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**AN BILLE UM MARGU TAIRGI DEIRIOCHTA, 1960.  
DAIRY PRODUCE MARKETING BILL, 1960.**

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*Mar a ritheadh ag dhá Theach an Oireachtais.  
As passed by both Houses of the Oireachtas.*

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AN BILLE UM MARGU TAIRGI DEIRIOCHTA, 1960.  
DAIRY PRODUCE MARKETING BILL, 1960.

# BILL

*entitled*

5 AN ACT TO MAKE FURTHER PROVISION IN RELATION  
TO THE MARKETING OF MILK AND MILK PRODUCTS  
AND THE IMPROVEMENT AND DEVELOPMENT OF  
SUCH MARKETING, FOR THOSE PURPOSES TO PRO-  
10 VIDE FOR THE ESTABLISHMENT OF A BOARD TO  
BE CALLED AN BORD BAINNE AND TO DEFINE ITS  
FUNCTIONS, TO PROVIDE FOR THE PAYMENT OF  
LEVIES ON MILK AND BUTTER TO AN BORD BAINNE,  
TO AMEND THE DAIRY PRODUCE (PRICE STABILI-  
15 SATION) ACTS, 1935 TO 1956, AND TO PROVIDE FOR  
OTHER MATTERS CONNECTED WITH THE MATTERS  
AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

1.—This Act shall come into operation on such day or days as,  
20 by order or orders made by the Minister under this section, may  
be fixed therefor either generally or with reference to any par-  
ticular purpose or provision and different days may be so fixed  
for different purposes and different provisions. Commencement.

2.—(1) In this Act save where the context otherwise requires—  
“ the Board ” means An Bord Bainne established by this Act; Interpretation.

25 “ butter ”, “ creamery ”, “ creamery business ”, “ creamery butter ”  
and “ cream-separating business ” have, respectively, the meanings  
they have in the Dairy Produce Act, 1924; 1924, No. 58.

“ butter levy ” means the levy on creamery butter provided for  
under *section 37* of this Act;

30 “ butter stocks levy ” means the levy on stocks of butter provided  
for under *section 38* of this Act;

“ the Committee ” has the meaning assigned to it by *section 49* of  
this Act;

“ the Company ” means the Dairy Disposal Company, Limited;

35 “ cream-separating station ” means a premises registered under the  
Dairy Produce Act, 1924, in the register of cream-separating  
stations; 1924, No. 58.

40 “ establishment day ” means the day appointed to be the establish-  
ment day for the purposes of this Act by order of the Minister  
made under *section 3* of this Act;

“ functions ”, in relation to the Board, includes powers and duties,  
and references to the performance of functions include references  
to the exercise of powers and the performance of duties;

45 “ the Fund ” means the Dairy Produce Fund established by  
*section 29* of this Act;

"milk" means milk in liquid form and includes whole milk, skimmed or separated milk, buttermilk, or whey, in liquid form;

"milk levy" means the levy on milk provided for under *section 36* of this Act;

"milk product" includes any substance which is made wholly or partly from milk or a product or by-product of milk and which is—

(a) butter, cream, raw cheese, processed cheese, condensed milk, dried or powdered milk, chocolate crumb or casein, or

(b) a substance which is for the time being declared by regulations made by the Minister under *subsection (2)* of this section to be a milk product;

"the Minister" means the Minister for Agriculture;

"nomination day" means a day appointed to be a nomination day for the purposes of this Act under *section 7* of this Act;

"registered proprietor" means, when used in relation to a creamery, the person carrying on the creamery business in that creamery, and when used in relation to a cream-separating station, means the person carrying on the cream-separating business in that station;

"registered proprietor of premises" means the person carrying on in premises registered under Part III of the Dairy Produce Act, 1924, the business in respect of which they are registered;

"returning officer" means in relation to a ballot under this Act, the person who, by virtue of *section 12* of this Act, is the returning officer for that ballot;

"society" means a society registered under the Industrial and Provident Societies Acts, 1893 to 1936;

"the transfer day" means the day appointed to be the transfer day for the purposes of this Act by order of the Minister made under *section 50* of this Act.

(2) (a) The Minister may by regulations declare that any substance (other than a substance specifically mentioned in paragraph (a) in the definition of "milk product" in *subsection (1)* of this section) made wholly or partly from milk or from a product or by-product of milk shall be a milk product for the purposes of this Act.

(b) Whenever and so long as regulations under this subsection declaring a substance to be a milk product for the purposes of this Act are in force, that product shall be a milk product for those purposes.

Establishment day.

3.—The Minister may by order made under this section appoint a day to be the establishment day for the purposes of this Act.

Establishment and general duty of the Board.

4.—(1) There shall, by virtue of this section, be established on the establishment day a board to be styled and known as An Bord Baine to perform the functions assigned to it by this Act.

(2) The Board shall be a body corporate with perpetual succession and an official seal (which shall be judicially noticed) and power to sue and be sued in its corporate name and to acquire, hold and dispose of land.

(3) It shall be the general duty of the Board to endeavour to improve and develop the marketing of milk products outside the State and achieve such flexibility in the marketing aforesaid and in its development as will ensure that, in so far as is possible, milk is put to the most profitable uses and the producers of milk obtain reasonable returns thereon.

5.—(1) The Board shall, in addition to the functions assigned to it by any other provision of this Act, have the following general functions, namely :

Functions of the Board.

- 5 (a) to export, or provide for the exportation of, milk and milk products of such class or kind as the Minister may from time to time specify in writing to the Board either, as the Minister may specify from time to time in writing to the Board, generally or to such country or countries as may be so specified by the Minister, and
- 10 (b) to promote, facilitate, encourage, assist (financially or otherwise), co-ordinate and develop the exportation of milk and milk products by such means as the Board considers necessary or desirable.
- (2) Without prejudice to the generality of *subsection (1)* of 15 this section, the Board may do all or any of the following :
- (a) acquire, by purchase or otherwise, store, dispose of, by sale or otherwise, import and export milk and milk products,
- 20 (b) engage in the business of wholesale and retail dealing in milk and milk products—
- (i) outside the State, and
- (ii) with the consent in writing of the Minister and until such time (if any) as the consent is withdrawn in writing by the Minister, in the State,
- 25 (c) conduct, or provide for the conducting of, investigations, surveys, analyses, studies and reports in relation to markets, potential markets and market conditions for milk and milk products in the State and outside the State,
- 30 (d) conduct, or provide for the conducting of, periodic comprehensive reviews, surveys and studies of trade in milk and milk products in the State and outside the State,
- (e) carry out, or provide for the carrying out of, and assist, financially or otherwise, experimental and development 35 work and investigations in relation to the provision of new and improved types of milk products, packing for milk and milk products and methods of presentation for marketing of milk and milk products,
- (f) provide, or arrange for the provision of, publicity in any 40 form or medium in the State and outside the State for the purpose of encouraging the increased consumption and use of milk and milk products and promoting increases in the quantities of milk and milk products exported from the State,
- 45 (g) establish, equip and operate, and provide for the establishment, equipment and operation of, and assist, financially or otherwise, in the operation of, showrooms, information bureaux, and similar establishments, in the State and outside the State, designed to promote the increased 50 consumption and use of milk and milk products and to promote increases in the quantities of milk and milk products exported from the State,
- (h) publish and distribute, or provide for the publication and 55 distribution of, pamphlets, notices, bulletins, journals, magazines and such other similar matter as it thinks fit, in the State and outside the State, for the purpose of encouraging the increased consumption and use of milk and milk products and promoting increases in the quantities of milk and milk products exported from the State,
- 60 (i) undertake, promote, or provide for the undertaking and promotion of, and assist in, financially or otherwise, any activity which, in the opinion of the Board, is or is likely to result in, directly or indirectly, increases in

the quantities of milk and milk products exported from the State.

Assignment of additional functions to the Board.

6.—(1) The Minister may, with the consent of the Minister for Finance, from time to time by order—

- (a) assign to the Board such additional functions as he thinks fit in relation to milk or to milk products, 5
- (b) make such provision as he considers desirable or necessary in relation to matters ancillary to or arising out of the assignment of functions to the Board under this Act or the performance by the Board of those functions. 10

(2) The Minister may by order revoke or amend an order under this section (including an order under this subsection).

Nomination year and nomination day.

7.—(1) The nomination years for the purposes of this Act shall be—

- (a) the year in which the establishment day falls, and 15
- (b) each fourth successive year thereafter.

(2) The Minister may by regulations made under this section prescribe a day in each nomination year to be, for the purposes of this Act, the nomination day in that nomination year.

Constitution of the Board.

8.—(1) The Board shall consist of nine members of whom one shall be the chairman and the others shall be ordinary members. 20

(2) The members of the Board shall comprise—

- (a) three persons nominated under *section 9* of this Act to be members of the Board,
- (b) one person nominated under *section 10* of this Act to be a member of the Board, 25

(c) one person being—

- (i) a person who is nominated to be a member of the Board by the licensed manufacturers of cheese and as respects whose nomination notification in writing is delivered to the Minister (together with a statement in writing signed by the person signifying his consent to the nomination) before the nomination day in the nomination year in which the nomination is made, or 30  
35

- (ii) if in any nomination year the licensed manufacturers of cheese do not, before the nomination day in that year, nominate a person and deliver to the Minister the notification and statement in relation to the person referred to in *subparagraph (i)* of this paragraph, a person nominated by the Minister whom the Minister considers to be representative of those manufacturers, 40

(d) one person being—

- (i) a person who is nominated to be a member of the Board by the licensed manufacturers of milk powder and as respects whose nomination notification in writing is delivered to the Minister (together with a statement in writing signed by the person signifying his consent to the nomination) before the nomination day in the nomination year in which the nomination is made, or 45  
50

- (ii) if in any nomination year the licensed manufacturers of milk powder do not, before the nomination day in that year, nominate a person and deliver to the Minister the notification and statement in relation to the person referred to in *subparagraph (i)* 55

of this paragraph, a person nominated by the Minister whom the Minister considers to be representative of those manufacturers,

(e) one person being—

5 (i) a person who is nominated to be a member of the Board by the licensed manufacturers of chocolate crumb and as respects whose nomination notification in writing is delivered to the Minister (together with a statement in writing signed by the person

10 signifying his consent to the nomination) before the nomination day in the nomination year in which the nomination is made, or

15 (ii) if in any nomination year the licensed manufacturers of chocolate crumb do not, before the nomination day in that year, nominate a person and deliver to the Minister the notification and statement in relation to the person referred to in *subparagraph (i)* of this paragraph, a person nominated by the Minister whom the Minister considers to be representative of those manufacturers,

20

(f) one person nominated by the Minister whom the Minister considers to be representative of the Company, and

(g) one officer of the Minister nominated by the Minister.

(3) The first members of the Board shall be nominated before

25 the establishment day.

(4) In each nomination year after the nomination year in which the establishment day falls the members of the Board shall be nominated before the 1st day of October in that year.

(5) In this section "the licensed manufacturers" means, when

30 used in relation to cheese, milk powder or chocolate crumb, all persons carrying on the manufacture of cheese, milk powder or chocolate crumb, as the case may be, in premises acquired, established or maintained under and in accordance with licences granted under the Creamery Act, 1928, to those persons or their pre-

35 decessors in title.

1928, No. 26.

9.—(1) During the period of one month ending immediately before the nomination day in any nomination year societies that are the registered proprietors of creameries or cream-separating stations situate in the county of Clare, Cork, Kerry, Kilkenny,

40 Laoighis, Limerick, Tipperary, Waterford or Wexford may, in accordance with the provisions of *subsection (4)* of this section, propose persons for nomination as members of the Board, but a society shall not propose more than one person under this subsection in any nomination year.

Nomination of three persons as members of the Board by certain co-operative societies.

45 (2) During the period of one month ending immediately before the nomination day in any nomination year, societies that are the registered proprietors of creameries or cream-separating stations situate elsewhere in the State than in the counties specified in

50 *subsection (1)* of this section may, in accordance with the provisions of *subsection (4)* of this section, propose persons for nomination as members of the Board, but a society shall not propose more than one person under this subsection in any nomination year.

(3) During the period of one month ending immediately before the nomination day in any nomination year, societies that are the

55 registered proprietors of creameries or cream-separating stations situate anywhere in the State may, in accordance with the provisions of *subsection (4)* of this section, propose persons for nomination as members of the Board, but a society shall not propose more than one person under this subsection in any nomination year.

60 (4) A proposal in any nomination year under any of the fore-

going subsections shall be made in writing by any six societies specified in the subsection under which the proposal is made (and, in the case of a proposal under *subsection (3)* of this section, shall contain an indication that it is made under that subsection) and shall be delivered to the returning officer (together with a statement in writing signed by the person proposed signifying his consent to the proposal) during the period of one month ending immediately before the nomination day in that year. 5

(5) If one person only stands proposed under *subsection (1)* of this section on the nomination day in any nomination year, that person shall be deemed to be nominated as a member of the Board under this section by the societies specified in that subsection. 10

(6) If more persons than one stand proposed under *subsection (1)* of this section on the nomination day in any nomination year, a ballot shall be held in which each society specified in that subsection shall be entitled to vote for one of the persons standing proposed as aforesaid, and— 15

(a) in case one person secures more votes than any other person in the ballot, that person shall be deemed to be nominated as a member of the Board under this section by the societies specified in that subsection, and 20

(b) in case two or more persons secure the same number of votes in the ballot, the returning officer shall determine by lot which of those persons shall be nominated as a member of the Board, and the person so determined shall be deemed to be nominated a member of the Board under this section by the societies specified in that subsection. 25

(7) (a) The provisions of *subsections (5)* and *(6)* of this section shall apply in relation to the nomination of persons proposed under *subsection (2)* of this section in like manner as they apply in relation to the nomination of persons proposed under *subsection (1)* of this section. 30

(b) The provisions of *subsections (5)* and *(6)* of this section shall apply in relation to the nomination of persons proposed under *subsection (3)* of this section in like manner as they apply in relation to persons proposed under *subsection (1)* of this section. 35

(8) A person deemed to be nominated as a member of the Board under this section by the societies specified in *subsection (3)* of this section shall endeavour to acquaint himself with, and keep the Board informed of, the special interests of the societies aforesaid in relation to the production of fresh cream. 40

Nomination of person as member of the Board by suppliers of milk to creameries owned by University College, Cork, the Dairy Disposal Company, Limited, or its associated companies.

10.—(1) During the period of one month ending immediately before the nomination day in any nomination year suppliers of milk to creameries or cream-separating stations of which the registered proprietors are University College, Cork, the Company, the Condensed Milk Company of Ireland (1928), Limited, or the Newmarket Dairy Company (1932), Limited, may, in accordance with the provisions of *subsection (2)* of this section, propose persons for nomination as members of the Board, but a person shall not propose more than one person under this subsection in any nomination year. 45 50

(2) A proposal in any nomination year under *subsection (1)* of this section shall be made in writing by any twenty persons each of whom supplied milk during the month ending immediately before the commencement of the period of one month referred to in the said *subsection (1)* to any such creamery or cream-separating station and shall be delivered to the returning officer (together with a statement in writing signed by the person proposed signifying his consent to the proposal) during the period of one month ending immediately before the nomination day in that year. 55 60



(3) If on the nomination day in any nomination year one person only stands proposed under this section, that person shall be deemed to be nominated as a member of the Board under this section.

(4) If on the nomination day in any nomination year more persons than one stand proposed under this section, a ballot shall be held in which each person entitled under this section to nominate a person in that nomination year for membership of the Board shall be entitled to vote for one of the persons standing proposed as aforesaid, and

10 (a) in case one person secures more votes than any other person in the ballot, that person shall be deemed to be nominated as a member of the Board under this section, and

15 (b) in case two or more persons secure the same number of votes in the ballot, the returning officer shall determine by lot which of those persons shall be nominated as a member of the Board, and the person so determined shall be deemed to be nominated a member of the Board under this section.

20 11.—(1) A person who, in any nomination year, has signed a statement in writing signifying his consent to nomination as a member of the Board by any one of the groups of manufacturers specified in *section 8* of this Act shall not, in that nomination year, sign a statement in writing—

Restriction in relation to consents to nomination or proposal for nomination.

25 (a) signifying his consent to nomination as a member of the Board by any other of the groups of manufacturers specified in the said *section 8*, or

(b) signifying his consent to proposal for nomination as a member of the Board under *section 9* or *10* of this Act.

30 (2) A person who, in any nomination year, has signed a statement in writing signifying his consent to proposal under any provision of *section 9* of this Act by any of the societies specified in that provision for nomination as a member of the Board shall not, in that nomination year, sign a statement in writing—

35 (a) signifying his consent to proposal under any other provision of, or by any other of the societies specified in, the said *section 9* for nomination as a member of the Board,

40 (b) signifying his consent to nomination as a member of the Board by any of the groups of manufacturers specified in *section 8* of this Act, or

(c) signifying his consent to proposal for nomination as a member of the Board under *section 10* of this Act.

45 (3) A person who, in any nomination year, has signed a statement in writing signifying his consent to proposal by any of the persons specified in *section 10* of this Act for nomination as a member of the Board shall not, in that nomination year, sign a statement in writing—

50 (a) signifying his consent to proposal by any other of the persons specified in the said *section 10* for nomination as a member of the Board,

(b) signifying his consent to nomination as a member of the Board by any of the groups of manufacturers specified in *section 8* of this Act, or

55 (c) signifying his consent to proposal for nomination as a member of the Board under *section 9* of this Act.

(4) Where a person signs a statement in contravention of any of the foregoing provisions of this section, the nomination or proposal to which it relates shall be null and void.

- 12.—(1) (a) A ballot under *section 9* or *section 10* of this Act shall be conducted in accordance with the provisions of regulations made by the Minister under this section.
- (b) Without prejudice to the generality of *paragraph* 5 (a) of this subsection, regulations under this subsection may provide for—
- (i) the form of the ballot paper to be used in the ballot and of the proposal referred to in *sections 9* and *10* of this Act, 10
  - (ii) the time for and manner of applying for the issue of proposal forms and the time for and manner of issuing such forms,
  - (iii) the particulars to be contained in the proposal form and ballot paper in relation to persons 15 proposed for nomination under *section 9* or *10* of this Act,
  - (iv) the manner of completing and subscribing proposal forms and ballot papers,
  - (v) the procedure for ascertaining the persons 20 entitled in any nomination year to propose persons for nomination under *section 10* of this Act and to vote in a ballot under that section and for establishing the identity of persons proposing persons for nomination as 25 aforesaid or voting in any such ballot and of persons so proposed,
  - (vi) the taking and receiving of statutory declarations in relation to the identity of—
    - (I) persons proposing persons for nomination 30 under *section 10* of this Act and voting in ballots under that section, and
    - (II) persons proposed for nomination under the said *section 10*,
  - (vii) the time for and the manner of issuing ballot 35 papers to persons and societies having votes,
  - (viii) the persons by whom the proposal forms and ballot papers shall be issued,
  - (ix) the time for and the manner of sending completed proposal forms and ballot papers to the 40 returning officer,
  - (x) the scrutiny of ballot papers by the returning officer,
  - (xi) the time for and manner of counting votes, 45 and
  - (xii) the rejection of ballot papers and the disallowance of votes by the returning officer.

(2) Each person or society entitled to vote in a ballot under *section 9* or *10* of this Act shall be entitled to one vote.

(3) The returning officer for the purposes of a ballot under *section 9* or *10* of this Act shall—

- (a) in the case of a ballot held before the establishment day, be a person appointed by the Minister,
- (b) in any other case, be the chief officer of the Board.

(4) The cost of, and the expenses in relation to, a ballot (other than any costs incurred by University College, Cork, the Company, the Condensed Milk Company of Ireland (1928), Limited, the Newmarket Dairy Company (1932), Limited, a society, persons standing proposed for nomination as members of the Board, persons entitled to propose such persons or persons entitled to a vote in the ballot) under section 9 or 10 of this Act shall be paid—

- (a) in the case of a ballot held before the establishment day, out of the dairy produce (price stabilisation) fund, and
- 10 (b) in any other case, out of the Fund.

**13.—(1)** The Board shall, from time to time as occasion requires, appoint a member of the Board to be its chairman. Chairman of the Board.

(2) The Board shall determine the procedure for the selection of a member for appointment as chairman of the Board, and if the Board does not determine the procedure or if a member is not selected in accordance with the procedure, the chairman shall be selected by means of an election held among the members of the Board at a meeting of the Board and the provisions of paragraphs (a) to (h) of subsection (1) of section 43 of the Local Government Act, 1941, shall apply in relation to the election as if the references in those paragraphs to members were references to members of the Board. 1941, No. 23.

(3) The chairman of the Board may at any time resign his office by letter addressed to the chief officer of the Board and the resignation shall take effect as on and from the date of the receipt of the letter by the chief officer and, if he continues to be a member of the Board, shall be eligible for re-appointment as chairman of the Board.

(4) The chairman of the Board shall, unless he sooner resigns his office, hold office until the expiration of his term of office as a member of the Board.

**14.—(1)** The term of office of a member of the Board shall commence— Term of office of members of the Board.

- (a) in the case of a first member, on the establishment day,
- 35 (b) in the case of a member filling a casual vacancy, on the day on which he is nominated, and
- (c) in every other case on the 1st day of October in the relevant nomination year.

(2) The term of office of a member of the Board shall, unless he sooner dies, resigns or is removed from office, terminate—

- (a) in the case of a member filling a casual vacancy, on the day on which the term of office of the member whose death, resignation, removal or disqualification occasioned the vacancy would have terminated if he had not died, resigned, been removed or been disqualified, as the case may be, and
- 45 (b) in any other case, on the 30th day of September in the nomination year following the commencement of his term of office.

**15.—(1)** A member of the Board may at any time resign his office by letter addressed to the chief officer of the Board and the resignation shall take effect on and from the date of the receipt of the letter by the chief officer of the Board. Resignation and disqualification of members of the Board.

(2) A member of the Board shall be disqualified from holding and shall cease to hold office if he is adjudged bankrupt, or makes

a composition or arrangement with 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, otherwise than with the permission of the Board or through illness, during any period of three consecutive months, 5  
from every meeting of the Board held during that period.

(3) The chief officer of the Board shall notify the Minister of a resignation or disqualification.

Eligibility of outgoing members.

16.—A member of the Board whose term of office expires by the effluxion of time shall be eligible for reappointment. 10

Removal of certain members of the Board.

17.—The Minister may at any time remove from office a member of the Board not being a member nominated under *paragraphs (c), (d) or (e), of subsection (2) of section 8 or under section 9 or 10 of this Act.*

Casual vacancy among members of the Board.

18.—(1) A casual vacancy occurring among the members of the Board shall be filled by nomination by the Minister of— 15

(a) in case the member occasioning the vacancy was an officer of the Minister, an officer of the Minister,

(b) in case the member occasioning the vacancy was nominated for membership by any group of persons, manufacturers or societies or was a person whom the Minister considered to be representative of any group of persons, manufacturers or societies or of the Company, a person whom the Minister considers to be representative of that group or the Company as the case may be, and 20 25

(c) in case the vacancy was caused by the failure of any group of persons or societies specified in *sections 9 and 10 of this Act* to nominate a person for membership, a person whom the Minister considers to be representative of that group. 30

(2) (a) If—

(i) in relation to a nominating provision, on the nomination day in any nomination year no person stands proposed under that nominating provision, or

(ii) a person nominated as a member of the Board in any nomination year under a nominating provision or under *paragraph (c), (d) or (e) of subsection (2) of section 8 of this Act*, dies before the commencement of his term of office as such member, 35

there shall, on the day on which the term of office of members of the Board nominated in that year commences, be deemed to be a casual vacancy among the members of the Board. 40

(b) Each of the following provisions of this Act, that is to say, *subsections (1), (2) and (3) of section 9 and section 10*, shall be a nominating provision for the purposes of this subsection. 45

Remuneration and expenses of members of the Board.

19.—A member of the Board shall be paid out of the Fund such remuneration and allowances for expenses as the Minister, after consultation with the Minister for Finance, from time to time determines. 50

Disclosure by members of the Board of interest in proposed contract.

20.—A member of the Board who has—

(a) any interest in any company or concern with which the Board proposes to make any contract, or

(b) any interest in any contract which the Board proposes to make, 55

shall disclose to the Board the fact of the interest and the nature thereof, and shall take no part in any deliberation or decision of the Board relating to the contract, and the disclosures shall be recorded in the minutes of the Board.

5 **21.**—(1) Where a member of the Board becomes a member of either House of the Oireachtas, he shall, upon his becoming entitled under the Standing Orders of that House to sit therein, cease to be a member of the Board. **Disqualification of member of either House of Oireachtas for membership of the Board.**

(2) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein, shall, while so entitled, be disqualified from being a member of the Board.

**22.**—(1) The Board shall hold such and so many meetings as may be necessary for the due performance of its functions. **Meetings and procedure of the Board.**

(2) The Minister may fix the date, time and place of the first 15 meeting of the Board.

(3) The quorum for a meeting of the Board shall be three.

(4) At a meeting of the Board—

(a) the chairman of the Board shall, if present, be chairman of the meeting,

20 (b) if and so long as the chairman of the Board is not present or if the office of chairman is vacant, the members of the Board who are present shall choose one of their number to be chairman of the meeting.

(5) Every question at a meeting of the Board 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, the chairman of the meeting shall have a second or casting vote.

(6) The Board may act notwithstanding one or more vacancies 30 among its members.

(7) Subject to the provisions of this Act, the Board shall regulate by standing orders or otherwise, the procedure of the Board.

**23.**—(1) The Board shall provide itself with a seal, and the seal shall be authenticated by the signature of the chairman of the Board or some other member thereof authorised by the Board to act in that behalf and the signature of an officer of the Board authorised by the Board to act in that behalf. **Seal of the Board.**

(2) Judicial notice shall be taken of the seal of the Board, and every document purporting to be an instrument made by the Board and to be sealed with the seal (purporting to be authenticated in accordance with this section) of the Board shall be received in evidence and be deemed to be such instrument without further proof unless the contrary is shown.

**24.**—Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Board by any person generally or specially authorised by the Board for that purpose. **Contracts and instruments not under seal.**

**25.**—(1) The Board may, from time to time as occasion requires, appoint such and so many persons to be officers and servants of the Board as it thinks fit, but subject to subsection (6) of this **Staff of the Board.**

section, a person shall not be appointed under this section to be an officer of the Board unless he has been selected by means of a public competition.

(2) An officer or servant of the Board shall hold his office or employment on such terms and conditions as the Board from time to time determines. 5

(3) There shall be paid by the Board to its officers and servants out of the Fund such remuneration and allowances as—

(a) in the case of the chief officer, the Minister, with the consent of the Minister for Finance, from time to time determines, and 10

(b) in any other case, the Board from time to time determines.

(4) The Board may at any time remove any officer or servant of the Board from being its officer or servant.

(5) In so far as the terms and conditions of service (including terms and conditions in relation to remuneration and allowances) determined under or specified in subsections (2), (3) and (4) of this section are inconsistent with any provision for the time being in force of a contract of service specified in section 51 of this Act in relation to any officer or servant of the Board, they shall not apply in relation to that officer or servant unless and until he notifies the Board in writing that he wishes those terms and conditions to apply in relation to him, and if he does so notify the Board, that provision of the contract of service shall, upon such notification, cease to apply in relation to him. 15 20 25

(6) The requirement under subsection (1) of this section of being selected by means of a public competition shall not apply in relation to:

(a) a person who, immediately before the transfer day was an officer of the Committee, 30

(b) an appointment consisting of the promotion of a person who is already an officer of the Board,

(c) an office for which, in the opinion of the Board, specialised qualifications not commonly held are required, or

(d) an office to which appointments are made for limited periods only, being periods not exceeding two years. 35

(7) Where an officer or servant of the Board becomes a member of either House of the Oireachtas, he shall, upon his becoming entitled under the Standing Orders of that House to sit therein, cease to be such officer or servant. 40

(8) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein, shall, while so entitled, be disqualified from becoming an officer or servant of the Board.

Chief officer of the Board.

26.—(1) There shall be a chief officer of the Board. 45

(2) The chief officer of the Board shall devote the whole of his time to his duties as chief officer and shall not hold any other office or position without the consent of the Board.

(3) The chief officer of the Board shall not be a member of the Board. 50

Superannuation of officers and servants of the Board.

27.—(1) The Board may prepare and submit to the Minister a scheme or schemes for the granting of pensions, gratuities and

other allowances on retirement to or in respect of such officers or servants of the Board as it may think fit.

(2) Every such scheme shall fix the time and conditions of retirement for all persons to or in respect of whom pensions, gratuities or allowances on retirement are payable under the scheme, and different times and conditions may be fixed in respect of different classes of persons.

(3) The Board may at any time prepare and submit to the Minister a scheme amending a scheme previously submitted and approved of under this section.

(4) A scheme submitted to the Minister under this section shall, if approved of by the Minister with the concurrence of the Minister for Finance, be carried out by the Board in accordance with its terms.

(5) If any dispute arises as to the claim of any person to, or the amount of, any pension, gratuity or allowance payable in pursuance of a scheme under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for Finance, for his decision.

(6) Every scheme submitted and approved of under this section shall be laid before each House of the Oireachtas as soon as may be after it is approved of and if either House, within the next twenty-one days on which that House has sat after the scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(7) The costs and expenses incurred by the Board in preparing and carrying out a scheme under this section shall be paid out of the Fund.

30 **28.**—The Board may perform any functions imposed on the Board by this Act through or by any member of the Board or any officer or servant of the Board authorised by the Board in that behalf. Performance of functions of the Board.

35 **29.**—(1) The Board shall establish, maintain and manage in accordance with this Act a fund (in this Act referred to as the Fund) to be known as the Dairy Produce Fund. The Dairy Produce Fund.

(2) The following provisions shall apply in relation to the Fund:

40 (a) there shall be paid into the Fund all moneys received by the Board in respect of the sale of milk and milk products and in respect of levies on milk and on butter under this Act and any other moneys received by the Board,

45 (b) there shall be paid out of the Fund the purchase price of milk and milk products purchased by the Board and the amount of any expenses (including expenses of carriage, handling, storage (including cold storage), packing and insurance of milk and milk products) incurred by the Board in connection with its transactions in relation to the purchase or sale of milk and milk products and all other outlay or expenses incurred by the Board in performing its functions or otherwise under this Act,

55 (c) sums borrowed under *section 30* of this Act may be secured on the Fund,

- (d) so much of the Fund as, in the opinion of the Board, is for the time being not immediately required for making payments under *paragraph (b)* of this subsection may be invested by the Board in securities in which trustees are for the time being authorised by law to invest trust funds, 5
- (e) the Board may from time to time at its discretion vary or transpose any moneys (being part of the Fund) invested under this subsection into other investments authorised by this subsection, 10
- (f) all dividends and interest received by the Board on investments (being part of the Fund) made by it under this subsection and the proceeds of the sale of any such investments shall be paid into the Fund.

Power of the Board to borrow.

**30.**—The Board may, with the consent of the Minister, borrow, whether for capital or current purposes, such sums as from time to time it considers necessary. 15

Guarantee of loans.

**31.**—(1) The Minister may, if he so thinks fit and with the consent of the Minister for Finance, guarantee a loan to the Board.

(2) Whenever the Minister guarantees a loan under this section, he may guarantee in such form and manner and on such terms and conditions as the Minister for Finance may sanction, the due repayment by the Board of the principal of the loan or the payment of interest on the loan or both the repayment of such principal and the payment of such interest. 20 25

(3) The Minister shall not so exercise the powers conferred by *subsections (1) and (2)* of this section that the amount, or the aggregate amount, of principal which he may at any one time be liable to pay on foot of any guarantee or guarantees under those subsections for the time being in force, together with the amount of principal (if any) which the Minister has previously paid on foot of any such guarantees and has not been repaid by the Board, exceeds £5,000,000. 30

(4) Where a guarantee under this section is or has been given, the Board shall, if the Minister so requires, give to him such security as may be specified in the requisition for the purpose of securing to the Minister the repayment of any moneys which he may be liable to pay or has paid under the guarantee. 35

(5) The Minister shall, as soon as may be after the expiration of every financial year, lay before each House of the Oireachtas a statement setting out with respect to each guarantee under this section given during that year or given at any time before, and in force at, the commencement of that year— 40

- (a) particulars of the guarantee,
- (b) in case any payment has been made by the Minister under the guarantee before the end of that year, the amount of the payment and the amount (if any) repaid to the Minister on foot of the payment, 45
- (c) the amount of principal covered by the guarantee which was outstanding at the end of that year. 50

(6) Moneys paid by the Minister under a guarantee under this section shall be repaid to the Minister (with, if the Minister for Finance so requires, interest thereon at such rates as the Minister for Finance appoints) by the Board within two years from the date of the advance. 55



(7) Where the whole or any part of moneys required by *subsection (6)* of this section to be repaid to the Minister has not been repaid in accordance with that subsection, the amount so remaining outstanding shall be repaid to the Central Fund out of moneys provided by the Oireachtas.

(8) Notwithstanding the provision of moneys under *subsection (7)* of this section to repay an amount to the Central Fund, the Board shall remain liable to the Minister in respect of that amount and that amount (with, if the Minister for Finance so requires, interest thereon at such rates as the Minister for Finance appoints) shall be repaid to the Minister by the Board at such times and in such instalments as the Minister for Finance appoints and, in default of repayment as aforesaid and without prejudice to any other method of recovery, shall be recoverable as a simple contract debt in any court of competent jurisdiction.

(9) Moneys repaid by the Board to the Minister, or recovered from the Board by the Minister, under this section shall be paid into or disposed of for the benefit of the Exchequer.

(10) All moneys from time to time required by the Minister to meet sums which may become payable by him under this section shall be advanced out of the Central Fund or the growing produce thereof.

(11) For the purpose of providing for advances out of the Central Fund under this section, the Minister for Finance may borrow from any person any sum or sums, and for the purpose of such borrowing he may create and issue securities bearing such rate of interest and subject to such conditions as to repayment, redemption or any other matter as he thinks fit, and shall pay the moneys so borrowed into the Exchequer.

(12) The principal of and interest on any securities issued under this section and the expenses incurred in connection with the issue of such securities shall be charged on and payable out of the Central Fund or the growing produce thereof.

32.—(1) There may be paid to the Board in each financial year out of moneys provided by the Oireachtas a grant or grants of such amount or amounts as the Minister, with the consent of the Minister for Finance and after consultation with the Board in relation to its programme of expenditure for that financial year, may fix.

Grants to the Board.

(2) Subject to *subsection (3)* of this section, a grant under this section shall be used by the Board for such purpose or purposes and subject to such conditions (if any) as may be specified, with the consent of the Minister for Finance, by the Minister in writing at the time of the payment of the grant.

(3) The Minister may, if he so thinks fit and with the consent of the Minister for Finance, vary in any manner the purposes or conditions specified by the Minister under *subsection (2)* of this section in relation to a grant or specify a purpose for which or a condition subject to which the grant is to be used (not being a condition or purpose specified under the said *subsection (2)*) and if the Minister specifies under this subsection a purpose for which or conditions subject to which the grant is to be used, the Board shall use the grant for that purpose or subject to those conditions, as the case may be.

(4) A grant under this section shall not be used to defray more than two-thirds of—

(a) any loss incurred by the Board in relation to the export of milk products by the Board, or

(b) any subsidy, grant, or other like payment made by the Board in relation to the export of milk products,

and a purpose or condition which is inconsistent with the provisions of this subsection shall not be specified under *subsection (2) or (3)* of this section.

5

Offices and premises.

**33.**—(1) The Board shall provide itself with such offices, stores, warehouses, shops and other premises in and outside the State as it considers necessary.

(2) For the purposes of *subsection (1)* of this section the Board may—

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(a) purchase or take on lease any land or any offices, stores, warehouses, shops or other premises, and

(b) build, equip and maintain offices, stores, warehouses, shops and other premises.

(3) The Board may sell, lease or exchange any land or any offices, stores, warehouses, shops or other premises held by it and no longer required for the performance of its functions.

15

Carriage, handling, storage and packaging, of milk and milk products by the Board.

**34.**—(1) The Board may provide itself with such facilities for the carriage, handling, storage and packaging of milk and milk products as it considers necessary.

20

(2) Without prejudice to the generality of *subsection (1)* of this section the Board may—

(a) arrange with the owners of such facilities for their use by or on behalf of the Board,

(b) purchase or take on lease any land or premises,

25

(c) build, equip and maintain premises,

(d) purchase, take on hire, or charter, machinery, equipment, ships and vehicles.

Regional advisory committees.

**35.**—(1) The Board may, if it so thinks fit, establish in such manner as it thinks fit regional advisory committees composed of milk producers, persons representative of manufacturers of milk products and persons representative of the dairying industry generally, or composed of any or some of those categories of persons, to advise the Board in relation to the performance of its functions and the Board may, if it thinks fit, pay out of the Fund the whole or such part as it thinks proper of the expenses of any committees established under this section (including the expenses of travel and subsistence of the members thereof).

30

35

(2) The appointment of a person to act as a member of a committee established under this section shall be subject to such conditions (including conditions in relation to the term and tenure of office of the member) as the Board may think fit to impose when making the appointment.

40

(3) The Board may at any time dissolve a committee appointed under this section.

45

Milk levy.

**36.**—(1) There shall be paid to the Board by every registered proprietor of a creamery or cream-separating station a levy on milk purchased or otherwise acquired by him, other than from another such proprietor, at a time in respect of which a rate for such levy stands fixed by virtue of an order under *subsection (3)* of this section, and the levy shall be of such amount as may be appropriate having regard to the rate fixed under the order.

50

(2) The amount of milk levy due by a registered proprietor of a creamery or cream-separating station in respect of milk purchased or acquired in any month shall be paid to the Board not later than seven days after the last day of the month.

5 (3) (a) The Board may, whenever it thinks fit, make an order fixing the rate of milk levy and specifying the date on which the rate so fixed is to come into operation.

(b) The Board may, whenever it thinks fit, by order revoke or amend an order under this subsection including an  
10 order under this paragraph.

(c) An order under this subsection may fix different rates of milk levy in respect of different periods specified in the order.

(4) In this section "milk" means whole milk.

15 **37.**—(1) There shall be paid to the Board by every registered proprietor of a creamery a levy on all creamery butter delivered on sale or manufactured for some other person by the proprietor at a time in respect of which a rate for such levy stands fixed by virtue of an order under *subsection (4)* of this section, and the  
20 levy shall be of such amount as may be appropriate having regard to the rate fixed under the order. **Butter levy.**

(2) There shall be paid to the Board by every registered proprietor of a creamery a levy on all imported butter delivered on sale by the proprietor, other than imported butter sold or otherwise disposed of to another proprietor, at a time in respect of which  
25 a rate for such levy stands fixed by virtue of an order under *subsection (4)* of this section and the levy shall be of such amount as may be appropriate having regard to the rate fixed under the order.

30 (3) The amount of butter levy due by a registered proprietor of a creamery in respect of butter delivered on sale or creamery butter manufactured for some other person in any month shall be paid to the Board not later than seven days after—

(a) the last day of the month, or

35 (b) the date of the making of the order under *subsection (4)* of this section by reference to which the amount of the levy is calculated,

whichever should later occur.

40 (4) (a) The Board may, whenever it thinks fit and with the consent of the Minister, make an order fixing the rate of butter levy and specifying the date on which the rate so fixed is to come into operation.

(b) The Board may, whenever it thinks fit and with the consent of the Minister, by order revoke or amend an  
45 order under this subsection including an order under this paragraph.

(c) The Minister may from time to time, as he thinks fit, direct the Board in writing—

50 (i) to make an order under this subsection fixing the rate of butter levy, and the direction may include a direction specifying the rate or rates of butter levy to be fixed in the order and the date or dates to be fixed in the order for the coming into operation of the rate or rates, or

55 (ii) to make an order revoking or amending an order under this subsection,

and the Board shall comply with a direction under this paragraph.

(d) An order under this subsection may—

- (i) fix rates of butter levy, in respect of creamery butter, imported butter or both creamery butter and imported butter,
- (ii) fix different rates of butter levy in respect of different kinds or classes of butter defined in such manner and by reference to such matters as the Board or the Minister, as may be appropriate, thinks proper, 5
- (iii) fix different rates of butter levy in respect of different periods specified in the order, 10
- (iv) provide for the coming into operation of any rate or rates of butter levy on a date prior to the date of the making of the order.

Butter stocks  
levy.

38.—(1) Subject to *subsection (4)* of this section, there shall be paid to the Board by every registered proprietor of premises and every butter trader a levy on— 15

(a) creamery butter (other than, in the case of a registered proprietor of a creamery, butter held by or on behalf of that proprietor and manufactured in that creamery) held by or on behalf of such proprietor or trader on any day specified in relation to creamery butter, in an order under *subsection (3)* of this section, and 20

(b) imported butter held by or on behalf of such proprietor or trader on any day specified, in relation to imported butter, in an order under *subsection (3)* of this section, 25

and the levy shall be of such amount as may be appropriate having regard to the rate fixed under the order.

(2) The amount of butter stocks levy due by a person in respect of butter held by him or on his behalf on any day specified in an order under *subsection (3)* of this section shall be paid to the Board not later than seven days after that day. 30

(3) (a) The Board may, whenever it thinks fit and with the consent of the Minister, make an order fixing the rate of butter stocks levy and the day in respect of which it is to be paid. 35

(b) The Board may, whenever it thinks fit and with the consent of the Minister, by order revoke or amend an order under this subsection including an order under this paragraph. 40

(c) The Minister may from time to time, as he thinks fit, direct the Board in writing—

(i) to make an order under this subsection fixing the rate of butter stocks levy and the direction may include a direction specifying the rate or rates of butter stocks levy to be fixed in the order and the day to be specified in the order in respect of which the levy is to be payable and may relate to creamery butter, imported butter or both creamery butter and imported butter, or 45 50

(ii) to make an order revoking or amending an order under this subsection,

and the Board shall comply with a direction under this paragraph.

(d) An order under this subsection may— 55

(i) fix rates of butter stocks levy in respect of creamery butter, imported butter or both creamery butter and imported butter,

- (ii) fix different rates of butter stocks levy in respect of different kinds or classes of butter defined in such manner and by reference to such matters as the Board or the Minister, as may be appropriate, thinks proper.

5

(4) Where on a day specified in an order under *subsection (3)* of this section in respect of which butter stocks levy is payable the stocks of butter to which the order relates held by and on behalf of a registered proprietor of premises (other than the registered proprietor of a creamery) or a butter trader are less than three hundred-weight in weight, *subsection (1)* of this section shall not apply in relation to the payment of butter stocks levy in respect of such day by that proprietor or butter trader, as the case may be.

15 (5) In this section and in *section 40* of this Act "butter trader" means a person (other than a registered proprietor of premises), who carries on for trade or gain, whether alone or in conjunction with any other business, the business of selling, by wholesale or retail, butter.

20 39.—(1) Every sum payable by a person by virtue of this Act to the Board for or on account of milk levy, butter levy or butter stocks levy shall be a simple contract debt due by that person to the Board and shall be recoverable accordingly by the Board from the person in any court of competent jurisdiction. Recovery of levies.

25 (2) In any legal proceedings by the Board against a person for any money claimed to be due by the person to the Board in respect of milk levy, butter levy, or butter stocks levy, a certificate under the seal of the Board certifying that the person was liable to pay milk levy, butter levy or butter stocks levy, as the case may be, of a specified amount and that a specified sum is due and unpaid by the person on foot of the milk levy, butter levy or butter stocks levy, as the case may be, together with a certificate under the seal of the Board certifying that the sum has not been paid by the person to the Board shall be *prima facie* evidence as to the liability for and amount of milk levy, butter levy or butter stocks levy, as the case may be, and as to the sum which is due and unpaid by the person in respect thereof.

40.—(1) Every person liable under this Act to pay any sum to the Board on foot of milk levy, butter levy or butter stocks levy shall, before the expiration of the time within which the sum is required to be paid, send to the Board, in such form and manner and within such time as may be prescribed such particulars as may be prescribed of— Returns.

45 (a) in case the sum aforesaid is payable on foot of milk levy, the acquisition (whether by purchase or otherwise) and the disposal (whether by sale or otherwise) of milk by the person during such period as may be prescribed,

50 (b) in case the sum aforesaid is payable on foot of butter levy, the acquisition (whether by purchase or otherwise), the manufacture of butter by the person during such period as may be prescribed, and

55 (c) in case the sum aforesaid is payable on foot of butter stocks levy, stocks of butter held by or on behalf of the person during such period or on such day as may be prescribed.

60 (2) (a) The Board may serve a notice in writing on any registered proprietor of premises or butter trader requiring him to make to the Board within three days after the service of the notice a return of the amount of butter

held anywhere by the proprietor or trader or on his behalf on a day mentioned in the notice, being a day specified in an order under *subsection (3) of section 38* of this Act in respect of which butter stocks levy is payable.

5

(b) The Board may serve a notice in writing on any person who keeps butter in storage for a registered proprietor of premises or a butter trader requiring him to make to the Board within three days after the service of the notice a return of the amount of the butter kept anywhere by the person on a day mentioned in the notice, being a day specified in an order under *subsection (3) of section 38* of this Act in respect of which butter stocks levy is payable and of the persons for whom the butter is so kept and of the quantity so kept for each such person.

10

15

(c) A return under this subsection shall be in the prescribed form and shall contain in addition to the particulars specified in *paragraph (a) or (b)*, as the case may be, of this subsection, the prescribed particulars.

20

(d) A notice under this subsection may be served by delivering it to the person to whom it is addressed or by leaving it with a person over the age of sixteen years at the premises where the person to whom it is addressed carries on business or by sending it by registered post to the person to whom it is addressed at the premises where he carries on business.

25

(e) A person on whom a notice is served under this subsection shall comply with the terms thereof.

(3) The Board may make regulations for the purposes of this section, and in this section "prescribed" means prescribed by regulations made under this subsection.

30

(4) A person who contravenes a provision of this section or who makes a return which to his knowledge is false or misleading 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 twenty pounds and, in the case of a second or any subsequent offence, to a fine not exceeding one hundred pounds.

35

Inspection  
of records.

41.—(1) An officer of the Board authorised in writing by the Board to exercise the powers conferred on an officer of the Board by this section may inspect and make copies of—

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(a) all documents and records relating to the acquisition (by purchase or otherwise), disposal (by sale or otherwise), delivery on sale or storage of liquid milk and kept by or on behalf of persons liable to pay milk levy,

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(b) all documents and records relating to the manufacture, acquisition (by purchase or otherwise), disposal (by sale or otherwise), delivery on sale or storage of butter and kept by or on behalf of persons liable to pay butter levy or butter stocks levy, and

50

(c) all documents and records relating to the storage of butter and kept by or on behalf of any person who keeps butter in storage for a registered proprietor of premises or butter trader,

55

and for that purpose may enter at all reasonable times any premises in which he has reason to believe such documents or records are kept.

(2) Any person having in his possession or control any of the documents or records aforesaid shall, at the request of an officer

of the Board authorised as aforesaid, produce such documents or records and give to him any information which he may reasonably require with regard to any entries therein.

(3) No person shall obstruct or impede an officer of the Board  
5 in the exercise of any of the powers conferred by this section.

(4) A person who contravenes a provision of this section 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 twenty pounds and, in the case of a second or any  
10 subsequent offence, to a fine not exceeding one hundred pounds.

(5) An officer of the Board, when exercising any of the powers conferred by this section, shall, if so required, produce his authorisation to any person affected.

42.—(1) Subject to *subsection (2)* of this section, information  
15 obtained under *section 40* or *41* of this Act or in the performance of the functions of the Board by the Board or a member, officer or servant thereof shall not be disclosed, without the consent of the person to whom or to whose business the information relates, to a person who is not a member of the Board or an officer or  
20 servant employed by the Board.

Non-disclosure  
of information  
by the Board.

(2) *Subsection (1)* of this section shall not apply in relation to the disclosure of information to the Minister or the Comptroller and Auditor-General or for the purposes of any legal proceedings (whether civil or criminal) taken or proposed to be taken under  
25 this Act.

(3) 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, in the case of a first offence, to a fine not exceeding twenty pounds and, in the case of a second or any  
30 subsequent offence, to a fine not exceeding one hundred pounds.

43.—(1) The Minister may from time to time give the Board a direction in writing requiring it—

Contribution  
by the Board  
towards cost of  
cold storage of  
butter by  
creameries.

(a) to make and carry out during such period or periods as  
35 may be specified in the direction a scheme for the payment to the registered proprietors of creameries of allowances towards the cost of the cold storage, by or on behalf of the proprietors, of butter, or

(b) to suspend, or provide for the cesser of, as from a date  
40 specified in the direction, in whole or in part, a scheme under this subsection and payments thereunder.

(2) The Board shall comply with a direction under *subsection (1)* of this section.

(3) The terms and provisions (including terms and provisions relating to the rate of allowance) of a scheme under *subsection (1)*  
45 of this section shall be subject to the approval of the Minister.

(4) The costs and expenses incurred by the Board in making and carrying out a scheme under this section shall be paid out of the Fund.

(5) The terms and provisions of a scheme under *subsection (1)*  
50 of this section may, subject to the approval of the Minister, be amended from time to time by the Board in such manner as the Board thinks fit.

(6) The terms and provisions of a scheme under *subsection (1)* of this section shall, on the direction of the Minister, be amended

by the Board in such manner as the Minister specifies in writing to the Board.

(7) The Minister may give a direction under *subsection (6)* of this section to the Board from time to time as he thinks fit.

Obligation of the Board to purchase butter from creameries.

44.—(1) The Board shall purchase at the price which stands fixed for the time being under *subsection (2)* of this section and is appropriate in relation to the purchase all butter which— 5

- (a) is offered for sale at that price to the Board by the registered proprietor of a creamery,
- (b) was manufactured in that creamery, and 10
- (c) is of a kind which conforms with the provisions in relation to creamery butter of the Dairy Produce Acts, 1924 to 1947, and the regulations made thereunder. 15

(2) The Government may from time to time fix the price of butter for the purposes of *subsection (1)* of this section or may fix two or more prices varying in accordance with either or both of the following, that is to say, the quantity of butter sold and the method of packing the butter, and may specify a date or dates as on and from which purchases shall be made at the price or prices so fixed and the Minister shall notify the Board in writing of the price or prices so fixed and the date or dates so specified. 20

Sales of butter in the State by the Board to be at price fixed by the Government.

45.—(1) Whenever the Board sells butter which—

- (a) is intended for consumption in the State, and
- (b) is of a kind which conforms with the provisions in relation to creamery butter of the Dairy Produce Acts, 1924 to 1947, and the regulations made thereunder or is imported butter, 25

the sale shall be made at the price which stands fixed for the time being under *subsection (2)* of this section in relation to such sale and is appropriate in relation to the sale. 30

(2) The Government may from time to time fix the price of butter for the purposes of *subsection (1)* of this section or may fix two or more prices varying in accordance with either or both of the following, that is to say, the quantity of butter sold and the method of packing the butter, and may specify a date or dates as on and from which the price or prices so fixed shall apply and the Minister shall notify the Board in writing of the price or prices so fixed and the date or dates so specified. 35

Transfer to the Board of moneys in dairy produce (price stabilisation) fund.

1938, No. 30.

1935, No. 21.

46.—(1) Where, by virtue of an order under *subsection (2)* of section 2 of the Dairy Produce (Price Stabilisation) (Amendment) Act, 1938, in relation to section 41 of the Dairy Produce (Price Stabilisation) Act, 1935, (being the first such order in relation to the said section 41) the said section 41 ceases to be in force, the Minister shall, upon the date of such cesser if there is then any amount standing to the credit of the dairy produce (price stabilisation) fund, cause the whole of such amount to be transferred and paid to the Board out of that fund. 40 45

(2) The Minister may, on or after the establishment day and before the date of the cesser aforesaid, if he so thinks fit and if there is then any amount standing to the credit of the dairy produce (price stabilisation) fund, cause to be transferred and paid to the Board out of that fund such sum or sums as he may determine. 50



47.—(1) As soon as may be after the 31st day of March in each year after the year 1960, the Board shall make a report to the Minister of its proceedings under this Act during the twelve months ending on that date and the Minister shall cause copies of the report to be laid before each House of the Oireachtas.

Annual report.

(2) Whenever the Minister so directs, the annual report shall also include information on such particular aspects of the Board's proceedings under this Act as the Minister may specify.

48.—(1) The Board shall keep, in such form as may be approved by the Minister with the concurrence of the Minister for Finance, all proper and usual accounts of all moneys received or expended by it.

Accounts and audits.

(2) As soon as may be after the 31st day of March in each year after the year 1960, the Board shall submit its accounts for the twelve months ending on that date, a balance sheet as of that date, and a statement of accounts for the year ending on that date to the Comptroller and Auditor-General and the Comptroller and Auditor-General shall audit the accounts and make a report thereon and on the other documents submitted to him.

(3) Immediately after audit under this section of the accounts of the Board, the Board shall send to the Minister a copy of the statement of accounts and the balance sheet certified by the Comptroller and Auditor-General and a copy of the Comptroller and Auditor-General's report.

(4) The Minister shall cause copies of the documents referred to in subsection (3) of this section to be laid before each House of the Oireachtas.

49.—The Board shall furnish to the Minister, at such times and in such form and manner as the Minister may specify, such information regarding its proceedings under this Act as the Minister may request.

Furnishing of information to the Minister.

50.—(1) The Butter Marketing Committee (in this Act referred to as the Committee), being a central marketing organisation operating under rules approved by the Minister under the Dairy Produce (Price Stabilisation) Act, 1935, shall on the transfer day be dissolved.

Dissolution of the Butter Marketing Committee.

1935, No. 21.

(2) The Minister may by order made under this section appoint a day, being a day which falls not earlier than the establishment day, to be the transfer day for the purposes of this Act.

51.—Every contract of service, express or implied, which was entered into by the Committee and is in force immediately before the transfer day shall continue in force on and after the transfer day but shall be construed and have effect as if the Board were substituted therein for the Committee, and every such contract shall be enforceable by or against the Board accordingly.

Preservation of contracts of service entered into by the Committee.

52.—(1) Subject to the provisions of this section, all property whether real or personal (including choses-in-action) which immediately before the transfer day was vested in, or belonged to, or was held in trust for, the Committee and all rights, powers and privileges relating to or connected with any such property shall, on the transfer day and without any conveyance or assignment but subject where necessary to transfer in the books of any bank, corporation or company or authority, become the property of and be vested in or held in trust for or enjoyed by (as the case

Transfer of property of the Committee to the Board.

	may require) the Board for all the estate, trust or interest for which the same immediately before the transfer day was vested in or belonged to or was held in trust for the Committee.	
	(2) All property transferred by this section which, immediately before the transfer day, was standing in the books of any bank or was registered in the books of any bank, corporation, company or authority shall, upon the request of the Board made on or after the transfer day be transferred in the books by the bank, corporation, company or authority into the name of the Board.	5
	(3) On and after the transfer day every chose-in-action transferred by this section to the Board may be sued upon, recovered or enforced by the Board in their own name and it shall not be necessary for the Board to give notice to the person bound by such chose-in-action of the transfer effected by this section.	10
1881, c. 41.	(4) <i>Subsection (1)</i> of this section shall, in so far as it operates to transfer land, have effect, for the purposes of the Conveyancing Act, 1881, as a conveyance of land.	15
Transfer of liabilities of the Committee to the Board.	<b>53.</b> —Every debt and other liability (including unliquidated liabilities arising from torts or breaches of contract) which immediately before the transfer date was owing and unpaid or has been incurred and is undischarged by the Committee shall, on the transfer day, become and be the debt or liability of the Board and shall be paid or discharged by and may be recovered from or enforced against the Board accordingly.	20
Preservation of continuing contracts of the Committee.	<b>54.</b> —Every bond, guarantee, mortgage or other security of a continuing nature made or given by the Committee to any person, or by any person to the Committee, and in force immediately before the transfer day, and every contract or agreement in writing made between the Committee and another person and not fully executed and completed before the transfer day shall, notwithstanding the dissolution of the Committee, continue in force on and after the transfer day but shall be construed and have effect as if the name of the Board were substituted therein for the name of the Committee, and the security, contract, or agreement shall be enforceable by or against the Board accordingly.	25 30 35
Continuance of pending legal proceedings to which the Committee is a party.	<b>55.</b> —In every action, suit or proceedings which is pending immediately before the transfer day in any court or tribunal and to which the Committee is a party, the Board shall on the transfer day become and be a party in the place of the Committee and such action, suit or proceedings, as the case may be, shall be continued between the Board and the other parties thereto accordingly and no such action, suit or proceedings shall abate or be discontinued or prejudicially affected by reason of the dissolution of the Committee.	40
Exemption from stamp duty. 1895, c. 16.	<b>56.</b> —Section 12 of the Finance Act, 1895, shall not apply to the vesting in the Board of the property of the Committee.	45
Prohibition of export and import of milk and milk products.	<b>57.</b> —(1) The Minister may, whenever and so often as he thinks fit, by order prohibit, save under and in accordance with a licence issued under this Act, the exportation from the State of milk and milk products.  (2) The Minister may, whenever and so often as he thinks fit, by order prohibit, save under and in accordance with a licence issued under this Act, the importation into the State of milk and milk products.	50

(3) Without prejudice to the generality of *subsection (1)* of this section, an order under that subsection may relate to the exportation generally or to any specified country or countries or by any specified method or methods of milk and milk products or any specified class or kind (defined in such manner and by reference to such things as the Minister thinks fit) of milk or milk product.

(4) Without prejudice to the generality of *subsection (2)* of this section, an order under that subsection, may relate to the importation generally or from any specified country or countries or by any specified method or methods of milk and milk products or any specified class or kind (defined in such manner and by reference to such things as the Minister thinks fit) of milk or milk product.

(5) Without prejudice to the generality of *subsections (1) and (2)* of this section, orders under those subsections may make provision for such matters as appear to the Minister necessary for securing the due enforcement of the orders.

(6) The Minister may by order revoke or amend an order under *subsection (1)* or *(2)* of this section or under this subsection.

(7) On the application of a person made in such form and containing such particulars as the Minister may direct, the Minister may, if he thinks fit, issue to such person a licence to import or a licence to export, either generally or from or to, as the case may be, a specified country or countries, milk and milk products or any specified class or kind of milk or milk product of which such exportation or importation, as the case may be, is prohibited by an order under *subsection (1)* or *(2)* of this section.

(8) Whenever the Minister issues a licence under this section he may attach to the licence such conditions as he shall think proper and shall specify in the licence.

(9) The Minister may revoke a licence issued under this section.

(10) A person who, for the purpose of obtaining for himself or any other person a licence under this section, makes any statement or representation which is to his knowledge false or misleading in any material respect shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof, in the case of a first offence, to a fine not exceeding twenty pounds and, in the case of a second or any subsequent offence to a fine not exceeding one hundred pounds.

(11) In this section references to exportation and importation include reference to exportation and importation by the Board and cognate words shall be construed accordingly.

**58.—(1)** In this section "the Act of 1938" means the Dairy Produce (Price Stabilisation) (Amendment) Act, 1938.

(2) Section 1 of the Act of 1938 is hereby amended by the substitution for the definition of "the suspendable provisions" of the following definition:

"the suspendable provisions" means the provisions of the Dairy Produce (Price Stabilisation) Acts, 1935 to 1956, other than sections 1 to 3 of this Act".

(3) An order under section 2 or section 3 of the Act of 1938 may relate to one or more than one of the suspendable provisions, and where an order does not relate to all the suspendable provisions, the references in those sections to the suspendable provisions shall, in relation to the order, be construed as references to the provision

Amendment of  
Dairy Produce  
(Price  
Stabilisation)  
(Amendment)  
Act, 1938.

1938, No. 30.

or provisions, as the case may be, to which the order relates and the said sections shall be construed and have effect accordingly.

(4) Section 3 of the Act of 1938 is hereby amended by—

(a) the insertion in subsection (3) after “reviving order” of “in relation to section 11 of the Principal Act”, and 5

(b) the substitution of the following subsection for subsection (4):

“(4) Whenever the Minister makes a reviving order in relation to any paragraph or paragraphs (other than paragraph (a) ) of subsection (1) of section 17 of the Principal Act, he may by such order fix a day to be the appointed day for the purposes of that paragraph or those paragraphs, as the case may be, and references to the appointed day in that paragraph or those paragraphs, as the case may be, shall, in relation to any period during which the suspendable provisions are in force by virtue of the order, be construed as references to the day so fixed.” 10 15

Amendment of Dairy Produce (Amendment) Act, 1941.

59.—Section 1 of the Dairy Produce (Amendment) Act, 1941, is hereby amended by the insertion in the definition of “authorised body” after “means” of “An Bord Bainne or”. 20

1941, No. 10.

Prosecution of offences.

60.—(1) An offence under *section 40* or *41* of this Act may be prosecuted by the Board.

(2) An offence under any provision of this Act, other than the said *sections 40* and *41* may be prosecuted by the Minister. 25

Offences in relation to bodies corporate and unincorporated bodies.

61.—(1) Where an offence under any section of this Act is committed by a body corporate or by a person purporting to act on behalf of a body corporate or an unincorporated body of persons and is proved to have been so committed with the consent or approval of, or to have been facilitated by any default on the part of, any person being, in the case of a body corporate, a director thereof, or, in the case of an unincorporated body, a member of the committee of management or other controlling authority thereof, that person shall also be guilty of the offence. 30

(2) Any summons or other document required to be served for the purpose or in the course of proceedings under this Act on a body corporate may be served by leaving it at or sending it by registered post to the registered office of that body or, if there be no such office in the State, by leaving it at, or sending it by registered post to, the body at any place in the State at which it conducts its business. 35 40

Fees on licences.

62.—(1) There shall be payable to the Minister in respect of a licence under *section 57* of this Act such (if any) fee as the Minister shall, with the consent of the Minister for Finance, from time to time direct, and the fee shall be collected and taken in such manner as the Minister for Finance shall 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 said Minister. 45

1879, c. 58.

(2) The Public Offices Fees Act, 1879, shall not apply in respect of a fee payable under this section to the Minister. 50

Laying of orders and regulations before Houses of the Oireachtas.

63.—Every order and regulation made 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 or regulation is passed by either such House within the next subsequent twenty-one

days on which that House has sat after the order or regulation is laid before it, the order or regulation shall be annulled accordingly but without prejudice to the validity of anything previously done under the order or regulation.

5 64.—The expenses incurred by the Minister in the administration Expenses.  
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.

65.—This Act may be cited as the Dairy Produce Marketing Short title.  
10 Act, 1961.

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## BILLE

*dá ngairtear*

Acht do dhéanamh tuilleadh soeruithe maidir le margú bainne agus táirgí bainne agus le feabhsú agus forbairt an mhargaithe sin, chun na geríocha sin do dhéanamh soerú chun bord ar a dtabharfar An Bord Baine a bhunú agus do mhíniú a fheidhmeanna, do dhéanamh soerú chun tobhaigh a íoc leis an mBord Baine ar bhainne agus ar im, do leasú na nAchtanna Toradh Déiríochta (Praghas a Dhéanamh Seasmhach), 1935 go 1956, agus do dhéanamh soerú i dtaobh nithe eile a bhaineann leis na nithe réamhráite.

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*Rite ag dhá Theach an Oireachtais,  
10 Eanáir, 1961.*

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BAILE ÁTHA CLIATH:  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.

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## BILL

*entitled*

An Act to make further provision in relation to the marketing of milk and milk products and the improvement and development of such marketing, for those purposes to provide for the establishment of a board to be called An Bord Baine and to define its functions, to provide for the payment of levies on milk and butter to An Bord Baine, to amend the Dairy Produce (Price Stabilisation) Acts, 1935 to 1956, and to provide for other matters connected with the matters aforesaid.

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*Passed by both Houses of the Oireachtas,  
10th January, 1961.*

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