



AN BILLE UM THIONSCAL NA SCANNAN, 1970
FILM INDUSTRY BILL, 1970

Mar a tugadh isteach
As introduced

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AN BILLE UM THIONSCAL NA SCANNAN, 1970
FILM INDUSTRY BILL, 1970

BILL

entitled

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A BOARD TO BE KNOWN AS AN BORD SCANNAN TO ASSIST AND ENCOURAGE THE DEVELOPMENT OF A FILM INDUSTRY IN THE STATE, TO EMPOWER THE BOARD TO PROVIDE GRANTS, LOANS AND GUARANTEES OF LOANS FOR THE MAKING OF CERTAIN FILMS IN THE STATE, TO DEFINE ITS OTHER POWERS AND FUNCTIONS AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS: 15

Interpretation.

1.—(1) In this Act—

“the Board” means An Bord Scannán established by *section 3* of this Act;

“the establishment day” means the day appointed to be the establishment day for the purposes of this Act by order of the Minister under *section 2* of this Act; 20

“functions” includes powers and duties;

1956, No. 26.

“Irish citizen” has the meaning assigned to it by the Irish Nationality and Citizenship Act, 1956;

“the Minister” means the Minister for Industry and Commerce; 25

“running time”, in relation to a motion-picture, means the period of time which elapses during one exhibition of the picture.

(2) Where a substantial part of the creative, artistic and technical work required for the making of a motion-picture is carried out by persons normally resident in the State, the picture shall be deemed, for the purposes of this Act, to be an Irish film. 30

(3) A reference in this Act to performance of functions includes, with respect to powers, a reference to exercise of those powers.

Establishment day.

2.—The Minister may by order appoint a day to be the establishment day for the purposes of this Act. 35

Establishment of Board.

3.—(1) There shall, by virtue of this section, be established on the establishment day a board to be known as An Bord Scannán (in this Act referred to as the Board).

(2) The Board shall be a body corporate with perpetual succession and power to sue and be sued in its corporate name.

4.—(1) In addition and without prejudice to any specific functions given to it by this Act, the Board shall, subject to subsection (2) of this section, assist and encourage by any means, and by engaging in any activity (including the establishment of an Irish film collection and an Irish film library) it considers appropriate, the making of Irish films and the development of an industry in the State for the making of motion-pictures.

General function of Board.

(2) The Board shall not engage in the making of motion-pictures and shall not make grants or make or guarantee loans except under and in accordance with section 5, 6, 7 or 8 of this Act.

(3) The Board shall have all such powers as are necessary for or incidental to the performance of its functions.

5.—(1) (a) The Board may make or guarantee a loan to be used to defray in whole or in part any expenditure which is incurred in relation to the making of an Irish film before the making commences, if, in the opinion of the Board, the film complies or will comply with the following conditions:

Assistance by Board for making of certain films in the State.

(i) the running time of the film shall be not less than one hour,

(ii) the film shall be wholly or mainly made in the State,

(iii) the producer of the film shall be a person having an international reputation as a producer of motion-pictures,

(iv) the other persons employed in or in connection with the making of the film shall be suitably qualified for their employment, and

(v) there shall be a reasonable possibility that the makers of the film will earn a profit on the making, or the making and sale or renting, of the film.

(b) The making or guaranteeing of a loan under this subsection in respect of a film shall be subject to such terms and conditions as the Board may think proper, including terms and conditions relating to the recoupment to the Board of any money paid by it under this subsection, the payment of interest to the Board on any such money and the waiver of such recoupment and payment if the film is not made.

(c) Payments by the Board under this subsection in respect of a film shall not exceed £10,000.

(2) (a) The Board may make or guarantee a loan to be used to defray in whole or in part the cost of making an Irish film, if, in the opinion of the Board, the film complies or will comply with the following conditions:

(i) the making of the film shall be a substantial contribution to the development of an industry in the State for the making of motion-pictures,

(ii) the running time of the film shall be not less than one hour,

(iii) the film shall be wholly or mainly made in the State,

(iv) the producer of the film, or of a substantial part of the film, shall be a person suitably qualified for the purpose who is an Irish citizen or is normally resident in the State,

(v) a reasonable number of the artists, actors, writers and technicians employed in or in connection with the making of the film shall be persons suitably qualified for the purpose who are Irish citizens or are normally resident in the State.

(b) The making or guaranteeing of a loan under this subsection in respect of a film shall be subject to such terms and conditions as the Board may think proper, including terms and conditions relating to the recoupment to the Board of any money paid by it under this subsection and payment of interest to the Board on any such money and to the waiver, in whole or in part, of such recoupment and payment, if the return to the makers of the film on the making, or on the making and sale or renting, of the film is insufficient to provide for such recoupment and payment in full.

(c) Payments by the Board under this subsection in respect of a film shall not exceed £50,000.

(d) A loan or guarantee shall not be made or given under this subsection in respect of a film unless the Board is satisfied that the financial resources available to meet the cost of making the film would, together with the loan, be adequate for that purpose.

Assistance by Board for making of certain short films in the State.

6.—(1) The Board may make a grant or make or guarantee a loan to be used to defray in whole or in part the cost of making an Irish film, if, in the opinion of the Board, the film complies or will comply with the following conditions—

(a) the running time of the film shall be less than one hour, and

(b) the film shall have substantial artistic or technical merit.

(2) The making of a grant or loan or the guaranteeing of a loan under this section in respect of a film shall be subject to such terms and conditions as the Board may think proper, including (in the case of a loan or guarantee) terms and conditions relating to the recoupment to the Board of any money paid by it under this section and payment of interest on any such money and to the waiver of such recoupment and payment if the return to the makers of the film on the making, or on the making and sale or renting, of the film is insufficient to provide for such recoupment and payment in full.

(3) Payments by the Board under this section in respect of a film shall not exceed £15,000.

Assistance by Board for provision of other sound tracks for films having Irish language sound tracks.

7.—(1) In this section “the sound track” in relation to a film, means the vocal sounds produced by mechanical or other means in synchronisation with the optical effect which, together with those sounds, constitute the motion-picture.

(2) Where the language of the sound track of an Irish film in respect of which a grant, loan or guarantee has been made or given under section 5 or 6 of this Act is wholly or mainly the Irish language, the Board may make a grant, or make or guarantee a loan, to be used to defray in whole or in part the cost of providing for the film a sound track or sound tracks wholly or mainly in a language or languages other than the Irish language.

(3) The making of a grant or loan or the guaranteeing of a loan under this section in respect of a film shall be subject to such terms and conditions as the Board may impose including (in the case of a loan or guarantee) terms and conditions relating to the recoupment to the Board of any outlay by it under this section, payment of interest on any money paid by it under this section and the waiver of such recoupment and payment if the return to the makers of the film on the making, or on the making and sale or renting, of the film wholly or mainly in a language or languages other than the Irish language are insufficient to provide for such recoupment and payment in full.

8.—(1) The Board may, upon and subject to such terms and conditions as it thinks proper, make grants to be used to defray in whole or in part the cost of providing either in the State or elsewhere training in the techniques and processes of the making of motion-pictures for persons employed in the Irish film industry.

Assistance by Board for training persons employed in film industry.

(2) The total amount paid in respect of the training of a person under this section shall not exceed the cost, determined by the Board, of the training, together with, in case the person lives in a place away from his home during the period of the training, the amount of his expenses of subsistence and of travel between the place and his home.

9.—Where a term or condition subject to which a grant, loan or guarantee made or given by the Board under this Act is contravened by the person to whom or on whose behalf the grant, loan or guarantee, as the case may be, is made or given, any amount owed to the Board in respect of the loan and the interest payable thereon, or the guarantee, as the case may be, shall if the Board request repayment of the whole or part of the amount, be deemed, to the extent of the request, to be a debt payable forthwith to the Board and may, to the like extent, be recovered by it as a simple contract debt in any court of competent jurisdiction.

Contravention of term or condition of loan or grant.

10.—(1) The members of the Board shall be appointed from time to time as occasion requires by the Minister, with the consent of the Minister for Finance, and shall not be more than seven in number.

Members of Board.

(2) The period of office of a member of the Board shall be such period, not exceeding five years, as the Minister may determine when appointing him.

(3) A member of the Board whose term expires by effluxion of time shall be eligible for re-appointment.

(4) A member of the Board may at any time resign his office as member by letter sent to the Minister, and the resignation shall, unless it is previously withdrawn in writing, take effect at the commencement of the meeting of the Board held next after the Board has been informed by the Minister of the resignation.

(5) Where a member of the Board is nominated either as a candidate for election to either House of the Oireachtas or as a member of Seanad Éireann, he shall thereupon cease to be a member of the Board.

(6) 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 a member of the Board.

(7) A member of the Board shall be paid, out of funds at the disposal of the Board, such remuneration and allowances for expenses as the Minister, with the approval of the Minister for Finance, may determine.

(8) A member of the Board shall be disqualified from holding and shall cease to hold office if he is adjudicated a bankrupt or makes a composition or arrangement with creditors or is sentenced by a court of competent jurisdiction.

(9) The Minister, with the consent of the Minister for Finance, may at any time remove a member of the Board from office.

Chairman of Board.

11.—(1) The Minister may from time to time as occasion requires, with the consent of the Minister for Finance, appoint a member of the Board to be chairman thereof.

(2) The chairman of the Board may at any time resign his office as chairman by letter sent to the Minister, and the resignation shall, unless it is previously withdrawn in writing, take effect at the commencement of the meeting of the Board held next after the Board has been informed by the Minister of the resignation.

(3) Where the chairman of the Board ceases during his term of office as chairman to be a member of the Board, he shall also cease to be chairman of the Board.

Seal of Board.

12.—(1) The Board shall as soon as may be after its establishment provide itself with a seal.

(2) The common seal of the Board shall, when applied to a document, be attested by the signature of two members or by the signature of a member and an officer or servant of the Board authorised by it to act in that behalf.

(3) 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.

Meetings and procedure of Board.

13.—(1) The Board shall hold such and so many meetings as may be necessary for the due fulfilment of its functions.

(2) The first meeting of the Board shall be held on or as soon as conveniently may be after the establishment day.

(3) At a meeting of the Board—

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

(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.

(4) 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.

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

(6) Subject to the provisions of this Act, the Board shall regulate its procedure by rules or otherwise.

(7) The quorum for a meeting of the Board shall, unless the Minister directs otherwise, be two.

14.—(1) A member of the Board whose interests may be affected directly or indirectly by a decision of the Board in relation to any matter before the Board, shall, before the matter is discussed by the Board, disclose to it the fact of the interest and the nature thereof, and the disclosure shall be recorded in the minutes of the Board.

Disclosure by member of Board or committee of interest in certain circumstances.

(2) A member of a committee established by the Board whose interests may be affected directly or indirectly by a decision of the committee in relation to any matter before the committee, shall, before the matter is discussed by the committee, disclose to it the fact of the interest and the nature thereof, and the disclosure shall be recorded in the minutes of the committee.

15.—A member or officer or servant of the Board or a member of a committee established by the Board shall not disclose any information obtained by him in the performance of his functions except in so far as may be necessary for the performance of those functions.

Non-disclosure of information.

16.—(1) The Board may from time to time establish committees to advise it in relation to the performance of its functions and to perform such (if any) of the functions of the Board as, in the opinion of the Board, may be better or more conveniently performed by a committee and are assigned to a committee by the Board.

Committees of Board.

(2) A committee established under this section may, if the Board thinks fit, include in its membership persons who are not members of the Board.

(3) 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.

(4) A member of a committee established under this section may be removed from office at any time by the Board.

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

35 (6) The acts of a committee established under this section shall be subject to confirmation by the Board unless the Board dispenses with the necessity for such confirmation.

40 (7) The Board may regulate the procedure of committees established under this section, but, subject to any such regulation, committees established under this section may regulate their own procedure.

17.—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.

Making of contracts on behalf of Board by authorised persons.

45 18.—(1) Subject to subsection (2) of this section, there may be made to the Board by the Minister 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, may determine to be necessary for the performance of its functions.

Grants to Board.

(2) The aggregate amount of grants made under this section shall not exceed £1,000,000.

Temporary borrowing by Board.

19.—The Board may, with the consent of the Minister and the Minister for Finance, borrow temporarily by arrangement with banks such sums as it may require for the purpose of providing for current expenditure. 5

Accounts and audits.

20.—(1) The Board shall keep, in such form as may be approved by the Minister, with the consent of the Minister for Finance, all proper and usual accounts of all moneys received or expended by it and, in particular, shall keep in such form as aforesaid all such special accounts as the Minister with the like consent may from time to time direct. 10

(2) Accounts kept in pursuance of this section shall be submitted by the Board to the Comptroller and Auditor General annually for audit at such times as the Minister, with the concurrence of the Minister for Finance, directs and shall be the subject of a report by the Comptroller and Auditor General. 15

(3) As soon as may be after audit under this section of the accounts of the Board the accounts as so audited and a copy of the Comptroller and Auditor General's report thereon shall be presented to the Minister and the Minister shall cause a copy of the accounts as so audited and of the said report to be laid before each House of the Oireachtas. 20

Annual report and information for Minister.

21.—(1) The Board shall in each year, at such date as the Minister may direct, make a report of its proceedings during the preceding twelve months ending on that date, and the Board shall, within ninety days after such date or such longer period as the Minister shall in any particular case allow, furnish the report to the Minister who shall cause copies of the report to be laid before each House of the Oireachtas. 25 30

(2) The Board shall supply the Minister with such information as he may from time to time require.

Power to engage consultants and advisers.

22.—The Board may engage the services of such consultants and advisers as it may think proper for the purpose of discharging its functions under this Act. 35

Donations.

23.—(1) The Board may accept gifts of money, land or other property, upon such trusts and conditions, if any, as may be specified by the person making the gift.

(2) The Board shall not accept any gift if the conditions attached by the donor to the acceptance of the gift are inconsistent with the functions of the Board. 40

(3) Any funds of the Board, being a gift or the proceeds of a gift to it, may, subject to any terms or conditions of the gift, be invested by the Board in any manner in which a trustee is empowered by law to invest trust funds. 45

Investment by Board.

24.—The Board may invest any of its funds (not being funds to which section 23 of this Act applies) in any manner in which a trustee is empowered by law to invest trust funds.

25.—For the purpose of the due performance of its functions the Board may—

Acquisition and disposal of land and provision of offices.

(a) acquire by agreement any land or any easement, wayleave or other right in respect of land,

5 (b) dispose of any land vested in it which it no longer requires, and

(c) provide, equip and maintain offices or other premises.

26.—(1) The Board shall appoint such and so many persons to be officers and servants of the Board as the Board from time to time thinks proper.

Officers and servants.

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

15 (3) There shall be paid by the Board to its officers and servants such remuneration and allowances as the Board, with the consent of the Minister and the Minister for Finance, 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.

20 27.—(1) The Board may prepare and submit to the Minister a contributory 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.

Superannuation of officers and servants of Board.

25 (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.

30 (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.

35 (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, the dispute shall be submitted to the Minister who shall refer it to the Minister for Finance, whose decision shall be final.

40 (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
45 accordingly, but without prejudice to the validity of anything done thereunder.

28.—(1) Where a person who is either an officer or servant in the employment of the Board becomes a member of either House of the Oireachtas—

Membership of either House of the Oireachtas by officers or servants of Board.

50 (a) he shall, during the period (in this section referred to as the secondment period) commencing upon his becoming

entitled under the Standing Orders of that House to sit therein and ending either when he ceases to be a member of that House or, if it should sooner happen, upon his resignation or retirement from such employment or upon the termination of such employment by the Board, stand seconded from such employment, 5

(b) he shall not be paid by, or entitled to receive from, the Board any salary or wages, as the case may be, in respect of the secondment period,

(c) if there is in force a scheme made in pursuance of *section 27* of this Act and the scheme establishes a fund to which the Board and the person pay contributions— 10

(i) the secondment period shall, for the purposes of the scheme, be deemed to be service of that person which is reckonable for superannuation benefits under the scheme if, but only if— 15

(I) he was in the permanent employment of the Board and was a contributor under the scheme immediately before the commencement of the secondment period, 20

(II) he elects, by notice in writing given to the Board within three months after the commencement of the secondment period, to pay contributions under the scheme in respect of the secondment period in accordance with the provisions of this section, and 25

(III) he pays, at such times and in such manner as the person duly appointed to administer the scheme may specify, contributions under the scheme in respect of the secondment period equal in amount to the aggregate of the contributions which he would have paid and the contributions which the Board would have paid in respect of the secondment period if he had remained without secondment under this subsection in the service of the Board during the secondment period and had been in receipt of remuneration from the Board during that period, 30 35

(ii) the Board shall not pay any contributions under the scheme in respect of the secondment period, but that part of the contributions payable by him as aforesaid which is equal to the amount of the contributions which the Board would have paid under the scheme in respect of the secondment period if he had remained without secondment under this subsection in the service of the Board during the secondment period and had been in receipt of remuneration from the Board during that period shall, for the purposes of the scheme, be deemed to have been paid by the Board, 40 45

(iii) if the secondment period is terminated by his death or by his retirement from such employment, he shall, for the purposes of the scheme, be deemed to have died in or to have been retired from the service of the Board, as the case may be, and to have been in receipt of remuneration from the Board immediately before such death or retirement, as the case may be, 50 55

(iv) if he does not pay or if, having paid contributions under the scheme in accordance with the provisions of this subsection, he ceases to pay contributions as aforesaid, he shall, for the purposes of the scheme, be deemed to have resigned from such employment, 60

(I) in case he ceases to pay contributions as aforesaid, on the date of the last payment, and

(II) in any other case, immediately before the commencement of the secondment period.

- 5 (2) If a person who is or was an officer or servant of the Board becomes entitled to a pension under the Ministerial and Parliamentary Offices Acts, 1938 to 1968, he shall not be entitled to reckon the whole or any part of his period of pensionable services, within the meaning of those Acts, for any superannuation benefits payable under
- 10 a scheme made by the Board under section 27 of this Act.

(3) 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.

- 15 29.—The Board may perform any of its functions through or by any of its officers or servants duly authorised by the Board in that behalf.

Performance of functions of Board by officers or servants.

- 30.—Notwithstanding anything contained in section 20 of the Broadcasting Authority Act, 1960, Radio Telefís Éireann shall not fix reduced charges or preferential conditions under that section for
- 20 broadcasting on television an Irish advertisement within the meaning of that section unless the motion-picture, tape, photograph or other device containing the advertisement is made, recorded or taken wholly or mainly in the State and a substantial number of the persons employed in or in connection with such making, recording or taking
- 25 are either Irish citizens or normally resident in the State.

Restriction of section 20 of the Broadcasting Authority Act, 1960.

1960, No. 10.

31.—Stamp duty shall not be chargeable on any conveyance, transfer or other instrument executed for the purposes of vesting property or any interest in property in the Board.

Exemption from stamp duty.

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

Expenses.

33.—This Act may be cited as the Film Industry Act, 1970.

Short title.

BILLE

(mar a tugadh isteach)

dá ngairtear

Acht do dhéanamh socrú le Bord a bhunú ar a dtabharfar an Bord Scannán chun cabhrú agus gríosú le tionscal scannán a fhorbairt sa Stát, dá chumhachtú don Bhord deontais, iasachtaí agus ráthaíochtaí ar iasachtaí a sholáthar chun scannáin áirithe a dhéanamh sa Stát, do mhíniú a chumhachtaí agus a fheidhmeanna eile agus do dhéanamh socrú i dtaobh nithe eile a bhaineann leis na nithe réamhráite.

An tAire Tionscail agus Tráchtála a thug isteach

Ordaíodh ag Dáil Éireann a chlóbhualadh,
21 Iúil, 1970

BAILE ATHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais
An Stuaire, Árd Oifig an Phoist, Baile Átha Cliath, nó trí
aon díoltóir leabhar.

CAHILL & Co., LTD. a Clóbhuail.

[Luach: Scilling Glan]

BILL

(as introduced)

entitled

An Act to provide for the establishment of a Board to be known as An Bord Scannán to assist and encourage the development of a film industry in the State, to empower the Board to provide grants, loans and guarantees of loans for the making of certain films in the State, to define its other powers and functions and to provide for other matters connected with the matters aforesaid.

Introduced by the Minister for Industry and
Commerce

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