

[This sheet should be  
substituted for that  
already circulated.]

# DÁIL ÉIREANN

AN BILLE UM CHEANTALAITHE AGUS GNIOMHAIRI  
TITHE, 1946—AN COISTE.

AUCTIONEERS AND HOUSE AGENTS BILL, 1946—  
COMMITTEE.



*Leasuithe.*

*Amendments.*

## SECTION 2.

1. To insert in the section a new subsection as follows:—

“(2) References in this Act to a house shall be construed as including references to any land held therewith and also to any interest in a house.”

—Aire Dlí agus Cirt.

## SECTION 5.

2. In line 21 to delete the word “second” and substitute the word “third”.—Aire Dlí agus Cirt.

## SECTION 6.

3. In subsection (2) (g), line 51, after the word “fish” to add the words “at the port of landing”.—Denis Allen.

4. Before subsection (2) (i), page 4, to insert the following new paragraph:—

“an auction of fresh fruit, vegetables and flowers”.

—Liam Cosgrave.

## SECTION 7.

5. To delete subsection (2) (c).—Daniel Morrissey.

6. In subsection (2) to insert a new paragraph as follows:—

“(d) a person acting as agent for a Minister of State, the Commissioners of Public Works in Ireland, the Irish Land Commission or any person authorised to acquire land compulsorily.”

—Aire Dlí agus Cirt.

7. To add at the end of subsection (2) two new paragraphs as follows:—

“(d) an employee of a body corporate acting as agent in respect of property of which his employer is the owner,

(e) a liquidator disposing of the property of a body corporate in process of liquidation.”

—John S. O'Connor.

## SECTION 8.

8. In subsection (2) (a), line 33, to delete all words after the word “applicant” down to the word “application” in line 35.—Denis Allen.

## SECTION 10.

9. In subsection (2) (a), line 32, to delete all words after the word “applicant” down to the word “application” in line 34.—Denis Allen.

SECTION 11.

10. In subsection (4), line 35, to insert after the words "Garda Síochána" the words "not below the rank of Inspector".  
—Aire Dlí agus Cirt.

11. To add at the end of the section a new subsection as follows:—

"(5) An objection to an application for a certificate of qualification shall not be entertained by the Court unless the intending objector has, at least seven days before the hearing of the application, given notice in writing of the grounds of his objection to the applicant and the district court clerk."

—Aire Dlí agus Cirt.

SECTION 13.

12. In paragraph (b), line 51, after the word "bankrupt" to insert the words "or arranging debtor".—Aire Dlí agus Cirt.

13. Before paragraph (c) to insert a new paragraph as follows:—

"( ) that the applicant is under the age of twenty-one years."

—Aire Dlí agus Cirt.

14. To add at the end of the section a new paragraph as follows:—

"(f) If the applicant has not been permanently resident in Ireland for a period of five years prior to the date of the application."

—John S. O'Connor.

SECTION 14.

15. In paragraph (d) (ii), line 27, to delete the words "Accountant of the Courts of Justice" and substitute the words "President of the High Court".—Aire Dlí agus Cirt.

SECTION 15.

16. To add at the end of the section a new subsection as follows:—

"(4) (a) Judgments, orders and decrees mentioned in subsection (1) of this section shall be a first and paramount charge against the deposit and shall, notwithstanding anything contained in any other enactment, be payable out of the deposit in priority, to any other claim against the defendant.

(b) All such judgments, orders or decrees shall rank in equal priority and shall abate rateably in the event of the deposit not being sufficient to satisfy them in full."

—John S. O'Connor.

SECTION 18.

17. To delete subsection (2), lines 38 to 42, and substitute the following subsection:—

"(2) Where an appeal is brought against a conviction or sentence for an offence to which subsection (1) of this section applies, the Court hearing the appeal shall have the jurisdiction conferred by that subsection on the Court by which the offender was tried and shall have jurisdiction to confirm, annul or vary any cancellation, suspension or disqualification imposed under that subsection."

—Aire Dlí agus Cirt.

SECTION 19.

18. In subsection (1) to delete all words after the word "permit" in line 50 to the end of the subsection and to substitute the following words "or shall produce to the said officer within seven days an auctioneer's licence or auction permit under which he was authorised to conduct the auction."—Denis Allen.

19. To delete subsections (2), (3) and (4), lines 1 to 26, and substitute therefor a new subsection as follows:—

“ Every person who in contravention of subsection (1) of this section fails to produce an auctioneer’s licence or auction permit when requested or fails to show such licence or permit to the Revenue Officer within the terms specified shall unless he satisfies the Court that such contravention was due to circumstances beyond his control be guilty of an offence under this section and shall be liable on conviction to an excise penalty of £50.”

—Denis Allen.

20. To delete subsection (4).—Aire Dlí agus Cirt.

#### SECTION 20.

21. At the end of the section to add a new subsection as follows:—

“ The provisions of this section shall not apply where the auction being held was ‘ advertised ’ by printed posters previously displayed in the area or in any daily or provincial newspaper circulating in the area.”

—Denis Allen.

#### NEW SECTION.

22. To insert after section 23 a new section as follows:—

Temporary  
licences.

“ 24.—(1) Whenever an application for a certificate of qualification in respect of a particular business is refused and an appeal to the Circuit Court is lodged, the Revenue Commissioners may, without payment of excise duty, issue to the applicant a temporary licence to carry on that business under the names specified in the licence.

(2) A temporary licence may be issued only in the following circumstances:—

(a) in the case of an application made before the operative date, that, at the date of the application, the applicant is, and has been during the preceding twelve months, the holder of—

(i) if the business concerned is that of auctioneer, a licence under the Auctioneers Act, 1845, or

(ii) if it is that of house agent, a licence granted under section 11 of the Revenue (No. 1) Act, 1861;

(b) in any other case, that the applicant is, at the time of making the application the holder of—

(i) if the business concerned is that of auctioneer, an auctioneer’s licence,

(ii) if it is that of house agent, a house agent’s licence;

(c) that the applicant produces to the Revenue Commissioners a certificate of the Accountant of the Courts of Justice granted not more than twenty-eight days previously that the applicant maintains in the High Court a deposit and, where the deposit is a guarantee bond, that it covers the whole period for which the licence is to be granted.

(3) A temporary licence shall—

(a) specify the name under which the licensee is authorised to carry on business,

(b) commence on the date specified in that behalf therein,

(c) continue in force for such period, not extending beyond the expiration of seven days after the decision of the appeal, as the Revenue Commissioners may think fit, and

(d) be subject to such conditions as they may think fit to impose.

(4) A temporary licence to carry on the business of auctioneer shall authorise one named individual (being either the licensee or some individual nominated by him) to conduct auctions on behalf of the licensee.

(5) The Revenue Commissioners shall, at the request of a licensee, cancel his temporary licence.

(6) A temporary licence, while it remains in force, shall, for the purposes of this Act, be deemed to be—

(a) if it is a licence to carry on the business of auctioneer, a licence under *section 8* of this Act, and

(b) if it is a licence to carry on the business of house agent, a licence under *section 10* of this Act.”

—Aire Dlí agus Cirt.

#### SCHEDULE.

23. In lieu of the columns at present contained in the Schedule, to insert the following:—

“

Session and Chapter	Short title	Extent of Repeal
8 & 9 Vic., c. 15.	Auctioneers Act, 1845.	The whole Act.
24 & 25 Vic., c. 21.	Revenue (No. 1) Act, 1861.	Sections 10, 11, 12 and 13.
27 & 28 Vic., c. 56.	Revenue (No. 2) Act, 1864.	Section 14.
33 & 34 Vic., c. 32.	Customs and Inland Revenue Act, 1870.	Section 5.

”

—Aire Dlí agus Cirt.