made under statutory authority to exercise generally or locally any function of government (including local government) or to discharge generally or locally public duties in relation to public 40 administration or public service, or

(e) that he is a person holding a licence under the Control of Manufactures Acts, 1932 to 1935, authorising him to carry on in Saorstát Éireann any process in connection with or as part of which it is, in the opinion of the 45 Minister, necessary or usual to import goods of a description to which the relevant quota order applies, or

(f) that he is a person carrying on in Saorstát Éireann a manufacturing undertaking in connection with or as part of which it is, in the opinion of the Minister, 50 necessary or usual to import goods of a description to which the relevant quota order applies.

(2) Notwithstanding anything contained in the next preceding sub-section of this section, every person who was, immediately before the passing of this Act, registered in a register of 55 importers established and then maintained in pursuance of sub-section (1) of section 7 of the Principal Act shall, on the passing of this Act and without any application by him, be deemed to have been registered in such register under the said next preceding sub-section (whether he does or does not come within 60 any of the paragraphs of that sub-section) and shall, subject to the provisions of the Principal Act and this Act, be kept registered in such register.

Power to refuse registration in certain cases.

7.—Notwithstanding anything contained in section 7 of the Principal Act or in this Act, the Minister may, at his absolute 65

discretion, refuse to register in a register of importers any person—

- 5 (a) who did not, previous to his application for such registration, ordinarily import goods of the description to which the relevant quota order applies, or
- (b) who, previous to his application for such registration, ordinarily imported such goods as aforesaid only to an extent which is, in the opinion of the Minister, negligible, or
- 10 (c) who, previous to his application for such registration, had been registered in such register and removed therefrom under the said section 7 or under this Act.

8.—In addition to the powers conferred on the Minister by sub-section (3) of section 7 of the Principal Act, the Minister
15 may, if and whenever he so thinks proper, remove from a register of importers maintained in pursuance of sub-section (1) of the said section 7—

Powers of removal from a register.

- 20 (a) any person who, in respect of two successive quota periods under the quota order in relation to which such register is so maintained, fails to apply for any licence under this Act for the importation of goods to which such quota order applies, or
- 25 (b) any person who, for the purpose of obtaining registration in such register or the purpose of retaining his registration in such register, makes to the Minister or any officer of the Minister a statement or representation which was false or misleading in any material respect, or
- 30 (c) any person who was registered in such register immediately before the passing of this Act and ceases to be a person who, if this Act had not been passed, would be entitled under Section 7 of the Principal Act to be registered and kept registered in such register, or
- 35 (d) any person who is registered in such register after the passing of this Act and ceases to be a person who is entitled, under section 7 of the Principal Act as amended by this Act, to be registered and kept registered in such register, or
- 40 (e) any person who applies in the prescribed manner to the Minister for the removal of his name from such register.

9.—(1) Whenever the Executive Council has made a quota order and a person desires to import, after, the expiration of the preliminary period in respect of such quota order, particular goods of
45 a description to which such quota order applies, then and in such case, if such person satisfies the Minister—

Special licences in respect of the preliminary period.

- (a) that such goods were ordered before the commencement of such preliminary period or were intended to have been imported during such preliminary period, and
- 50 (b) that such goods were not in excess of the quantity normally imported by such person, and
- (c) that it is reasonable, having regard to all the circumstances, that the importation of such goods should be permitted, the Minister may issue to such person a licence to import the said
55 particular goods into Saorstát Eireann before a date (not more than one month after the expiration of the said preliminary period) specified in that behalf in such licence and subject to such conditions (if any) as the Minister shall think proper and shall state in such licence.

60 (2) Every licence issued under this section shall be expressed

and shall operate to authorise the person to whom it is issued to import into Saorstát Eireann, before the date specified in that behalf therein, the particular goods stated therein, but subject to the conditions (if any) stated in such licence and to due compliance by such person with the law for the time being in force in relation to the importation of such goods and in particular to the payment of the duties of customs (if any) chargeable on such importation.

Amendment of
section 9 of the
Principal Act.

10.—(1) So much of sub-section (1) of section 9 of the Principal Act as requires an application under that sub-section in relation to an additional quota to be made within fourteen days after the fixing of such additional quota shall cease to have effect and, in lieu thereof, it is hereby enacted that an application under the said sub-section in relation to an additional quota may be made within such time as shall be appointed in that behalf by the order fixing such additional quota.

(2) The following provisions shall have effect in relation to the issue of licences by the Minister in pursuance of sub-section (2) of section 9 of the Principal Act, that is to say:—

(a) in determining, under paragraph (c) of the said sub-section (2), the quantity of goods to be specified in any particular licence issued in pursuance of that paragraph, the Minister may have regard (in addition to the matters mentioned in the said paragraph) to any relevant consideration;

(b) where, in the case of a quota, a special quota, or an additional quota, the number of licences applied for is so great in relation to the quantity of goods comprised in such quota, special quota, or additional quota (as the case may be) that it is not possible or is, in the opinion of the Minister, not practicable to issue the full number of the licences so applied for, the Minister shall issue only so many licences as appears to him to be reasonable having regard to the quantity of goods aforesaid and, in such case, the Minister shall issue such licences to such persons (being persons who have applied as aforesaid) and for such quantities of goods as he shall consider to be proper having regard to all the circumstances.

(3) A licence shall not be issued under sub-section (3) of section 9 of the Principal Act to a person who has not applied for such licence or otherwise indicated his willingness to receive such licence.

(4) Notwithstanding anything contained in sub-section (5) of section 9 of the Principal Act—

(a) a licence issued under that section may be expressed to authorise importation during a specified part only of the quota period to which such licence relates and, when so expressed, shall operate to authorise the importation of the goods to which it relates during the said specified part of such quota period and at no other time, and

(b) a licence issued under the said section may be expressed to authorise the importation of specified goods only or of a specified consignment of goods only and, when so expressed, shall operate to authorise the importation of the particular goods or the particular consignment of goods (as the case may be) specified in that behalf in such licence and no other goods.

Attachment of
conditions to
licences.

11.—(1) The Minister may attach to any licence issued by him under section 8 or section 9 of the Principal Act after the passing of this Act such conditions as he may think proper and shall specify in such licence.

(2) The Minister shall be deemed always to have had power to attach to any licence issued by him under section 8 or section 9 of the Principal Act before the passing of this Act such conditions as he may have thought proper and have specified in such licence, and every condition so specified in a licence so issued shall be and be deemed always to have been lawfully attached to such licence.

5 (3) The authority to import conferred by a licence issued (whether before or after the passing of this Act) under section 8 or section 9 of the Principal Act shall be and, in the case of a licence issued before the passing of this Act, be deemed always to have been subject to due compliance with the conditions attached to such licence.

10 12.—The Minister may at any time, at the request or with the consent of the licensee under a licence issued under the Principal Act (whether before or after the passing of this Act) or under this Act, delete from such licence a condition inserted therein by the Minister or modify or alter any such condition, but not so as to make such condition more burdensome to such licensee. Amendment of licences.

15 13.—(1) A licence issued under the Principal Act or this Act may be surrendered to the Minister by the licensee thereunder at any time before the expiration of the quota period in respect of which such licence was issued. Surrender of licences.

20 (2) Whenever a licence is surrendered under this section, the Minister may transfer the unexhausted benefit of such surrendered licence to any other licensee or licensees in respect of the same quota period and description of goods, and may effect such transfer by increasing the quantity of goods specified in the licence or licences held by such other licensee or licensees and, for that purpose, may amend such last-mentioned licence or licences.

25 14.—(1) Notwithstanding anything contained in the Principal Act or this Act, the Minister shall have an over-riding power to issue to any person a special licence to import, during any specified period, a specified quantity of goods of any particular kind the importation of which is for the time being prohibited by virtue of section 5 of the Principal Act, and it shall be lawful for the Minister to exercise such over-riding power whenever he thinks proper so to do. Power to issue licences in excess of a quota.

30 (2) The Minister may attach to a licence issued under this section such conditions as he shall think proper and shall specify in such licence.

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

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

45 (5) As soon as may be after the expiration of every quota period in respect of any quota order, the Minister shall lay before Dáil Eireann a statement showing the number of licences (if any) issued under this section during such quota period in respect of goods to which such quota order applies, and showing, in respect of every such licence, the person to whom it was issued, the quantity of goods thereby authorised to be imported, the period thereby limited for such importation, and such other matters relating to such licence as the Minister shall think proper to include in such statement.

50 15.—(1) Every person who applies to the Minister under the Principal Act or this Act for registration in a register of importers or for a licence to import goods shall, when required by the Minister so to do, furnish to the Minister all such information as the Minister may require for the consideration of such application. Obligation to furnish information.

60 (2) The Minister may require any statement of fact made or any particulars given in any such application as is mentioned in the next preceding sub-section of this section or made or given (as the case may be) to the Minister in response to a request for information under the said sub-section to be verified in either or both of the following ways, that is to say, by the statutory declaration of some person having personal knowledge of the facts so stated or by the furnishing of such returns and figures certified by such person and in such manner as the Minister shall consider necessary.

(3) If any person in an application under the Principal Act or this Act for registration in a register of importers or for a licence to import goods or in furnishing any information in response to a requisition of the Minister under this section, makes any statement which is false or misleading in any material respect, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds. 5

(4) If any person fails to furnish any information or any verification which such person is required by the Minister under this section to furnish, the Minister may, on the ground of such failure and without prejudice to any other power of refusal conferred on him by the Principal Act or this Act, refuse the application in relation to which such information or verification was so required. 10 15

Penalty for
contravention of
conditions.

16.—If any person, after the passing of this Act, does any act (whether of commission or omission) which is a contravention of a condition—

(a) imposed (whether before or after the passing of this Act) by a quota order, or 20

(b) imposed (whether before or after the passing of this Act) by the Minister or the Revenue Commissioners under an authority in that behalf conferred by a quota order, or

(c) attached to a licence issued (whether before or after the passing of this Act) under the Principal Act or this Act, 25

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

Repeals.

17.—Sub-sections (3) and (4) of section 3 and sub-section (2) of section 7 of the Principal Act are hereby repealed. 30

Short title
and citation.

18.—(1) This Act may be cited as the Control of Imports (Amendment) Act, 1937.

(2) The Principal Act and this Act may be cited together as the Control of Imports Acts, 1934 and 1937. 35

Saorstát Éireann.

BILLE CHUN IOMPORTALANNA DO
RIALU (LEASU), 1936.

BILLE

dá ngairmtear

Acht chun socruithe bhreise agus fheabhsa do dhéanamh maidir le himportálanna do rialú agus le quotanna iomportála d'fhorchur agus d'fhoirfheidhmiú, agus chun an Achta chun Iomportálanna do Rialú, 1934, do leasú chuige sin.

Riúhte ag Dáil Éireann, 11adn Márta, 1937.

BAILE ATHA CLIATH:
FOILLSITHE AG OIFIG AN tSOLATHAIR.

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

Cló-bhuailte ag CAHILL & Co., LTD.

[*Leath-Raol Glan.*]

Wt. 4—163. 525. 3/37. C.&Co. (2653).

Saorstát Éireann.

CONTROL OF IMPORTS (AMENDMENT)
BILL, 1936.

BILL

entitled

An Act to make further and better provision in relation to the control of imports and the imposition and enforcement of import quotas, and for that purpose to amend the Control of Imports Act, 1934.

Passed by Dáil Éireann, 11th March, 1937.

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE.

To be purchased through any bookseller, or directly
from the Government Publication Sale Office,
5 Nassau Street, Dublin, C.2.

Printed by CAHILL & Co., LTD.

[*Threepence Net.*]