



BILLE TORA TALMHAIOCHTA (UIBHE) (Uimh. 2), 1938.  
 AGRICULTURAL PRODUCE (EGGS) (No. 2) BILL, 1938.

*Mar do tugadh isteach.*

*As introduced.*

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BILLE TORA TALMHAIOCHTA (UIBHE) (Uimh. 2), 1938.  
AGRICULTURAL PRODUCE (EGGS) (No. 2) BILL, 1938.

## BILL

5

*entitled*

AN ACT TO MAKE FURTHER AND BETTER PROVISION  
IN RELATION TO THE PURCHASE AND SALE  
(INCLUDING EXPORT) OF EGGS BY WAY OF TRADE,  
WHETHER WHOLESALE OR RETAIL, AND FOR THE  
10 REGISTRATION AND CONTROL OF PERSONS  
ENGAGED BY WAY OF TRADE IN PURCHASING,  
SELLING, EXPORTING, PRESERVING, OR OTHER-  
WISE DEALING IN EGGS, AND TO MAKE PROVISION  
FOR DIVERS MATTERS CONNECTED WITH THE  
15 MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

### PART I.

#### PRELIMINARY AND GENERAL.

1.—(1) This Act may be cited as the Agricultural Produce  
20 (Eggs) Act, 1938. Short title and  
commence-  
ment.

(2) This Act shall come into operation on such day as the  
Minister shall by order appoint.

2.—In this Act—

Definitions.

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

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

the word “inspector” means a person appointed in writing  
(either generally or for a particular occasion) by the Minister to  
30 be an inspector for the purposes of this Act,

the word “package” includes any box, crate, case, wrapper, or  
other receptacle containing or capable of containing eggs for  
transport, and, unless the context otherwise requires, includes  
the contents of such receptacle;

35 the word “eggs” means eggs in the shell of domestic fowl and  
ducks;

the word “mark” includes any word, letter, figure, or design,  
or any combination of words, letters, figures, or designs, or any  
one or more of them;

40 the expression “registered premises” means premises registered  
in a register kept by the Minister in pursuance of this Act;

the expression “registered proprietor” means a person who is  
entered in a register kept by the Minister in pursuance of this  
Act as the proprietor of premises registered in that register;



the expression "registered wholesaler's premises" means premises registered in the register of wholesalers;

the expression "registered wholesaler" means the registered proprietor or registered wholesaler's premises;

the expression "registered dealer" means the registered proprietor of premises registered in the register of dealers; 5

the expression "registered retailer" means the registered proprietor of premises registered in the register of retailers;

the expression "registered preserver" means the registered proprietor of premises registered in the register of preservers; 10

the word "producer" means a person who carries on the business of poultry-farming or who rears or keeps domestic fowl or ducks for the purpose of disposing of their eggs by sale and does not acquire for resale any eggs from any other person;

the expression "chemical storage" means storage for the purpose of preserving eggs by any process which does not alter the composition of the shells, including storage in any gas, vapour, or gaseous mixture; 15

the word "sale" includes exchange and barter, and cognate words shall be construed accordingly; 20

the expression "sale by wholesale" means sale by way of trade to a person engaged in the business of acquiring eggs for resale, but does not include sale to, or to some person on behalf of, the owner or occupier of a hotel, restaurant, club, or other premises where eggs are sold only for consumption thereon, and cognate expression shall be construed accordingly; 25

the expression "sale by retail" means sale otherwise than by wholesale, and cognate expressions shall be construed accordingly;

the word "acquire" includes purchase and also includes acquiring or obtaining by barter, exchange, or any other means, and cognate words shall be construed accordingly; 30

the word "retailer", when used without qualification, means a person engaged in the business of selling eggs by retail, whether he is or is not a registered proprietor; 35

the expression "eggs intended for sale" includes eggs purchased for resale, eggs kept for sale (whether immediately or at a future time), eggs offered or exposed for sale, and eggs being transported for or in the course of sale.

Persons skilled  
in testing,  
grading, and  
packing eggs.

3.—(1) No person shall be deemed for the purposes of this Act to be skilled in the business of testing, grading, and packing eggs unless he either— 40

(a) holds a certificate, issued by the Minister, certifying that he is skilled in the said business, or

(b) has satisfied the Minister that he is skilled in the said business. 45

(2) Any person may apply to the Minister for such certificate as is mentioned in the foregoing sub-section of this section and the Minister may, if he is satisfied that such person is skilled in the business of testing, grading, and packing eggs, issue to such person such certificate as aforesaid. 50

Regulations.

4.—(1) The Minister may by order make regulations prescribing any matter or thing which is referred to in this Act as prescribed or to be prescribed, but no such regulation shall be made in relation to the amount or collection of any fees without the consent of the Minister for Finance. 55



(2) Every regulation made by the Minister under this or any other section of this Act shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution is passed by either such House within the next subsequent twenty-one days on which that House has sat annulling such regulation, such regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

5.—(1) Every offence under any section of this Act may be prosecuted by or at the suit of the Minister. Offences.

10 (2) Where an offence under any section of this Act is 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, manager, secretary, or  
15 other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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

7.—(1) All fees payable under this Act shall be collected and taken in such manner as the Minister for Finance shall 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 said  
25 Minister. Collection and disposal of fees.

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

8.—The powers conferred on the Minister by this Act shall be, and shall be exercised, without prejudice to the exercise by the  
30 Minister for Local Government and Public Health of the powers conferred on him by the Public Health (Regulations as to Food) Act, 1907. Saving as to powers of Minister for Local Government and Public Health.

9.—(1) Where a document is required or permitted by this Act to be served on any person, the document shall be served in one or  
35 other of the following ways, that is to say :— Service of documents.

(a) by delivering the document to the said person ; or

(b) by sending the document by post in a prepaid registered letter addressed to the said person, if he is a registered proprietor, at his registered premises or, in any other  
40 case, at the address where he carries on business or at his last known place of abode.

(2) For the purpose of this section a body corporate registered in Ireland under the Companies Acts, 1908 to 1924, shall be deemed to carry on business at its registered office, and every other body  
45 corporate and every unincorporated body shall be deemed to carry on business at its principal office or place of business in Ireland.

10.—The Agricultural Produce (Eggs) Act, 1924, (No. 35 of 1924) and the Agricultural Produce (Eggs) Act, 1930 (No. 36 of 1930) are hereby repealed. Repeals.



Continuance of  
existing orders  
and regulations.

**11.**—(1) Every order and every regulation made under the Agricultural Produce (Eggs) Acts, 1924 and 1930, which is in force immediately before the commencement of this Act shall, if and so far as it is not inconsistent with this Act, continue in force notwithstanding the repeal by this Act of the Act under which it was made. 5

(2) Every order and regulation continued in force by virtue of this section shall be deemed to have been made under this Act and shall be capable of being revoked, amended, or varied, in the case of any such order, by any order made by the Minister under this Act and, in the case of any such regulation by any regulation made 10  
by the Minister under this Act.

## PART II.

### REGISTRATION OF PREMISES.

The registers  
and their  
contents.

**12.**—(1) The Minister shall cause to be kept—

- (a) a register to be called and known and in this Act referred 15  
to as the register of wholesalers, and
- (b) a register to be called and known and in this Act referred  
to as the register of dealers, and
- (c) a register to be called and known and in this Act referred  
to as the register of retailers, and 20
- (d) a register to be called and known and in this Act referred  
to as the register of preservers.

(2) There shall be entered in the several registers kept in pursuance of this section the following matters in respect of all premises registered in the said registers respectively, that is to say :— 25

- (a) the full name and description of the proprietor of the premises, and
- (b) a description of the situation of the premises sufficient to identify the said premises and the limits and extent thereof. 30

(3) Premises registered in any one of the registers kept in pursuance of this section shall not while so registered be capable of being registered in any other of the said registers.

Registration fees.

**13.**—On every application under this Act for the registration of premises in any register except the register of retailers there shall be paid to the Minister a fee (in this Act referred to as a registration fee) of one pound, and the due payment of that fee shall be a condition precedent to the entertainment of the application by the Minister. 35

Eggs acquisition  
fees.

**14.**—(1) Every registered wholesaler shall pay to the Minister, 40  
in respect of every half year ending on the 30th day of June or the 31st day of December during which or during any part of which he is registered in the register of wholesalers, a fee (in this Act referred to as an eggs acquisition fee) calculated at the prescribed rate and in the prescribed manner on the total quantity of 45  
eggs acquired by him in such half year, other than eggs which are shown to the satisfaction of the Minister—

- (a) to have been acquired by him from another registered wholesaler, or
- (b) to have been unfit for human consumption or externally 50  
dirty and to have been disposed of in the manner required by this Act in respect of such eggs.



(2) Every registered retailer shall pay to the Minister, in respect of every half year ending on the 30th day of June or the 31st day of December during which or during any part of which he is registered in the register of retailers, a fee (in this Act also referred to as an eggs acquisition fee) calculated at the prescribed rate and in the prescribed manner on the total quantity of eggs acquired by him from producers in such half year, other than eggs which are shown to the satisfaction of the Minister to have been unfit for human consumption or externally dirty and to have been disposed of in the manner required by this Act in respect of such eggs.

(3) Save as is otherwise provided by the next following sub-section of this section, every eggs acquisition fee shall become due on the day after the last day of the half-year in respect of which it is payable, and shall be paid, in the case of every such fee which so becomes due on the 1st day of July in any year, before the 1st day of September in that year or, in the case of every such fee which so becomes due on the 1st day of January in any year, before the 1st day of March in that year.

(4) Where a registered wholesaler or a registered retailer ceases, during any half-year ending on the 30th day of June or the 31st day of December, to be registered in the register of wholesalers or the register of retailers (as the case may be), the eggs acquisition fee payable by him in respect of such half-year shall become due on the day after the day on which he ceases to be so registered, and shall be paid before the expiration of two months from the day on which it so becomes due.

**15.—**(1) Every registered dealer shall pay to the Minister, in respect of every year during which or during any part of which he is registered in the register of dealers, a fee (in this Act referred to as an annual fee) of the prescribed amount or, until an amount is prescribed for such fee, of the amount of one pound.

Annual fees.

(2) Save as is otherwise provided by the next following sub-section of this section, every annual fee shall become due on the 1st day of January in the year in respect of which it is payable and shall be paid before the 1st day of March in that year.

(3) The annual fee payable by a registered dealer in respect of the year in which he becomes registered in the register of dealers shall become due on the day on which he becomes so registered, and shall be paid before the expiration of two months from that day.

**16.—**(1) Every eggs acquisition fee and every annual fee which is not paid within the time limited by this Act for the payment thereof shall be recoverable by the Minister as a simple contract debt in any court of competent jurisdiction and shall be so recoverable notwithstanding and without prejudice to the exercise by the Minister of the power conferred on him by the next following sub-section of this section.

Recovery of fees.

(2) Where a person liable to pay an eggs acquisition fee or an annual fee fails to pay such fee within the time limited by this Act for the payment thereof, it shall be lawful for the Minister to cancel the registration in the register of wholesalers, the register of retailers, or the register of dealers (as the case may be) of all premises in respect of which such person is registered in such register.

(3) Where the registration of any premises is cancelled by virtue of the next preceding sub-section of this section and the fee, the non-payment of which occasioned such cancellation, is paid within three months after the expiration of the time limited by this Act for the payment thereof, the Minister may, if he so thinks proper, restore the said premises, as on and from the date



on which such fee is so paid, to the register in which the registration of such premises was so cancelled.

Applications for registration.

17.—(1) Every application for the registration of premises in a register kept in pursuance of this Act (other than the register of retailers) shall be made by the proprietor of such premises in writing in the prescribed form and manner and shall contain the prescribed particulars. 5

(2) Whenever an application is made under this section for the registration of any premises, the Minister shall cause such premises to be inspected by an inspector. 10

(3) Where an application under this section for the registration of any premises is refused by the Minister, the reasons for the refusal shall be stated to the applicant.

(4) The refusal of an application under this section for the registration of premises shall not prevent the making under this section of a fresh application for the registration of the same premises at any subsequent time. 15

(5) Whenever an application is made under this section for the registration of premises in a register, the Minister may, if he so thinks fit, register such premises in the said register before they have been inspected in pursuance of this section, and wherever the Minister so registers any premises the following provisions shall have effect, that is to say :— 20

(a) such registration shall be provisional only and is in this Act referred to as provisional registration; 25

(b) such registration shall not relieve the Minister from the obligation to cause such premises to be inspected by an inspector, save that such inspection may take place after such registration;

(c) such registration shall not prejudice or affect the power of the Minister to grant or to refuse the said application for the registration of the said premises; 30

(d) if and when the Minister grants the said application, the said provisional registration shall cease to be provisional;

(e) if and when the Minister refuses the said application, the said provisional registration shall be cancelled; 35

(f) whenever and so long as any premises are provisionally registered in a register, such premises shall, subject to the foregoing paragraphs of this sub-section, be deemed for all the purposes of this Act to be premises registered in such register and the person who is so registered as the proprietor thereof shall, subject as aforesaid, be deemed for the said purposes to be the registered proprietor of the said premises. 40 45

Conditions of registration.

18.—(1) The Minister shall not register (otherwise than provisionally) any premises in a register kept in pursuance of this Act (other than the register of retailers) unless or until he is satisfied that the said premises comply with all the following conditions, that is to say :—

(a) the premises are structurally suited for carrying on the business carried on or proposed to be carried on therein, and are sufficiently provided with equipment, fittings, and appliances suitable for that business; and 50

(b) the premises, and the equipment, fittings, and appliances thereof are in a state of cleanliness and good repair; and 55



(c) the premises contain suitable and adequate accommodation for the storage therein of eggs and of packages of eggs in such manner that the eggs and packages so stored are accessible for inspection under this Act.

5 (2) The Minister shall not register (otherwise than provisionally) any premises in the register of wholesalers unless or until he is satisfied that, in addition to complying with the conditions specified in the foregoing sub-section of this section, the said premises comply with all the following conditions, that is  
10 to say:—

(a) the premises contain suitable and adequate accommodation for the proper storage of a quantity of packages and packing materials to supply for such period as  
15 may be prescribed the ordinary requirements of the business carried on in the said premises; and

(b) the premises are properly equipped with the prescribed appliances and requisites for testing, grading, and packing eggs, and for marking eggs and the packages in which they are packed; and

20 (c) the quantity of eggs tested, graded, and packed on the premises during each week on which any eggs are tested, graded, or packed on the premises is not less than the prescribed minimum quantity; and

25 (d) either the applicant for registration of the premises or one person at least employed by him on the premises is skilled within the meaning of this Act in the business of testing, grading, and packing eggs in accordance with this Act and regulations made thereunder.

(3) Without prejudice to any other reason for refusal which  
30 may arise under this Act, each of the following shall be a good reason for the refusal by the Minister of an application for the registration of any premises in a register kept in pursuance of this Act (other than the register of retailers), that is to say:—

35 (a) that such premises were previously registered under the Agricultural Produce (Eggs) Acts, 1924 and 1930, and the registration thereof was cancelled under the said Acts or either of them, or

(b) that such premises were previously registered under this Act and the registration thereof was cancelled under  
40 this Act, or

(c) that the person applying for such registration was previously the registered proprietor of other premises registered under the Agricultural Produce (Eggs) Acts, 1924 and 1930, or this Act and, while he was so registered, the registration of those other premises was  
45 cancelled by the Minister under the said Acts or either of them or under this Act.

19.—(1) Every person who is, immediately before the commencement of this Act, registered in the register of exporters kept in  
50 pursuance of the Agricultural Produce (Eggs) Acts, 1924 and 1930, as the proprietor of premises registered in that register shall be deemed to have duly applied under this Act, immediately after the commencement thereof, for the registration of the said premises in the register of wholesalers.

Transfer from the register of exporters kept under the Agricultural Produce (Eggs) Acts, 1924 and 1930.

55 (2) The provisions of this Act in relation to applications for the registration of premises in the register of wholesalers and in relation to the registration of premises in that register shall apply and have effect in relation to every application for the registration of premises in the said register which is deemed by the foregoing sub-section of this section to have been made immediately after the commencement of this Act and in relation to the registration of  
60



the said premises in the said register save that the said provisions of this Act shall, in relation to such applications and in relation to such registration, be subject to the following modifications, that is to say:—

(a) the premises which are the subject of any such application shall forthwith be registered provisionally in the said register, and

(b) no registration fee shall be payable in respect of any such application.

Evidence of  
the contents of  
registers.

20.—(1) Every register kept in pursuance of this Act shall be— 10

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

(b) admissible in evidence without further proof on production from the proper custody. 15

(2) *Prima facie* evidence of any entry in any register kept in pursuance of this Act may be given in any court or in any legal proceedings by the production of a copy of such entry purporting to be certified to be a true copy by an officer of the Minister authorised in that behalf, and it shall not be necessary to prove the signature of such officer or that he was in fact such officer or was in fact so authorised. 20

(3) A certificate, purporting to be signed by an officer of the Minister authorised in that behalf by the Minister, that any premises specified in such certificate are not entered in the register specified in such certificate shall be conclusive evidence of the matters so certified, and it shall not be necessary to prove the signature of such officer, or that he was in fact such officer, or was in fact so authorised. 25

(4) Any person may— 30

(a) inspect any register kept in pursuance of this Act on payment of such fee, not exceeding one shilling for each inspection, as shall be prescribed;

(b) obtain a copy, certified in manner hereinbefore mentioned to be a true copy, of any entry in any register kept in pursuance of this Act on payment of a fee of sixpence for each folio of seventy-two words of the copy; 35

(c) obtain such certificate as is hereinbefore mentioned that any specified premises are not registered in a specified register kept in pursuance of this Act on payment of a fee of two shillings and sixpence for each certificate. 40

Devolution and  
transfer of  
registered  
premises.

21.—(1) Where the registered proprietor of registered premises dies, the following provisions shall have effect, that is to say:—

(a) the death of the said registered proprietor shall not of itself render unlawful by virtue of this Act the carrying on in the said premises during the period of six months from such death of the business theretofore carried on in the said premises; 45

(b) the personal representative of the said deceased registered proprietor or, with the assent of such personal representative, any other person shall (subject to the provisions of this section) be entitled, on application in the prescribed form and manner to the Minister, to be registered as the registered proprietor of the said premises; 50 55



(c) from the death of the said deceased registered proprietor until the registration of another person as registered proprietor of the said premises, the person actually carrying on the said business in the said premises shall be deemed to be the registered proprietor thereof for the purposes of so much of this Act as relates to things to be done on the said premises or in the course of carrying on the said business and for the purpose of notices required by this Act to be given to the registered proprietor and the service of such notices.

(2) Where the registered proprietor (in this section referred to as the transferor) of registered premises transfers, on sale or otherwise, the said premises and the business carried on therein to another person (in this sub-section referred to as the transferee) the following provisions shall have effect, that is to say:—

(a) the transferee shall (subject to the provisions of this section) be entitled, on application in the prescribed form and manner to the Minister and on satisfying the Minister that he has become the proprietor of the said premises, to be registered as the registered proprietor of the said premises;

(b) until the transferee is so registered as the registered proprietor of the said premises, the transferor shall, notwithstanding the said transfer, continue to be for all the purposes of this Act the registered proprietor of the said premises.

(3) Where an application is made under this section to the Minister for the registration of a person (in this sub-section referred to as the applicant) as the registered proprietor of registered premises, the following provisions shall apply and have effect, that is to say:—

(a) where the applicant is the personal representative of a deceased registered proprietor, and is applying under the first sub-section of this section for registration solely in his capacity as such personal representative, and the application is duly made in accordance with the said sub-section, the Minister shall not refuse the application;

(b) in every other case it shall be lawful for the Minister, if he so thinks proper, to refuse the application on the ground that the applicant was previously the registered proprietor of other premises registered under the Agricultural Produce (Eggs) Acts, 1924 and 1930, or this Act and, while he was so registered, the registration of those other premises was cancelled by the Minister under the said Acts or either of them or under this Act.

22.—(1) The Minister may at any time alter or cancel the registration of any premises under this Act upon the application of the registered proprietor, or in the case of an individual, the personal representative, or, in the case of an incorporated body, the liquidator, of the registered proprietor.

Alteration and  
cancellation of  
registration.

(2) The Minister may, at any time, without any such application as aforesaid, alter the registration of any premises under this Act in any respect in which such registration appears to him to be erroneous or misleading.

(3) The Minister may, at any time, without any such application as aforesaid, cancel the registration of any premises under this Act if he is satisfied—

(a) that the registration of the premises was procured by fraud or by misrepresentation, whether fraudulent or innocent; or



- (b) that the premises have ceased to be eligible for registration in the register in which they are registered by reason of the fact that they do not comply with all or any of the conditions of registration applicable thereto; or 5
- (c) that the registered proprietor, being an individual, has died and no other person has, within six months after such death, been registered as proprietor in the place of the said deceased registered proprietor; or
- (d) that the registered proprietor, being an incorporated body, 10 has been dissolved and no other person has, within one month after such dissolution, been registered as proprietor in the place of the said dissolved registered proprietor;
- (e) that the registered proprietor, if an individual, has been 15 adjudicated a bankrupt or, if an incorporated body, has been compulsorily wound up; or
- (f) that there has been a contravention (whether by way of commission or of omission) of this Act or a regulation made thereunder on the premises; or 20
- (g) that the registered proprietor having made a contract for the purchase or sale of eggs has, without reasonable cause failed or omitted to carry out such contract; or
- (h) that the business in respect of which such premises are registered has ceased to be carried on in such premises; 25 or
- (i) in the case of premises registered in the register of wholesalers, that the registered proprietor has caused or knowingly permitted the marks placed in pursuance of this Act on any eggs, or on any package of eggs, exported 30 from the said premises to be altered (whether in or outside Ireland) or has in any other way acted, in relation to eggs or packages of eggs so exported, in a manner which is, in the opinion of the Minister, prejudicial to the reputation of Irish eggs. 35

(4) The following provisions shall apply and have effect in relation to the alteration or cancellation under this section (otherwise than in accordance with an application in that behalf made under this section) of the registration of any premises under this Act, that is to say:— 40

- (a) the Minister shall not make any such alteration or cancellation unless or until he has given to the registered proprietor of such premises or his personal representative or its liquidator (as the case may be) at least one fortnight's notice in writing stating that the Minister has 45 under his consideration the making of such alteration or cancellation and stating the grounds on which such alteration or cancellation is so under consideration;
- (b) the Minister shall consider any representations in relation to such alteration or cancellation made to him by any 50 person interested before the expiration of the said fortnight's notice;
- (c) the Minister may, if he thinks fit, cause an inquiry to be held in relation to such alteration or cancellation;
- (d) such alteration or cancellation, if made at all, shall be 55 made within three months after the expiration of the said fortnight's notice.

Publication of contents of registers.

23.—(1) The Minister may publish in such manner as he may think fit—

- (a) all or any of the matters entered in any register kept 60 under this Act, and



(b) notice of the cancellation or alteration of the registration of any registered premises, and

(c) notice of any conviction for an offence against this Act or any section thereof or any regulation made thereunder.

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

(3) The Minister may from time to time collect and publish statistical information (including statistics derived from returns  
10 made pursuant to this Act) with respect to the extent and condition of the egg-trade and in particular with respect to the extent of the business carried on in premises registered in the several registers kept in pursuance of this Act.

(4) So far as is reasonably practicable, no statistical information  
15 published under this section shall contain any particulars which would enable any person to identify such particulars as being particulars relating to any individual person, business, or concern without the consent in writing of that person or of the proprietor of that business or concern.

20 **24.**—(1) The Minister may by order make regulations requiring the registered proprietors of registered premises to make periodical returns to the Minister, and the Minister may by such regulations prescribe all or any of the following things, that is to say:—

Returns by registered proprietors of registered premises.

25 (a) the returns so to be made by registered wholesalers;

(b) the returns so to be made by registered dealers;

(c) the returns so to be made by registered retailers;

(d) the returns so to be made by registered preservers;

30 (e) the times at which such returns are respectively to be made;

(f) the form and manner in which such returns are respectively to be made.

(2) Every person, required by regulations made under this section to make any return, who fails or refuses to make such return  
35 in accordance in all respects with such regulations shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first such offence, to a fine not exceeding ten pounds and, in the case of a second or any subsequent such offence, to a fine not exceeding twenty pounds.

40 **25.**—(1) It shall be the duty of every registered wholesaler to keep or cause to be kept, in every registered premises of which he is the registered proprietor, a register in the prescribed form of all eggs acquired by him and brought on to or sold on or dispatched from those premises and, within twelve hours after the acquisition,  
45 tion, sale, or dispatch of any such eggs, to enter or cause to be entered in such register the prescribed particulars in relation to those eggs.

Registers to be kept on registered premises.

(2) It shall be the duty of every registered dealer—

50 (a) to keep or cause to be kept, in every registered premises of which he is the registered proprietor, a register in the prescribed form of all eggs acquired at or sold on or dispatched from those premises, and within twelve hours after the acquisition, sale, or dispatch of any such eggs, to enter or cause to be entered in  
55 such register the prescribed particulars in relation to those eggs, and



(b) to keep or cause to be kept in his registered premises or (where he has more than one registered premises) in such one of those premises as shall be selected by him, a register in the prescribed form of all eggs acquired, sold, or dispatched by him elsewhere than on his, or 5 any of his, registered premises, and within thirty-six hours after the acquisition, sale, or dispatch of any such eggs to enter or cause to be entered in such register the prescribed particulars in relation to those eggs, and

(c) where he has more than one registered premises, to notify 10 to the Minister the premises selected by him for the purposes of the next preceding paragraph of this subsection and not to alter such selection without the consent of the Minister.

(3) It shall be the duty of every registered retailer to keep or 15 cause to be kept, in every registered premises of which he is the registered proprietor, a register in the prescribed form of all eggs acquired by him and brought on to the said premises (whether such eggs are or are not acquired at the said registered premises), and, within twelve hours after the acquisition of any such eggs, to enter 20 or cause to be entered in such register the prescribed particulars in relation to those eggs.

(4) It shall be the duty of every registered preserver to keep or cause to be kept, in every registered premises of which he is the registered proprietor, a register in the prescribed form of 25 all eggs received at or dispatched from those premises and, within twelve hours after the receipt or dispatch of any such eggs, to enter or cause to be entered in such register the prescribed particulars in relation to those eggs.

(5) Every register kept in pursuance of this section may be 30 inspected at any time during office hours by any inspector, and it shall be the duty of the registered proprietor to produce for the inspection of the inspector on demand such register and also all invoices, delivery or consignment notes, receipts, and other documents (including copies thereof where the originals are not avail- 35 able) reasonably demanded by the inspector for the purpose of verifying any entry in or explaining any omission from such register.

(6) If any registered proprietor—

(a) fails to keep or cause to be kept such register or registers 40 as is or are required by this section, or

(b) fails to make or cause to be made in any such register within the time prescribed by this section any entry required by this section to be made therein, or

(c) fails to produce or cause to be produced for the inspection 45 of an inspector on demand any register, document, or copy of a document which he is required by this section so to produce, or obstructs any inspector in the making of an inspection, or

(d) wilfully or negligently makes or causes to be made in any 50 such register any entry which is false or misleading in a material particular,

he shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first such offence, to a fine not exceeding twenty pounds, and in the case of a 55 second or any subsequent such offence, to a fine not exceeding fifty pounds.

(7) For the purpose of this section—

(a) inspection of a register or document shall include taking 60 copies thereof or extracts therefrom; and



- (b) a demand for inspection of a register or other document shall be deemed to have been duly made to the registered proprietor if such demand is made verbally on the registered premises to any person in the employment of the registered proprietor; and
- (c) a refusal or failure to produce a register or other document for inspection, if made or committed on the registered premises by a person in the employment of the registered proprietor, shall be deemed to have been made or committed by the registered proprietor; and
- (d) the expression "office hours" means any time between the hours of ten o'clock in the morning and five o'clock in the afternoon during which business is being carried on or work is being done on the registered premises.

26.—(1) Any inspector shall be entitled at all reasonable times to enter any premises registered in a register kept in pursuance of this Act or in respect of which an application for registration in any such register has been made, and there do all or any of the following things, that is to say:—

Inspection of registered premises.

- (a) inspect all or any part of such premises and the equipment, appliances, and fittings therein;
- (b) observe all or any of the processes of testing, grading, and packing eggs conducted on such premises;
- (c) examine all or any eggs, packages, and packing materials on such premises, and take reasonable samples of all or any of such eggs, packages, and packing materials;
- (d) search for and inspect eggs on such premises;
- (e) require the registered proprietor or any person employed by the registered proprietor on such premises to furnish the inspector with such information as the inspector may deem necessary for the purposes of the administration of this Act.

(2) Every person who—

- (a) obstructs or impedes an inspector in the exercise of any of the powers conferred on him by this section; or
- (b) fails or refuses to give to an inspector on demand any information which such inspector is entitled to demand under this section; or
- (c) wilfully or negligently gives to an inspector information which is false or misleading in a material particular, shall be guilty of an offence under this section, and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

27.—(1) It shall not be lawful for any registered proprietor (other than a registered retailer) to make or permit to be made, without the previous approval of the Minister, any structural alterations in any registered premises of which he is the registered proprietor.

Structural alteration of registered premises.

(2) Every registered proprietor who makes structural alterations in any registered premises in contravention of this section, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.



Prohibition  
against registered  
proprietor  
carrying on  
business in  
premises  
other than  
registered  
premises.

28.—(1) Where a person is the registered proprietor of premises registered in a register kept in pursuance of this Act, it shall not be lawful for him to carry on the business carried on by him in the said premises in any premises which are not registered in the said register or of which he is not the proprietor registered in the said 5 register.

(2) A registered wholesaler or a registered dealer shall not, without the consent of the Minister, carry on in his or any of his registered premises any business other than the business in respect of which such premises are registered. 10

(3) Every registered proprietor who acts in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds together with a further fine not exceeding five pounds for every day on which such offence is continued. 15

### PART III.

#### RESTRICTIONS ON THE EXPORT AND CONSIGNATION (INCLUDING EXPORT) OF EGGS.

Restriction on  
export of eggs.

29.—(1) It shall not be lawful for any person to export eggs unless the eggs are exported— 20

- (a) by a registered wholesaler direct from the registered wholesaler's premises on which they were packed; or
- (b) by parcel post; or
- (c) in a consignment the total gross weight of which does not exceed the maximum weight for the time being allowed 25 to be sent by parcel post; or
- (d) for the purpose of incubation in quantities not exceeding the prescribed maximum and contained in packages marked in the prescribed manner; or
- (e) in a package consigned and forwarded through Ireland 30 from any place outside Ireland to any other such place but not otherwise dealt with in Ireland; or
- (f) by being transported by a farmer or his servants from Ireland into Northern Ireland in the course of his business as a farmer; or 35
- (g) under and in accordance with an export licence granted by the Minister under this Part of this Act.

(2) Every person who exports or attempts to export eggs in contravention of this section shall be guilty of an offence under this sub-section. 40

(3) Every person who shall carry by any means for reward any eggs which are being or are intended to be exported in contravention of this section shall, if such carrying is done in the course or for the purpose of the exportation of such eggs, be guilty of an offence under this sub-section, unless such person proves that he 45 did not know and could not reasonably have known that such eggs were being exported in contravention of this section.

(4) Every person guilty of an offence under any sub-section of this section shall be liable on summary conviction thereof, in the case of a first such offence, to a fine not exceeding twenty pounds 50 or, in the case of a second or any subsequent such offence, to a fine not exceeding fifty pounds or, at the discretion of the court, to imprisonment for any term not exceeding six months or to both such fine and such imprisonment.



30.—(1) Save as is otherwise provided by this section, eggs shall not be consigned from registered wholesaler's premises to any place (whether in or outside Ireland) unless all the following conditions have been complied with in respect of such eggs, that is to say:—

Restriction on the consigning of eggs from registered wholesaler's premises.

- 5 (a) the eggs shall have been tested, graded, and packed in accordance with the provisions of this Act and regulations made thereunder, and
- (b) each of the eggs and also the package containing such eggs, shall be marked with the prescribed marks in accordance with this Act and regulations made thereunder, and
- 10 (c) the eggs shall be tested, graded, packed, and marked as aforesaid on the registered wholesaler's premises from which they are consigned and the package containing the eggs shall also be marked as aforesaid on the said premises, and
- 15 (d) the eggs shall not have been removed from the package in which they were so packed upon those premises, and
- (e) the eggs shall be clean and fit for human consumption.

(2) Every person who consigns or attempts to consign eggs in contravention of this section shall be guilty of an offence under this sub-section.

(3) Every person who shall carry by any means for reward any eggs consigned in contravention of this section shall be guilty of an offence under this sub-section unless such person proves that he did not know and could not reasonably have known that such eggs were consigned in contravention of this section.

(4) Every person guilty of an offence under any sub-section of this section shall be liable on summary conviction thereof, in the case of a first such offence, to a fine not exceeding twenty pounds or, in the case of a second or any subsequent such offence, to a fine not exceeding fifty pounds or, at the discretion of the court, to imprisonment for any term not exceeding six months or to both such fine and such imprisonment.

(5) This section shall not apply to the consignment of eggs from the registered premises of a registered wholesaler to the registered premises of another registered wholesaler in pursuance of a sale by such first-mentioned registered wholesaler to such other registered wholesaler made under and in accordance with a licence granted by the Minister under this Act.

40 (6) Nothing in this section shall prevent a registered wholesaler from disposing in the prescribed manner of eggs which, when tested on his registered premises, are found to be unfit for human consumption or externally dirty.

31.—(1) Any inspector shall be entitled at all reasonable times (subject to the production by him if so required of his authority in writing as such inspector) to enter upon and have free access to the interior of—

Powers of inspectors in relation to consignment of eggs.

- (a) any registered premises; or
- 50 (b) any premises in which eggs are sold, or are exposed, kept, or stored for sale or in which such inspector reasonably believes or suspects that eggs are sold or are exposed, kept, or stored for sale, or
- (c) the premises of any person engaged in the business of carrying goods for reward; or
- 55 (d) any warehouse or other premises of any person engaged in the business of warehousing goods; or
- (e) any pier, quay, wharf, jetty, dock, or dock premises; or



- (f) any ship, boat, railway wagon, motor lorry, cart, or other vessel or vehicle used for the conveyance of goods.

(2) Any inspector may do all or any of the following things in or upon any of the places mentioned in the foregoing sub-section of this section or in any public place, that is to say:— 5

- (a) inspect any package found in or upon any such place;
- (b) open any such package which he reasonably believes or suspects to contain eggs;
- (c) examine any eggs found by him in any such place, whether such eggs are or are not contained in a package; 10
- (d) take and remove without payment all or any of the following things, that is to say:—
  - (i) reasonable samples of any eggs found in any such place, whether such eggs are or are not contained in a package, 15
  - (ii) reasonable samples of any packing material found in any such place,
  - (iii) any package of eggs or any one or more of any packages of eggs found in any such place; 20
- (e) detain for so long as may be reasonably necessary for the purposes of this section, any package found in any such place;
- (f) if the package so detained is in the hands of a carrier, give a direction in writing to such carrier prohibiting the further carriage (except by way of returning to the consignor) of the package so detained where it appears to the inspector on such examination that there has been a contravention or attempted contravention of this Act or of any regulation made thereunder in relation to such package; 25 30
- (g) demand of any person in charge of any eggs or any package of eggs in such place the names and other particulars of the owner or of the consignor and the consignee of such eggs or such package. 35

(3) Every person who—

- (a) obstructs or impedes an inspector in the exercise of any of the powers conferred on him by this section, or
- (b) knowing the name or other particulars of the owner, consignor, or consignee of any eggs or of any package which an inspector is entitled to inspect under this section, refuses to give such name or other particulars to the inspector, or 40
- (c) wilfully or recklessly gives to the inspector any false or misleading name or other particular of any such owner, consignor or consignee, 45

shall be guilty of an offence under this sub-section and shall be liable on summary conviction thereof, in the case of a first such offence to a fine not exceeding five pounds or, in the case of a second or any subsequent such offence, to a fine not exceeding ten pounds. 50

(4) Every person who consigns or carries or attempts to consign or carry to any place, whether in or outside Ireland, any package of eggs in respect of which a direction prohibiting the further carriage thereof has been given by an inspector under this section shall be guilty of an offence under this sub-section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds. 55



(5) Where an inspector gives a direction under this section to a carrier prohibiting the further carriage of any package of eggs, it shall be the duty of such inspector, if the carrier is not the owner of the package, to notify the consignor of the package  
5 that such direction was given.

(6) Where any sample or package is taken by an inspector under this section it shall be the duty of such inspector to notify the owner or the consignor and the consignee (if and so far as their names and addresses are known to or can reasonably be  
10 ascertained by him) that such sample or package was so taken.

(7) If, on the examination of any package taken under this section, it appears to the Minister that there was a contravention or attempted contravention of this Act or a regulation made thereunder in relation to such package, such package shall be  
15 forfeited to the Minister, and in any other case the package shall be disposed of in accordance with the directions of the consignor, or in default of such directions, shall be sold and the net proceeds of such sale paid to the consignor.

(8) Neither the Minister nor any inspector shall be liable for  
20 any loss, damage, or reasonable delay arising from the exercise by an inspector of any of the powers conferred on him by this section, and no action shall lie against the consignor, or any other person, for or on account of any such loss, damage, or reasonable delay.

(9) In the exercise in or upon the premises of any railway or shipping company of the powers conferred on him by this section, an inspector shall conform to such reasonable requirements of the company as are necessary to prevent the working of the traffic on those premises from being obstructed or inter-  
25 fered with.

(10) Eggs forfeited to the Minister under this section shall, if unfit for human consumption, be destroyed or shall, in any other case, be sold by the Minister and, notwithstanding anything contained in this Act, may be so sold to and bought by  
35 retailers or registered wholesalers.

(11) The net proceeds of all eggs sold under the next preceding sub-section of this section shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance shall direct.

(12) For the purpose of this section, whenever a direction prohibiting the further carriage of a package of eggs has been given to a carrier under this section and the package is, at the time the direction is given, actually loaded in a ship or a railway wagon, the carriage of such package on that ship or wagon shall  
45 not be deemed a further carriage of such package in contravention of such direction if such carrier proves that—

(a) at the first available opportunity, he returned such package to and landed or delivered it at the port or station at which it was loaded into such ship or wagon  
50 (as the case may be), and

(b) between the time when such direction was given and the said return and landing or delivery of such package it was in the sole charge of such carrier and was not opened or interfered with in any way.

(13) In this section,

the word "place" includes a ship, boat, or other vessel and also includes a railway wagon, motor lorry, cart, or other vehicle,

the word "package" includes a package about to be consigned  
60 or awaiting consignment or dispatch and a package already



delivered to the consignee thereof as well as a package in course of transport from a consignor to a consignee or from one place of business of a person to another place of business of the same person.

Licences to  
export eggs.

**32.**—(1) The Minister may, upon the application of any 5 person in the prescribed form and manner, grant to that person a licence to export the consignment of eggs specified in the licence to such consignee, by such route, and subject to such conditions as are stated in the licence.

(2) A licence granted under this section shall operate to 10 authorise the person to whom the same is granted to export, in accordance with the terms of the licence, the consignment of eggs specified therein.

(3) The Minister may, at any time before a consignment of eggs specified in a licence is actually exported, revoke the licence 15 relating to that consignment.

(4) If any person to whom a licence has been granted under this section contravenes any of the terms or conditions therein he shall be guilty of an offence under this sub-section.

(5) Every person who falsely represents by means of a mark 20 on the consignment or otherwise that any consignment of eggs is being exported under a licence granted under this section shall be guilty of an offence under this sub-section.

(6) Every person who is guilty of an offence under any sub-section of this section shall be liable, on summary conviction 25 thereof, in the case of a first such offence, to a fine not exceeding ten pounds or, in the case of a second or any subsequent such offence, to a fine not exceeding twenty pounds.

(7) On every application for a licence under this section, there shall be paid to the Minister a fee of the prescribed amount, 30 and the due payment of such fee shall be a condition precedent to the entertainment of the application by the Minister.

Powers of  
officers of  
customs and  
excise.

**33.**—Any officer of customs and excise may detain and seize any eggs being exported or attempted to be exported in contravention of this Act and may, for that purpose, open any package 35 containing or suspected by him to contain eggs, and the provisions of the Customs Consolidation Act, 1876, relating to the condemnation and disposal of goods seized under that Act shall apply and have effect in relation to all articles seized under this Act in like manner as if such articles had been seized under 40 the said Customs Consolidation Act, 1876.

Regulations  
for testing,  
grading and  
packing eggs  
in wholesalers'  
premises.

**34.**—(1) The Minister may by order make, in respect of registered wholesalers' premises, regulations in regard to all or any of the following matters, that is to say:—

- (a) the method and manner in all or any respects of testing 45 eggs and the time after the acquisition thereof within which they shall be so tested;
- (b) the method and manner in all or any respects of grading eggs;
- (c) the method and manner in all or any respects of packing 50 eggs, including the materials and packages to be used for such packing;
- (d) the grades and descriptions of eggs which may or may not be packed in the same package;
- (e) the prohibition of packing of any particular grades or 55 descriptions of eggs;



(f) the description of eggs which may or may not be brought on to the premises;

(g) the places and times at which eggs intended for export shall be presented for examination;

5 (2) Different regulations may be made under this section in respect of eggs which are consigned for export and in respect of eggs which are not so consigned.

(3) All eggs tested, graded, and packed in any registered wholesaler's premises shall be tested, graded and packed in accordance in  
10 all respects with the regulations made under this section and for the time being in force.

(4) Every person who contravenes, whether by act or omission, any regulation made under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof,  
15 in the case of a first such offence, to a fine not exceeding ten pounds or, in the case of a second or any subsequent such offence, to a fine not exceeding twenty pounds.

35.—(1) It shall be lawful for the Minister, by notice in writing served on a registered wholesaler, to require such registered whole-  
20 saler to do both or either of the following things, that is to say:— Power of  
Minister to fix  
route of export.

(a) to export eggs only by the route or one of the routes specified in that behalf in such notice;

(b) to present all eggs intended to be exported by him for examination at the place and time similarly specified.

25 (2) Every registered wholesaler on whom a notice is served under this section shall comply with such notice and if he fails so to do he shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first such offence, to a fine not exceeding twenty-five pounds or, in the case of a  
30 second or any subsequent such offence, to a fine not exceeding fifty pounds.

36.—(1) It shall not be lawful for a registered wholesaler to carry on or permit to be carried on any of the operations of testing, grading, and packing eggs on any premises of which he is the  
35 registered proprietor unless such operations are continuously under the supervision and control of a skilled person. Obligation to  
employ skilled  
persons.

(2) It shall be the duty of every registered wholesaler—

(a) to employ at least one skilled person in every registered premises of which he is the registered proprietor, and

40 (b) to furnish to the Minister or to an inspector on demand a statement of the number of skilled persons employed by such registered wholesaler together with such information in respect of every skilled person so employed as the Minister or such inspector shall require.

45 (3) Where a registered wholesaler is himself a skilled person and supervises and controls the operations of testing, grading, and packing eggs on registered premises of which he is the registered proprietor, he may reckon himself as a skilled person employed by him for the purposes of the foregoing sub-sections of this section and  
50 thereupon this section shall apply and have effect as if he were such skilled person so employed.

(4) Every registered wholesaler who does any act (whether of commission or omission) which is a contravention of this section shall be guilty of an offence under this section and shall be liable  
55 on summary conviction thereof, in the case of a first such offence, to a fine not exceeding ten pounds and, in the case of a second or any



subsequent such offence, to a fine not exceeding twenty pounds, together with, in any case, a further fine not exceeding ten pounds for every week or part of a week during which the offence is continued.

(5) In this section the expression "skilled person" means a person who is skilled within the meaning of this Act in the business of testing, grading, and packing eggs. 5

Regulations as  
to marking eggs.

**37.**—(1) The Minister may by order make regulations prescribing the marks to be applied to every package of eggs consigned from any registered wholesaler's premises to any place, whether in or outside Ireland, for the purpose of indicating all or any of the following matters, that is to say :— 10

- (a) the grade of the eggs contained in such package;
- (b) the premises in which such eggs were packed;
- (c) in the case of preserved eggs, that such eggs are preserved; 15
- (d) that the eggs were produced in Ireland;
- (e) any other matter which in the opinion of the Minister should be indicated on such package.

(2) The Minister may by order make regulations prescribing the marks to be applied to every egg consigned from any registered wholesaler's premises to any place, whether in or outside Ireland, for the purpose of indicating all or any of the following matters, that is to say :— 20

- (a) the grade of the egg;
- (b) the premises in which it was packed; 25
- (c) the period during which the egg was tested or the period during which the egg was packed in those premises;
- (d) in the case of a preserved egg, that it is preserved;
- (e) that the egg was produced in Ireland;
- (f) any other matter which in the opinion of the Minister should be indicated on the egg. 30

(3) Regulations made under this section may prescribe the manner in which and the means by which the marks prescribed under this section are to be applied to the eggs to which they are applicable. 35

(4) Different regulations may be made under this section in respect of eggs consigned for export and in respect of eggs not so consigned.

(5) For the purpose of so much of this section as relates to the indication by marks of the premises on which eggs were packed, the Minister may assign to every registered wholesaler's premises a distinctive mark, and may, by the regulations made under this section, require the marks so assigned to be used as the mark for indicating the premises on which packages or eggs were packed. 40

(6) For the purpose of so much of this section as relates to the indication by marks of the period during which eggs were tested or the period during which eggs were packed, the Minister may from time to time, by notice published in the *Iris Oifigiúil* and in such newspapers and periodicals as he shall think proper, appoint distinctive marks to indicate particular periods, and may by the regulations made under this section require the marks so appointed to be used as the marks for indicating, in relation to the testing or the packing of eggs, the periods in respect of which such marks are respectively so appointed. 50



(7) All eggs received at any registered wholesaler's premises and the packages in which they are packed in those premises shall be marked in accordance in all respects with the provisions of this section and the regulations made thereunder and for the time being  
5 in force.

(8) The application of a mark prescribed under this section to any eggs or packages of eggs in any circumstances in which the application thereof is not authorised by or is not in accordance with this section or the regulations made thereunder shall be taken  
10 to be a false trade description within the meaning of the Merchandise Marks Acts, 1887 to 1931, and those Acts, including the penal provisions thereof, shall apply accordingly.

(9) For the purpose of this section a mark shall be deemed to be applied if it is applied within the meaning of the Merchandise  
15 Marks Acts, 1887 to 1931.

**38.**—(1) Every mark required or authorised by or under this Act to be applied to any eggs or package of eggs shall be so applied by either the proprietor of the premises in which such mark is, or is required to be, applied or by a person employed and authorised  
20 in that behalf by such proprietor.

Restriction on application of prescribed marks.

(2) It shall not be lawful for any person, other than the persons mentioned in the foregoing sub-section of this section, to apply the marks mentioned in the said sub-section to any egg or package of eggs.

25 (3) Every person who applies to any egg or package of eggs any mark in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first such offence, to a fine not exceeding ten pounds or, in the case of a second or any subsequent such offence, to a fine not exceeding twenty pounds or,  
30 at the discretion of the Court, to imprisonment for any term not exceeding three months, or to both such fine and imprisonment.

(4) For the purpose of this section, a mark shall be deemed  
35 to be applied if it is applied within the meaning of the Merchandise Marks Acts, 1887 to 1931.

**39.**—(1) Where a package containing eggs is marked—

Marking of weights on eggs.

(a) with a mark (in this section called a grade mark) prescribed under this Act as the mark for eggs of  
40 a particular grade, and

(b) with a mark (in this section called a weight mark) intended to indicate that each egg in the package is not less in weight than the weight prescribed as the minimum weight for eggs of the grade indicated  
45 by the grade mark,

it shall not be lawful for a registered wholesaler to consign the package to any place, whether in or outside Ireland, unless each egg contained in the package is not less in weight than the weight indicated by the weight mark.

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



## PART IV.

### RESTRICTIONS ON THE PURCHASE AND SALE OF EGGS.

Fresh eggs  
and second  
quality eggs.

40.—(1) The Minister may by order make regulations for all or any of the following purposes, that is to say :—

- (a) prescribing a standard for fresh eggs; 5
- (b) prescribing a standard for second quality eggs;
- (c) prescribing the marks to be placed on eggs for the purpose of indicating that they are second quality eggs;
- (d) prescribing the manner in which the said marks are to be placed on eggs. 10

(2) In this Act the expression “ fresh eggs ” means eggs of the standard prescribed under the foregoing sub-section of this section for fresh eggs, and the expression “ second quality eggs ” means eggs of the standard prescribed under the said foregoing sub-section for second quality eggs. 15

(3) It shall not be lawful for any registered wholesaler or any retailer to sell or to offer, expose, or consign for sale any second quality eggs, unless such eggs are marked with the marks and in the manner prescribed under this section for the purpose of indicating that they are second quality eggs. 20

(4) It shall not be lawful for any registered wholesaler to retain in his possession after the expiration of the prescribed time for testing eggs any eggs which are second quality eggs, unless such eggs are marked with the marks and in the manner prescribed under this section for the purpose of indicating that they are second quality eggs. 25

(5) It shall not be lawful for any retailer to have in his possession any second quality eggs after the expiration of the period prescribed under this Act for the examination of eggs by him unless such eggs are marked with the marks and in the manner prescribed under this section for the purpose of indicating that they are second quality eggs. 30

(6) Every person who does any act (whether of commission or omission) which is a contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first such offence, to a fine not exceeding twenty pounds or, in the case of a second or any subsequent such offence, to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for any term not exceeding six months or to both such fine and such imprisonment. 40

Eggs unfit  
for human  
consumption.

41.—All eggs which do not reach the standard prescribed under this Act for second quality eggs shall be deemed, for the purposes of this Act, to be unfit for human consumption, and all references in this Act to eggs which are unfit for human consumption shall be construed and have effect accordingly. 45

Restrictions  
on purchase  
and sale by  
wholesale of  
eggs.

42.—(1) It shall not be lawful for any person to acquire eggs for sale by wholesale unless either—

- (a) he is a registered wholesaler, or a registered dealer, or
- (b) he so acquires such eggs under and in accordance with a licence in that behalf granted to him under this section. 50

(2) It shall not be lawful for any person to sell eggs by wholesale or to consign, offer, or expose eggs for sale by wholesale unless either—



- (a) he is a registered wholesaler or a registered dealer, or
- (b) he is a producer or,
- (c) he is so selling or so consigning, offering, or exposing the eggs under and in accordance with a licence in that behalf granted to him under this section.

(3) It shall not be lawful for a registered wholesaler to sell eggs to another registered wholesaler save under and in accordance with a licence in that behalf granted under this Act.

(4) It shall not be lawful for a registered wholesaler to acquire eggs unless either—

- (a) the eggs are acquired by him from a registered dealer, or
- (b) The eggs are acquired by him from a producer, or
- (c) the eggs are acquired by him from another registered wholesaler under and in accordance with a licence in that behalf granted under this Act.

(5) Every person who does any act (whether of commission or omission) which is a contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first such offence, to a fine not exceeding twenty pounds or, in the case of a second or any subsequent such offence, to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(6) The Minister may grant to any person any one or more of the following licences, that is to say:—

- (a) a licence to acquire eggs for sale by wholesale, or
- (b) a licence to sell eggs by wholesale and to consign, offer, and expose eggs for sale by wholesale, or
- (c) where the grantee of the licence is a registered wholesaler, a licence to sell eggs to another wholesaler,

and the Minister may attach to any such licence such conditions as he shall think proper and shall specify in such licence, and the Minister may at any time revoke any such licence.

43.—(1) It shall not be lawful for any registered dealer to acquire eggs for resale, either by wholesale or by retail, unless either—

- (a) he so acquires the eggs from a producer, or
- (b) he so acquires the eggs under and in accordance with a licence granted by the Minister under this section.

Restrictions on the acquisition of eggs by registered dealers.

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

(3) The Minister may grant to any registered dealer a licence to acquire eggs for resale subject to such conditions as the Minister thinks fit, and may at any time revoke such licence.

44.—(1) It shall not be lawful for a registered dealer to dispose of eggs otherwise than—

- (a) by sale to a registered wholesaler within the prescribed

Restrictions on the disposal of eggs by registered dealers.



time from the date on which the eggs were acquired by such registered dealer, or

- (b) by sale, either by wholesale or by retail, under and in accordance with a licence granted by the Minister under this section.

5

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

(3) The Minister may grant to a registered dealer a licence to dispose of eggs by sale, either by wholesale or by retail, subject to such conditions as the Minister thinks fit, and may at any time revoke such licence.

Retailer's  
notice.

45.—(1) It shall be lawful for the Minister to serve or cause to be served on any person who carries on or is about to carry on the business (in this section referred to as the business to which this section relates) of selling by retail eggs purchased from registered wholesalers or from producers or from registered wholesalers only or from producers only a notice (in this Act referred to as a retailer's notice) in the prescribed form requiring such person to apply in accordance with this Act and the regulations made thereunder to the Minister within the time (not less than twenty-one days from the service of such notice) specified in that behalf in such notice for the registration in the register of retailers of such person and the premises in which he carries on or is about to carry on the said business.

(2) Whenever a retailer's notice has been served under this section, the following provisions shall have effect, that is to say:—

- (a) the person on whom such notice was served shall, within the time specified in that behalf in such notice, apply to the Minister in accordance with this Act for such registration in the register of retailers as is specified in such notice;
- (b) if such person duly applies in accordance with this section for registration in the register of retailers, the Minister shall register in that register such person and the premises in which he carries on or proposes to carry on the business to which this section relates;
- (c) if such person does not duly apply in accordance with this section for such registration as aforesaid, it shall not be lawful for such person to carry on, after the expiration of the time within which such application is required by this section to be made, the business to which this section relates.

(3) If any person carries on in contravention of this section the business to which this section relates 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 together with a further fine not exceeding five pounds for every day on which such business is so carried on.

Possession, sale,  
etc., of eggs  
unfit for human  
consumption.

46.—(1) It shall not be lawful for any person to sell or to offer or expose for sale or to consign to any place, whether inside or outside Ireland, any eggs which are unfit for human consumption.

(2) It shall not be lawful for any registered wholesaler to have in his possession after the prescribed time for the testing of eggs by



registered wholesalers, any eggs which are unfit for human consumption unless such eggs are marked and set aside for disposal in the prescribed manner.

5 (3) It shall not be lawful for any registered dealer to have in his possession, after the expiration of the prescribed time for the disposal of eggs by registered dealers after acquisition, any eggs which are unfit for human consumption.

10 (4) It shall not be lawful for any retailer to have in his possession, after the expiration of the prescribed time for the examination of eggs by retailers after acquisition, any eggs which are unfit for human consumption unless such eggs are marked and set aside for disposal in the prescribed manner.

15 (5) Every person who contravenes, whether by act or omission, any sub-section of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first such offence, to a fine not exceeding twenty pounds or, in the case of a second or any subsequent such offence, to a fine not exceeding fifty pounds, or at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such  
20 fine and such imprisonment.

(6) Where a registered dealer is charged with an offence under this section and the act alleged to constitute the offence is a contravention of sub-section (1) of this section, it shall be a good defence to such charge for such registered dealer to show that he did not  
25 know that the eggs were unfit for human consumption and that he sold them within the prescribed time for disposal thereof after acquisition.

47.—(1) It shall not be lawful for any person to sell or to offer or expose for sale or to consign to any place, whether inside or outside Ireland, any eggs which are externally dirty. Possession, sale, etc., of dirty eggs.

(2) It shall not be lawful for any person to purchase for resale any eggs which are externally dirty unless the eggs were so purchased in such circumstances that such person could not reasonably have known that the eggs were externally dirty.

35 (3) It shall not be lawful for any registered wholesaler to have in his possession, after the expiration of the prescribed time for the testing of eggs by registered wholesalers, any eggs which are externally dirty unless the eggs are marked and set aside for disposal in the prescribed manner.

40 (4) It shall not be lawful for any registered dealer to have in his possession any eggs which are externally dirty and were acquired by him from a producer.

(5) It shall not be lawful for any retailer to have in his possession, after the expiration of the prescribed time for the examination of  
45 eggs by retailers after acquisition, any eggs which are externally dirty.

(6) Every person who contravenes, whether by act or omission, any sub-section of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the  
50 case of a first such offence, to a fine not exceeding twenty pounds or, in the case of a second or any subsequent such offence, to a fine not exceeding fifty pounds, or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

55 (7) Where a registered dealer is charged with an offence under this section and the act alleged to constitute the offence is a contravention of sub-section (1) or sub-section (2) of this section, it shall be a good defence to such charge for such registered dealer to show that he acquired the eggs from another registered dealer.



Protection of  
eggs from  
weather and  
contamination.

48.—(1) The Minister may by order make regulations for either or both of the following purposes, that is to say:—

- (a) prohibiting the sale or offering or exposing for sale or keeping or storing pending sale of eggs in any building, vehicle, or other place or under conditions which does or 5 do not afford adequate protection to the eggs against wet, damp, dirt, and heat and against adverse weather conditions and against contamination of any sort;
- (b) securing that eggs intended for sale shall, while stored or kept and while being offered or exposed for sale and 10 while in course of packing or transport, be adequately protected against wet, damp, dirt, and heat and against contamination of every sort.

(2) Every person who does any act (whether of commission or omission) which is a contravention of a regulation made 15 under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first such offence, to a fine not exceeding ten pounds or, in the case of a second or any subsequent such offence, to a fine 20 not exceeding twenty pounds or, at the discretion of the Court, to imprisonment for any term not exceeding three months or to both such fine and such imprisonment.

Prohibition of  
washing or  
steeping eggs.

49.—(1) It shall not be lawful for any person—

- (a) to wash, or to steep for the purpose of cleaning, any 25 eggs which are intended for sale, or
- (b) to have in his possession any machine or implement designed and constructed primarily for washing or cleaning eggs.

(2) Every person who acts in contravention of this section shall be guilty of an offence under this section and shall be 30 liable on summary conviction thereof, in the case of a first such offence, to a fine not exceeding ten pounds or, in the case of a second or any subsequent such offence, to a fine not exceeding twenty pounds or, at the discretion of the Court, to imprison- 35 ment for any term not exceeding three months or to both such fine and such imprisonment.

Divers regula-  
tions as to  
purchase, sale,  
and disposal  
of eggs.

50.—(1) The Minister may by order make regulations for all or any of the following purposes, that is to say:—

- (a) requiring that eggs in the shell of domestic fowl purchased by or on behalf of a registered proprietor shall be so 40 purchased by weight;
- (b) requiring registered proprietors (either generally or of any particular class or classes) who acquire, whether at their registered premises or elsewhere, eggs from producers to do the following things in respect of all eggs so acquired 45 by them, that is to say:—
  - (i) to place such eggs, immediately upon the acquisition thereof, in a container of the design, dimensions, and materials specified in that behalf by the regulations made under this section and obtained from a manu- 50 facturer similarly specified and marked with the mark similarly specified, and
  - (ii) to place in or on every such container the note, docket, or mark specified in that behalf by such regulations indicating the producer from whom and 55 the date on which the eggs in such container were acquired, and
  - (iii) save as may be otherwise provided by the regulations, to retain in such container all eggs so placed therein until they are removed therefrom in the registered 60



premises of a registered wholesaler for testing and grading, and

- 5 (iv) to retain for the prescribed time and in the prescribed manner all notes and dockets placed in such container in pursuance of the regulations;
- 10 (c) requiring that eggs (other than eggs packed in the registered premises of a registered wholesaler) consigned, offered, or exposed for sale shall be packed in the manner and with the packing materials specified in that behalf by the regulations made under this section;
- 15 (d) requiring that eggs (other than eggs packed in the registered premises of a registered wholesaler or a registered dealer) consigned, offered, or exposed for sale shall be marked in the manner and with the mark specified in that behalf by the regulations made under this section;
- 20 (e) requiring that the packages in which eggs (other than eggs packed in the registered premises of a registered wholesaler) consigned, offered, or exposed for sale are packed shall be marked in the manner and with the mark specified in that behalf by the regulations made under this section;
- 25 (f) requiring that all eggs sold or consigned, offered, exposed, or advertised for sale or invoiced before or after delivery on sale shall be sold or so consigned, offered, exposed, advertised, or invoiced (as the case may be) under a description specified in that behalf by the regulations made under this section;
- 30 (g) prohibiting the keeping of eggs on registered premises for longer than the maximum period specified by the regulations made under this section and applicable to such eggs;
- 35 (h) requiring that every registered proprietor, or every registered proprietor of premises registered in a particular register, who has in his possession any eggs the sale of which is prohibited by this Act shall dispose of such eggs only in a manner specified in that behalf by the regulations made under this section.
- 40 (2) For the purpose of so much of this section as relates to the marking of eggs, the Minister (in lieu of prescribing by regulations made under this section marks indicating the period during which eggs were tested or examined or the period during which eggs were packed) may from time to time by notice published in the *Iris*
- 45 *Oifigiúil* and such newspapers and periodicals as he shall think proper, appoint distinctive marks to indicate particular periods and may by the regulations made under this section require the marks so appointed to be used as the marks for indicating, in relation to the testing, the examining, or the packing of eggs, the periods in respect
- 50 of which such marks are respectively so appointed.
- (3) Every person who shall do any act (whether of commission or omission) which is a contravention of a regulation made under this section shall be guilty of an offence under this sub-section and shall be liable on summary conviction thereof, in the case of a first such
- 55 offence, to a fine not exceeding ten pounds or, in the case of a second or any subsequent such offence, to a fine not exceeding twenty pounds.
- (4) Every person who shall alter, deface, or remove—
- 60 (a) any mark placed on any egg, package, or container in pursuance of regulations made under this section, or
- (b) any note, docket, or mark placed in or on any container in pursuance of such regulations,



shall be guilty of an offence under this sub-section and shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

5

## PART V.

### RESTRICTIONS IN RELATION TO THE PRESERVING OF EGGS.

Continuation of the register of preservers kept under the Agricultural Produce (Eggs) Acts, 1924 and 1930.

#### 51.—(1) On and after the commencement of this Act—

- (a) the register kept pursuant to the Agricultural Produce (Eggs) Acts, 1924 and 1930, and in those Acts referred to as the register of preservers (in this section referred to as the former register) shall become and be the register of preservers to be kept under this Act; and 10
- (b) all premises which were, immediately before the commencement of this Act, registered in the former register shall, without any application in that behalf, become and be registered, as from such commencement, in the register of preservers to be kept in pursuance of this Act and shall be deemed to have been so registered under this Act and this Act shall apply and have effect in respect thereof accordingly; and 15 20
- (c) every person who was, immediately before the commencement of this Act, registered in the former register as the proprietor of premises registered therein shall, without any application in that behalf, become and be registered, as from such commencement, in the register of preservers to be kept in pursuance of this Act as the proprietor of the said premises and shall be deemed to have been so registered under this Act and this Act shall apply and have effect in respect of him accordingly. 25 30

Prohibition of business of preserving eggs in unregistered premises.

#### 52.—(1) It shall not be lawful for any person to carry on by way of trade or gain in premises which are not registered in the register of preservers the business of preserving eggs, whether by cold storage, chemical storage, pickling or otherwise.

35

(2) 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, in the case of a first such offence, to a fine not exceeding twenty pounds and, in the case of a second or any subsequent such offence, to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment. 40

General regulations for marking preserved eggs.

#### 53.—(1) The Minister may make regulations (in this Part of this Act referred to as the general regulations for the marking of preserved eggs) in relation to all or any of the following matters, that is to say:— 45

- (a) the marks to be borne on eggs sent or consigned to or removed from any premises registered in the register of preservers; 50
- (b) the mode in and the means by which such marks are to be placed on such eggs.

(2) Different marks may be prescribed under this section in respect of different classes of eggs with the object of indicating the manner in which such eggs are intended to be or have been treated in such premises. 55



54.—(1) Subject to the provisions of this section, it shall not be lawful for any person to send or consign to or deliver at any premises registered in the register of preservers any eggs which at the time of such sending, consignment, or delivery are not marked in accordance with the general regulations for the marking of preserved eggs. Prohibition of sending or receiving unmarked eggs.

(2) Subject to the provisions of this section, it shall not be lawful for a registered preserver to accept in his registered premises delivery of any eggs which are not marked in accordance with the general regulations for the marking of preserved eggs or to receive into such premises any eggs not so marked.

(3) Every person who does any act (whether of commission or omission) which is a contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first such offence, to a fine not exceeding ten pounds or, in the case of a second or any subsequent such offence, to a fine not exceeding twenty pounds or, at the discretion of the court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(4) The Minister may by order declare that the foregoing provisions of this section shall not apply or have effect in relation to eggs preserved or intended to be preserved by a particular process specified in such order, and whenever any such order is made and is in force the said provisions shall not apply or have effect in relation to eggs preserved or intended to be preserved by the particular process specified in such order.

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

55.—(1) It shall not be lawful for a registered preserver to sell, consign, or otherwise remove from his registered premises any eggs which do not bear visibly and legibly thereon the appropriate marks prescribed by the general regulations for the marking of preserved eggs. Prohibition of removal, etc., of unmarked eggs.

(2) It shall not be lawful for any person to acquire at or from any premises registered in the register of preservers any eggs which do not bear visibly and legibly thereon the appropriate marks prescribed by the general regulations for the marking of preserved eggs or to accept delivery from any such premises of any eggs which do not bear visibly and legibly thereon such marks.

(3) The foregoing provisions of this section shall not apply or have effect in relation to any eggs to which, by virtue of an order made by the Minister under the next preceding section, the provisions of that section do not apply.

(4) Every person who does any act (whether of Commission or omission) which is a contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first such offence, to a fine not exceeding ten pounds or, in the case of a second or any subsequent such offence, to a fine not exceeding twenty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

56.—Every person who—

(a) removes, alters, or obliterates from or on any egg a mark prescribed by the general regulations for the marking of preserved eggs, or

Prohibition of removal, etc., of marks from preserved eggs.



(b) sells or offers or exposes for sale any egg from or on which a mark prescribed by the general regulations for the marking of preserved eggs has been removed, altered, or obliterated,

shall, unless he proves that he acted without intent to defraud, 5  
be guilty of an offence under this section and shall be liable on  
summary conviction thereof, in the case of a first such offence,  
to a fine not exceeding ten pounds or, in the case of a second  
of any subsequent such offence, to a fine not exceeding twenty  
pounds or, at the discretion of the Court, to imprisonment for a 10  
term not exceeding three months or to both such fine and such  
imprisonment.







Éire.

BILLE TORA TALMHAIOCHTA (UIBHE)  
(UIMH. 2), 1938.

## BILLE

(*mar do tugadh isteach*)

*dá ngairmtear*

Acht chun socruihte bhreise agus fheabhsa do dhéanamh i dtaobh uibhe do cheannach agus do dhíol (le n-a n-áirmhítear uibhe d'easportáil) mar thrádáil, ina mór-chaindíochtaí no ina mion-chaindíochtaí, agus chun daoine do chlárú agus do rialú dheineann mar thrádáil uibhe do cheannach, do dhíol, d'easportáil, no do leasú no deighleáil ionta ar shlí eile, agus chun socruihte do dhéanamh i dtaobh nithe iomdha bhaineas leis na nithe roimhraithe.

*An tAire Talmhaidheachta do thug isteach.*

*Do hordúíodh, ag Dáil Eireann, do chlóbhualladh, 20adh Iúil, 1938.*

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Éire.

AGRICULTURAL PRODUCE (EGGS) (No. 2)  
BILL, 1938.

## BILL

(*as introduced*)

*entitled*

An Act to make further and better provision in relation to the purchase and sale (including export) of eggs by way of trade, whether wholesale or retail, and for the registration and control of persons engaged by way of trade in purchasing, selling, exporting, preserving, or otherwise dealing in eggs, and to make provision for divers matters connected with the matters aforesaid.

*Introduced by the Minister for Agriculture.*

*Ordered, by Dáil Eireann, to be printed, 20th July, 1938.*

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