



AN BILLE UM BREOSLAI (SOLATHAIRTI A RIALU), 1971
FUELS (CONTROL OF SUPPLIES) BILL, 1971

Mar a tugadh isteach

As introduced

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10. Short title.



AN BILLE UM BREOSLAI (SOLATHAIRTI A RIALU), 1971
FUELS (CONTROL OF SUPPLIES) BILL, 1971

BILL

entitled

AN ACT TO PROVIDE FOR THE REGULATION AND CON- 5
TROL OF THE SUPPLY AND DISTRIBUTION OF FUELS
AND FOR OTHER MATTERS (INCLUDING THE CHARG-
ING OF FEES ON CERTAIN LICENCES AND OTHER
DOCUMENTS) CONNECTED WITH THE MATTERS
AFORESAID. 10

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Interpretation.

1.—In this Act—

“authorisation” means a document in writing which is a licence,
permit, certificate or authorisation of whatsoever kind;

“coal” includes fuels manufactured from coal or mainly from coal 15
and includes coal which is—

- (i) on board colliers in a port in the State awaiting
unloading after the completion of port formalities;
- (ii) stored in an unloading port in the State;
- (iii) in barges and coastal vessels, whether in a port in the 20
State or in the course of transportation from one place
in the State to another such place;

“direction” means a direction given (whether orally or in writing)
under power conferred by an order made by the Minister under this
Act; 25

“fuels” includes petroleum oils, coal, peat, town gas, electricity and
firewood;

“the Minister” means the Minister for Transport and Power;

“peat” includes peat briquettes;

“petroleum oils” includes the following— 30

- (a) crude oil,
- (b) liquified petroleum gas,
- (c) aviation gasoline,
- (d) gasoline-type jet fuel,
- (e) kerosene-type jet fuel, 35
- (f) motor spirit,
- (g) kerosenes,
- (h) light virgin naphtha,
- (i) gas diesel oil,
- (j) light fuel oil, 40
- (k) medium fuel oil,
- (l) heavy fuel oil,

and includes any of the above which are—

- (i) on board oil-tankers in a port in the State awaiting
unloading after completion of port formalities, 45

- (ii) stored in an unloading port in the State,
- (iii) contained in tanks at the entrance to pipe-lines,
- (iv) in the crude oil storage tanks of refineries (other than in refinery pipes and processing installations),
- (v) in products storage tanks of refineries or of importing, stocking or wholesale enterprises, or
- (vi) in barges and coastal vessels, whether in a port in the State or in the course of transportation from one place in the State to another such place.

2.—(1) Whenever and so often as the Government are of opinion that the exigencies of the common good necessitate the control by the Minister on behalf of the State of the supply and distribution of fuels, the Government may by order so declare.

Declaration by the Government that the exigencies of the common good necessitate the control of the supply and distribution of fuels.

(2) An order under subsection (1) of this section may relate to one or more than one type of fuel.

(3) An order under subsection (1) of this section shall remain in force for such period (not exceeding six months from the making thereof) as the Government think proper and specify in the order, and shall then expire unless continued in force by an order made under subsection (4) of this section.

(4) Where—

(a) there is for the time being in force an order (in this subsection referred to as the principal order) under subsection (1) of this section declaring that the Government are of opinion that the exigencies of the common good necessitate the control by the Minister on behalf of the State of the supply and distribution of fuels, and

(b) the Government are of the opinion that the exigencies of the common good still necessitate the control by the Minister on behalf of the State of the supply and distribution of the type or types of fuel to which the principal order relates—

the following provisions shall have effect—

(i) the Government may by order (in this subsection referred to as a continuance order), made before the expiration of the principal order, continue the principal order in force for such period (not exceeding six months from the date on which the principal order would but for the continuance order expire) as the Government think proper and specify in the continuance order, and may thereafter from time to time by order (in this subsection also referred to as a continuance order), made before the expiration of the principal order under the last previous continuance order, continue the principal order in force for such period (not exceeding six months from the date on which the principal order would have expired under the last previous continuance order) as the Government think proper and specify in the continuance order,

(ii) if only one continuance order is made, the principal order shall continue in force until the expiration of the period for which it is continued in force by that continuance order, and shall then expire,

(iii) if two or more continuance orders are made, the principal order shall continue in force until the expiration of the period for which it is continued in force by the last of those continuance orders, and shall then expire.

(5) Every order made under this section shall, as soon as may be after it is made, be published in *Iris Oifigiúil*.

Power of the Minister to make certain orders consequential on the making by the Government of an order under section 2.

3.—(1) Where there is for the time being in force an order under section 2 of this Act the Minister may by order do all or any of the following things—

(a) provide for the regulation and control of the supply and distribution of the type or types of fuel to which the order under section 2 of this Act relates and, where the Minister so thinks proper, for the maintenance and provision of supplies of that type or those types (as the case may be) of fuel;

(b) provide for the control, regulation, restriction or prohibition of the import or the export of the type or types of fuel to which the order under section 2 of this Act relates.

(2) An order made by the Minister under this section may contain all such incidental or ancillary provisions, including the power to grant or issue such authorisations or licences and give such directions as shall appear to the Minister to be necessary or expedient for giving full effect to any provision inserted in such order under the powers conferred on the Minister by this section.

(3) Every order under this Act and every authorisation and direction shall have the force of law and shall have effect notwithstanding anything inconsistent with the order, authorisation or direction contained in any Act other than this Act or in any instrument having effect by virtue of any Act other than this Act.

(4) The Minister may by order revoke or amend any order under this section.

Offences, prosecutions and punishments.

4.—(1) A person who contravenes (whether by act or omission) or attempts so to contravene a provision in an order made by the Minister under this Act or in a direction shall be guilty of an offence.

(2) Every person who, knowing that another person has committed an offence under this section, gives that other person any assistance with intent thereby to prevent, hinder, or interfere with the detection of that offence or to prevent, hinder or interfere with the apprehension, trial, or punishment of that other person for that offence shall himself be guilty of an offence.

(3) Whenever there is, in relation to a ship or other vessel, or an aircraft, a contravention (whether by act or omission) of a provision in an order or direction, the person who is at the time of the contravention or attempted contravention in charge of the vessel or the aircraft (as the case may be), and also the person who at that time has the management of the vessel or the aircraft, shall each be guilty of an offence.

(4) Where an offence under this section is committed by a body corporate and is proved to have been so committed with the consent or approval of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the body corporate, the director, manager, secretary or other officer shall also be deemed to have committed the offence.

(5) Every person who commits or is deemed to have committed an offence under this section shall—

(a) on summary conviction, be liable to a fine not exceeding £100 (together with, in the case of a continuing offence, a fine not exceeding £10 for every day on which the offence is continued) or, at the discretion of the Court, to im-

prisonment for a term not exceeding six months or to both such fine and such imprisonment, or

- 5 (b) on conviction on indictment, be liable to a fine not exceeding £10,000 (together with, in the case of a continuing offence, a further fine not exceeding £100 for every day on which the offence is continued) or, at the discretion of the Court, to imprisonment for a term not exceeding ten years or to both such fine and such imprisonment.

- 10 (6) Where a person is convicted of an offence under this section the Court may, in addition to the punishment to which the person is liable under *subsection* (5) of this section, direct that any goods or chattels in relation to, or by means of which, the offence was committed, be forfeited and any goods or chattels so forfeited shall be disposed of in such manner as the Minister may direct, and any
15 moneys arising from any such disposal shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance shall direct.

- 20 (7) Proceedings in the District Court in relation to an offence under this section may be brought and prosecuted by the Minister or by a member of the *Gárda Síochána*.

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

5.—(1) Where—

- 25 (a) a person fails, neglects or refuses to comply with a provision in an order made by the Minister under this Act or in a direction requiring the person to perform a specified act within a specified period or before a specified date, and
30 (b) the specified act remains, after the expiry of a specified period or after the specified date, unperformed by the person,

Penalty for continued non-compliance with certain provisions.

- the person shall be guilty of an offence on each day on which the specified act remains unperformed and shall be liable on summary conviction to a fine not exceeding £20 for each such offence or, at the discretion of the Court, to imprisonment for a term not exceeding
35 twelve months or to both such fine and such imprisonment.

(2) An offence under this section shall be a continuing offence and accordingly fresh proceedings in respect thereof may be taken from time to time.

- 40 (3) *Subsections* (4) and (7) of *section 4* of this Act shall apply in relation to an offence under this section in like manner as they apply to an offence under the said *section 4*.

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

Laying of orders before Houses of Oireachtas.

- 7.—(1) There shall be charged, levied and paid on the grant, renewal or issue of any authorisation granted, renewed or issued under or for the purposes of an order under this Act, or of a direction such fee (if any) as the Minister for Finance shall from time to time direct.

Fees on authorisations.

(2) All fees charged and levied by virtue of this section 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.

Power of the
1879, c. 58.

(3) The Public Offices Fees Act, 1879, shall not apply in respect of any fees charged or levied by virtue of this section.

Saving for
other powers.

8.—The powers conferred on the Minister by this Act shall be in addition to, and not in derogation of, any other powers exercisable by the Minister.

Expenses.

9.—The expenses incurred by the Minister or by any other person on or to whom powers are conferred or delegated by virtue of this Act, in the administration of this Act or in giving effect to any order under this Act, authorisation or direction shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Short title.

10.—This Act may be cited as the Fuels (Control of Supplies) Act, 1971.

Penalty for
continued
non-compliance
with certain
provisions.

Offences,
prosecution
and punishment.

Laying of orders
before House of
Oireachtas.

Fees on
authorisations.

AN BILL UM BRISALAI (SOLATHARTI A RIALU), 1971
FUELS (CONTROL OF SUPPLIES) BILL, 1971

BILL

Mar a leasadh i gCoiste

BILLE

(as introduced)

As amended in Committee (now a leasadh breacht)

enacted

ad ngníodh

Act to provide for the regulation and control of the supply and distribution of fuels and for other matters (including the charging of fees on certain documents and other documents) connected with the matters aforesaid.

2. Declaration by the Government that the common good necessitates the control of the supply and distribution of fuels.

3. Power of the Minister to make certain orders consequent on the making of the Bill by the Government.

4. Offences, prosecutions and punishments.

5. Penalty for continued non-compliance with certain provisions.

6. An Amendment to the Bill by the Minister of the House of Commons.

7. Fees on authorisations.

8. Saving for other powers.

9. Expenses.

10. Short title.

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23rd January, 1971

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1879, c. 38. The Public Offices Fees Act, 1879, shall not apply in respect of any fees charged or levied by virtue of this section.

Saving for other powers.

BILLE

(mar a tugadh isteach)

dá ngairtear

Acht do dhéanamh socrú chun rialáil agus rialú a dhéanamh ar sholáthar agus dáileadh breoslai agus i gcóir nithe eile (lena n-áirítear táillí a ghearradh ar cheadúnais áirithe agus ar dhoiciméid eile) a bhaineann leis na nithe réamhráite.

Short title.

10.—This Act may be cited as the Fuels (Control of Supplies) Act, 1971.

An Seanadóir Tomás Ó Maoláin a thug isteach

Introduced by Senator Tomás Ó Maoláin

*Ordáíodh ag Seanad Éireann a chlóbhualadh,
27 Eanáir, 1971*

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