



**AN BILLE MUC AGUS BAGUIN (LEASU), 1961.
PIGS AND BACON (AMENDMENT) BILL, 1961.**

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

ARRANGEMENT OF SECTIONS.

Section.

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ENACTMENTS REPEALED.



AN BILLE MUC AGUS BAGUIN (LEASU), 1961.
PIGS AND BACON (AMENDMENT) BILL, 1961.

BILL

entitled

5 AN ACT TO AMEND AND EXTEND THE PIGS AND BACON
ACTS, 1935 TO 1956.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

1.—(1) In this Act—

Interpretation.

“the Act of 1937 ” means the Pigs and Bacon Act, 1937 ;

1937, No. 23.

10 “the Act of 1939 ” means the Pigs and Bacon (Amendment) Act, 1939, No. 35.
1939 ;

“the Act of 1956 ” means the Pigs and Bacon (Amendment) Act, 1956, No. 37.
1956 ;

“the Commission ” means the Pigs and Bacon Commission ;

15 “the Principal Act ” means the Pigs and Bacon Act, 1935.

1935, No. 24.

(2) The Pigs and Bacon Acts, 1935 to 1956, and this Act shall
be construed together as one Act.

2.—This Act shall come into operation on such day or days as,
by order or orders made by the Minister under this section, may

Commencement.

20 be fixed therefor either generally or with reference to any particular
purpose or provision and different days may be so fixed for different
purposes and different provisions.

3.—Section 65 of the Principal Act is hereby amended by the
insertion in subsection (1) after “any person ” of “, other than
25 the Pigs and Bacon Commission or a person exporting bacon on
its behalf,”.

Amendment of
section 65 of the
Principal Act.

4.—Section 30 (inserted by the Act of 1956) of the Act of 1937
is hereby amended by—

Amendment of
section 30 of the
Act of 1937.

30 (a) the insertion after “bacon ” in subparagraph (i) of
paragraph (b) of “or of a particular type of bacon or
specified quantities of particular types of bacon, defined
in such manner as the Commission thinks fit and
specifies in the order,”,

35 (b) the substitution of the following subparagraphs for sub-
paragraphs (ii) and (iii) of the said paragraph (b),
namely :

40 “ (ii) appoint in respect of that period an external-sales
quota of bacon or of a particular type or particular
types of bacon (defined in such manner as the
Commission thinks fit and specifies in the order)

which shall be related, in such manner as the Commission thinks fit and specifies in the order, to the quantity or quantities of bacon or of a particular type or types of bacon (defined in such manner as the Commission thinks fit and specifies 5 in the order) produced at licensed premises in a particular period, or

(iii) appoint in respect of that period an external-sales quota of bacon or of a particular type or particular types of bacon (defined in such manner as the Commission thinks fit and specifies in the order) 10 which shall be related, in such manner as the Commission thinks fit and specifies in the order, to the number or numbers of pigs or of a particular type or types of pig (defined in such manner as the Commission thinks fit and specifies in the order) 15 slaughtered at licensed premises in a particular period, and ”,

(c) the insertion in paragraph (c) after “bacon” of “except such part (if any) thereof as may be specified in the order ”, and 20

(d) the insertion of the following subsection, namely :

“ (2) When appointing any external-sales quota of bacon under paragraph (b) of the preceding subsection of this section, the Commission shall have 25 regard to the following matters, namely :

(a) the capacity of the markets (both home and export) for bacon,

(b) the supply of pigs available or likely to be available to licensees for slaughter, 30

(c) the stock of bacon on hands,

(d) the desirability of continuity in the supply of bacon to export markets, and

(e) such other matters as the Commission considers relevant.”. 35

Amendment of section 33 of the Act of 1937.

5.—(1) Section 33 (inserted by the Act of 1956) of the Act of 1937 is hereby amended by—

(a) the substitution of “than the quantity required by the certificate to be exported from ” for “than the external-sales sub-quota for ” in paragraph (b) of subsection (1), 40

(b) the substitution of “five pounds ” for “two pounds ” and of “of the quantity required by the certificate to be exported from ” for “of the external-sales sub-quota for ” in the said subsection(1), and

(c) the substitution of “five pounds ” for “two pounds ” in 45 subsection (2).

(2) Subsection (1) of this section shall not apply in any case where the external-sales sub-quota certificate referred to in the said section 33 was served before the commencement of this section.

Amendment of section 2 of the Act of 1939.

6.—Section 2 of the Act of 1939 is hereby amended by the 50 insertion in the definition of “authorised officer of the Commission ” in subsection (1) after “person ” of “(other than a member of the Commission) ”.

Amendment of section 4 of the Act of 1939.

7.—Section 4 of the Act of 1939 is hereby amended by the substitution of the following subsection for subsection (3), namely : 55

“(3) (a) The Commission shall consist of seven members, namely a chairman (in this Act referred to as the Chairman)

and six ordinary members (in this Act referred to as ordinary members).

(b) The ordinary members shall comprise—

(i) two persons each of whom is—

5 (I) a person nominated to be an ordinary member
by a body or bodies declared by the Minister
by order to be the nominating body or
nominating bodies for the purposes of this
10 subparagraph (being a body or bodies that he
considers to be representative of the interests
of pig producers) 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
15 consent to the nomination) not less than twenty-
one days before the day on which the term of
office of that person as an ordinary member, if
he became an ordinary member, would com-
mence, or

20 (II) a person nominated to be an ordinary member
under paragraph (c) of this subsection,

(ii) three persons each of whom is—

(I) a person nominated to be an ordinary
25 member by a body or bodies declared by the
Minister by order to be the nominating body
or nominating bodies for the purposes of this
subparagraph (being a body or bodies that he
considers to be representative of the interests
of curers of bacon) and as respects whose
30 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) not less than
twenty-one days before the day on which the
35 term of office of that person as an ordinary
member, if he became an ordinary member,
would commence, or

(II) a person nominated to be an ordinary member
under paragraph (c) of this subsection and

40 (iii) one person nominated by the Minister who is an
officer of the Minister.

(c) If in any year, owing to the failure of a body or bodies
referred to in subparagraph (i) or subparagraph (ii), as
the case may be, of paragraph (b) of this subsection to
45 nominate a person or to comply with the provisions of
the said subparagraph (i) or (ii), as the case may be, the
required number of persons is not nominated under
those subparagraphs, the Minister shall, before the day
on which the term of office of persons nominated as
50 ordinary members under the said paragraph (b) in that
year commences, nominate a person or persons, as the
case may be, to be an ordinary member or ordinary
members and the person or persons so nominated shall—

55 (i) in case the failure was of a body or bodies referred
to in the said subparagraph (i), be a person or
persons whom the Minister considers to be repre-
sentative of the interests of pig producers, and

60 (ii) in case the failure was of a body or bodies referred
to in the said subparagraph (ii), be a person or
persons whom the Minister considers to be repre-
sentative of the interests of curers of bacon.

- (d) The Minister may by order revoke or amend an order under this subsection including an order under this paragraph.”.

Chairman of the
Commission.

8.—The following section is hereby substituted for section 5 of the Act of 1939, namely :

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“ 5.—(1) (a) The Minister shall before the appointed day appoint a person to be the Chairman and thereafter as occasion requires the ordinary members shall appoint a person to be the Chairman.

(b) The ordinary members shall determine the procedure for the selection of a person for appointment as Chairman, and if the ordinary members do not determine the procedure or if a person is not selected in accordance with the procedure, the Chairman shall be selected by means of an election held among the ordinary members at a meeting of the ordinary members 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 reference in the said paragraph (a) to a member or members were a reference to a person or persons and as if the subsequent references in that subsection to members were references to ordinary members.

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(c) The chief officer of the Commission shall deliver to the Minister notification in writing of the appointment of a Chairman by the ordinary members together with a statement in writing signed by the person signifying his consent to the appointment.

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(2) (a) The Chairman appointed before the appointed day shall, unless he sooner dies, resigns, becomes disqualified or is removed from office, hold office for a period of one year commencing on the appointed day.

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(b) Every subsequent Chairman shall, unless he sooner dies, resigns, becomes disqualified or is removed from office, hold office for a period of three years commencing on the day next following the day on which the Chairman who immediately preceded him in the office of Chairman, ceased to hold office.

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(3) A person holding the office of Chairman may at any time resign his office by letter addressed, in the case of a resignation occurring during the year commencing on the appointed day, to the Minister, and, in the case of any other resignation, to the chief officer of the Commission, and the resignation shall take effect as on and from the date of the receipt of the letter by the Minister or the chief officer, as the case may be, and the person shall be eligible for re-appointment as Chairman.

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(4) (a) The Minister may at any time during the year commencing on the appointed day remove the Chairman from office.

(b) The Minister may, at any time after the expiration of the year commencing on the appointed day, at the request of a majority of the ordinary members, remove the Chairman from office if, in the opinion of the Minister, the Chairman is permanently incapacitated, through ill-health, from performing the duties of his office.

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1941, No. 23.

- (5) (a) Where the Chairman 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 Chairman.
- 5 (b) 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 Chairman.
- (6) The Chairman 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 Commission or through illness, during any period of three consecutive months, from every meeting of the Commission held during that period.
- 10 15
- (7) (a) Where a casual vacancy occurs in the office of Chairman, the chief officer of the Commission shall, as soon as may be, notify the Minister thereof in writing and the vacancy shall—
- 20
- (i) in the case of a casual vacancy occurring during the year commencing on the appointed day, be filled by appointment by the Minister, and
- (ii) in the case of a casual vacancy occurring after the expiration of the year commencing on the appointed day, be filled by appointment by the ordinary members,
- 25
- and the person so appointed shall hold office for the remainder of the period for which his predecessor, if he had continued to be Chairman, would have held office and shall, if he is an ordinary member, be deemed on such appointment to have resigned his office as an ordinary member.
- 30
- (b) The chief officer of the Commission shall be notified in writing as soon as may be of an appointment under subparagraph (i) of paragraph (a) of this subsection and the Minister shall be notified in writing by the chief officer of the Commission of an appointment under subparagraph (ii) of the said paragraph (a) and, in each case, the term of office of the person appointed under the said paragraph (a) shall commence on the date of such notification.
- 35 40
- (8) Where the term of office of the Chairman expires by the effluxion of time he shall be eligible for re-appointment.
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- (9) Where immediately before the commencement of section 8 of the Pigs and Bacon (Amendment) Act, 1961, a person holds the office of Chairman, that person shall continue to hold office until the day before the appointed day and shall be deemed to have been appointed by the Minister under subsection (1) of this section before the appointed day to be the Chairman.
- 50
- (10) (a) Whenever the Chairman is through ill-health or other sufficient cause temporarily incapacitated from performing the duties of his office, the ordinary members shall appoint a person (being one of the ordinary members) to perform during the incapacity the duties of the Chairman and the person so appointed shall during the incapacity have all the
- 55 60

powers of the Chairman and be deemed for the purposes of this Act to be the Chairman, and shall also be deemed during the incapacity not to be an ordinary member.

- (b) There shall be paid by the Commission to any 5 person appointed under this subsection such remuneration and such allowances for expenses as the Minister, after consultation with the Minister for Finance, may appoint.

(11) If the person appointed before the appointed day to be 10 the Chairman dies before that day, he shall be deemed, for the purposes of subsection (7) of this section, to have died on the appointed day, and, if a person appointed by the ordinary members to be the Chairman, dies before the commencement of his term of office as Chairman, there shall, on the day on 15 which such term of office would have commenced, be deemed to be a casual vacancy in the office of Chairman.

(12) In this Part of this Act 'appointed day' means the day appointed by the Minister by order made under this sub- 20 section to be the appointed day for the purposes of this Part of this Act."

Ordinary
members of the
Commission.

9.—The following section is hereby substituted for section 6 of the Act of 1939, namely :

" 6 (1) The ordinary members shall, unless they sooner die, resign, become disqualified or are removed from office, hold 25 office for a period of three years commencing, in the case of members nominated before the appointed day, on the appointed day and, in the case of subsequent members, on the day next following the day on which the members who immediately preceded them in office ceased to hold office. 30

(2) A person who is an ordinary member may at any time resign his office by letter addressed to the chief officer of the Commission and the resignation shall take effect as on and from the date of the receipt of the letter by the chief officer and the person shall be eligible for re-nomination as a member. 35

(3) (a) Where an ordinary member 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 an ordinary 40 member.

(b) 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 an ordinary member.

(4) An ordinary member shall be disqualified from holding 45 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 50 the permission of the Commission or through illness, during any period of three consecutive months, from every meeting of the Commission held during that period.

(5) (a) The Minister may at any time remove an ordinary member, being an officer of the Minister nominated 55 by the Minister, from office.

(b) The Minister may at any time remove a person who is an ordinary member from office at the

- request of the body or bodies that nominated the person as an ordinary member or whose failure to nominate a person or to comply with the provisions of paragraph (b) of subsection (3) of section 4 of this Act occasioned the nomination of the person if, in the opinion of the Minister, the member is permanently incapacitated through ill-health, from performing the duties of his office.
- 5
- (6) (a) Where a casual vacancy occurs among the ordinary members, the chief officer shall, as soon as may be, notify in writing—
- 10
- (i) the Minister, and
- (ii) if the member occasioning the vacancy was nominated under paragraph (b) of subsection (3) of section 4 of this Act, the body or bodies that nominated or whose failure to nominate a person or to comply with the provisions of the said paragraph (b) occasioned the nomination of the person.
- 15
- (b) A casual vacancy occurring among the ordinary members shall be filled—
- 20
- (i) in case the member occasioning the vacancy was an officer of the Minister nominated by the Minister under subparagraph (iii) of the said paragraph (b), by the nomination by the Minister of an officer of the Minister, and
- 25
- (ii) in case the member occasioning the vacancy was nominated under subparagraph (i) or subparagraph (ii) of the said paragraph (b)—
- (I) by the nomination of a person referred to in the subparagraph aforesaid under which the member was nominated, within thirty days after the day on which notification of the vacancy was received by the body or bodies aforesaid from the chief officer of the Commission, and the delivery to the Minister, within forty days after the day on which the notification aforesaid was so received, of notification in writing of the nomination together with a statement in writing signed by the person signifying his consent to the nomination,
- 30
- or
- 35
- (II) in case the body or bodies entitled to nominate a person to fill a casual vacancy fails or fail to nominate a person or to comply with the provisions of this paragraph, by the nomination by the Minister—
- 40
- (A) in case the body or bodies aforesaid is or are the body or bodies referred to in the said subparagraph (i), of a person whom the Minister considers to be representative of the interests of pig producers, and
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- (B) in case the body or bodies aforesaid is or are the body or bodies referred to in the said subparagraph (ii), of a person whom the Minister considers to be representative of the interests of curers of bacon.
- 50
- (c) The chief officer of the Commission shall be notified in writing as soon as may be of a nomination by the Minister under this subsection and the term
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of office of an ordinary member nominated under this subsection shall commence—

- (i) in case the member was nominated by the Minister, on the date of such notification, and
- (ii) in any other case, on the date of the receipt by the Minister of the notification and statement referred to in paragraph (b) of this subsection or, if those documents are received on different days, on the date of the receipt of the document which is last received. 10

- (d) A person nominated as an ordinary member to fill a casual vacancy among the ordinary members shall hold office for the remainder of the period for which the member occasioning the vacancy, if he had continued to be an ordinary member, would have held office. 15

(7) Where the term of office of an ordinary member expires by the effluxion of time he shall be eligible for re-nomination.

(8) If a person nominated before the appointed day to be an ordinary member dies before that day, he shall be deemed for the purposes of subsection (6) of this section to have died on the appointed day, and if a person nominated subsequently to be an ordinary member dies before the commencement of his term of office as an ordinary member, there shall, on the day on which such term of office would have commenced, be deemed to be a casual vacancy among the ordinary members. 20 25

(9) Where immediately before the commencement of section 9 of the Pigs and Bacon (Amendment) Act, 1961, a person holds office as an ordinary member, that person shall hold office until the day before the appointed day and shall then cease to hold office.” 30

Restriction of section 7 of the Act of 1939.

10.—Section 7 of the Act of 1939 shall not apply in relation to the Chairman or an ordinary member of the Commission nominated under subparagraph (i) or (ii) of paragraph (b) of subsection (3) of section 4 of that Act or subparagraph (ii) of paragraph (b) of subsection (6) of section 6 of that Act. 35

Amendment of section 8 of the Act of 1939.

11.—Section 8 of the Act of 1939 is hereby amended by—

- (a) the insertion in subsection (1) after “Minister” of “, after consultation with the Minister for Finance,” and 40
- (b) the substitution in subsection (2) of “after consultation with ” for “with the approval of”.

Offices and staff of the Commission.

12.—The following section is hereby substituted for section 9 of the Act of 1939, namely:

“ 9. (1) The Commission may purchase, take on lease, build or otherwise acquire and may equip and maintain such offices and other premises in such places as it considers necessary for the due performance of its functions and may sell, lease or otherwise dispose of any premises vested in it which it considers to be no longer necessary for that purpose. 45 50

(2) The Commission shall as soon as may be after the appointed day and thereafter as occasion requires appoint a person to be chief officer of the Commission.

5 (3) The Commission may appoint such and so many officers, servants and agents as the Commission shall from time to time consider necessary for the due performance of its functions and every officer, servant and agent so appointed and the chief officer of the Commission shall hold office upon such terms and subject to such conditions as the Commission shall determine.

10 (4) There shall be paid by the Commission to the officers (including the chief officer), servants and agents of the Commission such remuneration and allowances for expenses as the Commission may from time to time appoint with, in the case of the chief officer, the consent of the Minister and the Minister for Finance.

15 (5) Subject to subsection (6) of this section, a person shall not be appointed under this section to be an officer of the Commission unless he has been selected by means of a public competition.

20 (6) The requirement under subsection (5) of this section of being selected by means of a public competition shall not apply in relation to—

- (a) an appointment consisting of the promotion of a person who is already an officer of the Commission,
- (b) an office for which, in the opinion of the Commission, specialised qualifications not commonly held are required, or
- (c) an office to which appointments are made for limited periods only, being periods not exceeding two years.

30 (7) Where an officer (including the chief officer) or servant of the Commission 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.

35 (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 (including chief officer) or servant of the Commission.

40 (9) The chief officer of the Commission shall not be a member of the Commission.

45 (10) (a) Where immediately before the commencement of section 12 of the Pigs and Bacon (Amendment) Act, 1961, a person is employed as an officer or servant of the Commission, that person, after the commencement of the said section 12, shall continue to be employed as an officer or servant, as the case may be, of the Commission and shall be employed on such terms and subject to such conditions as the Commission may determine (including terms and conditions in relation to remuneration and allowances for expenses) being terms and conditions not less favourable than those subject to which he was employed immediately before such commencement, but the office or position held by him may be changed and his duties may be changed or re-arranged.

55 (b) A person who, immediately before the commencement of the said section 12, is employed as an

officer or servant of the Commission shall not be removed from such employment without the consent of the Minister."

Amendment of section 11 of the Act of 1939.

13.—Section 11 of the Act of 1939 is hereby amended by the insertion in subsection (3) after "this Act" of "or the Pigs and Bacon (Amendment) Act, 1961,". 5

Amendment of section 12 of the Act of 1939.

14.—Section 12 of the Act of 1939 is hereby amended by—

- (a) the substitution of "three" for "two" in subsection (1),
- (b) the substitution of "or more vacancies" for "vacancy" in subsection (4), and 10
- (c) the deletion in subsection (5) of "with the approval of the Minister".

Amendment of section 14 of the Act of 1939.

15.—Section 14 of the Act of 1939 is hereby amended by the insertion in subsection (2) after "Chairman" of "or an ordinary member authorised by the Commission to act in that behalf and the signature of an officer of the Commission authorised by the Commission to act in that behalf". 15

Amendment of section 15 of the Act of 1939.

16.—Section 15 of the Act of 1939 is hereby amended by the substitution of the following subsection for subsection (1), namely:

- "(1) The Commission shall— 20
 - (a) 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, and
 - (b) as soon as may be after the end of each year submit 25 its accounts for that year, a balance sheet as of the last day of that year and a statement of accounts for that year to the Comptroller and Auditor-General who shall audit the accounts and make a report thereon and on the other documents 30 submitted to him, and
 - (c) as soon as may be after audit under this section of its accounts, send to the Minister a copy of the statement of accounts and the balance sheet certified by the Comptroller and Auditor-General and 35 a copy of the Comptroller and Auditor-General's report and the Minister shall cause copies of those documents to be laid before each House of the Oireachtas, and
 - (d) as soon as may be after the laying aforesaid, send 40 copies of the documents of which copies have been laid to every licensee."

Amendment of section 19 of the Act of 1939.

17.—(1) Section 19 of the Act of 1939 is hereby amended by the substitution of "chief officer" for "Secretary" in subsection (2). 45

(2) A certificate given under the said subsection (2) before the commencement of this section shall have effect, on such commencement, as if it purported to be under the hand of the chief officer of the Commission.

Orders under section 34 of the Act of 1939.

18.—(1) The Minister may from time to time, if he so thinks 50 fit, direct the Commission to make any of the orders referred to in subsection (2) of section 34 of the Act of 1939 or an order under

subsection (3) of that section fixing the rate of levy under that section and may also, if he thinks fit, specify, in a direction relating to an order under the said subsection (3), the rate or rates of levy to be fixed in the order and the period within which the order is
5 to be made.

(2) A direction under this section shall be given to the Commission in writing.

(3) The Commission shall comply with a direction under this section.

10 19.—Information in relation to any person obtained for the purpose of section 58 of the Act of 1939 shall not (except with the consent in writing of the person) be—

Restriction on disclosure of information obtained for purposes of section 58 of the Act of 1939.

(a) published by the Commission pursuant to the said section 58, or

15 (b) shown or communicated to any person other than an officer of the Commission concerned therewith in the course of his duties as such officer,

in such form or manner as to enable the information to be identified as information relating to that person or to premises occupied
20 by him.

20.—Section 5 of the Act of 1956 is hereby amended by the insertion in subsection (1) after "Act of 1939," of "where the Minister is of opinion that there are moneys in the General Fund that are not required for the purposes of that fund and so informs
25 the Commission in writing or".

Amendment of section 5 of the Act of 1956.

21.—The Commission shall not make an order under section 54 or section 55 of the Act of 1937, section 34 or section 36 of the Act of 1939 or section 3 of the Act of 1956 without the consent of the Minister.

Consent of the Minister to the making of certain orders by the Commission.

30 22.—(1) The Commission 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 Commission as it may think fit.

Superannuation of officers and servants of the Commission.

35 (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.

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

45 (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 Commission in accordance with its terms.

50 (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. 5

Exportation of
bacon by the
Commission.

23.—(1) The Commission may export bacon of such grades as may be specified by the Minister with the consent of the Minister for Finance from time to time in the form of Wiltshire sides or major cuts thereof which include the back.

(2) The Commission may from time to time require the holders 10 of licences to sell to the Commission bacon of such grade or grades (being a grade or grades specified under *subsection (1)* of this section), in such condition and in such quantity as it may specify in the requirement in the form of Wiltshire sides or major cuts thereof which include the back and either, as the Commission may 15 specify—

(i) to deliver the bacon to the Commission for exportation by the Commission, or

(ii) to export the bacon on behalf of the Commission to such country or countries or to such person or 20 persons or place or places in such country or countries and in accordance with such conditions, if any, as the Commission may specify.

(3) The Commission shall pay to the holders of licences for any form of bacon sold to the Commission under this section the price 25 which is appropriate having regard to the prices standing fixed for the time being under *subsection (4)* of this section for that form of bacon.

(4) (a) The Minister shall, after consultation with the Commission, fix from time to time in such manner and by 30 reference to such matters as he thinks fit prices (in terms of a rate per hundredweight) for each form of bacon sold to the Commission under this section which is of a grade specified under *subsection (1)* of this section and is in the condition specified by the Minister. 35

(b) The Commission shall be notified in writing as soon as may be of any price fixed under *paragraph (a)* of this subsection and of the grades specified under *subsection (1)* of this section.

(5) Holders of licences shall comply with any requirement of 40 the Commission under this section and where, in respect of any bacon, the holder of a licence fails to comply with a requirement of the Commission under this section he shall be guilty of an offence and shall be liable on summary conviction thereof to a fine calculated at the rate of five pounds for every hundredweight of bacon 45 in respect of which the holder has failed to comply with the requirement.

(6) Where, in the opinion of the Commission, bacon delivered to or exported on behalf of the Commission by the holder of a licence in pursuance of a requirement under this section is not of the grade 50 or in the condition specified by the Commission in the requirement, the Commission may either—

(a) (i) return the bacon to the holder of the licence, and require the holder of the licence to deliver to or export on behalf of the Commission the same 55 quantity of bacon of the grade and in the condition specified by the Commission in the original requirement, and

(ii) deduct from the price payable for the bacon or for any other bacon delivered to or exported on behalf 60 of the Commission by the holder of the licence any loss or expense incurred by the Commission in relation to the bacon returned to the holder of the licence, or

- (b) deduct from the price payable for the bacon under this section to the holder of the licence or for any other bacon delivered to or exported on behalf of the Commission by the holder of the licence such amount as it considers reasonable having regard to the grade and condition of the bacon.
- (7) (a) The Commission shall not require a holder of a licence to sell to it during any external-sale period (within the meaning of Part III of the Act of 1937) a quantity of bacon in excess of the quantity specified in the external-sales sub-quota certificate (within the meaning of the said Part III) for the premises to which the licence relates.
- (b) If during any external-sale period (within the meaning of the said Part III) a quantity of bacon which is in the form of Wiltshire sides or major cuts thereof which include the back and is of a grade or grades and in the condition specified in any requirement of the Commission made during that period is offered for sale to the Commission by the holder of a licence, the Commission shall purchase at the price which is appropriate having regard to the prices standing fixed for the time being under *subsection (4) of this section* for those forms of bacon—
- (i) in case the quantity would, if increased by the quantity (if any) of bacon already purchased by the Commission from the holder during that period, be equal to or less than the quantity specified in the external-sales sub-quota certificate (within the meaning of the said Part III) in respect of that period for the premises to which the licence relates, the whole of the bacon, and
- (ii) in any other case, such quantity (if any) of the bacon as it thinks proper, having regard to the quantities (if any) of bacon exported by the holder aforesaid on or after the 1st day of January, 1960, and before the commencement of this Act, provided that the quantity purchased shall not be less than the quantity (if any) which if increased by the quantity (if any) of bacon already purchased by the Commission from the holder during the external-sale period aforesaid would be equal to the quantity specified in the said external-sales sub-quota certificate.
- (8) Bacon delivered to, or exported on behalf of, the Commission at any time under this section by the holder of a licence shall be deemed, for the purposes of section 33 (inserted by the Act of 1956) of the Act of 1937, to have been exported at that time from the premises to which the licence relates and to comply with the provisions of any external-sales order under section 30 (inserted by the Act of 1956) of the Act of 1937, in relation to the bacon in force at that time.
- (9) Moneys due by the Commission for bacon sold to it under this section shall be paid out of, and moneys received by the Commission in respect of bacon exported under this section, shall be paid into, the Bacon (Price Stabilisation) Fund.
- (10) Holders of licences shall be informed by notices in writing of requirements made by the Commission and service of the notices shall be effected in accordance with the provisions of section 3 of the Principal Act.
- (11) In this section "holder of a licence" means a person who is the holder of a curing licence or a curing and slaughtering licence under Part II of the Principal Act.

Preparation,
packing and
conveyance of
bacon for
exportation by
or on behalf of
the Commission.

24.—(1) The Commission may, with the consent of the Minister, provide by regulations for—

- (a) the method and manner of preparing bacon sold to it under *section 23* of this Act,
- (b) the method and manner of packing bacon sold to it under the said *section 23* including the materials and packages to be used for the packing,
- (c) the method and manner of marking bacon sold to it under the said *section 23*, the method and manner of marking the materials and packages used for the packing, the marks to be applied and the matters to be indicated by the marks,
- (d) the cleanliness and sterilisation of the materials and packages,
- (e) the classification and grading of the contents of the packages,
- (f) the means of conveyance and handling of bacon sold to it under the said *section 23* during transit from the premises of the vendors to the premises of the Commission or to the ship, vehicle or other conveyance in which it is transported out of the State, and
- (g) the fittings, ventilation and cleanliness of ships, vehicles and other conveyances in which bacon sold to it under the said *section 23* is transported out of the State.

(2) A person who contravenes a provision of regulations under this section shall be guilty of an offence and shall be liable on summary conviction thereof in the case of a first offence to a fine not exceeding twenty-five pounds and in the case of a second or any subsequent offence to a fine not exceeding fifty pounds.

(3) Regulations under *section 45* or *section 46* of the Principal Act shall not apply in relation to bacon in relation to which regulations under this section apply and *section 66* of that Act shall not, in so far as it relates to regulations under the said *sections 45* and *46*, apply in relation to bacon in relation to which regulations under this section apply.

(4) An offence under this section may be prosecuted by the Commission.

Power of
Minister to
prohibit
exportation of
certain bacon.

25.—(1) Notwithstanding anything contained in *section 65* of the Principal Act, the Minister may by order prohibit the exportation, except by or on behalf of the Commission, either generally or to a specified country or specified countries, of bacon of such grade or grades as may be specified in the order in the form of Wiltshire sides or major cuts thereof which include the back.

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

Pre-packaging of
bacon and other
pigmeat for sale
by retail.

26.—(1) The Minister may by regulations provide for—

- (a) the prohibition of the pre-packaging of bacon or other pigmeat otherwise than under and in accordance with a licence (in this section referred to as a pre-packaging licence),
- (b) the grant and revocation of pre-packaging licences by the Minister,
- (c) the attaching of conditions to pre-packaging licences by the Minister and the amendment and revocation of the conditions by the Minister,

- (d) the method and manner of pre-packaging bacon and other pigmeat including the wrapping materials and packages to be used for the pre-packaging,
- (e) the cleanliness and sterilisation of the wrapping materials and packages, and
- (f) the classification and grading of the contents of the packages,

and regulations under this section may provide that different provisions thereof shall apply in relation to different forms of bacon and other pigmeat.

(2) A person who contravenes a provision of regulations made under this section shall be guilty of an offence and shall be liable on summary conviction thereof in the case of a first offence to a fine not exceeding twenty-five pounds and in the case of a second or any subsequent offence to a fine not exceeding fifty pounds.

(3) Regulations made under section 45 of the Principal Act in relation to the packing of bacon and the materials and packages to be used for the packing shall not apply in relation to the packing, or the materials or packages to be used in the packing, of bacon in relation to which regulations made under this section apply.

(4) In this section "pre-packaging", in relation to bacon or other pigmeat, means the preparation and packing of bacon or other pigmeat, elsewhere than in the premises where it is intended to sell the bacon or other pigmeat by retail, in such manner that the bacon or other pigmeat does not require further preparation or packing before or for the purpose of being sold by retail.

27.—The Commission may do all or any of the following:

Powers of the Commission in relation to the development of markets for bacon and other pigmeat and pigmeat products.

(a) provide, or arrange for, or assist, financially or otherwise, in the provision of publicity in any form or medium both in and outside the State for the purpose of encouraging the increased consumption of bacon and other pigmeat and pigmeat products produced in the State and promoting increases in the quantities of bacon and other pigmeat and pigmeat products exported from the State,

(b) conduct, or provide for the conducting of, investigations, surveys, analyses, studies and reports in relation to markets, potential markets and market conditions for, bacon and other pigmeat and pigmeat products in the State and outside the State,

(c) conduct, or provide for the conducting of, periodic comprehensive reviews, surveys and studies of trade in bacon and other pigmeat and pigmeat products outside the State,

(d) carry out, or provide for the carrying out of, and assist, financially or otherwise, experimental and development work and investigations in relation to the provision of new and improved types of bacon and other pigmeat and pigmeat products, packing for bacon and other pigmeat and pigmeat products and methods of presentation for marketing of bacon and other pigmeat and pigmeat products,

(e) 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 consumption of bacon and other pigmeat and pigmeat products and to promote increases in the

quantities of bacon and other pigmeat and pigmeat products exported from the State,

(f) publish and distribute, or provide for the publication and 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 of bacon and other pigmeat and pigmeat products and promoting increases in the quantities of bacon and other pigmeat and pigmeat products exported from the State, 10

(g) promote, facilitate, encourage, assist (financially or otherwise), co-ordinate and develop the exportation of bacon and other pigmeat and pigmeat products by such means as the Commission considers necessary or desirable,

(h) undertake, promote, or provide for the undertaking and promotion of, and assist in, financially or otherwise, any activity which, in the opinion of the Commission, will, or is likely to, result in, directly or indirectly, increases in the quantities of bacon and other pigmeat and pigmeat products exported from the State. 20

Grants to the Commission.

28.—(1) There may be paid to the Commission 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 Commission in relation to its programme of expenditure for that financial year, 25 may fix.

(2) A grant under this section shall be used by the Commission, subject to such conditions as may be specified in writing from time to time by the Minister, with the consent of the Minister for Finance to defray any loss incurred by the Commission in relation 30 to the export of bacon and shall not be used for any other purpose.

(3) A grant under this section shall be paid into the Bacon (Price Stabilisation) Fund by the Commission.

Guarantee of loans.

29.—(1) The Minister may, if he so thinks fit and with the consent of the Minister for Finance, guarantee a loan to the 35 Commission.

(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 Commission of the principal of the loan or the 40 payment of interest on the loan or both the repayment of such principal and the payment of such interest.

(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 45 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 Commission, exceeds £500,000. 50

(4) Where a guarantee under this section is or has been given, the Commission 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. 55

(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—

- (a) particulars of the guarantee,
- 5 (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,
- 10 (c) the amount of principal covered by the guarantee which was outstanding at the end of that year.

(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 Commission within two years from
15 the date of the advance of the moneys under *subsection 10* of this section.

(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
20 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 Commission shall remain liable to the Minister in respect of that
25 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 Commission at such times and in such instalments as the Minister for Finance appoints and, in default of repayment as aforesaid and without
30 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 Commission to the Minister, or recovered from the Commission by the Minister, under this section shall be paid into or disposed of for the benefit of the Exchequer.

35 (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
40 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
45 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.

50 30.—There shall be paid out of the General Fund of the Pigs and Bacon Commission all moneys required or permitted by this Act to be paid by the Commission (other than moneys required by this Act to be paid out of the Bacon (Price Stabilisation) Fund) and all expenses incurred by the Commission under this Act.

Payments out of the General Fund of the Pigs and Bacon Commission.

55 31.—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 is passed by either House within

Laying of orders and regulations before Houses of the Oireachtas.

the next twenty-one days upon which that House has sat after the order or regulation, as the case may be, is laid before it annulling the order or regulation, as the case may be, the order or regulation, as the case may be, shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder. 5

Expenses of the Minister.

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

Repeals.

33.—(1) Subject to subsection (2) of this section, the enactments mentioned in column (2) of the Schedule to this Act are hereby 10 repealed to the extent mentioned in column (3) of that Schedule.

(2) The repeal of sections 40 to 43 of the Act of 1939 shall not have effect in relation to bacon exported or sold before the commencement of this section.

Short title and collective citation.

34.—(1) This Act may be cited as the Pigs and Bacon (Amend- 15 ment) Act, 1961.

(2) The Pigs and Bacon Acts, 1935 to 1956, and this Act may be cited together as the Pigs and Bacon Acts, 1935 to 1961.

Section 33.

SCHEDULE.

ENACTMENTS REPEALED.

Number and Year (1)	Short Title (2)	Extent of Repeal (3)
No. 24 of 1935.	Pigs and Bacon Act, 1935	Sections 105, 107 and 108.
No. 23 of 1937.	Pigs and Bacon Act, 1937	Sections 66, 68 and 71.
No. 35 of 1939.	Pigs and Bacon (Amendment) Act, 1939.	Sections 35 and 40 to 43.

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Right to head some de besting an mabangna
This agna Bagan 1902 to 1906
An Act to amend and extend the 1901
Passed Act, 1902 to 1906

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Acht do leasú agus do leathnú na nAchtanna
Muc agus Bagúin, 1935 go 1956.

BILL

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Bacon Acts, 1935 to 1956.

*Rite ag dhá Theach an Oireachtais,
31 Bealtaine, 1961.*

*Passed by both Houses of the Oireachtas,
31st May, 1961.*

BAILE ATHA CLIATH:
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