

ÉIRE.

BILLE COMHACHTA PRAINNE (BUANU AGUS LEASU), 1942.

EMERGENCY POWERS (CONTINUANCE AND AMENDMENT) BILL, 1942.

Mar do leasúidh i gCoiste.

As amended in Committee.

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ÉIRE.

BILLE COMHACHTA PRAINNE (BUANU AGUS LEASU), 1942. EMERGENCY POWERS (CONTINUANCE AND AMENDMENT) BILL, 1942.

5

BILL

entitled

AN ACT TO EXTEND, FOR THE PURPOSE OF SECURING
THE PUBLIC SAFETY AND THE PRESERVATION OF
THE STATE IN TIME OF WAR, THE PERIOD DURING
WHICH THE EMERGENCY POWERS ACT, 1939, SHALL
REMAIN IN FORCE AND TO AMEND AND EXTEND
THE SAID ACT FOR THE PURPOSE AFORESAID. 10

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I.

15

PRELIMINARY.

Short title.

1.—This Act may be cited as the Emergency Powers (Continuance and Amendment) Act, 1942.

The Principal Act.

2.—In this Act the expression “the Principal Act” means the Emergency Powers Act, 1939 (No. 28 of 1939). 20

Repeal of the
Emergency
Powers
(Continuance)
Act, 1941.

3.—The Emergency Powers (Continuance) Act, 1941 (No. 16 of 1941), is hereby repealed.

PART II.

CONTINUANCE OF THE PRINCIPAL ACT.

Continuance of
the Principal
Act.

4.—(1) The Principal Act shall, unless previously terminated 25
under sub-section (2) of this section, continue in force until the
2nd day of September, 1943, and shall then expire unless the
Oireachtas otherwise determines.

(2) The Government may by order declare that the Principal
Act shall expire on a specified day, being earlier than the 2nd day 30
of September, 1943, and in that case the Principal Act shall expire
accordingly.

PART III.

AMENDMENT AND EXTENSION OF THE PRINCIPAL ACT.

Definitions in
Part III.

5.—In this Part of this Act— 35
references to the Principal Act shall be construed as including
references to the Principal Act as amended by any subsequent
enactment (including this Part of this Act) for the time being in
force;

the expression “Government order” means an order made by the 40
Government (whether before or after the passing of this Act) under
the Principal Act;

the expression " subsidiary instrument " means any order, regulation, rule, bye-law, scheme or direction in writing made or given (whether before or after the passing of this Act) in exercise of the powers conferred by a Government order.

- 5 6.—(1) For the purpose of removing doubts it is hereby enacted and declared that nothing contained in sub-section (2) of section 2 of the Principal Act shall be construed as limiting the general powers conferred on the Government by sub-section (1) of the said section.

General powers
of the
Government
under section 2
of the Principal
Act.

- 10 (2) Sub-section (1) of this section shall be deemed to have come into operation and shall have effect as on and from the 3rd day of September, 1939.

- 7.—A Government order or a subsidiary instrument may be amended with retrospective effect by a Government order or a subsidiary instrument (as the case may be), but the said power shall not extend to the making of any amendment which would cause acts to be infringements of the law which were not so at the date of their commission.

Retrospective
amendment
of Government
orders and
subsidiary
instruments.

- 8.—Section 5 of the Principal Act is hereby amended in the following respects, that is to say:—

Amendment of
section 5
of the
Principal Act.

- (a) by the substitution of the following two sub-sections for sub-section (6), that is to say:—

- 25 " (6) Every person who, being an Irish citizen or ordinarily resident in the State, commits or is deemed to have committed, whether within or without the State, an offence under this section and every person who, not being an Irish citizen or ordinarily resident within the State, commits or is deemed to have committed within the State an offence under this section shall—

- 30 (a) on summary conviction thereof, be liable to—

- 35 (i) in case the offence is one in respect of which any order, made by virtue of the next following sub-section, is in force at the time the offence is committed, the penalties provided by such order, and

- 40 (ii) in any other case, a fine not exceeding five hundred pounds (together with, in the case of a continuing offence, a fine not exceeding ten pounds for every day on which the offence is continued) or, at the discretion of the Court, imprisonment for a term not exceeding twelve months or both such fine and such imprisonment, or

- 45 (b) on conviction thereof on indictment, be liable to a fine not exceeding five thousand pounds (together with, in the case of a continuing offence, a further fine not exceeding fifty pounds for every day on which the offence is continued) or, at the discretion of the Court, to penal servitude for a term not exceeding ten years or to imprisonment for a term not exceeding two years or to both such fine and such penal servitude or imprisonment.

50

(6A) The Government may, whenever and so often as they think fit, by order under section 2 of this Act, do one of the following things, that is to say:—

(a) declare that the punishment which may be awarded, in respect of a specified offence under this section, on summary conviction thereof shall be a fine of not less than a specified amount (not exceeding one hundred pounds) nor more than five hundred pounds (together with, in the case of a continuing offence, a further fine not exceeding ten pounds for every day on which the offence is continued) or, at the discretion of the Court, imprisonment for a term not less than six months nor more than twelve months or both such fine and such imprisonment; 5 10 15

(b) declare that the punishment which may be awarded, in respect of a specified offence under this section, on summary conviction thereof shall be a fine of whichever of the following amounts is the less— 20

(i) five hundred pounds,

(ii) an amount calculated by reference to such things as may be specified in the order,

(together with, in the case of a continuing offence, a further fine not exceeding ten pounds for every day on which the offence is continued) or, at the discretion of the Court, imprisonment for a term not less than six months nor more than twelve months or both such fine and such imprisonment "; 25 30

(b) by the deletion in sub-section (7) of the words "or in lieu of";

(c) by the substitution in sub-section (7) of the words and figure "to which such person is liable under sub-section (6) " for the words "provided by the foregoing sub-section "; 35

Penalty for continued non-compliance with certain orders.

9.—(1) Where—

(a) a person is convicted of an offence under section 5 of the Principal Act by reason of his failure, neglect or refusal to comply with a provision in a Government order or a subsidiary instrument requiring him to perform a specified act within a specified period or before a specified date, and 40

(b) such person continues after such conviction to make default in performing the said act, 45

such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds for each day, after the date of such first-mentioned conviction, on which the default continues or, at the discretion of the Court, to imprisonment for a term not exceeding twelve months. 50

(2) An offence under this section shall be a continuing offence and accordingly fresh proceedings in respect thereof may be taken from time to time.

(3) Sub-sections (5) and (8) of section 5 of the Principal Act shall apply in relation to an offence under this section in like manner as they apply in relation to an offence under the said section. 55

(4) This section shall not apply in respect of any provision in a Government order relating to the cultivation of land by occupiers thereof. 60

10.—Section 6 of the Principal Act is hereby amended by the substitution of the following sub-section for sub-section (1), that is to say :—

Amendment of
section 6
of the
Principal Act.

- 5 “ (1) A Minister, having obtained the consent of the Government, may by order delegate any power or duty conferred or imposed on him to another Minister or to a Parliamentary Secretary.”

11.—This Part of this Act shall continue in force so long as the Principal Act continues in force and no longer.

Duration of
Part III.

- 10 12.—The Emergency Powers Acts, 1939 and 1940, and this Part of this Act may be cited together as the Emergency Powers Acts, 1939 to 1942.

Collective
citation of
Emergency
Powers Acts,
1939 and 1940,
and Part III.

Éire.

BILLE COMHACHTA PRAINNE (BUANU
AGUS LEASU), 1942.

BILLE

(*mar do leasúíodh i gCoiste*)

dá ngairmtear

Acht chun faidiú do dhéanamh, d'fhonn slándáil an phobail do chur in áirithe agus an Stát do chaomhna in aimsir chogaidh, ar an tréimhse leanfaidh an tAcht Comhachta Práinne, 1939, i bhfeidhm agus chun an Achta san do leasú agus do leathnú chun na críche réamhráite.

An Taoiseach do thug isteach.

Do hordúíodh, ag Dáil Eireann, do chlóbhuualadh, 9adh Iúil, 1942.

BAILE ATHA CLIATH:
FOILLSITHE AG OIFIG AN tSOLATHAIR.

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Éire.

EMERGENCY POWERS (CONTINUANCE
AND AMENDMENT) BILL, 1942.

BILL

(*as amended in Committee*)

entitled

An Act to extend, for the purpose of securing the public safety and the preservation of the State in time of war, the period during which the Emergency Powers Act, 1939, shall remain in force, and to amend and extend the said Act for the purpose aforesaid.

Introduced by the Taoiseach.

Ordered by Dáil Eireann, to be printed, 9th July, 1942.

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