



**AN BILLE CHUN ALLMHAIRIU, DIOL AGUS MONARU  
FRITHGHINIUNACH A RIALU, 1974**

**CONTROL OF IMPORTATION, SALE AND MANUFACTURE  
OF CONTRACEPTIVES BILL, 1974**

*Mar a tugadh isteach  
As introduced*

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AN BILLE CHUN ALLMHAIRIU, DIOL AGUS MONARU  
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CONTROL OF IMPORTATION, SALE AND MANUFACTURE  
OF CONTRACEPTIVES BILL, 1974

# BILL

5

*entitled*

AN ACT TO PROVIDE FOR THE CONTROL OF THE  
IMPORTATION, SALE AND MANUFACTURE OF CON-  
TRACEPTIVES, TO REPEAL SECTION 17 OF THE  
CRIMINAL LAW AMENDMENT ACT, 1935, TO AMEND 10  
THE CENSORSHIP OF PUBLICATIONS ACTS, 1929 TO  
1967, TO PROHIBIT THE MANUFACTURE, IMPORTA-  
TION, SALE OR ADVERTISING OF ABORTIFACIENTS  
AND TO PROVIDE FOR OTHER MATTERS CONNECTED  
WITH THE AFORESAID MATTERS. 15

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :

Interpretation.

1.—(1) In this Act—

1929, No. 21.

“ the Act of 1929 ” means the Censorship of Publications Act, 1929;

1946, No. 1.

“ the Act of 1946 ” means the Censorship of Publications Act, 1946;

“ contraceptive ” means any appliance, instrument, drug, preparation 20  
or thing designed, prepared or intended to prevent pregnancy result-  
ing from sexual intercourse between human beings;

“ abortifacient ” means any appliance, instrument, drug, preparation  
or thing designed, prepared or intended to terminate pregnancy which  
has resulted from sexual intercourse between human beings; 25

“ the Minister ” means the Minister for Justice;

“ authorised person ” means a person who under the Pharmacy  
Acts, 1875 to 1962, is lawfully keeping open shop for dispensing  
prescriptions issued by registered medical practitioners.

(2) For the purposes of this Act a person who has no living spouse 30  
shall be taken to be unmarried.

(3) In this Act—

(a) a reference to a section is to a section of this Act, unless it  
is indicated that reference to some other enactment is  
intended; 35

(b) a reference to a subsection is to a subsection of the pro-  
vision in which the reference occurs, unless it is indicated  
that reference to some other provision is intended.

Prohibition on  
importation or  
sale of  
contraceptives  
except under  
licence.

2.—(1) A person shall not import, sell, offer for sale or invite  
offers to purchase contraceptives unless he is the holder of a licence 40  
to import granted under this section, and shall import, sell, offer  
for sale or invite offers to purchase only such contraceptives (or  
such class or classes of contraceptives) as he is permitted to import  
by such licence.

(2) The Minister may grant to an authorised person a licence, subject to such conditions as he specifies in the licence, to import contraceptives of such class or classes as may be specified in the licence.

5 (3) Where he is satisfied that contraceptives are not reasonably available to married persons because of the distance from their place of residence to the nearest place where an authorised person holding a licence under this section carries on business, the Minister may  
10 in the licence, to a person carrying on business in or near the place of residence who is not an authorised person.

(4) A person who is the holder of a licence granted under this section shall not—

15 (a) sell, offer to sell or invite offers to purchase contraceptives for resale,

(b) sell, offer to sell or invite offers to purchase contraceptives at a place which is not his place of business.

(5) Notwithstanding *subsection (1)*, the holder of a licence under *section 3* may, subject to the conditions specified in that licence,  
20 import contraceptives of the class or classes so specified.

(6) Notwithstanding *subsection (1)*, the holder of a licence under *section 4* may, subject to the conditions specified in that licence, sell or supply contraceptives to the holder of a licence under this section.

25 (7) A person who contravenes *subsection (1)* or *subsection (4)* shall be guilty of an offence and shall be liable—

(a) on summary conviction, to a fine not exceeding £100 or, at the discretion of the court, to imprisonment for a term not exceeding six months, or to both such fine and such  
30 imprisonment, or

(b) on conviction on indictment, at the discretion of the court, to any or all of the following, namely, a fine not exceeding £500, a term of imprisonment not exceeding one year, or, if he is the holder of a licence under this section, the  
35 forfeiture by the court of the licence.

(8) Where the holder of a licence under this section contravenes a condition attached to the licence the Minister may if he thinks fit revoke the licence.

3.—Where he is satisfied that contraceptives are not reasonably  
40 available to a married person because of the distance from that person's place of residence to the nearest place where a person holding a licence under *section 2* carries on business, the Minister may grant to that married person a licence under this section to import contraceptives of such class or classes as may be specified in the licence, subject  
45 to such conditions (including conditions as to quantity) as may be so specified.

Private  
importation  
of  
contraceptives  
under licence.

4.—(1) Contraceptives shall not be manufactured except by a person who is the holder of a licence under this section.

Prohibition on  
manufacture of  
contraceptives  
except under  
licence.

(2) The Minister may grant a licence to a person authorising him  
50 to manufacture contraceptives and to sell such contraceptives to holders of licences under *section 2*.

(3) A licence under this section may be granted subject to such conditions as the Minister specifies in the licence, being conditions which the Minister considers necessary for the purpose of ensuring  
55 that the holder does not sell or supply for sale in the State contraceptives manufactured by him to a person other than the holder of a licence under *section 2*.

(4) A person who contravenes *subsection (1)* shall be guilty of an offence and shall be liable—

(a) on summary conviction to a fine not exceeding £100 or, at the discretion of the court, to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment, or

(b) on conviction on indictment to a fine not exceeding £500 or, at the discretion of the court, to imprisonment for a term not exceeding one year, or to both such fine and such imprisonment.

(5) Where the holder of a licence under this section contravenes a condition attached to the licence the Minister may if he thinks fit revoke the licence.

Prohibition  
on purchase of  
contraceptives  
by unmarried  
persons.

5.—(1) A person who is unmarried and who is not the holder of a licence granted under *section 2* shall not purchase a contraceptive.

(2) A person who contravenes *subsection (1)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100.

Prohibition  
on display of  
contraceptives  
for sale.

6.—(1) A person shall not have on display for sale contraceptives, whether in a packet or container or not.

(2) A person who contravenes *subsection (1)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50 or, at the discretion of the court, to imprisonment for any term not exceeding three months, or to both such fine and such imprisonment.

Appointment  
of committee  
to advise  
Minister.

7.—(1) The Minister may appoint a committee (referred to in this section as the Committee) to advise him on whether or not a particular appliance, instrument, drug, preparation or thing, or an appliance, instrument, drug, preparation or thing of a particular class, is an abortifacient (whether or not the appliance, instrument, drug, preparation or thing is also a contraceptive).

(2) The Committee shall consist of not more than five persons and shall include persons with medical qualifications.

(3) A licence under *section 2, 3* or *4* shall not be granted in respect of a contraceptive which in the opinion of the Committee is also an abortifacient.

Control of  
advertising  
of  
contraceptives.

8.—(1) A person shall not—

(a) publish, sell, offer for sale, invite offers to purchase or publicly display any advertisement or any document containing an advertisement relating to contraceptives, or

(b) send through the post or otherwise deliver to any premises any unsolicited advertisement or other written material advocating the use of contraceptives.

(2) *Subsection (1) (a)* does not apply to—

(a) the display in premises in which contraceptives may lawfully be sold of such notice as may reasonably be necessary to indicate the availability in those premises of contraceptives, or contraceptives of a particular kind specified in the notice, or

(b) the advertising of contraceptives in newspapers and other periodical publications where such advertising is restricted to specifying the trade-names and types of contraceptives for sale and indicating where they may be purchased, or

(c) the advertising of contraceptives in publications intended for circulation solely or mainly to authorised persons or registered medical practitioners.

(3) The Minister may, if he considers it necessary to do so, make regulations for the purpose of ensuring compliance with subsections (2) (b) and (c).

(4) A person who contravenes subsection (1) or a regulation under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100 or, at the discretion of the court, to imprisonment for any term not exceeding six months, or to both such fine and such imprisonment.

9.—(1) A person shall not manufacture, import, sell, offer for sale, advertise or invite offers to purchase an abortifacient.

Prohibition on importation, sale, etc. of abortifacients.

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable—

(a) on summary conviction, to a fine not exceeding £100 or, at the discretion of the court, to imprisonment for any term not exceeding six months, or to both such fine and such imprisonment, or

(b) on conviction on indictment, to a fine not exceeding £1,000 or, at the discretion of the court, to imprisonment for any term not exceeding two years, or to both such fine and such imprisonment.

10.—(1) If a person is charged with an offence under section 9 and it is proved that the appliance, instrument, drug, preparation or thing to which the charge relates is a contraceptive, he may be convicted of any offence under this Act of which he is guilty by reason of the fact that the appliance, instrument, drug, preparation or thing is a contraceptive.

Provisions relating to charges under this Act.

(2) If a person is charged with an offence under this Act, other than an offence under section 9, and it is proved that the appliance, instrument, drug, preparation or thing to which the charge relates is an abortifacient, he may be convicted of an offence under section 9 of which he is guilty by reason of the fact that the appliance, instrument, drug, preparation or thing is an abortifacient, but the punishment imposed in respect of that conviction shall not exceed the maximum punishment which could have been imposed on a conviction for the offence charged.

(3) If a person is charged with an offence under this Act and it is proved that the appliance, instrument, drug, preparation or thing to which the charge relates is either an abortifacient or a contraceptive (but it is not proved which it is), he may be convicted of any offence under this Act of which he could be convicted if it were proved that the appliance, instrument, drug, preparation or thing was in fact a contraceptive.

11.—(1) Where before the passing of this Act the sale and distribution in the State of a book or periodical publication was prohibited by order of the Censorship Board because the Board was of the opinion that the book or periodical publication advocated the unnatural prevention of conception or the procurement of abortion or miscarriage or the use of any method, treatment or appliance for the purpose of such prevention or procurement, a person entitled under the Censorship of Publications Acts, 1929 to 1967, to appeal against a prohibition order may apply to the Censorship Board for a review of the prohibition order on the ground that the book or

Review by Censorship Board.

periodical publication does not advocate the procurement of abortion or miscarriage or the use of any method, treatment or appliance for the purpose of such procurement.

(2) Where following an application for a review under this section the Censorship Board is satisfied that the book or periodical publication concerned does not advocate the procurement of abortion or miscarriage or the use of any method, treatment or appliance for the purpose of such procurement, it shall revoke the prohibition order. 5

(3) In this section "book", "the Censorship Board", "periodical publication" and "prohibition order" have the meanings assigned to them by the Act of 1946. 10

Amendment of  
Act of 1929.

12.—(1) Section 16 (1) of the Act of 1929 is hereby amended by the deletion of "the unnatural prevention of conception or" and "such prevention or".

(2) Section 17 (1) of the Act of 1929 is hereby amended by the deletion of "or preventing conception". 15

Amendment of  
Act of 1946.

13.—(1) Section 7 of the Act of 1946 is hereby amended by the deletion in paragraph (b) of "the unnatural prevention of conception or" and "prevention or".

(2) Section 9 (1) of the Act of 1946 is hereby amended by the deletion in paragraph (b) of "the unnatural prevention of conception or" and "prevention or". 20

Repeal.

1935, No. 6.

14.—Section 17 of the Criminal Law Amendment Act, 1935, is hereby repealed.

Saver.

15.—This Act shall not apply in relation to any substance, product or preparation the sale of which by retail, otherwise than in the dispensing, in accordance with law, of a prescription issued by a registered medical practitioner, is unlawful. 25

Expenses.

16.—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. 30

Short title.

17.—This Act shall be cited as the Control of Importation, Sale and Manufacture of Contraceptives Act, 1974.



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## BILLE

(*mar a tugadh isteach*)

*dá ngairtear*

Acht do dhéanamh socrú chun allmhairiú, díol agus monarú frithghiniúnach a rialú, d'aisghairm alt 17 d'Acht Leasuithe an Dlí Choiriúla, 1935, do leasú na nAchtanna um Chinsireacht Fhoilseachán, 1929 go 1967, dá thoirmeasc gínmhilltigh a mhonarú, a allmhairiú, a dhíol nó a fhógairt agus do dhéanamh socrú i dtaobh nithe eile a bhain-eann leis na nithe réamhráite.

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*An tAire Dlí agus Cirt a thug isteach*

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*Ordaíodh ag Dáil Éireann a chlóbhualadh,  
21 Márta, 1974*

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## BILL

(*as introduced*)

*entitled*

An Act to provide for the control of the importation, sale and manufacture of contraceptives, to repeal section 17 of the Criminal Law Amendment Act, 1935, to amend the Censorship of Publications Acts, 1929 to 1967, to prohibit the manufacture, importation, sale or advertising of abortifacients and to provide for other matters connected with the aforesaid matters.

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*Introduced by the Minister for Justice*

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*Ordered by Dáil Éireann to be printed,  
21st March, 1974*

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