

ÉIRE.

AN BILLE UM EIFEACHTULACHT TIONSCAIL AGUS
PRAGHSANNA, 1947.
INDUSTRIAL EFFICIENCY AND PRICES BILL, 1947.

Mar do tugadh isteach.

As introduced.

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ÉIRE.

AN BILLE UM EIFEACHTULACHT TIONSCAIL AGUS PRAGHSANNA, 1947.

INDUSTRIAL EFFICIENCY AND PRICES BILL, 1947.

BILL

entitled

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AN ACT TO PROVIDE FOR THE CONTROL OF PRICES AND PROFITS, THE PROMOTION OF INDUSTRIAL EFFICIENCY IN CERTAIN UNDERTAKINGS AND INDUSTRIES, THE ESTABLISHMENT OF DEVELOPMENT COUNCILS FOR INDUSTRIES AND THE PAYMENT OF LEVIES TO SUCH COUNCILS BY PERSONS ENGAGED IN SUCH INDUSTRIES, AND FOR CERTAIN OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. 10

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:— 15

PART I.

PRELIMINARY AND GENERAL.

Short title.	1.—This Act may be cited as the Industrial Efficiency and Prices, Act, 1947.	
Commencement.	2.—This Act shall come into operation on such day or days as may be fixed therefor by order or orders of the Minister either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and provisions of this Act.	20
Definitions generally	3.—In this Act—	25
Chairman	the expression “the Chairman” means Chairman of the Commission;	
Commission	the expression “the Commission” means the Prices Commission;	
Enquiry	the word “enquiry” where it occurs in any Part of this Act means an enquiry by the Commission conducted under that Part;	30
Inspector	the word “inspector” means a person authorised under <i>section 6</i> to act as inspector for the purposes of this Act;	
Member	the word “member” means a member of the Commission;	
Minister	the expression “the Minister” means the Minister for Industry and Commerce;	35
Part, Section	a reference by number to a Part or section is to the Part or section of this Act bearing that number unless it is indicated that a reference to some other Act is intended;	
Price	the word “price” includes a charge for a service;	
Profit	the word “profit” includes gross profit;	40
Public Utility Undertaking.	the expression “public utility undertaking” means any of the following undertakings the carrying on of which is authorised by any Act (whether public, general, private or local) or by any order made under an Act, that is to say:—	

- (a) any undertaking for the supply of electricity, gas or water;
- (b) any railway, light railway, tramway, road transport, water transport, air transport, canal, inland navigation, dock, harbour, air, pier or lighthouse undertaking;
- (c) any sewerage or sewage disposal undertaking, or any undertaking for the collection or disposal of refuse;
- (d) any undertaking of a drainage authority;
- (e) any fire brigade undertaking;
- 10 and includes any such undertaking as aforesaid which is carried on by a local authority, including any body mentioned in subsection (2) of section 2 of the Local Government Act, 1941 (No. 23 of 1941); the word "service" relates only to a service performed by a public utility undertaking or an undertaking carried on by way of trade or business.

Service.

4.—In this Act—

- a reference to selling shall be construed as including a reference to agreeing or offering to sell or inviting an offer to buy;
- a reference to performing a service shall be construed as including a reference to agreeing or offering to perform a service or inviting an offer for its performance;
- a reference to an offer to sell shall be construed as including a reference to a notification by a person of the price proposed by him for the sale of a commodity made by the publication of a price list or by exposing the commodity for sale in association with a mark indicating price or by the furnishing of a condition or otherwise;
- a reference to an offer to perform a service shall be construed as indicating a reference to a notification by a person of the charge proposed by him for its performance made by the publication of a list of charges or by the furnishing of a condition or otherwise.

Construction of references to selling and performing service.

- 5.—For the purpose of this Act, a hire-purchase agreement, within the meaning of section 1 of the Hire-Purchase Act, 1946 (No. 16 of 1946), shall be deemed to be an agreement to sell and the sale shall be deemed to take place on the date on which the agreement is entered into.

Hire-purchase agreement.

- 6.—The Minister may authorise persons to act as inspectors for the purposes of this Act.

Inspectors.

- 7.—Every order made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and if a resolution annulling the order is passed by either House, within the next twenty-one days on which that House has sat after the order has been laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Laying of Orders before Houses of Oireachtas.

- 8.—(1) 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 other officer shall also be deemed to have committed the said offence and shall be liable to be proceeded against and punished accordingly.

Offences, prosecutions and punishments.

- (2) Every person who commits or is deemed to have committed an offence under any section of this Act for which no special penalty is provided shall—

- (a) on summary conviction thereof be liable to 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

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- (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.

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(3) Proceedings in the District Court in relation to an offence under any section of this Act may be brought and prosecuted by the Minister.

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(4) Notwithstanding subsection (4) of section 10 of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under any section of this Act may be instituted within twelve months from the date of the offence.

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Penalty for continued non-compliance with certain provisions of this Act.

9.—(1) Where—

- (a) a person is convicted of an offence under any section of this Act by reason of his failure, neglect or refusal to comply with a notice or requirement under this Act requiring him to perform a specified act within a specified period or before a specified date; and
- (b) the said act remains, after the date of such conviction, unperformed by him;

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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 act remains unperformed by him or, at the discretion of the Court, to imprisonment for a term not exceeding twelve months.

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(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.

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Statutory defences.

10.—(1) Where a person, being an employer or a principal, is charged with having committed an offence under *section 31* or *section 51*, it shall be a good defence to the charge for him to prove—

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- (a) that he used due diligence to prevent the commission of the acts alleged to constitute an offence; and
- (b) that the acts alleged to constitute such offence were not done by him personally; and
- (c) that the said acts were done without his consent, connivance or wilful default; and
- (d) that on service of the summons on him he gave to the prosecutor all information in his power with respect to the person who did the said acts.

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(2) Where a person, being a servant or employee, is charged with having committed an offence under *section 31* or *section 51*, it shall be a good defence to the charge for him to prove—

- (a) that he was in the employment of another person (in this subsection referred to as the employer); and

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- (b) that the acts alleged to constitute such offence were committed by him in the course of and for the purposes of such employment; and
- 5 (c) that the said acts were committed by him in obedience to the express orders of the employer; and
- (d) that on service of the summons on him he gave all information in his power with respect to the matters mentioned in the foregoing paragraphs.

11.—The enactments cited in the second column of the Schedule 10 to this Act are hereby repealed. Enactments repealed.

12.—The expenses incurred in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. Expenses.

PART II.

15 THE PRICES COMMISSION.

13.—There shall be a body to be known as the Prices Commission. Establishment of Prices Commission.

14.—(1) The permanent members of the Commission shall consist of a chairman and two other members and they shall be appointed by the Minister. Constitution.

20 (2) Whenever it appears to the Minister that a permanent member is temporarily unable to discharge his duties, the Minister may appoint a temporary member to act in his place during such inability or for such shorter period as the Minister thinks proper.

25 (3) The Minister may also appoint temporary members for the purpose of a particular enquiry.

15.—(1) The term of office of a permanent member shall be fixed by the Minister when appointing him and shall not exceed five years. Members.

(2) An outgoing permanent member shall be eligible for re-appointment.

30 (3) Each permanent member shall hold office on such conditions as may be fixed by the Minister when appointing him.

(4) The Minister may remove a temporary member from office.

(5) A member may resign his office.

35 (6) A member who is adjudged bankrupt, or makes a composition or arrangement with his creditors, or is sentenced by a court of competent jurisdiction to suffer imprisonment or penal servitude, or ceases to be ordinarily resident in the State, or absents himself from all sittings of the Commission for a period of three months without the permission of the Minister, shall cease to be a member.

40 (7) A member may be paid such remuneration and allowance for expenses as the Minister, with the consent of the Minister for Finance, determines.

(8) The Civil Service Regulation Acts, 1924 and 1926, shall not apply to the office of member.

Restriction on interested person acting as member.

16.—Whenever an enquiry under any Part of this Act is being held by the Commission into a particular matter, and any member is personally interested in the matter, he shall inform the Minister accordingly and shall not, unless authorised by the Minister, act as a member for the purpose of the enquiry. 5

Procedure.

17.—(1) The Commission may act notwithstanding vacancies in their membership, except a vacancy in the office of chairman.

(2) Every question at a meeting of the Commission shall be determined by a majority of the votes of the members present and voting on the question and, in the case of an equal division of votes, 10 the chairman of the meeting shall have a second or casting vote.

(3) The Commission shall hold their meetings in private unless the Minister otherwise directs.

(4) The quorum for a meeting of the Commission shall be such number as the Commission may from time to time fix or, if no 15 quorum is for the time being so fixed, two.

(5) The Commission may make rules for the regulation of their proceedings.

Power of Commission to summon witnesses, etc.

18.—(1) The Commission may for the purposes of their functions do all or any of the following things:— 20

- (a) summon witnesses to attend before them,
- (b) examine on oath (which any member is hereby authorised to administer) the witnesses attending before them,
- (c) require any such witness to produce to the Commission any document in his power or control. 25

(2) A witness before the Commission shall be entitled to the same immunities and privileges as if he were a witness before the High Court.

(3) If any person—

- (a) on being duly summoned as a witness before the Commis- 30 sion makes default in attending, or
- (b) being in attendance as a witness refuses to take an oath legally required by the Commission to be taken, or to produce any document in his power or control legally required by the Commission to be produced by him, or 35 to answer any question to which the Commission may legally require an answer,

he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

(4) A summons under this section shall be signed by at least one 40 member.

Notice of enquiry and submissions by interested persons.

19.—(1) The Commission shall cause to be published in such manner as they think fit notice of their intention to hold an enquiry under any Part of this Act.

(2) Any person may make a submission to the Commission in 45 the manner prescribed by their rules in relation to the subject matter of an enquiry under any Part of this Act.

Prohibition of disclosure of confidential information.

20.—(1) No person shall disclose information available to him only by virtue of the powers of obtaining information conferred upon the Commission, members or inspectors by this Act or through 50 being present at a meeting of the Commission held in private.

(2) *Subsection (1)* of this section does not apply to—

- (a) a communication made by a member or officer of the Commission or by an inspector in the execution of his duties under this Act, or
- 5 (b) the disclosure of information in a report of the Commission or for the purpose of legal proceedings under this Act.

• (3) If any person contravenes this section he 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 or imprisonment for a period not exceeding six months or, at the discretion of the Court, to both such fine and imprisonment.

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21.—The Commission shall, as soon as may be after the end of **Annual Report,** each year, make to the Minister a report of their proceedings during the year and the Minister shall lay the report before each **15** House of the Oireachtas.

PART III.

GENERAL CONTROL OF PRICES, PROFITS AND TRADING METHODS.

Enquiries.

20 **22.**—(1) The Commission may, on their own initiative, and shall, **Enquiries,** at the request of the Minister, enquire into the prices charged for any commodity or service.

(2) An enquiry may be general or relate to a particular area or to prices charged under particular conditions or be otherwise limited **25** in its scope.

(3) For the purpose of an enquiry relating to a commodity or service the Commission may investigate the profits of persons dealing in the commodity or providing the service and into the methods of marketing the commodity or providing the service.

30 (4) In the conduct of an enquiry at the request of the Minister, the Commission shall comply with his directions as to its nature and scope.

23.—(1) The Commission, on completing an enquiry, shall report **Reports,** thereon to the Minister.

35 (2) If the Commission are of opinion that an order should be made by the Minister under this Part in relation to any person, commodity or service concerned in the enquiry, it shall be the duty of the Commission to recommend accordingly in their report and to indicate the form of order that they recommend.

Orders.

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24.—(1) The Minister shall not make an order under this Part **Conditions for** in relation to a commodity or service unless— **orders under**

(a) the Commission have recommended the making of the **this Part.** order, or

45 (b) the Minister is of opinion that—

(i) unduly high prices are being or are likely to be charged for the commodity or service, or

- (ii) owing to the scarcity of supplies, there is a possibility that unduly high prices will be charged for the commodity or service, or
- (iii) there is interference, or a reasonable likelihood of interference, with the normal distribution of the commodity or the normal provision of the service, and that for any of these reasons the making of the order is necessary in the public interest. 5

(2) Where, by or under any enactment, a power to control prices is for the time being exercisable by any person other than the Minister, the Minister shall not, without the consent of that person, make under this Part an order of a kind that could be made under that power. 10

Price orders.

25.—(1) The Minister may by order fix the maximum price at which a commodity may be sold or bought or a service may be performed. 15

(2) An order under this section may—

- (a) define a commodity or service in such manner as the Minister thinks fit,
- (b) define the conditions by reference to which a maximum price is fixed, and fix different maximum prices in relation to different conditions, 20
- (c) relate to the whole State or to a particular area in the State,
- (d) fix a maximum price by specifying it or by setting out provisions by means of which it may be ascertained. 25

Profits orders.

26.—(1) The Minister may by order control the maximum profit which may be made by any person by the sale of a commodity or the performance of a service.

(2) An order under this section may— 30

- (a) define a commodity or service in such manner as the Minister thinks fit,
- (b) provide the method of ascertaining profit for the purposes of the order,
- (c) control a maximum profit by specifying it or by setting out provisions by means of which it may be ascertained. 35

Marketing orders.

27.—(1) The Minister may by order regulate the methods to be adopted in marketing a commodity.

(2) An order under this section may—

- (a) define a commodity in such manner as the Minister thinks fit; 40
- (b) relate to the whole State or to a particular area in the State.

Conditional and part-lot sales and conditional performance of services.

28.—(1) The Minister may by order prohibit the sale of a commodity— 45

- (a) upon terms that the buyer, in addition to buying the commodity, shall—
 - (i) buy another commodity, or
 - (ii) pay for the performance by the seller of a service in connection with the commodity or another commodity, or 50

(b) as part of a lot consisting of that commodity and any other commodity.

5 (2) The Minister may by order prohibit the performance of a service upon terms that the person for whom it is performed, in addition to paying for the service, shall pay for another service or buy a commodity.

10 **29.**—The Minister may by order amend or revoke an order made under any section of this Part and the provisions of the section, under which was made the order so amended or revoked, shall apply to the order by which it is amended or revoked. Amendment and revocation of orders under Part III.

30.—An order under *section 25* or *section 26* may contain—

- 15 (a) provisions prohibiting a sale, to which the order applies, of a commodity except by such weights or measures and such units as may be specified in the order; Sale by weight, measure or units and ancillary provisions in orders.
- (b) such other provisions as the Minister considers necessary for the effective control of the prices or profits with which the order is concerned.

20 **31.**—A person who contravenes, whether by act or omission, any provision of an order under this Part shall be guilty of an offence under this section. Offences under Part III.

PART IV

REGULATION OF MINIMUM PRICES AND RESTRICTION OF TRADE BY TRADE ASSOCIATIONS.

32.—In this Part—

- 25 the word “registered” means (except in the definition of trade association) registered for the time being in the Register of Trade Associations and cognate words shall be construed accordingly; Definitions for Part IV.
- the expression “trade association” means a body (including a trade union registered under the Trade Union Acts, 1871 to 1942) comprising or representing persons who are engaged in the sale or
- 30 purchase of a commodity or the provision of a service.

Recognition of Trade Associations.

33.—A body being either—

- 35 (a) a registered trade association, or
- (b) a trade association which has applied for registration in accordance with this Part,
- shall be a recognised trade association for the purposes of this Part, unless, in the case of an association which has applied for registration,—
- 40 (i) the Commission have refused to register the association until it alters its rules in the manner required by the Commission, and
- (ii) the association has not complied with the requirement within the time specified by the Commission
- 45 for compliance.

Recognised trade associations.

34.—The Commission shall keep a register to be known as the Register of Trade Associations. Register of trade associations.

Applications for
Registration.

35.—(1) Where a trade association applies for registration in accordance with this section the Commission shall, as they think proper, either—

- (a) register the association, or
- (b) refuse to register the association until the association alters its rules in such manner as the Commission consider necessary for the protection of the public, for example, by the inclusion in its rules of provisions regulating the margin of profit on the sale of commodities or the provision of services by its members and of suitable provisions regulating the admission of members and the termination of membership.

(2) An application by a trade association under this section shall be accompanied by copies of its rules and such other information about the association as the Commission may require. 15

(3) Where the Commission are satisfied that a trade association has altered its rules in the manner required by the Commission under *subsection (1)* of this section, they shall register it.

Alteration
of trade
association's
rules.

36.—A registered trade association shall not make any alteration in its rules without the approval of the Commission. 20

Furnishing of
information to
Commission.

37.—A recognised trade association shall furnish to the Commission such information about the association as the Commission may from time to time require.

Cancellation of
registration.

38.—(1) If a registered trade association—

- (a) fails to furnish information to the Commission in accordance with *section 37*, or
- (b) alters its rules without the approval of the Commission or is not enforcing its rules,

the Commission may cancel its registration.

(2) A trade association whose registration has been cancelled may apply again for registration in accordance with *section 35* but, notwithstanding anything in *section 33*, it shall not become a recognised trade association until it is again registered. 30

Price Regulation and Trade Restriction.

Restriction on
regulation of
minimum prices
and charges and
restriction of
trade.

39.—No body of persons shall— 35

- (a) regulate or attempt to regulate the minimum price for a commodity or a service, or
- (b) restrict or attempt to restrict trade in a commodity or service to particular persons,

unless— 40

- (i) it is a recognised trade association, and
- (ii) it acts in accordance with an arrangement approved by the Minister by order under *section 40* for the time being in force and in accordance with such conditions as may be specified in any such order. 45

Authorised
arrangements.

40.—(1) A recognised trade association may submit to the Commission a draft of a proposed arrangement (in this section referred to as the arrangement) for the regulation by the association of a minimum price or for the restriction by the association of trading in a commodity or service to particular persons. 50

(2) The Commission shall submit the arrangement, together with such observations thereon as they may think fit, to the Minister.

(3) The Minister may, as he thinks fit—

(a) refuse to approve the arrangement,

5 (b) by order approve the arrangement, subject to such conditions as he thinks fit and specifies in the order.

(4) The Minister may revoke an order under *subsection (3)* of this section or amend it by inserting, amending or deleting conditions.

10 **41.**—Where any body of persons contravenes, whether by act or omission, any provision of this Part, the members of the committee of management or other controlling authority of the body and such of its officers as consent to or facilitate such contravention shall each be guilty of an offence under this section. Offences under Part IV.

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PART V.

INDUSTRIAL EFFICIENCY.

42.—This Part applies to an undertaking carried on by way of trade or business, in the course of which something is made, altered, repaired, ornamented, finished or adapted for sale, if— Undertakings to which Part V applies.

20 (a) what is so made, altered, repaired, ornamented, finished or adapted for sale is of a kind that is subject to a customs duty or import restriction, or

(b) the undertaking operates under statutory authority a right of working minerals, or

25 (c) the undertaking is constituted by statute,

but this Part does not apply to—

(i) the altering or repairing by a person of anything intended to be sold retail by him, or

30 (ii) the production and disposal of crops (including fruit), the breeding, rearing, maintenance or disposal of live stock or fowl, the production or disposal of milk, cream, butter, cheese, dried milk, condensed milk, eggs, meat (including bacon and poultry), processed meat, canned meat, meat extracts, honey, flax or tow, the curing, re-handling or disposal of home-grown tobacco, the production, catching, processing or disposal of fish, or the production or disposal of any fish product, or

35 (iii) an undertaking constituted by statute, being an undertaking which is carried on by or on behalf of the State or the directors of which are appointed by the Government or by a Minister of State.

43.—This Part also applies to an industry comprising undertakings or an undertaking to which this Part applies. Industries to which Part V applies.

15 **44.**—The chairman shall—

(a) exercise a continuous supervision over the efficiency of undertakings and industries to which this Part applies;

(b) seek to obtain improvement in the efficiency of such undertakings and industries. Supervisory duties of chairman.

Delegation of powers of chairman.

45.—The chairman, with the approval of the Minister, may, for a particular purpose, delegate his powers under this Part to another member or to an officer of the Commission.

Consultative powers of chairman.

46.—For the purposes of his functions under this Part, the chairman may consult with persons carrying on undertakings to which this Part applies and advise on matters related to industrial efficiency and may make available to such persons the services of officers of the Commission on such terms as the Minister with the consent of the Minister for Finance thinks fit. 5

Enquiries into industrial efficiency.

47.—(1) If the chairman is of opinion that the Commission ought to hold an enquiry into the efficiency of an undertaking or industry to which this Part applies he shall so report to the Minister. 10

(2) The Minister, having received the report, may, if he thinks fit, direct that the enquiry be held and the Commission shall hold the enquiry accordingly. 15

(3) The Commission, in the course of an enquiry, may, with the concurrence of the Minister, limit its scope as they think fit.

(4) The Commission, with the consent of the Minister, may, in the course of an enquiry, adjourn the enquiry for a single period not exceeding twelve months, if they are of opinion that the adjournment will lead to a sufficient improvement in the efficiency of the undertaking or industry which is the subject of the enquiry. 20

(5) The Minister shall not direct the holding of an enquiry concerning the processing, canning and subsequent disposal of vegetables except with the consent of the Minister for Agriculture. 25

Report of enquiry.

48.—(1) The Commission, on completing an enquiry, shall report thereon to the Minister.

(2) The report of an enquiry shall, so far as practicable, set out the opinion of the Commission, and the reasons for it, on each of the following matters:— 30

- (a) the quality and price of the products concerned;
- (b) the quality and suitability of the materials used in production and the manner in which they are purchased;
- (c) the method of production and the suitability of the equipment and premises used in production; 35
- (d) methods of management;
- (e) methods of recruiting, training and employing labour;
- (f) sales organisation and methods of marketing;
- (g) costs of production and distribution and overhead expenses; 40
- (h) capital structure, and
- (i) any other matters affecting the price or quality of the products.

(3) The Commission shall, so far as practicable, include in the report of an enquiry their opinion on the efficiency of an undertaking or industry to which the enquiry relates by comparison with— 45

- (a) methods of production and sale and the price and quality of the products of comparable undertakings or industries in other countries, and
- (b) the price at which, in the absence of restrictions on trade, products of similar quality to those of the said undertaking or industry might be procured from other countries. 50

49.—(1) If the report of an enquiry indicates that the Commission are of opinion that the efficiency of an undertaking or industry to which this Part applies is below a reasonable standard, the Minister may give a direction to the person carrying on the said undertaking or the person carrying on any undertaking comprised in the said industry, requiring such person to make, in accordance with the direction, such changes in relation to the undertaking as appear to the Minister to be necessary to promote greater efficiency, whether in respect of products, materials used, methods of production, equipment, premises, management, methods of purchasing, selling or marketing, recruitment, training or employment of labour, costs of production or distribution, overhead expenses, capital structure or otherwise.

Directions of Minister to promote industrial efficiency.

(2) The Minister may by a further direction amend or revoke a direction given by him under this section.

(3) A direction under this section shall be given by being served on the person to whom it relates.

50.—If a person to whom a direction has been given under section 49 fails to comply with the direction the Minister shall lay before each House of the Oireachtas a statement of the terms of the direction and the findings of the Commission by reason of which the direction was given.

Report of failure to comply with a direction.

51.—(1) When the statement referred to in section 50 has been laid before each House of the Oireachtas, the Government may by order do all or any of the following—

Orders for enforcement of directions.

(a) prohibit, except with the permission of the Minister, the distribution of profits of the undertaking;

(b) prohibit, except with such permission, the payment of remuneration to, in case the undertaking is carried on by a body corporate, the directors, and, in case it is carried on by an unincorporated body, the members;

(c) fix the maximum price (whether by specifying it or by setting out provisions by means of which it may be ascertained) at which a product of the undertaking may be sold by the person carrying on the undertaking and define the conditions by reference to which the maximum price is fixed, and fix different maximum prices in relation to different conditions;

(d) control the maximum profit (defined in such manner as the Government think fit) which may be made by the person carrying on the undertaking during a specified period or each of specified periods;

(e) remove or suspend any customs duty or restriction on importation from which, in the opinion of the Government, the undertaking benefits.

(2) The Government may by order amend or revoke an order under this section.

(3) Where an order is made under this section, a copy of the order shall be served on the person carrying on the undertaking to which it relates not later than ninety days after the day on which the order is made.

(4) A person who contravenes, whether by Act or omission, any provision of an order under this section shall be guilty of an offence under this section.

Recovery by
Minister of
excess profit.

52.—Where—

(a) the Government have made an order under *section 51* controlling the maximum profit which may be made by the person carrying on an undertaking during any specified period, and

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(b) the order has not been complied with,

then the amount by which the profit made by that person during the period exceeds the sum representing what would have been the profit during the period if the order had been complied with shall be a debt due to the Minister by that person and shall be recoverable from him by the Minister in any court of competent jurisdiction.

Saver for certain
taxes and
provision for
repayments by
Revenue
Commissioners.

53.—(1) Each of the following taxes shall be a specified tax for the purposes of this section:—

(a) income tax,

15

(b) sur-tax,

(c) corporation profits tax.

(2) Without prejudice to *subsections (3) and (4)* of this section, the enactments from time to time in force in respect of a specified tax shall have effect as if this Act had not been passed.

20

(3) When the Minister has received from a person a sum due to him under *section 52* the Revenue Commissioners shall repay to the person the aggregate amount in respect of specified taxes which would not have been payable by such person if the profit represented by the sum paid as aforesaid had not accrued to such person.

25

(4) Where a person has paid any sum in respect of costs or expenses payable by him as a result of this Act, nothing in this section shall affect the operation of any provision of any enactment relating to a specified tax under which any allowance in respect of that sum may be made in the computation of the profits of that person for the purposes of that tax.

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(5) This section shall, in relation to a specified tax, be construed together with the enactments from time to time in force in respect of that tax.

Disposal of
moneys paid to
Minister.

54.—All moneys paid to the Minister in pursuance of *section 52* shall be paid by him into the Exchequer or disposed of by him for the benefit of the Exchequer in accordance with the directions of the Minister for Finance

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PART VI.

DEVELOPMENT COUNCILS FOR INDUSTRY.

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Development
council orders.

55.—(1) The Minister may by order establish for any industry to which Part V applies or group of such industries a council (in this Part referred to as a development council).

(2) The order establishing a development council (in this Part referred to as a development council order) for an industry or group of industries may assign to the council functions of a kind mentioned in *subsection (3)* of this section.

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(3) Functions which may be assigned to a development council are—

(a) the promotion or undertaking of scientific research;

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- (b) the promotion or undertaking of enquiry into methods of production, management and use of labour;
- (c) the extension of facilities for the technical training of persons engaged or proposing engagement in industry;
- 5 (d) the promotion or undertaking of measures for the improvement of design and the standardisation of products;
- (e) the promotion or undertaking of research for improving arrangements for marketing and distributing products;
- 10 (f) the encouragement of co-operative organisations for supplying materials and equipment, for co-ordinating production and for marketing and distributing products;
- (g) the promotion or adoption of measures for improving factory design and working conditions.

(4) A development council order may contain such supplementary
15 and ancillary provisions as the Minister thinks fit.

(5) A development council order shall not have effect unless or until it has been confirmed by a resolution of each House of the Oireachtas.

56.—(1) A development council shall by virtue of this section be
20 a body corporate by the name given to it in the order by which it is established and may sue and be sued in that name and hold land. Constitution and membership of development councils.

(2) The members of a development council shall be appointed by the Minister.

(3) A development council shall comprise persons representing, in
25 the opinion of the Minister,—

(a) persons carrying on business in the industry or group of industries concerned, and

(b) workers therein,

30 together with such other persons (in this Act referred to as independent members) as the Minister thinks fit.

(4) The Minister shall appoint one of the independent members of a development council to be chairman of the council and another to be vice-chairman.

(5) The Minister may remove a member of a development council
35 from office.

(6) A member of a development council may resign his office.

(7) A development council order may provide for the payment, out of moneys at the disposal of the development council, to members of the council of such expenses of travel and subsistence
40 as the council may determine.

(8) A development council order may provide for the regulation of the proceedings of the development council, and, subject to such provisions, the council shall have power to regulate their own proceedings.

45 57.—(1) A development council order may provide for the imposition by the development council, with the approval of the Minister, of levies on persons who carry on business in the industry or group of industries concerned or carry on a business consisting wholly or partly in the production of, or dealing in, any of the materials of the industry or group, to enable the council to defray
50 their expenses in the discharge of their functions and their administrative expenses. Levies by development councils.

(2) A development council order providing for levies shall make provision for—

(a) the limitation of levies to a specified maximum amount during a specified period or to a specified maximum rate, and 5

(b) the manner and powers of recovery of levies by the development council.

(3) A development council order providing for levies may authorise the council to make regulations, with the consent of the Minister, for the purpose of enabling the development council to impose and recover such levies. 10

(4) A person who contravenes, whether by act or omission, a regulation made in accordance with *subsection* (3) 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. 15

Accounts, reports
and returns by
development
councils.

58.—(1) A development council shall, as soon as may be after the end of each year, prepare and transmit to the Minister a statement of accounts (duly audited and certified by an auditor appointed by the council with the approval of the Minister) in respect of that year and the Minister shall lay the statement before each House of the Oireachtas. 20

(2) A development council shall, as soon as may be after the end of each year, make to the Minister a report of their proceedings during the year and the Minister shall lay the report before each House of the Oireachtas. 25

(3) A development council shall furnish to the Minister, in such form as the Minister may direct, such information, statistics and returns as the Minister may from time to time require.

Seal

59.—(1) A development council shall provide and keep a seal. 30

(2) The seal of a development council shall, when affixed to a document, be authenticated by the signature of the chairman or some other member authorised in that behalf by the council.

(3) All courts of justice shall take judicial notice of the seal of a development council, and every document purporting to be sealed with the seal of a council and to be authenticated in accordance with this section shall, unless the contrary is proved, be deemed to have been duly and lawfully so sealed and be received in evidence without further proof and, in particular, without proof of any signature affixed to such document for the purpose of such authentication and without proof of the office or authority of the person whose signature such signature purports to be. 35
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Amendment and
revocation of
development
council orders

60.—(1) The Minister may, after consultation with the development council concerned, by order amend a development council order or dissolve a development council. 45

(2) An order under this section shall not have effect unless or until it has been confirmed by a resolution of each House of the Oireachtas.

(3) An order for the dissolution of a development council shall make provision for the winding up of the council, for the imposition and recovery of levies as under *section* 57 for the purpose of raising any amount by which the assets of the council may be insufficient to meet their liabilities and the expenses of the winding up, and for the application, for specified purposes connected with the industry or group of industries concerned, of any amount by 50
55

which the assets exceed the liabilities and expenses, and may contain such supplementary and ancillary provisions as the Minister thinks fit.

PART VII.

5 DISPLAY OF LISTS OF PRICES AND CHARGES AND PRICE MARKING OF COMMODITIES.

61.—(1) The Commission may make a report to the Minister stating that in their opinion it is desirable, in the public interest, that the Minister should make an order under this Part requiring every person who carries on in a specified area the business of selling particular commodities or of providing particular services to display in a specified manner a list showing the price for each such commodity or service.

Recommendations by Commission as to display of lists of prices and charges.

- (2) A report under this section shall specify—
- 15 (a) the Commission's reasons for recommending the order,
- (b) the commodities or services (defined in such manner as the Commission think fit) to which the order should relate,
- (c) the date on which the order should come into force and its proposed duration,
- 20 (d) the area to which the order should apply,
- (e) the manner in which the order should require the price list to be displayed.

62.—(1) The Minister may by order require every person who carries on in a specified area the business of selling particular commodities or of providing particular services to display in a specified manner a list showing the price for each such commodity or service.

Prices and charges display orders.

(2) The Minister shall not make an order under this section in relation to a commodity or service unless he has received a report from the Commission relating to that commodity or service but in making an order he shall not be bound by the report.

(3) An order under this section—

- (a) may define a commodity or service in such manner as the Minister thinks fit,
- (b) may be amended or revoked by order of the Minister.

63.—(1) The Minister may by order require persons who produce, import or sell a specified commodity to mark thereon or on a suitable label affixed thereto, and in such manner as the order may provide, the maximum price of the commodity under an order for the time being in force under Part III.

Price marks

(2) A person who sells a commodity marked in accordance with an order under this section shall not remove, alter, deface or destroy the mark.

(3) No person shall sell a commodity required by order under this section to be marked unless the commodity is marked in accordance with the order.

64.—A person who—

- (a) contravenes, whether by act or omission, a provision of this Part or of an order under this Part, or

Offences under Part VII.

(b) sells a commodity or provides a service at a greater price or charge than that shown in the list which he is under this Part required to display,

shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence, to a fine not exceeding five pounds and, in the case of a second or subsequent offence, to a fine not exceeding ten pounds or, at the discretion of the court, to imprisonment for a term not exceeding three months, or to both such fine and imprisonment. 5

PART VIII.

10

REVIEW OF CUSTOMS DUTIES AND IMPORT RESTRICTIONS.

Enquiries as to customs duties and import restrictions.

65.—(1) The Commission shall, at the request of the Minister, enquire into the operation of any customs duty or of prohibitions or restrictions on the importation of any goods.

(2) The Commission, on completing an enquiry, shall report thereon to the Minister and their report shall include their recommendations in relation to the subject of the enquiry. 15

PART IX.

MISCELLANEOUS.

Commission's function to keep prices under review.

66.—(1) It shall be a function of the Commission to keep under review the prices of commodities and services. 20

(2) The Commission may publish, in such manner as they think fit, notice of their intention to keep under review during any period any specified prices.

Publication by Commission of information as to prices.

67.—The Commission may publish, in such manner as they think fit, information in relation to the prices of commodities and services. 25

Notice requiring returns by particular person.

68.—(1) For the purpose of obtaining the information necessary for the exercise of any function under this Act, the Minister, the Commission or the chairman may, from time to time, serve on a person who carries on the business of producing or selling a commodity or providing a service a notice requiring that person to furnish at such times as may be specified in the notice such accounts and returns, relating to the business, as may be specified in the notice. 30

(2) A notice under this section may require any accounts or returns to be in a form specified in the notice. 35

(3) If a person on whom a notice under this section is served does not comply with the notice he shall be guilty of an offence under this section.

Inspection of premises, etc., and obtaining of information.

69.—(1) For the purpose of obtaining the information necessary for the exercise by the Minister, the Commission or the chairman of any function under this Act, an authorised officer is hereby authorised— 40

(a) at all reasonable times to enter premises at which the business of producing or selling a commodity or providing a service is carried on and to inspect the premises and plant or machinery therein and any industrial process there carried on; 45

(b) to require the person who carries on such a business or a person employed in connection with the business to pro- 50

duce to the officer any books, documents or records relating to the business which are in such a person's power or control;

- 5 (c) to inspect and take extracts from such books, documents or records;
- (d) to require such a person to give to the officer any information which the officer may reasonably require with regard to any entries in such books, documents or records;
- 10 (e) to require such a person to afford to the officer all reasonable facilities for the inspection and measurement of any stocks held by that person and to permit the officer to take samples of any such stocks; and to give to the officer any information which the officer may reasonably
- 15 require in regard to the business.

(2) In this section, the expression " authorised officer " means a person being an inspector or a member of the Commission or a person to whom functions of the chairman have been delegated.

- (3) A person who obstructs or impedes an authorised officer in
- 20 the exercise of a power, or does not comply with a requirement, under this section shall be guilty of an offence under this section.

70.—(1) For the purpose of obtaining the information necessary for the exercise of any functions under this Act, the Commission may, from time to time, publish in such manner as they think fit

25 a notice requiring persons who carry on the business of producing or selling a specified commodity or of providing a specified service to furnish to them at such times as may be specified in the notice such accounts and returns, relating to the business, as may be specified in the notice.

Notice requiring returns from persons carrying on specified kind of business.

- 30 (2) A notice under this section may require a return to be in a form specified in the notice.

(3) If a person to whom a notice under this section applies does not comply with the notice he shall be guilty of an offence under this section.

35 71.—(1) A person who sells a commodity shall, if so required by the purchaser at the time of sale, then and there deliver to the purchaser a statement in writing signed by such person or, where such person is an employee, by the employer or the employer's agent, setting out the following particulars—

Statement of particulars of sale.

- 40 (a) the name and address of the vendor,
- (b) the date of sale,
- (c) a description of the commodity,
- (d) if the sale is by weight or measure, the weight or measure, as the case may be,
- 45 (e) if the sale is by number, the number,
- (f) the sum charged for the commodity.

(2) The statement mentioned in *subsection (1)* of this section shall be furnished on every occasion when a purchaser makes, at the time of sale, a request in any terms for any form of an acknowledgment

50 of the sale.

(3) Nothing in this section shall preclude a person from furnishing any other form of acknowledgment of a sale or of a receipt for payment in respect of a sale, but such acknowledgment or receipt must be in addition to the statement mentioned in *subsection (1)* of

55 this section.

(4) A person who fails, neglects or refuses to comply with this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

Recovery of
excess price.

72.—Where a person pays for a commodity or service a sum in excess of the price for the time being fixed by law for that commodity or service, the excess shall be recoverable as a simple contract debt in any court of competent jurisdiction. 5

Evidence of
public analysts,
State Chemists
and other officers.

73.—(1) In this section—
the expression “ public analyst ” means an analyst appointed by a local authority for the purposes of the Sale of Food and Drugs Act, 1875; 10

the expression “ the State Chemist ” means the head of the State Laboratory;

the expression “ the Superintending Chemist ” means the Superintending Chemist of the State Laboratory. 15

(2) In any proceedings for an offence under this Act, the production by the prosecutor of a certificate of a public analyst in the form prescribed by section 18 of the Sale of Food and Drugs Act, 1875, shall be sufficient evidence of the facts therein stated unless the defendant requires that the said analyst be called as a witness and, where the said analyst is in pursuance of such requirement called as a witness, the Court may, irrespective of the result of the proceedings, direct the defendant to pay the witness expenses of the said analyst. 20
25

(3) (a) In any proceedings for an offence under this Act, the production by the prosecutor of a certificate of analysis by the State Chemist or the Superintending Chemist shall be sufficient evidence of the facts therein stated unless the defendant requires that the person who made the analysis be called as a witness and, where the said person is in pursuance of such requirement called as a witness, the Court may, irrespective of the result of the proceedings, direct the defendant to pay the witness expenses of the said person. 30
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(b) A certificate of analysis by the State Chemist or the Superintending Chemist shall be signed by the State Chemist or the Superintending Chemist (as the case may be) but the analysis may be made by any person acting under the direction of the State Chemist or the Superintending Chemist. 40

(4) (a) In any proceedings for an offence under this Act, the production by the prosecutor of a certificate, signed by the State Chemist, the Superintending Chemist or a technical officer in the gas, weights and measures section of the Department of Industry and Commerce, certifying the weight of a specified commodity shall be sufficient evidence of its weight unless the defendant requires that the person who weighed the commodity be called as a witness and, where the said person is in pursuance of such requirement called as a witness, the Court may, irrespective of the result of the proceedings, direct the defendant to pay the witness expenses of the said person. 45
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(b) A commodity the subject of a certificate under paragraph (a) of this subsection may be weighed by any person acting under the direction of the person signing the certificate. 55

(5) Any document purporting to be signed by a public analyst, the State Chemist, the Superintending Chemist or a technical officer in the gas, weights and measures section of the Department of 60

Industry and Commerce shall, unless the contrary is shown, be deemed to have been so signed without proof of the signature or the official character of the person appearing to have signed it.

74.—(1) Service of a document may be effected for the purposes
5 of this Act by sending the document by registered post in a letter addressed to the person to whom the document relates at the address where such person ordinarily resides or carries on business. Service of documents

(2) For the purposes of *subsection (1)* of this section, a company registered under the Companies Acts, 1908 to 1924, shall be deemed
10 to carry on business at its registered office and every other body corporate and every unincorporated body shall be deemed to carry on business at its principal office or place of business in the State.

75.—(1) An order under Part III or Part V controlling the price
15 for a commodity or service shall not affect the legality of a contract made before the date on which the order comes into force, or of anything done under the contract. Effect on contracts of orders controlling prices.

(2) An order under Part III or Part V controlling the price for a commodity or service shall not affect the legality of a contract made on or after the date on which the order comes into force or
20 of anything done under the contract if—

(a) the contract is made in pursuance of a legal obligation arising from a prior contract made before that date, or

(b) the contract is made by a local authority with an official contractor appointed under section 3 of the Local Authorities (Combined Purchasing) Act, 1925 (No. 20
25 of 1925), or under section 6 of the Local Authorities (Combined Purchasing) Act, 1939 (No. 14 of 1939), as the result of an application made by him before that date.

76.—(1) In this section, the expression “emergency powers”
30 means powers conferred on the Minister by Article 31 of the Emergency Powers Order, 1939 (S.R. & O., No. 224 of 1939), as amended by the Emergency Powers (No. 173) Order, 1942 (S.R. & O., No. 166 of 1942), (which orders were continued in force by the Supplies and Services (Temporary Provisions) Act, 1946, (No. 22 of 1946). Emergency Price Orders.

(2) After the commencement of this Part, no order shall be made by the Minister under emergency powers to control the price at which a commodity may be sold or bought.

(3) Every order made by the Minister or the Minister for
40 Supplies under emergency powers to control the price at which a commodity may be sold or bought and in force at the commencement of this Part shall, unless previously revoked, continue in force on and after the operative date by virtue of this section until twelve months have elapsed after the commencement of this Part,
45 and shall then cease to have effect.

(4) The Minister may by order revoke any order to which *subsection (3)* of this section relates.

(5) A person who contravenes, whether by act or omission, any
50 provision of an order to which *subsection (3)* of this section relates shall be guilty of an offence under this section.

SCHEDULE.
ENACTMENTS REPEALED.

Section 11.

Number and Year	Short title
No. 26 of 1937	Control of Prices Act, 1937.
No. 15 of 1938	Prices Commission (Extension of Functions) Act, 1933.

Éire.

AN BILLE UM EIFEACHTULACHT
TIONSCAIL AGUS UM PRAGHSANNA, 1947.

BILLE

(mar do tugadh isteach)

dá ngairmtear

Acht do dhéanamh socrúithe chun praghsanna agus brabús a rialú, chun éifeachtúlacht tionseail a chothú i ngnóthais agus i dtionseail áirithe, chun Comhairlí Forbartha a bhunú le haghaidh tionseail agus chun daoine a bhíos ag gabháil do na tionseail sin d'íoc dleacht leis na Comhairlí sin agus do dhéanamh socrúithe i dtaobh nithe áirithe eile a bhaineas leis na nithe réamhráite.

An tAire Tionscail agus Tráchtála do thug isteach.

Do hordaiodh, ag Dáil Eireann, do chlóbhualadh, 3ú Iúil, 1947.

BAILE ATHA CLIATH:
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Éire.

INDUSTRIAL EFFICIENCY AND PRICES
BILL, 1947.

BILL

(as introduced)

entitled

An Act to provide for the control of prices and profits, the promotion of industrial efficiency in certain undertakings and industries, the establishment of Development Councils for industries and the payment of levies to such Councils by persons engaged in such industries and for certain other matters connected with the matters aforesaid.

Introduced by the Minister for Industry and Commerce.

Ordered by Dáil Eireann, to be printed, 3rd July, 1947.

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