ÉIRE.

AN BILLE GORLANN EANLAITHE CLOIS, 1947.

POULTRY HATCHERIES BILL, 1947.

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

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ÉIRE.

AN BILLE GORLANN EANLAITHE CLOIS, 1947.

POULTRY HATCHERIES BILL, 1947.

BILL

entitled

AN ACT TO PROVIDE FOR THE CONTROL OF POULTRY HATCHERIES AND FOR OTHER MATTERS (INCLUDING THE CHARGING OF FEES ON CERTAIN LICENCES AND OTHER DOCUMENTS) CONNECTED THEREWITH.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I.

Preliminary and General.

Short title.

1.—This Act may be cited as the Poultry Hatcheries Act, 1947.

Commencement.

2.—This Act shall come into operation on such day or days as may be fixed therefor by any 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 different provisions of this Act.

Interpretation.

3.—In this Act—

approved egg supply farm.

the expression "approved egg supply farm" means an egg supply farm for the time being approved under *Section 13* of this Act and the words "approve" and "approval" shall be construed accordingly;

eggs.

the word "eggs" means the eggs of poultry;

egg supply farm.

the expression "egg supply farm" means any premises where eggs are produced for hatching;

inspector.

the word "inspector" means a person authorised under *subsection (1)* of *section 19* of this Act;

licensed poultry hatchery.

the expression "licensed poultry hatchery" means a poultry hatchery for the time being licensed under this Act;

Minister.

the expression "the Minister" means the Minister for Agriculture;

poultry.

the word "poultry" means birds of any of the following species, domestic fowls, ducks, geese, turkeys, guinea fowls and pheasants;

poultry hatchery.

the expression "poultry hatchery" means any premises for the hatching of eggs by artificial means;

poultry hatchery licence.

the expression "poultry hatchery licence" means a licence granted under *subsection (1)* of *section 9* of this Act and for the time being in force;

prescribed.

the word "prescribed" means prescribed by regulations made by the Minister under this Act;

the expression "provisional permit" means a provisional permit granted under *subsection* (*1*) of *section 16* of this Act and for the time being in force.

provisional permit.

4.—An offence under any section of this Act may be prosecuted by the Minister.

Prosecution of offences.

5.—Every regulation 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 regulation is passed by either such House within the next subsequent twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of any thing previously done thereunder.

Laying of regulations before Houses of the Oireachtas.

6.—The expenses incurred by the Minister 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.

7.—(1) There shall be payable to the Minister, in respect of a poultry hatchery licence, the approval of an egg supply farm or a provisional permit, such (if any) fee as the Minister shall, with the consent of the Minister for Finance, from time to time fix in respect thereof.

Fees.

(2) The following provisions shall apply in respect of all fees paid to the Minister under this section—

(*a*) such fees shall be collected in money and taken in such manner as the Minister for Finance may from time to time direct, and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the Minister for Finance;

(*b*) the Public Offices Fees Act, 1879, shall not apply in respect of such fees.

PART II.

Poultry Hatcheries.

8.—(1) Subject to *subsection* (*2*) of this section, no person shall operate a poultry hatchery save under and in accordance with a poultry hatchery licence.

Prohibition on operation of poultry hatcheries.

(2) The Minister may by regulations declare poultry hatcheries of a class defined in the regulations to be exempted from *subsection* (*1*) of this section and, so long as the regulations are in force, the said subsection shall not apply to a poultry hatchery of that class.

(3) Every person who contravenes *subsection* (*1*) 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 together with a further fine not exceeding twenty pounds for every day during which such contravention continues.

9.—(1) The Minister may, in his absolute discretion, grant or refuse to grant to any person a licence for a poultry hatchery.

Poultry hatchery licences.

(2) The Minister may from time to time attach to a poultry hatchery licence such conditions as he thinks proper, and may revoke or amend any condition.

(3) Where the holder of a poultry hatchery licence does not comply with a condition attached to the licence, 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.

Revocation of licences.

10.—(1) Subject to *subsection* (*2*) of this section, the Minister may, in his absolute discretion, revoke a poultry hatchery licence.

(2) The Minister shall give notice of his intention to revoke a licence to the holder thereof and shall, if representations are made to him within seven days, by the holder, consider such representations.

Restriction on use of eggs for hatching.

11.—(1) The holder of a poultry hatchery licence shall not use for hatching in his poultry hatchery any eggs except eggs which either—

(*a*) have been produced at, and obtained by him from, an egg supply farm which is an approved egg supply farm or in respect of which a provisional permit is in force, or

(*b*) have been imported by him, with the sanction of the Minister, for hatching.

(2) A person who contravenes *subsection* (*1*) 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.

PART III.

Supply of Eggs to Licensed Poultry Hatcheries.

Approved egg supply farms.

Restriction on supply of eggs to licensed poultry hatcheries.

12.—(1) Save as provided for under *paragraph* (*b*) of *subsection* (*1*) of *section 11* of this Act, no person other than the owner of an approved egg supply farm shall supply eggs to a licensed poultry hatchery.

(2) The owner of an approved egg supply farm shall not supply to a licensed poultry hatchery any eggs except eggs which have been produced at that farm.

(3) Every person who contravenes *subsection* (*1*) or *subsection* (*2*) 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 ten pounds.

Approved egg supply farms.

13.—(1) The Minister may, in his absolute discretion, approve or refuse to approve an egg supply farm.

(2) The Minister may from time to time attach to his approval of an egg supply farm such conditions as he thinks proper, and may revoke or amend any condition.

(3) Where the owner of an approved egg supply farm does not comply with a condition attached to the Minister's approval, 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.

Withdrawal of approval by the Minister.

14.—(1) Subject to *subsection* (*2*) of this section, the Minister may, in his absolute discretion, withdraw his approval of an egg supply farm.

(2) The Minister shall give notice of his intention to withdraw his approval to the owner of the egg supply farm and shall, if representations are made to him, within seven days, by the owner, consider such representations.

Provisional permits for egg supply farms.

Temporary restriction on supply of eggs to licensed poultry hatcheries.

15.—(1) Save as provided for under *paragraph* (*b*) of *subsection* (*1*) of *section 11* of this Act, no person other than the holder of a provisional permit shall, before the commencement of *section 12* of this Act, supply eggs to a licensed poultry hatchery.

(2) The holder of a provisional permit shall not supply to a licensed poultry hatchery any eggs except eggs which have been produced at the egg supply farm to which the permit relates.

(3) Every person who contravenes *subsection* (*1*) or *subsection* (*2*) 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 ten pounds.

Provisional permits for egg supply farms.

16.—(1) The Minister, at any time before the commencement of *section 12* of this Act, may, in his absolute discretion, grant or refuse to grant to a person a provisional permit for an egg supply farm.

(2) The Minister may from time to time attach to a provisional permit such conditions as he thinks proper, and may revoke or amend any condition.

(3) Where the holder of a provisional permit does not comply with a condition attached to the permit, 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.

Cesser of provisional permits.

17.—A provisional permit shall cease to be in force on the commencement of *section 12* of this Act.

Revocation of provisional permits.

18.—(1) Subject to *subsection* (*2*) of this section, the Minister may, in his absolute discretion, revoke a provisional permit.

(2) The Minister shall give notice of his intention to revoke a provisional permit to the holder thereof and shall, if representations are made to him within seven days, by the holder, consider such representations.

PART IV.

Miscellaneous.

Inspectors.

19.—(1) The Minister may authorise persons to be inspectors for the purposes of this Act.

(2) An inspector shall be furnished by the Minister with a certificate certifying that he is an inspector and when exercising any power conferred by this Act shall, if requested by any person affected, produce the certificate to such person.

Records.

20.—(1) The holder of a poultry hatchery licence or of a provisional permit and the owner of an approved egg supply farm shall keep the prescribed records in the prescribed form, and shall make in every such record the prescribed entries at or within the prescribed times.

(2) Every record kept in pursuance of this section may be inspected at all reasonable times by an inspector, and it shall be the duty of the person liable under this section to keep the record to produce for inspection on demand the record and also all invoices, consignment notes, receipts and other documents (including copies thereof where the originals are not available) reasonably demanded by the inspector for the purpose of verifying any entry in or explaining any omission from the record.

(3) If any person—

(*a*) fails to keep such record as is required in this section to be kept by him, or

(*b*) fails to make in such record within the prescribed time any entry required by this section to be made by him therein, or

(*c*) fails to produce for inspection by an inspector on demand any record, document or copy of a document which he is required by this section to produce, or

(*d*) wilfully or negligently makes in such record any entry which is false or misleading in any material particular,

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.

Powers of entry of inspectors, etc.

21.—(1) An inspector may at all reasonable times enter and inspect any premises which he has reasonable grounds for believing to be a poultry hatchery or an egg supply farm or premises where artificial incubation is carried on.

(2) A person who obstructs or impedes an inspector in the exercise of any powers conferred by this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

General regulations

22.—The Minister may make regulations providing for any or all of the following matters—

(*a*) anything referred to in this Act as prescribed;

(*b*) the forms to be used, particulars to be furnished and procedure to be adopted for the purpose of applications for poultry hatchery licences, provisional permits and approval of egg supply farms;

(*c*) controlling the operation of licensed poultry hatcheries and of egg supply farms which are approved egg supply farms or in respect of which provisional permits are in force.

Éire.

AN BILLE GORLANN EANLAITHE CLOIS, 1947.

BILLE

dá ngairmtear

Acht do dhéanamh socruithe chun gorlanna éanlaithe clóis a rialú agus do dhéanamh socruithe i dtaobh nithe eile (ar a n-áirítear táillí d'éileamh ar cheadúnais agus doiciméidí eile áirithe) a bhaineas leis sin.

Rite ag dhá Thigh an Oireachtais,
19*ú Nollaig,* 1947.

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Éire.

POULTRY HATCHERIES BILL, 1947.

BILL

entitled

An Act to provide for the control of poultry hatcheries and for other matters (including the charging of fees on certain licences and other documents) connected therewith.

Passed by both Houses of the Oireachtas,
19*th December,* 1947.

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