



BILLE CHUN PRAGHSANNA DO RIALU, 1937.  
CONTROL OF PRICES BILL, 1937.

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*Mar do tugadh isteach.*  
*As introduced.*

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ARRANGEMENT OF SECTIONS.

PART I.

PRELIMINARY AND GENERAL.

Section.

1. Short title and commencement.
2. Definitions.
3. Articles acquired on hire-purchase system.
4. Offences.
5. General regulations.
6. Laying of orders and regulations before Dáil Eireann.
7. Repeal of the Control of Prices Act, 1932.
8. Expenses.

PART II.

PRICES COMMISSION AND CONTROLLER OF PRICES.

9. Establishment of Prices Commission.
10. Additional members of the Commission.
11. Chairman of the Commission.
12. Remuneration of members of the Commission.
13. Restriction on interested person acting as member.
14. Validity of proceedings of the Commission.
15. Controller of Prices.
16. Regulations for proceedings of the Commission.
17. Powers of Commission.
18. Notice of investigations by the Commission and submissions by interested persons.
19. Private sittings of the Commission.
20. Prohibition on disclosure of information.
21. Annual Reports by the Commission.
22. Continuance of certain existing inquiries.

PART III.

PRICE INVESTIGATIONS AND ORDERS.

23. Investigations into prices of commodities.
24. Reports by the Commission where prices not unreasonably high.
25. Reports by the Commission where prices unreasonably high.

[No. 16 of 1937.]

Section.

26. Publication of reports of Commission.
27. Price orders.
28. Orders ancillary to price orders.
29. Applications for amendment of price orders by retailers.
30. Price (restriction on profits) orders.
31. Sale by weight or measure of articles the subject of price orders and price (restriction on profits) orders.
32. Restrictions on making of orders.
33. Powers of inspectors.

PART IV.

OVERCHARGING FOR COMMODITIES NOT THE SUBJECT OF PRICE ORDERS.

34. Restriction on proceedings under Part IV.
35. Statement of particulars of purchases.
36. Complaints of overcharging.
37. Reference of complaints to inspectors for investigation.
38. Investigation of complaints by inspectors.
39. Price certificates.
40. Offences in relation to prices certificates.

PART V.

DISPLAY OF RETAIL PRICE LISTS IN RETAIL SHOPS.

41. Recommendations as to the display of price lists in retail shops.
42. Retail prices (display) orders.
43. Offences in relation to retail prices (display) orders.

PART VI.

MISCELLANEOUS PROVISIONS.

44. Returns by persons selling commodities.
45. Publication by Commission of information in relation to prices.
46. Statutory defences.
47. Effect of orders under Part III and certificates under Part IV on existing contracts.

# SAORSTÁT EIREANN.

BILLE CHUN PRAGHSANNA DO RIALU, 1937.  
CONTROL OF PRICES BILL, 1937.

## BILL

*entitled*

5 AN ACT TO MAKE FURTHER AND BETTER PROVISION  
FOR CONTROLLING THE PRICES OF COMMODITIES.

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

### 10 PART I.

#### PRELIMINARY AND GENERAL.

1.—(1) This Act may be cited as the Control of Prices Act, Short title and  
1937. commencement.

(2) This Act shall come into operation on such day as may be  
15 fixed therefor by order of the Minister.

2.—In this Act—

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

20 the expression “ dutiable article ” means any article which, if  
imported, would on importation be liable to a customs duty;

the expression “ restricted article ” means any article the  
importation of which is prohibited or restricted by law;

the expression “ set of conditions ” includes a single condition;

25 the word “ inspector ” means a person authorised in writing by  
the Minister to exercise the powers conferred by this Act on an  
inspector;

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

3.—Where any article is hired by a person under an agreement Articles acquired  
30 whereby it is provided that, upon payment by him of a specified  
number of instalments, the ownership of such article shall pass  
to him, such article shall, for the purposes of this Act, be deemed  
to have been sold to him by the person from whom such article  
was hired, and such sale shall, for the said purpose, be deemed  
35 to have taken place on the date on which such agreement is  
entered into. on hire-purchase  
system.

4.—(1) Save as otherwise expressly provided by this Act, any Offences.  
offence under any section of this Act may be prosecuted by or at  
the suit of the Minister as prosecutor.

40 (2) Where an offence under any section of this Act was  
committed by a body corporate and is proved to have been so  
committed with the consent or approval of, or to have been  
facilitated by any neglect on the part of, any director, manager,  
secretary or other officer of such body corporate, such director,  
45 manager, secretary or other officer shall also be deemed to be  
guilty of such offence and shall be liable to be proceeded against  
and punished accordingly.

General regulations.

5.—The Minister may make regulations in relation to any matter or thing referred to in this Act as prescribed or to be prescribed.

Laying of orders and regulations before Dáil Eireann.

6.—Every order and regulation made by the Minister under this Act shall be laid before Dáil Eireann as soon as may be after it is made, and if a resolution annulling such order or regulation is passed by Dáil Eireann within the next subsequent twenty-one days on which Dáil Eireann has sat after such order or regulation is laid before it, such order or regulation (as the case may be) shall be annulled accordingly, but without prejudice to the validity of anything done previously under such order or regulation.

Repeal of the Control of Prices Act, 1932.

7.—The Control of Prices Act, 1932 (No. 33 of 1932), is hereby repealed.

Expenses.

8.—All expenses of 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.

## PART II

### PRICES COMMISSION AND CONTROLLER OF PRICES.

Establishment of Prices Commission.

9.—(1) As soon as conveniently may be after the commencement of this Act, there shall be established a Commission (in this Act referred to as the Commission), which shall be known as and styled the Prices Commission, to fulfil the functions assigned to the Commission by this Act.

(2) Subject to the provisions of this Act, the Commission shall consist of three members (in this Act called ordinary members) who shall be nominated from time to time as occasion requires by the Minister.

(3) Every ordinary member shall, unless he sooner dies, resigns or becomes disqualified, hold office for such period, not exceeding five years, as the Minister shall fix at the time of his nomination, but shall be eligible for renomination.

(4) If and whenever an ordinary member is adjudged bankrupt, or makes a composition or arrangement with his creditors, or is sentenced by a court of competent jurisdiction to suffer imprisonment or penal servitude, or ceases to be ordinarily resident in Saorstát Eireann or absents himself from all sittings of the Commission for a period of three months without the permission of the Minister, he shall be disqualified from holding the office of an ordinary member.

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

Additional members of the Commission.

10.—(1) The Minister may from time to time for the purposes of any particular investigation by the Commission appoint such and so many persons (not being ordinary members) to act as additional members of the Commission as he thinks fit.

(2) Every additional member so appointed shall for the purposes of the investigation for which he is appointed be a member of the Commission.

5 **11.—**(1) The Minister shall appoint one of the ordinary members to be Chairman of the Commission and the ordinary member so appointed shall hold office as such Chairman during the pleasure of the Minister. Chairman of the Commission.

10 (2) Where at any sitting of the Commission the Chairman of the Commission is absent, the members of the Commission present at such sitting shall appoint one of such members to act as Chairman at such sitting.

**12.—**Any member of the Commission may be paid such remuneration and allowances as the Minister, with the consent of the Minister for Finance, may determine. Remuneration of members of the Commission.

15 **13.—**Whenever an investigation is being held under this Act by the Commission into the price of a particular commodity, and any member of the Commission is personally interested in any business selling such commodity, such member shall inform the Minister of the nature and extent of his interest and shall not, unless authorised by the Minister so to do, act as a member of the Commission for the purposes of such investigation. Restriction on interested person acting as member.

**14.—**The proceedings of the Commission shall not be invalidated by reason of the existence of any vacancy amongst the members or any defect in the appointment of any member. Validity of proceedings of the Commission.

25 **15.—**(1) As soon as conveniently may be after the commencement of this Act, the Minister shall appoint a person (in this Act referred to as the Controller) to be known as and styled the Controller of Prices. Controller of Prices.

30 (2) The Controller shall hold office upon such terms and be remunerated at such rates and in such manner as the Minister for Finance shall direct.

35 (3) Whenever the Controller is temporarily absent from duty for any cause, the Commission may nominate an officer of the Commission to perform during such absence the duties of the Controller, and the officer so appointed shall, during such absence, have all the powers of the Controller and be deemed for the purposes of this Act to be the Controller.

40 **16.—**(1) The Commission may from time to time make regulations for the governance of their proceedings and may by such regulations make provision for all or any of the following matters, that is to say:— Regulations for proceedings of the Commission.

(a) the quorum at any sitting of the Commission;

(b) the times and places of the sittings of the Commission;

45 (c) the persons to whom notice of the sittings of the Commission shall be given;

(d) the form and manner in which submissions shall be made and evidence given to the Commission, and in particular, whether such submissions and evidence shall be given *viva voce* or in writing;

(e) the attendance for *viva voce* or cross-examination of persons who have made submissions or given evidence in writing;

(f) the admission or exclusion of any person to or from the sittings of the Commission; 5

(g) such matters as appear to the Commission to be necessary or expedient for the proper conduct of their business.

(2) Regulations made under this section shall not have any force or effect unless and until they have been approved by the Minister. 10

(3) Any regulations made under section 17 of the Control of Prices Act, 1932 (No. 33 of 1932), and in force immediately before the commencement of this Act shall be deemed to have been made under this section and may be revoked or amended accordingly and until so revoked and subject to any such amendment shall continue in force. 15

Powers of Commission.

**17.**—(1) The Commission shall have all such powers, rights, and privileges for enforcing the attendance of witnesses and examining them on oath (which any member of the Commission is hereby authorised to administer) or otherwise, and for compelling the production of documents as are vested in the High Court, or a judge thereof in respect of the trial of an action, and a summons signed by any one or more members of the Commission shall be equivalent to and have the like effect as a formal process issued by the High Court for enforcing the attendance of witnesses and compelling the production of documents. 20 25

(2) If any person—

(a) on being duly summoned as a witness before the Commission makes default in attending, or 30

(b) being in attendance as a witness refuses to take an oath legally required by the Commission to be taken, or to produce any document in his power and control legally required by the Commission to be produced by him, or to answer any question to which the Commission may legally require an answer, or 35

(c) does any other thing which would, if the Commission were a court of justice, having power to commit for contempt of court, be contempt of such court,

the Commission may certify the offence of that person under their hands to the High Court and that court may, after such inquiry as it thinks proper to make, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the said court. 40

(3) A witness before the Commission shall be entitled to the same immunities and privileges as if he were a witness before the High Court. 45

Notice of investigations by the Commission and submissions by interested persons.

**18.**—(1) Whenever the Commission hold an investigation under Part III of this Act, the Commission shall cause notice of the holding of such investigation to be published in the *Iris Oifigiúil* and in such other manner as the Commission think suitable. 50

(2) On the publication of a notice under the immediately preceding sub-section any person either on his own behalf or in a representative capacity may make a submission to the Commission in relation to the subject matter of the investigation to which such notice relates. 55

19.—The Commission may, in their absolute discretion, hold any sitting or part of a sitting in private and the reference in the next following section to a private sitting of the Commission shall be construed as a reference to a sitting or part of a sitting of the Commission held in private.

Private sittings  
of the  
Commission.

20.—(1) Subject to the provisions of this section it shall not be lawful for any person who is a member or an officer of the Commission to disclose any information, available to him only by virtue of the powers of obtaining information conferred upon the Commission or upon an inspector by this Act, to any person other than a member or officer of the Commission concerned with such information in the course of his duties.

Prohibition on  
disclosure of  
information.

(2) It shall not be lawful for any person (other than a member or officer of the Commission) who attends a private sitting of the Commission to disclose to any person any information acquired through being present at such sitting and which is available only by virtue of the powers of obtaining information conferred upon the Commission or an inspector by this Act.

(3) If any person acts in contravention of this section he 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 imprisonment for a period of six months or at the discretion of the Court to both such fine and such imprisonment.

(4) Nothing in sub-section (1) of this section shall apply to the disclosure of any information—

(a) to the Minister in a report (not being an annual report) or other communication from the Commission, or

(b) for the purposes of legal proceedings taken or proposed to be taken under this Act.

21.—The Commission shall, as soon as may be after the close of every year, make to the Minister a general report of the proceedings of the Commission under this Act, and the Minister shall cause every such general report received by him to be laid forthwith before Dáil Eireann.

Annual Reports  
by the  
Commission.

22.—Where—

Continuance of  
certain existing  
inquiries.

(a) (i) the Minister, in exercise of the powers conferred on him by section 23 of the Control of Prices Act, 1932 (No. 33 of 1932), appointed the Commission (in this section referred to as the former Prices Commission) established under section 9 of the said Act to hold a public inquiry for the purposes of section 17 of the Housing (Financial and Miscellaneous Provisions) Act, 1932 (No. 19 of 1932), and

(ii) such public inquiry is pending at the commencement of this Act, or

(b) a price investigation under section 24 of the said Control of Prices Act, 1932, is pending at the commencement of this Act,

such public inquiry or price investigation (as the case may be) shall be continued by the Commission and shall be deemed to be a price investigation under Part III of this Act by the Commission, and any acts or things done by the former Prices Commission shall be deemed to have been done by the Commission under this Act.

PART III.

PRICE INVESTIGATIONS AND ORDERS.

Investigations into prices of commodities.

23.—(1) The Minister may, whenever and so often as he thinks fit, request the Commission to enquire into the prices charged for a commodity. 5

(2) The Commission may, whenever and so often as they think fit, but subject to their giving previous notice of their intention to the Minister, resolve to inquire into the prices charged for a commodity.

(3) Where the Minister requests the Commission to inquire into the prices charged for a commodity or the Commission resolve to inquire into the prices charged for a commodity, the Commission shall hold an investigation (in this Act referred to as a price investigation) into the prices charged for such kind or kinds (defined in such manner and by reference to such things as the Commission think proper) of the said commodity as the Commission determine when sold, under such set or sets of conditions (defined in such manner and by reference to such things as the Commission think proper) as the Commission determine, in such area or areas as the Commission determine. 10 15 20

(4) In defining or determining under the immediately preceding sub-section any matter or thing for the purposes of a price investigation, the Commission shall comply with any directions as regards the nature and scope of such investigation given by the Minister, whether before or during such investigation. 25

(5) The Commission may, in the course of a price investigation into the prices charged for any kind of a commodity, extend such price investigation to any other commodity, the whole or any part of which is, in the opinion of the Commission, the principal or only constituent of such first-mentioned commodity. 30

(6) Where, in the course of an investigation into the prices charged for any kind of a commodity, it appears to the Commission that the prices, received by producers in Saorstát Eireann for any other commodity (being an agricultural product or raw material) the whole or any part of which is, in the opinion of the Commission, the principal or only constituent of such first-mentioned commodity are, having regard to the cost of production of such other commodity, unduly low, the Commission may make a special report to the Minister in relation to the matter and make therein such recommendations as they think fit. 35 40

(7) The Minister may, during a price investigation, request the Commission not to proceed further with such investigation, and the Commission shall comply with any such request.

Reports by the Commission where prices not unreasonably high.

24.—Where a price investigation is or includes an investigation into the prices charged for a particular kind of a commodity when sold under a particular set of conditions, and the Commission are of opinion that such prices are not unreasonably high, the following provisions shall have effect, that is to say:— 45

(a) the Commission shall make a report to the Minister setting out their said opinion; 50

(b) in case such kind of such commodity is a dutiable article or a restricted article and the said set of conditions relates to sales by persons who are manufacturers or producers thereof in Saorstát Eireann such report shall also set out the movements of the said prices over a specified period. 55

25.—(1) Where a price investigation is or includes an investigation into the prices charged for a particular kind of a commodity when sold under a particular set of conditions, and the Commission are of opinion that such prices are unreasonably high, the following provisions shall have effect, that is to say:—

Reports by the Commission where prices unreasonably high.

- (a) the Commission shall make a report to the Minister setting out—
- (i) their said opinion and the reasons therefor;
  - 10 (ii) their opinion as to whether such prices are influenced by any agreement or combination for interference with trade competition;
  - (iii) their opinion as to the price to which the said prices should be reduced and their reasons therefor;
  - 15 (iv) their recommendations as to the best method of enforcing such reduction;
  - (v) such other matters (if any) as the Commission may think proper, or may have been requested by the Minister, to report upon;
- 20 (b) if the Commission recommend the Minister to make, in relation to such kind of such commodity, a price order their report shall also include—
- (i) a draft of the proposed order, and
  - 25 (ii) in case such draft provides that the maximum price specified therein is to be a variable price dependant on the price of any other commodity, the whole or any part of which is, in the opinion of the Commission, the principal or only constituent of such first-mentioned commodity, a statement of the price which is, in the opinion of the Commission, a reasonable price for such other commodity;
- 30 (c) if the Commission recommend the Minister to make, in relation to such kind of such commodity, a price (restriction on profits) order, their report shall also include a draft of the proposed order.

(2) Where a price investigation is or includes an investigation into the prices charged for a particular kind (being either a dutiable article or a restricted article or both) of a commodity when sold under the following set of conditions, namely by persons who are manufacturers or producers thereof in Saorstát Eireann, and the Commission are of opinion that such prices are unreasonably high, the following provisions shall, in addition to those mentioned in the immediately preceding sub-section, apply in respect of the report of the Commission, that is to say:—

- (a) the said report shall specify the movements of the said prices over a specified period;
- (b) if such kind of such commodity is a dutiable article but is not a restricted article, the said report shall also specify—
- 50 (i) the price which, in the opinion of the Commission, an importer would give for it if it were imported direct from the manufacturer or producer thereof and were delivered, freight and insurance paid, in bond at a specified place of importation in Saorstát Eireann;
  - 55 (ii) whether, in the opinion of the Commission, it is desirable that the customs duty payable thereon should be reduced and, if so, the extent of such reduction;
- 60 (c) if such kind of such commodity is a dutiable article and is also a restricted article, the said report shall also specify—

- (i) the price which, in the opinion of the Commission, an importer would give for it, if it were not a restricted article, and if it were imported direct from the manufacturer or producer thereof and were delivered, freight and carriage paid, in bond at a specified place of importation in Saorstát Eireann; 5
  - (ii) whether, in the opinion of the Commission, it is desirable that the customs duty payable thereon should be reduced, and, if so, the extent of such reduction; 10
  - (iii) whether, in the opinion of the Commission, it is desirable that the restrictions on the importation thereof should be modified, and, if so, the extent of such modification; 15
- (d) if such kind of such commodity is a restricted article but is not a dutiable article, the said report shall also specify—
- (i) the price which, in the opinion of the Commission, an importer would give for it, if it were not a restricted article, and if it were imported direct from the manufacturer or producer thereof and were delivered freight and carriage paid at a specified place of importation in Saorstát Eireann; 20
  - (ii) whether, in the opinion of the Commission, the restrictions on the importation thereof should be modified, and, if so, the extent of such modification. 25

Publication of reports of Commission.

**26.**—The Minister may publish in such manner as he thinks fit all or any part of any report made to him by the Commission under this Part of this Act. 30

Price orders.

**27.**—(1) Subject to the provisions of this Act, the Minister may, whenever and so often as he thinks fit, by order (in this Act referred to as a price order) fix, in relation to a commodity, the maximum price at which a specified kind (defined in such manner and by reference to such things as the Minister thinks proper) of such commodity may be sold or offered for sale in a specified area when sold or offered for sale under such set or sets of conditions (defined in such manner and by reference to such things as the Minister thinks proper) as shall be specified in such order, and may so fix different prices in relation to different such sets of conditions. 35 40

(2) The following provisions shall apply in respect of every price order made in relation to a commodity, that is to say:—

- (a) such price order may relate to more than one kind of such commodity, and in that case may contain different provisions in relation to such kind of such commodity; 45
- (b) the area to which such order is to apply may be either the whole of Saorstát Eireann or any specified part thereof; 50
- (c) such order shall be published in the *Iris Oifigiúil* as soon as may be after it is made;
- (d) such order shall specify the date on which it is to come into force, and such date shall not be earlier than the date of publication thereof in the *Iris Oifigiúil*; 55
- (e) the Minister may by order under this paragraph revoke or amend such price order, and the provisions of paragraphs (c) and (d) of this sub-section shall apply to every order made under this paragraph.

(3) Whenever the Minister makes, in relation to any commodity, a price order he may, if he so thinks fit, do by such order, the following things, that is to say:—

5 (a) declare that any other commodity, the whole or any part of which is, in his opinion, the principal or only constituent of such first-mentioned commodity, shall, for the purposes of such price order, be the principal constituent of such first-mentioned commodity;

10 (b) fix any maximum price included in such order as a variable price dependant, in the manner provided by such price order, on the price which is, by virtue of the next following section, the standard price for the time being of such other commodity.

(4) Whenever—

15 (a) a price order is in force, and

(b) such order fixes a price at which a kind of a commodity may be sold or offered for sale in the area to which such order applies when sold or offered for sale under a particular set of conditions,

20 every person who sells or offers for sale any such kind of such commodity in such area under such set of conditions at a price in excess of such maximum price shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence under this section, to a fine  
25 not exceeding five pounds, or, in the case of a second or any subsequent offence under this section, to a fine not exceeding ten pounds or at the discretion of the Court to imprisonment for any term not exceeding three months or to both such fine and imprisonment.

30 **28.**—(1) Whenever the Minister makes in relation to any commodity a price order, and by such order declares that any other commodity shall, for the purposes of such price order, be the principal constituent of such first-mentioned commodity, he shall, before such price order comes into force, and may,  
35 thereafter whenever and so often as he thinks fit, make an order (in this section referred to as an ancillary order) fixing such price as he thinks proper to be, for the purposes of such price order, the standard price of such other commodity, and the price so fixed by any such ancillary order shall, so long as such  
40 ancillary order remains in force, be, for the purposes of such price order, the standard price of such other commodity.

Orders ancillary to price orders.

(2) The Minister may by order revoke any ancillary order.

(3) Every ancillary order and every order revoking an ancillary order shall be published in the *Iris Oifigiúil* as soon as may  
45 be after it is made and shall specify the date on which it is to come into force, and such date shall not be earlier than the date of publication thereof in the *Iris Oifigiúil*.

**29.**—Whenever—

50 (a) a price order has been made fixing the maximum price at which a particular kind of a commodity may be sold in a particular area when sold retail, and

(b) an application is made to the Minister by a person, carrying on in such area the business of selling retail such kind of such commodity, to amend such price order by increasing the said maximum price on the  
55 ground that the wholesale price of such kind of such commodity has increased since the making of such price order,

Applications for amendment of price orders by retailers.

60 the Minister shall, unless he revokes or amends, in accordance with such application, so much of the said order as relates to the said maximum price, forthwith request the Commission to make

an investigation into such application, and the Commission shall as soon as may be make such investigation and report to the Minister the result thereof.

Price (restriction on profits) orders.

**30.**—(1) Subject to the provisions of this Act, the Minister may, whenever and so often as he thinks fit, make, in respect of a commodity, an order (in this Act referred to as a price (restriction on profits) order) prohibiting the sale, or offering for sale, of a particular kind (defined in such manner and by reference to such things as the Minister thinks proper) of such commodity when sold or offered for sale in a specified area under a particular set of conditions (defined, but not so as to include a sale or an offer of sale by a person who is a manufacturer thereof, in such manner and by reference to such things as the Minister thinks proper) at a price in excess of the sum of money which is equivalent to the price which the seller or intending seller has paid therefor with the addition of a specified percentage of such price, and such order may specify different such percentages in relation to different such sets of conditions.

(2) The following provisions shall apply in respect of every price (restriction on profits) order made in relation to a commodity, that is to say:—

- (a) such order may relate to more than one kind of such commodity, and in that case may contain different provisions in relation to each such kind of such commodity;
- (b) the area to which such order is to apply may be either the whole of Saorstát Eireann or any part thereof;
- (c) such order shall be published in the *Iris Oifigiúil* as soon as may be after it is made;
- (d) such order shall specify the date on which it is to come into force, and such date shall not be earlier than the date of publication thereof in the *Iris Oifigiúil*;
- (e) the Minister may by order under this paragraph revoke or amend such price (restriction on profits) order, and the provisions of paragraphs (c) and (d) of this subsection shall apply to every order made under this paragraph.

(3) If, whenever and so long as a price (restriction on profits) order is in force, any person acts in contravention of such order, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds.

Sale by weight or measure of articles the subject of price orders and price (restriction on profits) orders.

**31.**—The Minister may, if he thinks fit, by any price order or price (restriction on profits) order prohibit the sale or offering for sale in the area to which such order applies of the kind or any one or more of the kinds of a commodity to which such order relates except by such standard weights or measures and such units as may be specified in such order and if any person acts in contravention of such prohibition he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

Restrictions on making of orders.

**32.**—(1) The Minister shall not make in relation to any kind or kinds of a commodity a price order or a price (restriction on profits) order unless he has received from the Commission a recommendation to make such order, but in making such order the Minister shall not be bound to give effect to the terms or any of the terms of such recommendation.

(2) The Minister shall not make any price order or price

(restriction on profits) order in relation to any commodity in respect of which statutory powers of fixing prices are for the time being exercisable by any other Minister or person, without the consent of that other Minister or person (as the case may be).

5 **33.**—(1) Where a price order in relation to any kind of commodity is in force in any area fixing the maximum price at which any kind of a commodity may be sold or offered for sale when sold under a particular set of conditions, an inspector may do all or any of the following things:—

Powers of inspectors.

- 10 (a) at all reasonable times enter any premises, situate in such area, in which the business of selling such kind of such commodity under such set of conditions is carried on;
- 15 (b) require the person who carries on such business to state the price at which he sells such kind of such commodity;
- (c) require such person to produce any books and documents in his possession or procurement containing entries in relation to sales of such kind of such commodity;
- 20 (d) inspect such books and documents, and take copies and extracts thereof.

(2) Where a price (restriction on profits) order in relation to any kind of a commodity is in force in any area, an inspector may do all or any of the following things, that is to say:—

- 25 (a) at all reasonable times enter upon any premises, situate in such area, in which any person, to whom the prohibition contained in such order applies, carries on business;
- 30 (b) require such person to state the price at which he sells such kind of such commodity;
- (c) require such person to produce any books and documents in his possession or procurement which such inspector considers necessary for the purposes of ascertaining whether such order is being complied with;
- 25 (d) inspect and examine such books and documents, and take copies and extracts thereof.

(3) If—

- 40 (a) any person, who is lawfully required by an inspector under this section to state the price at which he sells any kind of a commodity, fails or refuses to comply with such requisition, or
- 45 (b) any person who is lawfully required by an inspector under this section to produce any document or book, refuses to produce such document or book, or
- (c) any person obstructs or impedes any inspector in the exercise of any of the powers conferred on an inspector by this section,

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

#### PART IV.

OVERCHARGING FOR COMMODITIES NOT THE SUBJECT OF PRICE ORDERS.

55 **34.**—The Controller shall not do any act or thing or make a certificate under this Part of this Act in relation to the price of any commodity in respect of which statutory powers of fixing prices are for the time being exercisable by any other person except he is authorised in writing by such other person to do such act or thing or make such certificate.

Restriction on proceedings under Part IV.

Statement of particulars of purchases.

**35.**—(1) Where a person who carries on a business by way of trade or gain sells in the course or as part of such business any kind of a commodity, the price of which exceeds two shillings, such person shall, if so required by the purchaser at the time of sale, then and there deliver to the purchaser a statement in writing setting out in respect of such kind of such commodity the following particulars, that is to say:— 5

- (a) a description;
- (b) if the sale is by weight or measure, the net weight or measure, as the case may be; 10
- (c) if the sale is by number, the number;
- (d) the sum charged.

(2) If any person fails, neglects, or refuses to comply with this section, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding two pounds. 15

Complaints of overcharging.

**36.**—(1) Any person may make to the Controller a complaint (in this Part of this Act referred to as a complaint) that a person who carries on a business by way of trade or for the purposes of gain has sold or offered for sale to him in the course of or as part of such business a kind of a commodity at an unreasonably high price. 20

(2) Every person making a complaint shall furnish to the Controller such particulars as the Controller may require to enable him to determine whether such complaint should or should not be investigated. 25

(3) A complaint to the Controller may be made by making it to any other officer of the Commission appointed by the Commission to receive complaints on behalf of the Controller.

Reference of complaints to inspectors for investigation.

**37.**—The Controller shall on receipt of a complaint refer it to an inspector for investigation under this Part of this Act unless— 30

- (a) he is of opinion that such complaint is frivolous, or
- (b) the person making such complaint fails to furnish to the Controller such information in relation thereto as he requires, or 35
- (c) the several matters alleged in such complaint would, if proved, constitute an offence under section 27 (which relates to price orders) or section 30 (which relates to price (restriction on profits) orders) of this Act.

Investigation of complaints by inspectors.

**38.**—(1) Whenever a complaint is referred to an inspector under the immediately preceding section, such inspector shall investigate such complaint and when he has completed his investigation shall report the result thereof to the Controller. 40

(2) For the purposes of an investigation into a complaint an inspector may on production of his authority to act as an inspector require— 45

- (a) the person who made the complaint the subject of such investigation to furnish him with such information relevant to the complaint as he may reasonably require and as is either in the possession of such person or in the power, without incurring unreasonable expense, of such person to obtain; 50
- (b) the seller mentioned in such complaint to furnish him with such information relevant to the complaint as he may reasonably require and as is either in the possession of such seller or in the power, without incurring unreasonable expense, of such seller to obtain. 55

(3) If any person refuses or neglects to furnish an inspector with any information lawfully required by him under this section, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

39.—(1) Where a report is made to the Controller by an inspector on a complaint referred to him for investigation and the Controller, after consideration of such report, is of opinion that such complaint is well founded, the Controller may, with the consent of the Commission, make a certificate (in this Act referred to as a price certificate) in the prescribed form and containing the prescribed particulars, certifying the price which, in the opinion of the Controller, is a reasonable price for the kind of the commodity which was the subject of the complaint when sold by the seller to whom such complaint relates in a specified area (which shall include the place in which the sale the subject of such complaint took place) under conditions similar to those under which the sale the subject of such complaint was made, and serve a copy of such certificate upon such seller.

(2) Every price certificate under this section shall remain in force until revoked.

(3) The Controller may, with the consent of the Commission, publish a price certificate in such manner as he thinks fit.

(4) The Controller may, with the consent of the Commission, revoke or amend a price certificate.

(5) Where a price order is made in relation to a kind of a commodity when sold or offered for sale in a particular area under a set of conditions, every price certificate relating to such kind of such commodity when sold or offered for sale in such area under a similar set of conditions shall cease to be in force.

(6) A copy of a price certificate may be served by delivering it to the person named therein or by sending it by registered post to such person at the premises where he carries on business.

40.—(1) Whenever—

(a) a price certificate in relation to a kind of a commodity is for the time being in force, and

(b) such certificate certifies a price as a reasonable price to be charged for such kind of such commodity when sold in the area to which such certificate applies under the conditions specified in such certificate, and

(c) a copy of such certificate has been duly served on the person named therein,

it shall not be lawful for such person to sell or offer for sale such kind of such commodity in such area under such conditions at a price in excess of such price.

(2) If any person acts in contravention of this section such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof in the case of a first offence to a fine not exceeding five pounds, and in the case of a second or any subsequent offence to a fine not exceeding ten pounds, or, at the discretion of the Court, to imprisonment for any term not exceeding three months or to both such fine and imprisonment.

(3) In any proceedings for an offence under this section the production of a price certificate purporting to be signed by the Controller shall be *prima facie* evidence that such certificate was validly made in all respects and was signed by the Controller.

(4) Proceedings for an offence under this section shall not be instituted except with the consent of the Commission.

Price certificates.

Offences in relation to prices certificates.

PART V.

DISPLAY OF RETAIL PRICE LISTS IN RETAIL SHOPS.

Recommendations  
as to the display  
of price lists in  
retail shops.

41.—(1) The Commission may make a report (in this Part of this Act referred to as a price list report) to the Minister stating that in their opinion it is desirable, in the public interest, that the Minister should make an order under this Part of this Act requiring every person who carries on the business of selling retail either (as may be specified in such report) at any place in Saorstát Eireann or, at particular places in Saorstát Eireann any specified kind or kinds (defined in such manner and by references to such things as the Commission think proper) of a specified commodity to display at the premises where such person carries on such business a list stating the retail price of each such kind of such commodity. 15

(2) A price list report may relate to more than one commodity. 15

(3) Every price list report shall specify:—

- (a) the reasons why the Commission consider it desirable that the order the subject of the report should be made;
- (b) each kind of the commodity or commodities to which the proposed order should relate; 20
- (c) the date on which the Commission recommend the proposed order should come into force, and the duration of such order;
- (d) the area to which the Commission recommend the proposed order should apply; 25
- (e) the manner in which the Commission recommend that the proposed order should require the price list to be displayed.

Retail prices  
(display) orders.

42.—(1) Subject to the provisions of this section, the Minister may, whenever and so often as he thinks fit, make an order (in this Part of this Act referred to as a retail prices (display) order) requiring every person who carries on in any specified area the business of selling retail any specified kind or kinds (defined in such manner and by reference to such things as the Minister thinks proper) of a specified commodity to display in the manner required by such order at any premises, vehicle, stall, booth or other stand where he carries on such business in such area a list stating the retail price of each such kind of such commodity. 30 35

(2) A retail prices (display) order may relate to more than one commodity. 40

(3) The Minister may by order under this sub-section revoke or amend a retail prices (display) order.

(4) Every retail prices (display) order under this section shall be published in the *Iris Oifigiúil* as soon as may be after it is made and shall specify the date (which shall not be earlier than ten days after the date of publication thereof in the *Iris Oifigiúil*) on which such order is to come into force. 45

(5) The Minister shall not make a retail prices (display) order in relation to any kind of a commodity unless he has received a price list report in respect of such kind of such commodity, but in making such order the Minister shall not be bound by the terms or any of the terms of such report. 50

Offences in  
relation to retail  
prices (display)  
orders.

43.—If any person acts in contravention of or fails or neglects to comply with a retail prices (display) order for the time being in force, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence, to a fine not exceeding five pounds, and in the case of a second or any subsequent offence, to a fine not exceeding ten pounds or, at the discretion of the court, to imprisonment for any term not exceeding three months, or to both such fine and imprisonment. 60

PART VI.

MISCELLANEOUS PROVISIONS.

44.—(1) The Commission may whenever and so often as they think fit publish in the *Iris Oifigiúil* a notice—

Returns by persons selling commodities.

5 (a) stating their intention to keep under review during any period the prices charged in any area or areas on the sale under any set or sets of conditions (defined in such manner and by reference to such things as they think proper) of any kind or kinds (defined in such manner and by reference to such things as they think proper) of a commodity, and

10 (b) requiring every person carrying on in such area or areas a business in which any such sales are made to send to the Commission at regular intervals during such period a return containing such particulars as to prices on such sales as shall be specified in such notice.

(2) Whenever the Commission publish a notice under this section, every person who fails to send to the Commission a return which he is required by such notice to send shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

45.—The Commission may publish, in such manner as they think fit, such information in relation to prices charged generally in Saorstát Eireann or in any particular area or areas on the sale under any particular set or sets of conditions of any kind or kinds of a commodity.

Publication by Commission of information in relation to prices.

46.—(1) Where a person, being an employer or a principal, is charged with having committed an offence under section 27 (which relates to price orders) or section 30 (which relates to price (restriction on profits) orders) or section 40 (which relates to offences in relation to price certificates) of this Act, it shall be a good defence to such charge for such person to prove—

Statutory defences.

30 (a) that he used due diligence to prevent the commission of the acts alleged to constitute an offence; and

35 (b) that the acts alleged to constitute such offence were not done by him personally; and

(c) that the said acts were done without his consent, connivance or wilful default; and

40 (d) that on service of the summons on him he gave to the prosecutor all information in his power with respect to the person who did the said acts.

(2) Where a person, being a servant or employee, is charged with having committed an offence under section 27 (which relates to price orders) or section 30 (which relates to price (restriction on profits) orders) or section 40 (which relates to offences in relation to price certificates) of this Act, it shall be a good defence to such charge for such person to prove—

(a) that he was in the employment of another person (in this sub-section referred to as the employer); and

50 (b) that the acts alleged to constitute such offence were committed by him in the course of and for the purposes of such employment; and

(c) that the said acts were committed by him in obedience to the express orders of the employer; and

55 (d) that on service of the summons on him he gave all information in his power with respect to the matters mentioned in the foregoing paragraphs.

Effect of orders  
under Part III  
and certificates  
under Part IV on  
existing  
contracts.

**47.**—(1) Where a contract for the sale of any kind of a commodity which is the subject of a price order, a price (restriction on profits) order, or a price certificate has been entered into before the date on which such order or certificate comes into force and the whole or any part of such contract is to be performed after such date, the following provisions shall have effect, that is to say :—

- (a) nothing in Part III, or Part IV, of this Act shall affect such contract or any of the terms thereof;
- (b) anything done under such contract shall, for the purposes of Part III, or Part IV, of this Act, but not further or otherwise, be deemed to have been done before such date.

(2) Where a tender to supply any kind of a commodity at certain prices during a certain period has been accepted before the date on which a price order, a price (restriction on profits) order or a price certificate relating to such kind of such commodity comes into force and the person making such tender is legally bound, subject to the terms of such tender, to supply such quantities of such kind of such commodity as may from time to time be ordered from him during the said period, every contract effected by an order for such kind of such commodity during the said period and after such date shall be deemed for the purposes of sub-section (1) of this section to have been entered into before such date.

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BILLE CHUN PRAGHSANNA DO RIALU,  
1937.

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CONTROL OF PRICES BILL,  
1937.

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BILLE

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BILL

*dá ngairmtear*

*entitled*

'Acht chunsoeruithe bhreise agus fheabhsa do dhéanamh chun praghsanna earraí do rialú.

An Act to make further and better provision for controlling the prices of commodities.

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'An tAire Tionnscaíl agus Tráchtála do thug isteach.

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Introduced by the Minister for Industry and Commerce.

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Do hordúodh, ag Dáil Éireann, do chlóbhuailadh, 26adh Bealtaine, 1937.

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