

ÉIRE

**BILLE TORA DEIRIOCHTA (PRAGHAS DO DHEANAMH
SEASMHACH) (LEASU), 1938.**

**DAIRY PRODUCE (PRICE STABILISATION) (AMENDMENT)
BILL, 1938.**

*Mar do ritheadh ag dhá Thigh an Oireachtais.
As passed by both Houses of the Oireachtas.*

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ÉIRE

BILLE TORA DEIRIOCHTA (PRAGHAS DO DHEANAMH SEASMHACH) (LEASU), 1938.

DAIRY PRODUCE (PRICE STABILISATION) (AMENDMENT) BILL, 1938. 5

BILL

entitled

AN ACT TO EMPOWER THE MINISTER FOR AGRICULTURE TO SUSPEND THE OPERATION OF CERTAIN PROVISIONS OF THE DAIRY PRODUCE (PRICE STABILISATION) ACT, 1935, TO AMEND AND EXTEND THE SAID ACT, TO PROVIDE FOR THE IMPOSITION OF LEVIES ON BUTTER, AND TO MAKE PROVISION FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. 15

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

Interpretation and construction.

1.—(1) In this Act—

the expression “ the Principal Act ” means the Dairy Produce (Price Stabilisation) Act, 1935 (No. 21 of 1935);

the expression “ the suspendable provisions ” means Part II of the Principal Act and paragraphs (d) and (e) of sub-section (1) of section 17 of the Principal Act. 20

(2) This Act shall be read and construed as one with the Principal Act and accordingly every word and expression to which a particular meaning or interpretation is given by the Principal Act shall, if occurring in this Act, have herein the meaning or interpretation given to it by the Principal Act. 25

Suspension of suspendable provisions.

2.—(1) At any time while the suspendable provisions are, otherwise than by virtue of an order made under the next following section, in force the Minister may by order (in this Act referred to as a suspending order) declare that the suspendable provisions shall be deemed to have ceased to have been in force as on and from such date (being a date earlier than the date of the making of such order, but not earlier than the 1st day of January, 1937) as the Minister specifies in such order. 30 35

(2) At any time while the suspendable provisions are, whether by virtue of an order made under the next following section of this Act or otherwise, in force the Minister may, by order (in this Act also referred to as a suspending order), declare that the suspendable provisions shall cease to be in force as on and from such date as the Minister specifies in such order. 40

(3) Whenever and so often as the Minister makes a suspending order then, subject to the operation of an order made under the next following section, the suspendable provisions shall—

(a) in case such order is made under sub-section (1) of this 45

section, be deemed to have ceased to have been in force as on and from the date specified in that behalf in such order, or

5 (b) in any other case, cease to be in force as on and from the date specified in that behalf in such order.

(4) Whenever and so often as the suspendable provisions cease, by virtue of a suspending order, to be in force, sub-sections (1) and (2) of section 21 of the Interpretation Act, 1937 (No. 38 of 1937), shall apply to and have effect in relation to such ceesser as if such
10 ceesser were a repeal by an Act of the Oireachtas passed on the day on which such ceesser takes effect and the suspendable provisions were repealed by such Act of the Oireachtas as on and from that day.

3.—(1) At any time while the suspendable provisions are, by virtue of a suspending order, not in force the Minister may, by
15 order (in this Act referred to as a reviving order), declare that the suspendable provisions shall again come into force as on and from such date as the Minister specifies in such order. —

Revival of suspendable provisions.

(2) Whenever and so often as the Minister makes a reviving order, the suspendable provisions shall, on and from the date specified in that behalf in such order, again come into force, and shall, subject to the operation of a subsequent suspending order, continue
20 in force.

(3) Whenever the Minister makes a reviving order, he shall, by such order fix a day to be the appointed day for the purposes of
25 section 11 of the Principal Act, and references to the appointed day in the said section 11 (except in sub-section (5) thereof) shall, in relation to the period during which the suspendable provisions are in force by virtue of such order, be construed as references to the day so fixed.

(4) Whenever the Minister makes a reviving order he shall also by such order fix a day to be the appointed day for the purposes of paragraphs (d) and (e) of sub-section (1) of section 17 of the Principal Act, and references to the appointed day in the said paragraphs shall, in relation to any period during which the suspendable
30 provisions are in force by virtue of such order, be construed as references to the day so fixed.
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4.—(1) The Minister may, whenever and so often as he thinks fit, by order declare—

Levies on butter held in stock on certain dates.

(a) that a specified date (in this sub-section referred to as the appointed date) shall be the appointed date for the purposes of such order, and
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(b) that there shall be paid to the Minister—

(i) by every registered proprietor and every butter trader a levy, at the rate specified in such order in respect of creamery butter, on all creamery butter held by or on behalf of such registered proprietor or butter trader anywhere on the appointed date, and
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(ii) by every registered proprietor and every butter trader a levy, at the rate specified in such order in respect of non-creamery butter, on all non-creamery butter held by or on behalf of such registered proprietor or butter trader anywhere on the appointed date.
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(2) Every order made by the Minister under this section shall have the force of law.
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(3) Every levy under this section shall become due and payable on the seventh day after the day on which the order imposing such levy was made.

(4) Sections 21 and 23 of the Principal Act shall apply in respect of any levy under this section with and subject to the following 5 modifications, that is to say :—

(a) references in the said sections to Part III of the Principal Act shall be construed as references to this section,

(b) references to a levy month shall be construed as references to the date which is declared by the order imposing such 10 levy to be the appointed date for the purposes of such order.

(5) All moneys from time to time received by the Minister on foot of any levy under this section shall be paid into the dairy produce (price stabilisation) fund. 15

(6) In this section—

the expression “ registered proprietor ” means a person who is the registered proprietor of premises registered in either the register of butter factories kept in pursuance of the Dairy Produce Act, 1924 (No. 58 of 1924), or the register of non-manufacturing 20 exporters kept in pursuance of the same Act ;

the expression “ butter trader ” means a person (not being a person registered in the register of creameries kept in pursuance of the last-mentioned Act) who is a butter trader within the meaning of the Dairy Produce Act, 1931 (No. 29 of 1931). 25

Repeal of section 10 of the Principal Act.

5.—Section 10 of the Principal Act is hereby repealed.

Exemption from levy of certain kinds of cream.

6.—(1) Notwithstanding anything contained in sub-section (2) of section 17 of the Principal Act—

(a) no levy shall be payable under the said sub-section on cream which is sold by any registered proprietor of 30 creamery premises to any other such registered proprietor and which is exported or manufactured into butter, and

(b) no levy shall be payable under the said sub-section on cream which is used for the manufacture of creamery butter, 35 whether a levy is or is not imposed on butter under the said section 17.

(2) This section shall have and be deemed to have had effect as on and from the 1st day of September, 1936.

Amendment of section 18 of the Principal Act.

7.—Whenever the Minister makes an order (in this section 40 referred to as the amending order) under sub-section (1) of section 18 of the Principal Act amending an order prescribing rates of levy and by the amending order reduces the rates of levy or any of them, the Minister may, by the amending order, prescribe a date, earlier than the date of the making thereof, as the date on which the reduced 45 rates of levy are to come into force.

Amendment of section 24 of the Principal Act.

8.—Sub-section (2) of section 24 of the Principal Act is hereby amended by the deletion therefrom of all words from the words “ and upon ” to the words “ this Act ” and the said sub-section shall be construed and have effect accordingly. 50

Amendment of section 25 of the Principal Act.

9.—Sub-sections (2) and (3) of section 25 of the Principal Act are hereby repealed.

10.—Whenever the Minister makes an order (in this section referred to as the amending order) under sub-section (1) of section 26 of the Principal Act amending an order prescribing rates of levy and by the amending order reduces the rates of levy or any of them, the Minister may, by the amending order, prescribe a date, earlier than the date of the making thereof, as the date on which the reduced rates of levy are to come into force.

Amendment of section 26 of the Principal Act.

11.—Whenever the Minister makes an order (in this section referred to as the amending order) under sub-section (1) of section 34 of the Principal Act amending an order prescribing rates of bounty, the Minister may, by the amending order prescribe a date, earlier than the date of the making thereof, as the date on which the amended rates of bounty are to come into force.

Amendment of section 34 of the Principal Act.

12.—(1) It shall not be lawful for any person to purchase for re-sale any butter at a price which is, on the date of such purchase, less than the minimum price fixed under section 39 of the Principal Act in respect of such butter.

Prohibition on buying butter at less than the minimum price.

(2) Every person who purchases butter 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 one hundred pounds.

13.—Section 46 of the Principal Act is hereby amended by the insertion in sub-section (2) of the said section after the words "so to make such return" of the words "or shall make in any such return any statement which is false or misleading in any material respect," and the said section shall be construed and have effect accordingly.

Amendment of section 46 of the Principal Act.

14.—(1) This Act may be cited as the Dairy Produce (Price Stabilisation) (Amendment) Act, 1938.

Short title and citation.

(2) The Principal Act and this Act may be cited together as the Dairy Produce (Price Stabilisation) Acts, 1935 and 1938.

Éire.

BILLE TORA DEIRIOCHTA (PRAGHAS DO DHEANAMH SEASMHACH) (LEASU), 1938.

BILLE

dá ngairmtear

Acht chun a chur ar chumas an Aire Talmhaidheachta oibriú forálacha áirithe den Acht Tora Déiríochta (Praghas do Dhéanamh Seasmhach), 1935, do chur ar fionraoi, chun an Achta san do leasú agus do leathnú, chun socrúithe do dhéanamh chun dleachtanna do ghearradh ar im, agus chun socrúithe do dhéanamh i dtaobh nithe eile bhaineas leis na nithe roimhraithe.

*Ritthe ag dhá Thigh an Oireachtais,
30adh Mí na Samhna, 1938.*

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Éire.

DAIRY PRODUCE (PRICE STABILISATION) (AMENDMENT) BILL, 1938.

BILL

entitled

An Act to empower the Minister for Agriculture to suspend the operation of certain provisions of the Dairy Produce (Price Stabilisation) Act, 1935, to amend and extend the said Act, to provide for the imposition of levies on butter, and to make provision for other matters connected with the matters aforesaid.

*Passed by both Houses of the Oireachtas,
30th November, 1938.*

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