



**BILLE ALCOIL CHEARDAIS (Uimh 2), 1938.**  
**INDUSTRIAL ALCOHOL (No. 2) BILL, 1938.**

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

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# ÉIRE.

BILLE ALCOIL CHEARDAIS (Uimh 2), 1938.  
INDUSTRIAL ALCOHOL (No. 2) BILL, 1938.

## BILL

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*entitled*

AN ACT TO MAKE PROVISION FOR THE FORMATION AND  
REGISTRATION OF A COMPANY HAVING FOR ITS  
PRINCIPAL OBJECTS THE MANUFACTURE AND SALE  
OF INDUSTRIAL ALCOHOL, TO MAKE PROVISION  
10 FOR THE COMPULSORY ACQUISITION OF LAND AND  
THE CONSTRUCTION, MAINTENANCE AND OPERA-  
TION OF TRANSPORT WORKS BY SUCH COMPANY,  
TO MAKE PROVISION FOR THE TRANSFER TO SUCH  
COMPANY OF THE ASSETS AND LIABILITIES OF THE  
15 UNDERTAKING ESTABLISHED UNDER THE INDUS-  
TRIAL ALCOHOL ACT, 1934, TO MAKE PROVISION FOR  
REGULATING AND CONTROLLING THE MANUFAC-  
TURE OF INDUSTRIAL ALCOHOL, AND TO MAKE  
PROVISION FOR OTHER MATTERS CONNECTED WITH  
20 THE MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

### PART I.

#### PRELIMINARY AND GENERAL.

1.—This Act may be cited as the Industrial Alcohol Act, 1938. Short title.

25 2.—In this Act—

*Definitions.*

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

the expression “industrial alcohol” means ethyl alcohol,  
whether denatured or not, which has been distilled or rectified  
30 to a strength of not less than forty degrees overproof by a  
process other than the pot still process;

the expression “the undertaking” means the business of manu-  
facturing and selling industrial alcohol which the Minister is  
authorised by the Industrial Alcohol Act, 1934 (No. 40 of 1934),  
35 to carry on.

3.—(1) The Minister may by order appoint a day to be the  
appointed day for the purposes of this Act. “The appointed  
day.”

(2) In this Act the expression “the appointed day” means  
the day appointed by the Minister by order under this section to  
40 be the appointed day for the purposes of this Act.



Prosecution of offences under Parts III, V and VI.

4.—An offence under any section contained in Part III, Part V or Part VI of this Act may be prosecuted by or at the suit of the Minister as prosecutor.

Expenses of the Minister.

5.—All expenses incurred by the Minister under this Act and not otherwise specially provided for shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. 5

Repeal of Industrial Alcohol Act, 1934.

6.—The Industrial Alcohol Act, 1934 (No. 40 of 1934), is hereby repealed as on and from the appointed day.

## PART II.

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### MONARCHANA ALCÓIL NA H-ÉIREANN, TEORANTA.

Formation and registration of Monarchana Alcóil na h-Eireann, Teoranta.

7.—As soon as may be after the passing of this Act, the Minister for Finance shall, after consultation with the Minister, take all such steps as appear to him necessary or desirable to procure that a limited company (in this Act referred to as the Company) conforming to the conditions laid down in the Schedule to this Act shall be formed and registered under the Companies Acts, 1908 to 1924. 15

Loan to Company to pay expenses of formation.

8.—(1) The Minister for Finance may, out of moneys provided by the Oireachtas, lend to the Company upon such terms and conditions as to time and manner of repayment, rate of interest, security and other matters whatsoever as he shall think proper a sum not exceeding one thousand five hundred pounds. 20

(2) Any moneys lent to the Company under this section shall be applied by the Company in or towards paying the expenses of the promotion, formation, and registration of the Company and the other preliminary expenses of the Company and for no other purposes. 25

(3) All sums paid to the Minister for Finance by the Company in or towards repayment of any moneys lent to the Company under this section or in payment of the interest on such moneys shall be paid into or disposed of for the benefit of the Exchequer in such manner as the said Minister may direct. 30

Issue of share capital of the Company.

9.—No issue of the share capital of the Company (other than share capital issued to subscribers of the Memorandum of Association of the Company or shares required by this Part of this Act to be issued by the Company to the Minister for Finance) shall be made at any time unless the Minister for Finance, after consultation with the Minister, has authorised such issue. 35

Power of Minister for Finance to acquire shares by subscription and to underwrite issue of shares.

10.—(1) Subject to the provisions of sub-section (3) of this section, the Minister for Finance may from time to time take up by subscription any class or classes of shares of the Company. 40

(2) Subject to the provisions of sub-section (3) of this section, the Minister for Finance may, subject to such conditions as he may think fit, agree with the Company that, if any shares of the Company about to be offered at any time for subscription are not within a specified time taken up by the public, he will take up and pay for such shares or some specified proportion thereof. 45

(3) The total amount which may be expended by the Minister for Finance in the acquisition (under either or both of the two immediately preceding sub-sections) of shares of the Company shall 50



not exceed the following sum, that is to say, five hundred thousand pounds less the nominal value of the shares to be issued to him under the next following section.

11.—For the purpose of fixing and securing payment to the  
5 State of an amount to be paid by the Company as the consideration for the transfer (which will, by operation of Part IV of this Act, take effect on the appointed day) to the Company of the undertaking, the following provisions shall have effect, that is to say :—

Issue of shares to Minister for Finance in consideration of transfer of undertaking.

10 (a) the Minister for Finance shall, as soon as may be after the appointed day, issue a certificate in writing certifying the sum (not to exceed the amount which was, before the appointed day, actually expended, for the purposes of the undertaking out of moneys provided by the Oireachtas, in the acquisition of any land, easement,  
15 *profit a prendre*, or other right, the construction of distilleries, rectifying plants, and other necessary works, and the purchase of machinery, plant, and equipment for such distilleries, rectifying plants, and other works) which, in his opinion, should be paid by the Company as the consideration for such transfer;

20 (b) the Company shall, at the request of the Minister for Finance made at any time after the issue of such certificate, issue to the said Minister without payment by him fully paid up ordinary shares of the Company of an amount equal (in nominal value) to the sum so certified.  
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12.—The Minister for Finance may, so long as he holds any of the shares of the Company, exercise all or any of the rights and powers from time to time exercisable by the holder of such shares, and where such rights or powers are exercisable by attorney the  
30 said Minister may, if he so thinks proper, exercise such rights or powers by his attorney.

Powers of Minister for Finance as shareholder.

13.—(1) The Minister for Finance may hold for so long as he thinks fit any shares of the Company acquired by him under this Part of this Act and may, as and when he thinks fit, sell all or  
35 any of such shares.

Powers of Minister for Finance in respect of shares held by him.

(2) The net proceeds of every sale by the Minister for Finance of shares of the Company held by him shall be paid into or disposed of for the benefit of the Exchequer in such manner as he may direct.

40 14.—Whenever the Company proposes to issue any debentures the Minister for Finance may, if he thinks fit, guarantee in such manner and form as he may think proper, the due payment by the Company in accordance with the terms of such debentures of the principal moneys and interest secured by such debentures.

State guarantee of debentures of the Company.

5 15.—(1) All moneys from time to time required by the Minister for Finance—

Advance of moneys out of the Central Fund.

(a) to meet payments required to be made by him to the Company in respect of any shares subscribed for or taken up by him under this Part of this Act, or  
50 (b) to meet sums which may become payable under any guarantee given by him under this Part of this Act in respect of moneys secured by debentures issued by the Company,

shall be advanced out of the Central Fund or the growing produce thereof.  
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(2) For the purpose of providing money for the sums advanced



out of the Central Fund under this section, the Minister for Finance may borrow from any person any sum or sums, and for the purpose of such borrowing the said Minister may create and issue securities bearing such rate of interest and subject to such conditions as to repayment, redemption or otherwise as he shall think fit. 5

(3) The principal of and interest on any securities issued under this section and the expenses incurred in connection with the issue of such securities shall be charged on the Central Fund or the growing produce thereof. 10

(4) Any money raised by securities issued under this section shall be placed to the credit of the account of the Exchequer and shall form part of the Central Fund and be available in any manner in which such Fund is available.

(5) Any sums advanced out of the Central Fund or the growing produce thereof for the purposes mentioned in paragraph (b) of sub-section (1) of this section shall be repaid to the Central Fund (with interest thereon at such rates as the Minister for Finance shall appoint) by the Company in such amounts and at such times as the said Minister shall appoint, and if and so far as any such sums are not repaid by the Company to the Central Fund, such sums shall be repaid to the Central Fund out of moneys provided by the Oireachtas. 15 20

Payment of  
dividends, etc.,  
into the  
Exchequer.

16.—All dividends, bonus and other moneys received by the Minister for Finance in respect of shares of the Company held by him shall be paid into or disposed of for the benefit of the Exchequer in such manner as the said Minister may direct. 25

Alteration of  
Memorandum  
and Articles of  
Association of the  
Company.

17.—Notwithstanding anything contained in the Companies Acts, 1908 to 1924, no alteration in the Memorandum of Association or Articles of Association of the Company shall be valid or effectual unless made with the previous approval of the Minister for Finance given after consultation with the Minister. 30

Obligation to  
furnish balance  
sheets, etc., to  
the Minister for  
Finance.

18.—(1) The Company shall within ninety days after the end of every accounting year furnish to the Minister for Finance a balance sheet for such accounting year duly audited by the auditor of the Company and also a profit and loss account for the same accounting year similarly audited. 35

(2) The balance sheet and profit and loss account to be furnished as aforesaid shall be drawn up in such manner as the Minister for Finance may direct, and such balance sheet shall contain (in addition to any matter required by such direction) a summary of the capital, assets and liabilities of the Company together with such particulars as will disclose the nature of such assets and liabilities and the manner in which the value of the assets was arrived at. 40

(3) The Company shall on demand furnish to the Minister for Finance such explanations as the said Minister shall think proper to require in respect of any balance sheet or profit and loss account furnished pursuant to this section. 45

(4) A copy of every balance sheet and profit and loss account furnished to the Minister for Finance pursuant to this section shall be laid by him before Dáil Eireann within one month after such balance sheet and profit and loss account are so furnished to him. 50

(5) If the Company makes default in complying with any of the provisions of this section, the Company, and every director, manager, and other officer of the Company, who, knowingly, and wilfully, authorised or permitted such default, shall be guilty of an offence under this section and shall be liable on summary conviction thereof 55



to a fine not exceeding five pounds for every day during which the default continues.

(6) An offence under this section may be prosecuted by or at the suit of the Minister for Finance as prosecutor.

5   **19.**—The Control of Manufactures Acts, 1932 and 1934, shall not apply in respect of any act or thing done by the Company. Non-application  
of Control of  
Manufactures Acts,  
1932 and 1934.

**20.**—(1) The Minister for Finance may from time to time Subsidies.  
authorise the payment of subsidies to the Company on such terms  
and conditions as he thinks fit.

10   (2) Any moneys required for the payment of subsidies under  
this section shall be paid out of moneys provided by the  
Oireachtas.

### PART III.

**15**   **SPECIAL POWERS OF THE COMPANY IN RELATION TO THE LAYING DOWN  
AND MAINTENANCE OF PIPE-LINES, AND THE COMPULSORY ACQUISITION  
OF LAND AND THE CONSTRUCTION, MAINTENANCE AND OPERATION OF  
TRANSPORT WORKS.**

**21.**—(1) Any person (in this section referred to as an Right of entry on  
land.  
authorised officer) authorised in this behalf by the Minister in  
20   writing may, upon production of such authority, enter on any  
land for the purpose of making thereon any inquiry, investigation,  
or examination preliminary or incidental to the doing of any thing  
which the Company is authorised by this Part of this Act to do.

**25**   (2) If any person impedes or obstructs an authorised officer in  
the exercise of the powers conferred on such authorised officer  
by 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 ten pounds.

#### *Pipe-lines.*

30   **22.**—(1) The Company may, subject to the provisions of this Power of  
Company to lay  
down and  
maintain pipe-  
lines.  
section, lay down and maintain pipe-lines for the purpose of  
carrying or conveying materials or liquids to or from premises  
owned by the Company.

**35**   (2) The Company shall not, without the previous consent of  
the Minister for Local Government and Public Health, lay down  
any pipe-line under any public road.

#### *Compulsory Acquisition of Land.*

**40**   **23.**—(1) The Company may for the purposes of the business Acquisition of  
land, etc., by the  
Company.  
of the Company do, with the consent of the Minister, all or any  
of the following things, that is to say:—

(a) compulsorily acquire any land;

(b) compulsorily acquire any easement, way-leave, water-right,  
fishing right, or other right whatsoever existing over  
or in respect of any land or water.

**45**   (2) The Company may for the purposes of the laying down  
and maintenance of pipe-lines do, with the consent of the  
Minister, either or both of the following things, that is to say:—

(a) compulsorily acquire any land;

**50**   (b) compulsorily acquire any right over or in respect of any  
land or water.



(3) The Company shall not acquire under this section any land or any right over or in respect of any land held or occupied by a local authority or any body corporate for the purposes of any railway, tramway, dock, canal, water, gas, electricity, or other public undertaking.

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(4) At any time after the passing of this Act and before conveyance or ascertainment of compensation the Company may, subject to the provisions of this section, enter on and take possession of any land, or exercise any right which the Company is authorised by this section to acquire compulsorily.

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(5) Before exercising any of the powers conferred on it by the immediately preceding sub-section, the Company shall—

(a) in the case of the acquisition of any land, give at least one month's or, if the land is an occupied dwelling house, three months' previous notice in writing to the occupier of the land;

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(b) in any other case, give at least one month's notice in writing to the owner of the right or other property affected.

(6) Every notice under this section shall be accompanied by a plan showing fully and clearly the land or right to which the notice relates.

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(7) Where the Company under this section enters on and takes possession of any land or exercises any right (as the case may be) before payment of the compensation, the Company shall pay to the occupier of the land or owner of the easement or other right affected (as the case may be) interest on the amount of such compensation when fixed at the rate of four pounds per cent. per annum from the date of such entry and taking possession or the exercise of such right (as the case may be) until the date of conveyance to the Company.

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(8) Where the Company acquires under this section any land which is subject, either alone or in conjunction with other land, to a purchase annuity, payment in lieu of rent, or other annual sum (not being merely a rent under a contract of tenancy) payable to the Irish Land Commission, the Company shall become and be liable, as from the date on which the Company enters on and takes possession of the land so acquired, for the payment to the Irish Land Commission of such annual sum or such portion thereof as shall be apportioned by the Irish Land Commission on such land as if such land had been transferred to the Company by the proprietor thereof on that date.

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(9) A notice under this section may be served on any person by sending such notice by registered post addressed to such person at his usual or last known address or, in the case of a notice to the occupier of any land, at such land.

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(10) A notice under this section to the occupier of any land may be addressed to such occupier by the description "the occupier" without stating his name.

Payment and  
ascertainment of  
compensation.

**24.**—(1) Compensation shall be paid by the Company for land compulsorily acquired by the Company under sub-section (1) or sub-section (2) of the immediately preceding section to the several persons entitled thereto or having estates or interests therein, and for or in respect of easements, way-leaves, water-rights, fishing rights, and other rights compulsorily acquired under sub-section (1) of the said section to the owner thereof or the several persons entitled to or having estates or interests in the land

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or water over or in respect of which such rights are so acquired, and for or in respect of rights over or in respect of any land or water compulsorily acquired under sub-section (2) of the said section to the owner thereof or the several persons entitled to or having  
5 estates or interests in such land or water, and such compensation shall, in default of agreement, be fixed under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

(2) All claims for compensation in respect of any land or right  
10 compulsorily acquired under the immediately preceding section shall be made within one year after such land is first entered on or such right is first exercised by the Company.

(3) Sections 69 to 83 of the Lands Clauses Consolidation Act, 1845, shall apply to any compensation payable by the Company  
15 under this section and to the conveyance to the Company of property, corporeal or incorporeal, compulsorily acquired by it under the immediately preceding section, and for the purpose of such application the Company shall be deemed to be the promoter of the undertaking.

20 *Construction, Maintenance and Operation of Transport Works.*

25.—Each of the following works shall be transport works for Transport works.  
the purposes of this Part of this Act, that is to say :—

- (a) a railway;
- (b) a tramway;
- 25 (c) an aerial ropeway;
- (d) any other works for the transport of goods;
- (e) any lines for the transmission of electricity generated by the Company.

26.—(1) The Company may apply to the Minister for an order Applications for  
30 (in this Part of this Act referred to as a transport works order) orders authorising transport works.  
under this Part of this Act authorising it to construct, maintain, and operate, for the purposes of the business of the Company, transport works of a particular kind.

(2) Every application for a transport works order shall be  
35 accompanied by a draft of the proposed order, a plan of the proposed transport works, and a book of reference to such plan, and such draft, plan, and book of reference shall be in such form as the Minister may direct.

27.—(1) Whenever an application is made for a transport Deposit of draft  
40 works order the Company shall forthwith do the following things, order and notice of application.  
that is to say :—

- (a) deposit and keep deposited at the place or at each of the places appointed by the Minister a copy of the draft order, the plan, and the book of reference to such  
45 plan, which accompanied the application;
- (b) publish a notice in such newspaper or newspapers as the Minister may direct, of the making of such application and of the deposit of a copy of such draft order, plan, and book of reference, and the place of such  
50 deposit;
- (c) send to such persons (if any) as the Minister may direct a copy of such draft order, plan, and book of reference.

(2) Any person may inspect at all reasonable hours the copy  
55 of any draft order, plan, or book of reference deposited under this section.



Fees on applications.

28.—(1) There shall be paid to the Minister on every application for a transport works order such fee as the Minister, with the consent of the Minister for Finance, may fix.

(2) The following provisions shall have effect in relation to all fees payable under this section, that is to say:—

(a) such fees shall be collected in money and taken in such manner as the Minister for Finance may from time to time direct, and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the Minister for Finance; and

(b) the Public Offices Fees Act, 1879, shall not apply in respect of such fees.

Local inquiries into applications for transport works order.

29.—(1) Whenever an application is made to the Minister for a transport works order the Minister shall appoint an officer of the Minister to hold a public inquiry into such application in the locality in which it is proposed to construct the transport works the subject of the application, and the Company, every owner, lessee and occupier of the land on or over which it is proposed to construct such transport works, every local authority within whose area such works are intended to pass, and every other person who, in the opinion of such officer, is substantially interested in the subject matter of such inquiry shall be entitled to appear and be heard at such inquiry.

(2) Evidence given before an officer of the Minister appointed to hold an inquiry under this section shall, if such officer so requires, be given on oath (which such officer is hereby empowered to administer) and any person who gives false evidence before any such officer shall be guilty of perjury and punishable accordingly.

Transport works orders.

30.—(1) After completion of a public inquiry under the immediately preceding section into an application for a transport works order the Minister shall consider such application and the report of the officer who made such inquiry, and if, after such consideration and after consultation with the Minister for Local Government and Public Health, the Minister is of opinion that the application should be granted, the Minister shall make a transport works order authorising the Company to construct, maintain, and operate the transport works specified therein in such manner, subject to such restrictions and provisions and on such terms and conditions as the Minister thinks proper and specifies in such order.

(2) The following provisions shall have effect in relation to every transport works order, that is to say:—

(a) such order shall contain such provisions as the Minister thinks necessary or expedient for the purposes of such order;

(b) without prejudice to the generality of paragraph (a) of this subsection,

(i) such order may contain provisions authorising the Company to acquire compulsorily any land the acquisition of which is, in the opinion of the Minister, necessary for giving effect to such order;

(ii) such order may grant to the Company any rights in or over land or water, or in or over any public road the grant of which is, in the opinion of the Minister, necessary for giving effect to such order;

(iii) such order shall, in respect of any land so acquired or any right over land or water so granted, provide for the payment of compensation by the Company to the several persons having estates or interests in



such land or water, and shall provide that any question of disputed compensation shall be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919;

- 5 (iv) such order may incorporate all or any of the provisions of the Lands Clauses Acts, with such modifications and adaptations as the Minister thinks proper;
- 10 (v) such order shall specify the manner in which the transport works to which such order relates are to be constructed;
- (vi) such order may contain provisions as to the manner in which such transport works are to be operated and maintained;
- 15 (vii) such order shall contain provisions limiting the use of such transport works to purposes relating to the business of the Company and to such other purposes (if any) as may be specified in such order;
- 20 (viii) such order shall contain all such provisions as the Minister thinks proper for the protection of the public generally and any persons affected by such order;
- (ix) such order may provide that where the Company acts in contravention (whether by commission or omission) of any specified provision of such order, the Company shall be guilty of an offence under such order and shall be liable on summary conviction thereof to such fine (not exceeding one hundred pounds) as may be specified in such order in respect of such offence and, in the case of a continuing offence, such further fine (not exceeding twenty pounds) as may be specified in such order in respect of such offence for each day during which such offence is continued after conviction thereof;
- 25 (x) such order may incorporate any provisions (including penal provisions) contained in any enactment relating to railways, with such adaptations and modifications as the Minister thinks proper;
- 30 (xi) such order may provide for the determination by arbitration of any specified questions arising thereunder;
- 35 (xii) such order may contain such provisions ancillary or incidental to any of the matters aforesaid as the Minister considers necessary and proper.

45 (3) The Minister may by order amend any transport works order.

(4) Every order made under this section shall have the force of law.

50 (5) All expenses incurred by the Minister in the exercise of his powers and functions under a transport works order shall, to such extent as may be determined by the Minister for Finance, be paid to the Minister by the Company.

55 **31.**—Where the Minister has made a transport works order authorising the Company to construct, maintain and operate transport works of a particular kind, the following provisions shall have effect, that is to say:—

Regulations in relation to maintenance and operation of transport works.

60 (a) the Minister may make regulations (not inconsistent with such order) in relation to the manner in which such transport works are to be maintained and operated by the Company and by any other person operating such works on behalf of the Company;

(b) if the Company or such other person acts in contra-



vention (by omission or commission) of such regulations, the Company shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds and in the case of a continuing offence a further fine not exceeding five pounds for each day during which the offence is continued after conviction thereof.

Regulations in relation to use of electrical power.

**32.**—Where the Minister has made a transport works order authorising the Company to construct, maintain and operate transport works of a particular kind and has by such order authorised such transport works to be operated by electrical power, the following provisions shall have effect, that is to say:—

- (a) the Minister may, after consultation with the Electricity Supply Board, make such regulations as he may think fit for securing that the electrical power shall be used by the Company and by any other person operating such works on behalf of the Company with all reasonable and proper precautions against danger to the public or damage to the property of any person;
- (b) in making such regulations the Minister shall have regard to the expense occasioned thereby to the Company and to the effect thereof on the financial prospects of the Company;
- (c) if the Company or any other person operating such transport works on behalf of the Company uses such electrical power in contravention of such regulations, the Company shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds and in the case of a continuing offence a further fine of five pounds for each day during which the offence is continued after conviction thereof;
- (d) if in the opinion of the Minister the Company or any person operating such transport works on behalf of the Company has used such electrical power in contravention of such regulations (whether the Company has or has not been convicted of an offence) or the Minister is satisfied that the use of such power is a danger to the public, he may by order require the Company to cease to exercise the powers conferred by such transport works order with respect to the use of electrical power and thereupon the Company shall cease to exercise such powers except with the consent of the Minister and subject to such terms and conditions as he thinks fit.

Laying of orders and regulations before Houses of the Oireachtas.

**33.**—Every order and every regulation made by the Minister under this Part of this Act shall be laid before each House of the Oireachtas as soon as conveniently may be after it is made and if a resolution annulling such order or regulation is passed by either House of the Oireachtas within the next subsequent ten days on which that House has sat after such order or regulation is so laid before it, such order or regulation (as the case may be) shall be annulled accordingly, but without prejudice to the validity of anything previously done under such order or regulation.

Protection of public roads and bridges as against the Company.

**34.**—(1) If and whenever the construction of any transport works involves the diversion, removal, or submergence of or any other interference with any public road or bridge, the following provisions shall (save as is otherwise provided by this section) have effect, that is to say:—

- (a) where the construction of the transport works involves the closing of such road or bridge to traffic, the Company shall construct and shall maintain while such road or



bridge is so closed to traffic a temporary road or bridge in the same or some other convenient situation sufficient to carry traffic of such quantity and character as normally uses such road or bridge;

- 5 (b) the Company shall, at or before the completion of the construction of the transport works, either restore such road or bridge to its former condition or construct, after consultation with the Minister for Local Government and Public Health, a new permanent road or bridge in the same or some other convenient situation sufficient to carry the like amount (in quantity and character) of traffic as the original road or bridge was able to carry and not substantially less convenient in gradient and curve than such original road or bridge;
- 10
- 15 (c) where the Company constructs a permanent new bridge and such bridge confers substantially greater advantages on the public of any county or urban district than the original bridge, whether by affording an improved means of communication or otherwise, the Company shall certify the cost of such new bridge and the Minister for Local Government and Public Health shall certify what part of such cost in his opinion ought reasonably to be borne by the council of such county or urban district, and thereupon a sum equal to the part so certified of such cost shall be raised by such council as part of the expenses of the maintenance of the road of which such new bridge is part and shall be paid by such council to the Company;
- 20
- 25
- (d) if any doubt, dispute or question shall arise whether the Company, in the construction, maintenance, or restoration of any temporary or permanent road or bridge pursuant to this sub-section, has complied with the provisions of this sub-section, or whether a permanent new bridge constructed by the Company confers substantially greater advantages on the public of any county or urban district than the original bridge, such doubt, dispute, or question shall be decided by the Minister for Local Government and Public Health, whose decision shall be final.
- 30
- 35
- 40 (2) Where the execution of any transport works involves the permanent closing, removal, or submergence of a public road or bridge, and the Minister, after consultation with the Minister for Local Government and Public Health, is satisfied that, having regard to all the circumstances of the case, a new road or bridge (as the case may be) in lieu of the road or the bridge so closed, removed, or submerged is not required, the Minister may by order declare that the foregoing sub-section of this section shall not apply or have effect in relation to such road or bridge (as the case may be), and upon such order being made the Company shall be relieved from any obligation by virtue of the said foregoing sub-section to provide, either temporarily or permanently, any road or bridge in lieu of the road or bridge (as the case may be) to which such order relates.
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- 50

#### PART IV.

##### 55 TRANSFER TO THE COMPANY OF ASSETS AND LIABILITIES OF THE STATE IN RESPECT OF THE UNDERTAKING.

- 35.—(1) On the appointed day all property, whether real or personal (including choses-in-action), which immediately before the appointed day is vested in or belongs to the Minister for the purposes of the undertaking shall, without any conveyance or assignment, but subject where necessary to transfer in the books of any bank, corporation or company, become and be vested in or become and be the property of the Company for all the estate,
- 60

Transfer of property held for the purposes of the undertaking.



term or interest for which the same immediately before the appointed day was vested in or belonged to the Minister.

(2) All property transferred by this section which immediately before the appointed day is standing in the books of any bank or is registered in the books of any bank, corporation or company 5 in the name of the Minister shall, upon the request of the Company made on or at any time after the appointed day, be transferred in such books by such bank, corporation or company into the name of the Company.

(3) On and after the appointed day every chose-in-action 10 transferred by this section from the Minister to the Company may be sued upon, recovered or enforced by the Company in its own name, and it shall not be necessary for the Company to give notice to the person bound by such chose-in-action of the transfer effected by this section. 15

Transfer of liabilities.

**36.**—Every debt and other liability (including unliquidated liabilities arising from torts or breaches of contract) which immediately before the appointed day is owing and unpaid or has been incurred and is undischarged by the Minister and is so owing or has been so incurred for the purposes of the under- 20 taking shall on the appointed day become and be the debt or liability of the Company and shall be paid or discharged by and may be recovered from or enforced against the Company.

Preservation of continuing contracts.

**37.**—Every bond, guarantee, or other security of a continuing nature made or given for the purposes of the undertaking by the Minister to any person or by any person to the Minister and in force immediately before the appointed day, and every contract or agreement in writing made for the purposes of the under- 25 taking between the Minister and another person and not fully executed and completed before the appointed day shall continue 30 in force on and after the appointed day, but shall be construed and have effect as if the name of the Company were substituted therein for the name of the Minister, and such security, contract, or agreement shall be enforceable by or against the Company accordingly. 35

Guarantee by Minister of discharge of certain liabilities of the Company.

**38.**—(1) Where—

- (a) before the appointed day the Minister in exercise of the powers conferred on him by sub-section (2) of section 4 of the Industrial Alcohol Act, 1934 (No. 40 of 1934), entered into an agreement with any other person, and 40
- (b) such agreement is not fully executed and completed before the appointed day, and
- (c) such agreement will by virtue of the immediately preceding section be construed and have effect as if the name of the Company were substituted therein for the name of 45 the Minister and be enforceable by or against the Company,

the Minister may guarantee, in such form and manner as he thinks fit and subject to the sanction of the Minister for Finance, the payment to such person by the Company of any moneys which on 50 or after the appointed day will be or become payable to such person by the Company under any specified terms of such agreement.

(2) Such sums as may from time to time be required by the Minister to meet any sums which may become payable by him under any guarantee given by him under this section shall be 55 advanced out of the Central Fund or the growing produce thereof.

(3) For the purpose of providing money for the sums advanced out of the Central Fund under this section, the Minister for Finance



may borrow from any person any sum or sums, and for the purpose of such borrowing the said Minister may create and issue securities bearing such rate of interest and subject to such conditions as to repayment, redemption or otherwise as he shall think fit.

5 (4) The principal of and interest on any securities issued under this section and the expenses incurred in connection with the issue of such securities shall be charged on the Central Fund or the growing produce thereof.

10 (5) Any moneys raised by securities issued under this section shall be placed to the credit of the account of the Exchequer and shall form part of the Central Fund and be available in any manner in which such Fund is available.

15 (6) Any sums advanced out of the Central Fund or the growing produce thereof for the purposes of this section shall be repaid to the Central Fund (with interest thereon at such rates as the Minister for Finance shall appoint) by the Company in such amounts and at such times as the said Minister shall appoint, and if and so far as any such sums are not repaid by the Company to the Central Fund, such sums shall be repaid to the Central Fund out of moneys  
20 provided by the Oireachtas.

39.—In every action, suit or proceeding arising out of or relating to the undertaking which is pending on the appointed day in any court or tribunal and to which the Minister or the Minister for Finance is a party, the Company shall on the appointed day become  
25 and be a party in the place of the Minister or the Minister for Finance, and such proceedings shall be continued between the Company and the other parties thereto accordingly.

Continuance of pending legal proceedings.

40.—Every contract of service expressed or implied which is in force immediately before the appointed day between the Minister  
30 and any person and which was entered into for the purposes of the undertaking shall continue in force on and after the appointed day, but shall be construed and have effect as if the name of the Company were substituted therein for the name of the Minister, and every such contract shall be enforceable by or against the Company  
35 accordingly.

Preservation of contracts of service.

## PART V.

### COMPULSORY PURCHASE OF INDUSTRIAL ALCOHOL FROM THE COMPANY BY DISTRIBUTORS AND USE BY DISTRIBUTORS OF INDUSTRIAL ALCOHOL SO PURCHASED.

40 41.—(1) For the purposes of this Part of this Act, the expression “mineral hydrocarbon light oils” means hydrocarbon oils of which not less than fifty per cent. by volume distils at a temperature not exceeding 185 degrees centigrade, or of which not less than ninety-five per cent. by volume distils at a  
45 temperature not exceeding 240 degrees centigrade, or which give off an inflammable vapour at a temperature of less than 22.8 degrees centigrade when tested in the manner prescribed by the Acts relating to petroleum.

Interpretation of Part V.

50 The method of testing oils for the purpose of ascertaining whether they comply with the provisions of this sub-section relating to the distillation of a certain volume thereof at a certain temperature shall be such as the Revenue Commissioners may prescribe.

(2) In this Part of this Act—

55 the word “duty” means any duty which is a customs duty or an excise duty;



the word "distributor" means a person who clears mineral hydrocarbon light oils on payment of duty from ship, train, conveyance, bonded installation, or refinery for consumption within the State;

the expression "motor fuel" means fuel capable of being used for the propulsion of motor cars.

(3) For the purposes of this Part of this Act, the quantity of mineral hydrocarbon light oils cleared by a distributor during any period shall be taken to be the actual quantity of mineral hydrocarbon light oils cleared by him for consumption within the State during such period on payment of duty.

Returns by  
distributors

42.—(1) Every distributor shall, within the prescribed number of days after the appointed day, send to the Company a return, in such form and containing such particulars as the Minister may direct, showing the quantity of mineral hydrocarbon light oils cleared by him during the period commencing on the 1st day of July, 1936, and ending immediately before the commencement of the appointed month.

(2) Every distributor shall, within the prescribed number of days after the appointed month and each subsequent month, send to the Company a return, in such form and containing such particulars as the Minister may direct, showing the quantity of mineral hydrocarbon light oils cleared by him during such month.

(3) If any distributor fails, neglects, or refuses to make a return to the Company in accordance with this section or makes in any such return any statement which is false or misleading in any material respect, such distributor 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, and, in the case of a continuing offence, to a fine not exceeding five pounds for each day during which the offence is continued.

(4) In this section the expression "the appointed month" means the month in which the appointed day falls.

(5) The Minister may make regulations in relation to any matter referred to in any sub-section of this section as prescribed, and the word "prescribed" in such sub-section means prescribed for the purposes of such sub-section by such regulations.

(6) The Minister may, upon the request of the Company, refer to the Revenue Commissioners for verification any returns made to the Company under this section and the Revenue Commissioners may examine such returns and report to the Minister the result of such examination.

Purchase of  
industrial  
alcohol by  
distributors.

43.—(1) On and after the appointed day the Company may, whenever and so often as it thinks fit, by order (in this Part of this Act referred to as a sale order) do, with the consent of the Minister, the following things, that is to say:—

(a) fix a specified quantity of industrial alcohol to be the allottable amount for the purposes of such order;

(b) allot, subject to the provisions of sub-section (2) of this section, the allottable amount of industrial alcohol amongst distributors in such proportions as the Company thinks proper;

(c) require each distributor to whom any industrial alcohol has been so allotted to do the following things, that is to say:—

(i) to purchase from the Company at a price (to be specified in such order) calculated at the rate per



gallon for the time being fixed by the Minister, with the concurrence of the Minister for Finance, for the purposes of this section the quantity of industrial alcohol so allotted to him;

- 5 (ii) to pay to the Company such price within one week after the date of the service of such order on such distributor;
- (iii) to accept delivery of the said quantity at the premises of the Company specified in such order and at such time or times as may be specified in such order in relation to such distributor.
- 10

(2) Whenever the Company makes a sale order the Company shall forthwith serve such order on every distributor required by such order to purchase any industrial alcohol.

- 15 (3) Whenever a sale order is served on any distributor by the Company, the following provisions shall have effect, that is to say:—

(a) the Company shall be deemed to have entered into a contract with such distributor to sell to such distributor the industrial alcohol allotted by such order to such distributor at the price specified in such order in relation to such distributor and to deliver such industrial alcohol to such distributor at the place and at the time or times at which such distributor is required by such order to accept delivery of such industrial alcohol, and

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(b) such distributor shall be deemed to have entered into a contract with the Company to purchase such industrial alcohol in accordance with the requirements of such order so far as the same relate to such distributor.

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(4) A sale order shall be served on a distributor in one or other of the following ways, that is to say:—

(a) by delivering to such distributor a copy of such order certified to be a true copy under the seal of the Company;

35

(b) by sending by post in a registered letter addressed to such distributor at the address at which he carries on business a copy of such order certified to be a true copy under the seal of the Company.

40 For the purposes of this sub-section, a company registered within the State under the Companies Acts, 1908 to 1924, shall be deemed to carry on business at its registered office, and every other body corporate and every unincorporated body shall be deemed to carry on business at its principal office or place of business within the State.

45

44.—(1) Subject to the provisions of sub-section (3) of this section, it shall not be lawful for any distributor to deal with industrial alcohol purchased by him from the Company otherwise than by using it for the purpose of producing therefrom, by blending it with mineral hydrocarbon light oils, motor fuel.

50

Use of industrial alcohol sold by Company to distributors.

(2) If any distributor acts in contravention (whether by commission or omission) of sub-section (1) of this section, such distributor shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding two hundred pounds.

55

(3) The Minister may, whenever and so often as he thinks fit, by licence authorise any distributor, subject to such conditions (if any) as the Minister thinks proper and inserts in such licence either (as may be specified in such licence) to sell or



use for a purpose, other than the purpose mentioned in subsection (1) of this section, a specified quantity of industrial alcohol purchased by such distributor from the Company, and whenever any such licence is granted to a distributor, it shall be lawful for such distributor, under and in accordance with such licence, to sell or use (as may be specified in such licence) the quantity, specified in such licence, of such industrial alcohol, on compliance with the laws relating to Excise. 5

Regulations for blending industrial alcohol and mineral hydrocarbon light oils.

45.—(1) The Minister may make regulations in relation to the blending by distributors of industrial alcohol and mineral hydrocarbon light oils for the purpose of producing motor fuel therefrom, and, without prejudice to the generality of the foregoing, may by such regulations do all or any of the following things— 10

(a) fix for the purposes of such regulations the various grades of mineral hydrocarbon light oils, 15

(b) fix, subject to the provisions of any statutory regulations for the time being in force in regard to power methylated spirits, the maximum and minimum percentages of industrial alcohol which may be mixed with the various grades of mineral hydrocarbon light oils. 20

(2) If any distributor acts in contravention (whether by commission or omission) of any regulations made under this section, such distributor shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding two hundred pounds. 25

Inspection of premises of distributors.

46.—(1) Any authorised officer may at all reasonable times enter any premises in which any distributor carries on business and there do all or any of the following things, that is to say, examine any process of blending industrial alcohol and mineral hydrocarbon light oils being carried on in such premises, and examine and take without payment samples of any mineral hydrocarbon light oils or any blend of industrial alcohol and mineral hydrocarbon light oils found in such premises. 30 35

(2) Every person who obstructs any authorised officer in the exercise of the powers conferred on him by this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

(3) In this section the expression " authorised officer " means a person authorised in writing by the Minister to exercise the powers conferred on an authorised officer by this section. 40

Designation under which blend of industrial alcohol and mineral hydrocarbon light oils may be sold.

47.—(1) The Minister may make regulations prescribing the designation which may be used in connection with a motor fuel which is a blend of industrial alcohol and mineral hydrocarbon light oils. 45

(2) Whenever regulations made by the Minister under this section are in force it shall not be lawful for any person to sell or offer or expose for sale any motor fuel, which is a blend of industrial alcohol and mineral hydrocarbon light oils, under a designation other than that prescribed by such regulations. 50

(3) If any person acts in contravention of this section, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds. 55



## PART VI.

### RESTRICTION ON MANUFACTURE OF INDUSTRIAL ALCOHOL.

48.—(1) It shall not be lawful for any person, other than the Company, to manufacture industrial alcohol unless such industrial alcohol is manufactured under and in accordance with a licence granted by the Minister. Restriction on manufacture of industrial alcohol.

(2) The Minister may, if he so thinks fit, grant to any person a licence to manufacture industrial alcohol either generally or of a particular kind, quality, or strength and may attach to such licence such conditions (including conditions as to revocation) as he thinks fit.

(3) If any person manufactures industrial alcohol in contravention of this section such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding two hundred pounds.

(4) Nothing in this section or in any licence granted thereunder shall be construed as authorising any person who is the holder of such licence to manufacture at any time industrial alcohol to which such licence relates unless such person is also the holder of an Excise licence authorising him to manufacture spirits.

(5) The Control of Manufactures Acts, 1932 and 1934, shall not apply in respect of the manufacture, under and in accordance with a licence granted under this section, of industrial alcohol of the kind to which such licence relates, or in respect of the adapting for sale by the holder of such licence of such industrial alcohol or any by-product derived in the course of manufacture of such industrial alcohol.

49.—The Revenue Commissioners shall, whenever requested by the Minister so to do, supply to the Minister particulars of the industrial alcohol (if any) made or distilled in any specified period by any distiller who is the holder of an Excise licence to distil spirits. Information as to manufacture of industrial alcohol.

### SCHEDULE.

#### CONDITIONS TO WHICH THE COMPANY IS TO CONFORM.

1. The Memorandum and Articles of Association of the Company shall be subject to the approval of the Minister for Finance given after consultation with the Minister for Industry and Commerce.

2. The Memorandum of Association of the Company shall provide—

(a) that the name of the Company shall be *Monarchana Alcóil na h-Éireann, Teoranta*;

(b) that the registered office of the Company shall be situate within the State;

(c) that the principal objects of the Company shall include the manufacture and sale of industrial alcohol;

(d) that the liability of members of the Company shall be limited;

(e) that the amount of the share capital of the Company shall be five hundred thousand pounds divided into shares of one pound each, and that the Company shall, with the consent of the Minister for Finance,



have power to divide the shares in the capital of the Company into several classes and to attach thereto respectively any preferential, deferred, qualified, or special rights, privileges or conditions.

3. The Articles of Association of the Company shall specify 5  
the number of directors (including the chairman) of the Company, and the number so specified shall not be more than seven.

4. The Articles of Association of the Company shall provide—

(a) that, so long as the Minister for Finance holds not less than one-tenth (in nominal value) of the issued shares 10  
of the Company or so long as any debentures of the Company guaranteed by the said Minister under this Act are outstanding—

(i) a majority of the said directors shall be nominated, from time to time as occasion requires, by the 15  
Minister for Finance, after consultation with the Minister for Industry and Commerce,

(ii) the chairman of the directors shall be nominated from time to time by the Minister for Finance, after consultation with the Minister for Industry 20  
and Commerce, from amongst the directors nominated by him;

(b) that, for such period as the Minister for Finance may direct, there shall be a managing director of the Company and, in that case, the directors of the 25  
Company shall, subject to the provisions of the next following sub-paragraph, from time to time appoint one of their body to be managing director of the Company;

(c) that the first managing director of the Company shall be 30  
such one of the directors of the Company as the Minister for Finance, after consultation with the Minister for Industry and Commerce, may appoint and shall hold the office of managing director for such period, on such terms and subject to such conditions 35  
as the said Minister shall direct;

(d) that the Company shall have power for the purposes of the Company to raise money by means of debentures, subject, however, as follows:—

(i) the amount so raised shall not at any time exceed 40  
the paid up share capital of the company,

(ii) the said power shall not be exercisable without the consent of the Minister for Finance given after consultation with the Minister for Industry 45  
and Commerce;

(e) that, so long as the Minister for Finance holds not less than one-tenth (in nominal value) of the issued shares 50  
of the Company or so long as any debentures of the Company guaranteed by the said Minister under this Act are outstanding, no person shall be capable of being appointed auditor of the Company unless the said Minister has, after consultation with the Minister for Industry and Commerce, approved of the nomination of such person to the office of auditor.







## ÉIRE.

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BILLE ALCOIL CHEARDAIS (Uimh. 2),  
1938.

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## BILLE

(mar do tugadh isteach)

*dá ngairmtear*

Acht chun socrúithe do dhéanamh chun cuid-eachta do bhunú agus do chlárú dar príomh-chuspóirí alcól ceárdais do dhéanamh agus do dhíol, chun socrúithe do dhéanamh chun na cuideachtan san do thógaint tailimh go héigeanta agus do dhéanamh agus do chothabháil agus d'oibriú oibreacha iompair, chun socrúithe do dhéanamh chun sócmhainní agus fiachaisí an ghnótha do bunúodh fén Acht Alcól Cheárdais, 1934, d'aistriú chun na cuideachtan san, chun socrúithe do dhéanamh chun déanamh alcól cheárdais do rialáil agus do stiúradh agus chun socrúithe do dhéanamh i dtaobh nithe eile bhaineas leis na nithe roimhraithe.

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*An tAire Tionnscail agus Tráchtála do thug isteach.*

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*Do hordúodh, ag Dáil Eireann, do chlóbhualladh, 1adhf Iúil, 1938.*

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BAILE ATHA CLIATH:  
FOILLSITHE AG OIFIG AN tSOLATHAIR.

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Le ceannach trí aon díoltóir leabhar, no díreach ó Oifig Díolta Foillseacháin Rialtais, 3-4, Sráid an Choláiste, Baile Atha Cliath.

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## ÉIRE.

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INDUSTRIAL ALCOHOL (No. 2) BILL,  
1938.

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## BILL

(as introduced)

*entitled*

An Act to make provision for the formation and registration of a company having for its principal objects the manufacture and sale of industrial alcohol, to make provision for the compulsory acquisition of land and the construction, maintenance and operation of transport works by such company, to make provision for the transfer to such company of the assets and liabilities of the undertaking established under the Industrial Alcohol Act, 1934, to make provision for regulating and controlling the manufacture of industrial alcohol, and to make provision for other matters connected with the matters aforesaid.

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*Introduced by the Minister for Industry and Commerce.*

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*Ordered, by Dáil Eireann, to be printed, 1st July, 1938.*

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