

ÉIRE

**BILLE SOLATHAIR SHIOLTA AGUS ABHAR LEASUITHE,
1940.**

SEEDS AND FERTILISERS SUPPLY BILL, 1940.

Mar do ritheadh ag dhá Thigh an Oireachtais.

As passed by both Houses of the Oireachtas.

ARRANGEMENT OF SECTIONS.

Section.

1. Definitions.
2. Power of county council to provide seeds and fertilisers.
3. Recovery of sums payable to county councils under this Act.
4. Power of county councils to give guarantees.
5. Borrowing power.
6. Raising of unrecovered expenses.
7. Admissibility of unstamped undertakings and guarantees.
8. Exemption from disqualification.
9. Validation of certain orders, etc.
10. Short title.

ÉIRE

**BILLE SOLATHAIR SHIOLTA AGUS ABHAR LEASUITHE,
1940.**

SEEDS AND FERTILISERS SUPPLY BILL, 1940.

BILL

5

entitled

AN ACT TO AUTHORISE AND VALIDATE THE PROVISION
AND SALE BY THE COUNCILS OF COUNTIES OF
WHEAT SEEDS, BARLEY SEEDS, OAT SEEDS, AND
SEED POTATOES AND OF FERTILISERS DURING THE 10
PERIOD WHICH BEGAN ON THE 1ST DAY OF
FEBRUARY, 1939, AND ENDED ON THE 31ST DAY OF
JULY, 1939, AND DURING THE PERIOD BEGINNING
ON THE 1ST DAY OF FEBRUARY, 1940, AND ENDING 15
ON THE 31ST DAY OF JULY, 1940, AND THE GIVING
BY COUNCILS OF COUNTIES OF GUARANTEES IN
RESPECT OF SALES OF ANY SUCH SEEDS, SEED
POTATOES, OR FERTILISERS BY SEED MERCHANTS
DURING THE SAID PERIODS RESPECTIVELY, AND
TO MAKE PROVISION FOR MATTERS INCIDENTAL 20
TO OR CONNECTED WITH SUCH PROVISION, SALE,
OR GUARANTEES.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

Definitions.

1.—In this Act—

the expression “ the Minister ” means the Minister for Local 25
Government and Public Health ;

the word “ goods ” means seeds and fertilisers or seeds only or
fertilisers only, as the case may require ;

the word “ seeds ” means only wheat seeds, barley seeds, oat seeds,
and seed potatoes ; 30

references to the sale of goods by or to the purchase of goods from
a council shall be construed as including transactions in which a
council arranges or has arranged for the supply of goods by a
dealer in those goods to a person authorised by such council to
receive such supply. 35

**Power of county
council to
provide seeds and
fertilisers.**

2.—(1) Where the council of a county has provided or shall pro-
vide, on or after the 1st day of February, 1939, and
before the 31st day of July, 1939, or on or after the 1st
day of February, 1940, and before the 31st day of July, 1940,
a supply of seeds and fertilisers or of seeds only or of 40
fertilisers only for distribution in such county or in any particular
portion thereof, it shall be and be deemed always to have been
lawful for such council to sell any of the seeds and fertilisers or
seeds or fertilisers (as the case may be) so provided to any occupier
or cultivator of land in such county or such particular portion 45
thereof, and every such provision or sale made before the passing
of this Act shall be deemed for the purposes of this Act to have
been made under this Act and references in this Act to the provision
or to the sale of goods by the council of a county and to the
purchase of goods from the council of a county shall be construed 50
accordingly.

(2) Whenever the council of a county has sold or shall sell under this Act any goods to any person, the sum payable by such person to such council in respect of such sale shall carry interest at such rate per cent. per annum as may be fixed in that behalf by such council, notwithstanding that no agreement to pay interest was made at the time of such sale.

(3) Whenever the council of a county has in the year 1939 provided and sold under this Act seeds and fertilisers or either of them, such council may ascertain the total amount of the costs and expenses (other than the price paid by such council for such seeds and fertilisers or seeds or fertilisers, as the case may be) incurred by such council in respect of the provision and all sales of such goods and may apportion such amount amongst the several persons to whom such goods were so sold and thereupon the sum so apportioned to any such person shall be added to and form and be deemed always to have formed part of the sum owing to such council by such person in respect of the sale so made to such person and shall be recoverable under this Act accordingly, notwithstanding that no agreement for the payment of such sum was made at the time of such sale.

(4) Whenever the council of a county has, in the year 1940, provided and sold under this Act seeds and fertilisers or either of them, such council may ascertain the total amount of the costs and expenses (other than the price paid by such council for such seeds and fertilisers or seeds or fertilisers, as the case may be) incurred by such council in respect of the provision and all sales of such goods and may apportion such amount amongst the several persons to whom such goods were so sold and thereupon the sum so apportioned to any such person shall be added to and form and be deemed always to have formed part of the sum owing to such council by such person in respect of the sale so made to such person and shall be recoverable under this Act accordingly, notwithstanding that no agreement for the payment of such sum was made at the time of such sale.

(5) Any sum owing to the council of a county in respect of any sale under this Act of any goods (including the interest and proportion of costs and expenses payable by virtue of this section) shall be paid to such council, at the option of such council, either at the time and in the manner agreed on at the time of such sale or by two equal instalments payable on the respective dates appointed for the purpose by such council, and in either case may be collected and recovered in the manner authorised by this Act.

3.—In addition and without prejudice to any other method of recovering any sum payable to the council of a county in respect or on account of a sale of goods by such council under this Act, every such sum which is not paid to or recovered by such council, in the case of a sale in the year 1939, before the 1st day of January, 1940, or, in the case of a sale in the year 1940, before the 1st day of January, 1941, may—

Recovery of sums payable to county councils under this Act.

(a) if the person by whom the same is payable is rated (otherwise than as owner of a small dwelling within the meaning of the Local Government (Rates on Small Dwellings) Act, 1928 (No. 4 of 1928)) to the poor rate in such county, be recovered by the levying by such council of a special rate which shall be added to and collected with the poor rate assessed on the tenement in respect of which such person is so rated, and may be collected and recovered by such council in the same manner and by the same means as poor rate may be collected and recovered by them, or

(b) if the person by whom the same is payable is not rated as aforesaid to the poor rate in such county, be recovered by means of a special rate to be made by such council for the purposes of this section to which such person shall be rated and which shall be collected and may be recovered in the same manner and by the same means

as poor rate may be collected and recovered by such council.

Power of county councils to give guarantees.

4.—(1) It shall be and be deemed always to have been lawful for the council of a county to make and carry out a scheme whereby such council undertakes to guarantee to any approved seed merchant the due payment to such merchant of the whole or a specified proportion of the price payable by an approved occupier or cultivator of land in such county for seeds and fertilisers or seeds only or fertilisers only supplied by such merchant to such approved occupier or cultivator during the period beginning on the 1st day of February, 1939, and ending on the 31st day of July, 1939.

(2) It shall be and be deemed always to have been lawful for the council of a county to make and carry out a scheme whereby such council undertakes to guarantee to any approved seed merchant the due payment to such merchant of the whole or a specified proportion of the price payable by an approved occupier or cultivator of land in such county for seeds and fertilisers or seeds only or fertilisers only supplied by such merchant to such approved occupier or cultivator during the period beginning on the 1st day of February, 1940, and ending on the 31st day of July, 1940.

(3) Whenever the council of a county has given to an approved seed merchant a guarantee in pursuance of a scheme authorised by either of the next preceding sub-sections of this section and, in consequence of the default of the occupier or cultivator to whom such guarantee relates, such council pays any money to such merchant under such guarantee, the following provisions shall have effect, that is to say :—

(a) any money lawfully recoverable by such council from such occupier or cultivator or his sureties (if any) on account of the said payment to such merchant shall (in addition and without prejudice to any other method of recovering the same) be recoverable under this Act as if it were a sum payable by such occupier, cultivator, or surety (as the case may be) in respect of a sale of goods to him by such council under this Act;

(b) such guarantee may be tendered and shall (on proof of due execution) be received in evidence in proceedings in any court by such council to recover money so lawfully recoverable as aforesaid from such occupier, cultivator, or surety notwithstanding that the provisions of the Stamp Act, 1891, as amended or adapted by subsequent enactments have not been complied with in respect of such guarantee.

(4) In this section the word " approved " means approved by the council concerned.

Borrowing power.

5.—(1) The council of a county may borrow, with the sanction of the Minister, such moneys as may be necessary for the purpose of the provision under this Act of supplies of seeds and fertilisers or of seeds only or of fertilisers only in like manner as if the said purpose were mentioned in Article 22 of the Schedule to the Local Government (Application of Enactments) Order, 1898, and moneys so borrowed shall not be reckoned as part of the debt of such council for the purposes of that Article.

(2) Every sum borrowed under this section for the purpose of the provision under this Act of supplies of seeds and fertilisers or of seeds only or of fertilisers only in the year 1939 shall be repaid on or before the 31st day of March, 1941, with interest at the rate agreed upon.

(3) Every sum borrowed under this section for the purpose of the provision under this Act of supplies of seeds and fertilisers or of seeds only or of fertilisers only in the year 1940 shall be repaid on or before the 31st day of March, 1942, with interest at the rate agreed upon.

(4) Every sum borrowed under this section and the interest thereon shall be deemed to be charged, as from the date on which such sum is borrowed, on the poor rate leviable in the county of the council by which the same is so borrowed.

5 **6.**—The expenses incurred by the council of a county in the provision under this Act of supplies of seeds and fertilisers or of seeds only or of fertilisers only shall, in so far as they are not recovered from the several persons to whom such goods are sold, be raised by such council by means of the poor rate as a county-at-large charge.

Raising of unrecovered expenses.

7.—Whenever (whether before or after the passing of this Act) any person has purchased under this Act any goods from the council of a county and such person has, prior to such purchase or as a condition of being permitted to make such purchase, signed or otherwise become liable on an undertaking (whether with or without a guarantee by sureties) to pay to such council the price of the goods so purchased, such undertaking and the guarantee (if any) included therein may be tendered and shall (on proof of due execution) be received in evidence in proceedings in any court to recover such price from such person or from any such surety, notwithstanding that the provisions of the Stamp Act, 1891, as amended or adapted by subsequent enactments, have not been complied with.

Admissibility of unstamped undertakings and guarantees.

8.—No person shall be disqualified for being elected, chosen, or being a member of the council of a county or a district or of the board of commissioners of a town by reason of his having purchased or agreed to purchase from the council of a county any goods provided and sold by such council under this Act or by reason of his having received (whether as creditor or as principal debtor) a guarantee given under this Act by the council of a county.

Exemption from disqualification.

9.—All orders made, sanctions given, and things done by the Minister before the passing of this Act in relation to the provision and sale of goods under this Act by the councils of counties or in relation to the making and carrying out by the councils of counties of schemes authorised by this Act for the giving of guarantees by such councils shall be and be deemed always to have been legal and valid for all purposes.

Validation of certain orders, etc.

10.—This Act may be cited as the Seeds and Fertilisers Supply Act, 1940.

Short title.

Éire

BILLE SOLATHAIR SHIOLTA AGUS
ABHAR LEASUITHE, 1940.

BILLE

dá ngairmtear

Acht chun a údarú agus chun é dhéanamh dleathach do Chomhairlí Contae síolta cruithneachtan, síolta eornan, síolta coirce, agus prátaí síl agus abhair leasuithe do chur ar fáil agus do dhíol i rith na tréimhse dar thosach an ladh lá d'Fheabhra, 1939, agus dar chríoch an 31adh lá d'Iúil, 1939, agus i rith na tréimhse dar thosach an ladh lá d'Fheabhra, 1940, agus dar chríoch an 31adh lá d'Iúil, 1940, agus do Chomhairlí Contae urraíochtaí do thabhairt i dtaobh ceannaithe síl do dhíol aon tsíolta no prátaí síl no abhar leasuithe den tsórt san i rith na dtréimhsí sin fé seach, agus chun socruithe do dhéanamh i dtaobh nithe ghabhas no bhaineas leis an geur-ar-fáil no an díol no na hurraíochtaí sin.

*Ritithe ag dhá Thigh an Oireachtais,
10adh Abrán, 1940.*

BAILE ATHA CLIATH:
FOILLSITHE AG OIFIG AN tSOLATHAIR.

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

Cló-bhuailte ag CAHILL & Co., LTD.

[*Dhá Phinginn Glan.*]

Wt. 7—414. 550. 4/40. C.&Co. (7483).

Éire

SEEDS AND FERTILISERS SUPPLY BILL,
1940.

BILL

entitled

An Act to authorise and validate the provision and sale by the Councils of Counties of wheat seeds, barley seeds, oat seeds, and seed potatoes and of fertilisers during the period which began on the 1st day of February, 1939, and ended on the 31st day of July, 1939, and during the period beginning on the 1st day of February, 1940, and ending on the 31st day of July, 1940, and the giving by Councils of Counties of guarantees in respect of sales of any such seeds, seed potatoes, or fertilisers by seed merchants during the said periods respectively, and to make provision for matters incidental to or connected with such provision, sale, or guarantees.

*Passed by both Houses of the Oireachtas,
10th April, 1940.*

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE.

To be purchased through any bookseller, or directly from the Government Publications Sale Office.
3-4, College Street, Dublin.

Printed by CAHILL & Co., LTD.

[*Twopence Net.*]