



**AN BILLE UM GHALAIR BHOLACHTA (TOBHAIGH),
1979**
BOVINE DISEASES (LEVIES) BILL, 1979

Mar a ritheadh ag Dáil Éireann
As passed by Dáil Éireann

ARRANGEMENT OF SECTIONS

Section

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ACTS REFERRED TO

Agricultural Produce (Fresh Meat) Act, 1930	1930, No. 10.
Companies Act, 1963	1963, No. 33.
Dairy Produce Act, 1924	1924, No. 58.
Diseases of Animals Act, 1894	1894, c. 57.
Diseases of Animals Act, 1960	1960, No. 26.
Diseases of Animals Act, 1966	1966, No. 6.
Diseases of Animals (Bovine Tuberculosis) Act, 1957	1957, No. 14.
Milk and Dairies Act, 1935	1935, No. 22.
Milk (Regulation of Supply and Price) Acts, 1936 to 1967	
Petty Sessions (Ireland) Act, 1851	1851, c. 93.
Public Health Acts (Amendment) Act, 1890	1890, c. 59.
Public Health (Ireland) Act, 1878	1878, c. 52.
Public Health (Ireland) Act, 1911	1911, c. 12.
Slaughter of Animals Act, 1935	1935, No. 45.
Towns Improvement Clauses Act, 1847	1847, c. 34.



AN BILLE UM GHALAIR BHOLACHTA (TOBHAIGH),
1979

BOVINE DISEASES (LEVIES) BILL, 1979

BILL

entitled

5

AN ACT TO PROVIDE, FOR THE PURPOSE OF FACILITATING THE ERADICATION, OR THE PREVENTION OF THE SPREAD, OF BOVINE DISEASE, FOR THE CHARGING, LEVYING AND PAYMENT OF CERTAIN LEVIES AND THE OPERATION OF CERTAIN PRICE DIFFERENTIALS, TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE FOREGOING AND TO AMEND SECTIONS 48 AND 49 OF THE DISEASES OF ANIMALS ACT, 1966.

15 BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Definitions.

“the Act of 1847” means the Towns Improvement Clauses Act, 1847;

“the Act of 1878” means the Public Health (Ireland) Act, 1878;

20 “the Act of 1930” means the Agricultural Produce (Fresh Meat) Act, 1930;

“the Act of 1935” means the Slaughter of Animals Act, 1935;

“the Act of 1963” means the Companies Act, 1963;

“animal” means a bovine animal;

25 “authorised officer” means an officer of the Minister appointed under *section 14 (I)* of this Act to be an authorised officer for the purposes of this Act;

“beef exporter’s licence” means a beef exporter’s licence within the meaning of the Act of 1930;

30 “dairy produce”, except in “dairy produce manufacturer”, means dairy produce within the meaning of the Dairy Produce Act, 1924;

“dairy produce manufacturer” means a person who manufactures dairy produce;

“disease” means bovine tuberculosis or brucellosis in cattle;

35 “exporter’s permit” means a permit granted by the Minister under section 17 of the Act of 1930;

“herd” includes a herd consisting of one animal only;

40 “inspector” means an officer of the Minister appointed under *section 14 (I)* of this Act to be an inspector for the purposes of this Act;

“levy”, except in “levy period”, means levy under this Act;

“local authority” means the council of a county, the corporation of a county or other borough, the council of an urban district or the commissioners of a town;

“milk pasteuriser” means a person who under a licence granted 5
under Part IV of the Milk and Dairies Act, 1935, sells or offers or
exposes for sale milk which has been subjected to heat treatment
prior to its being sold for human consumption;

“the Minister” means the Minister for Agriculture;

“prescribed” means prescribed by regulations made under this Act 10
by the Minister;

“processing” includes collection, storage and cooling;

“slaughter-house” includes an abattoir;

“test” means a test for disease (and includes the taking of a sample).

Levy on milk
and slaughtered
or exported
animals.

2.—(1) Subject to *subsection (3)* of this section, there shall be 15
charged and levied by and paid to the Minister a levy as respects—

(a) milk received from a herd for processing by any—

(i) dairy produce manufacturer or milk pasteuriser,

(ii) milk bottler or other person by whom milk is for the
time being either sold or offered for sale for liquid 20
consumption,

whether or not the milk so received comes from the herd
of such dairy produce manufacturer, milk pasteuriser,
bottler or other person,

(b) any animal slaughtered in premises to which this section 25
applies,

(c) any animal exported live from the State.

(2) The amount of levy payable under this section shall be—

(a) as regards milk, the amount standing for the time being
prescribed for the purposes of this paragraph, or, in case 30
no such sum stands for the time being so prescribed,
0.5 new pence per gallon,

(b) as regards animals slaughtered or exported live, the amount
per animal standing for the time being prescribed for the
purposes of this paragraph, or, in case no such amount 35
stands for the time being so prescribed, £3 per animal.

(3) Levy shall not be charged or levied in respect of the same
milk more than once.

(4) This section applies to the following premises, namely:

(a) any slaughtering premises registered under the Act of 1930, 40

(b) any slaughter-house licensed or registered under either the
Act of 1847 or that Act as extended either by section 105
of the Act of 1878 or by section 4 of the Act of 1935,

(c) any slaughter-house owned or provided by a local authority.

(5) Where regulations prescribing the amount of a levy payable under this section are proposed to be made, a draft of the regulations shall be laid before each House of the Oireachtas and the regulations shall not be made until a resolution approving of the draft has been
5 passed by each such House.

3.—(1) (a) Subject to *paragraph (b)* of this subsection, the exportation live from the State of an animal shall be prohibited unless, before exportation and subject to such conditions as the Revenue Commissioners may impose, the amount of the levy is paid to the Revenue Commissioners or such security as is, in the opinion of the Revenue Commissioners, adequate for its payment is given to the Revenue Commissioners.
10

Export of certain animals prohibited.

15 (b) The Revenue Commissioners may, subject to such conditions as they may see fit to impose (including conditions in relation to the giving of security for payment of levy), permit payment of levy to be deferred for such period as the Revenue Commissioners may determine.
20

(2) The provisions of the Customs Acts and instruments made thereunder shall apply to an animal the exportation of which is prohibited by this section.

4.—(1) Levy, other than levy payable in respect of an animal which is exported live from the State, shall be due—
25

Levy due and payable.

(a) in case it is payable in respect of milk, when the milk is received for processing by the relevant dairy produce manufacturer, milk pasteuriser, milk bottler or other person described in *section 2 (1) (a)* of this Act, or

30 (b) in case it is payable in respect of an animal, when the animal is slaughtered.

(2) Within the period of twenty-eight days commencing immediately after the expiration of a levy period, any person who is an accountable person within the meaning of *section 12* of this Act shall
35 furnish to the Minister a true and correct return, in the prescribed manner and form (including in particular the quantity of milk or the number of animals, as may be appropriate), of the amount of levy which became payable by him during the levy period and shall at the same time remit to the Minister the amount of levy, if any,
40 payable by him in respect of such levy period.

(3) Levy payable as respects milk shall be paid to the Minister by the dairy produce manufacturer, milk pasteuriser, milk bottler or other person described in *section 2 (1) (a)* of this Act and by whom the milk is received for processing.

45 (4) Levy as respects animals which are slaughtered shall be paid to the Minister by—

(a) in case any such animal is slaughtered at a slaughter-house owned or provided by a local authority, the person for whom the slaughtering facilities were provided by the
50 authority,

(b) in case any such animal is slaughtered at any slaughtering premises registered under the Act of 1930, the person who is the holder of either a beef exporter's licence or an exporter's permit issued in respect of such premises,

55 (c) in case any such animal is not slaughtered in the manner described in *paragraph (b)* of this subsection and is

slaughtered at a slaughter-house licensed or registered under the Act of 1847, or that Act as extended either by section 105 of the Act of 1878 or by section 4 of the Act of 1935, the person who at the time at which the animal is slaughtered is either the holder of the relevant licence or the person in whose name the premises are so registered. 5

(5) Levy as respects an animal which is exported live from the State shall be paid to the Revenue Commissioners, as agents of the Minister, by the person by whom or on whose behalf the animal is being exported. 10

(6) All moneys received by the Revenue Commissioners on account of levy under this Act shall be paid by them to the Minister.

(7) In this section "levy period" means a period of any month beginning on the first day of that month. 15

Withholding of levy.

5.—(1) Notwithstanding anything contained in any order made under the Milk (Regulation of Supply and Price) Acts, 1936 to 1967, any milk pasteuriser or milk bottler shall be entitled to withhold from the amount to be paid by him to the seller of milk in respect of which levy is payable a sum equal to the amount of levy. 20

(2) The amount paid to a seller after the withholding of levy under this section shall be a good discharge of the amount due to him.

(3) Any sum which a person is entitled to withhold from a seller under this section may be recovered as a simple contract debt in a court of competent jurisdiction. 25

Recovery of levy.

6.—Every sum payable by a person for or on account of levy shall be a simple contract debt due by that person to the Minister and shall be recoverable by the Minister in any court of competent jurisdiction. 30

Notice of infection.

7.—(1) Where as a result of a test or on other veterinary grounds an inspector believes that an animal in a herd is infected with disease, he shall forthwith give, or cause to be given, both to the owner of, or the person who for the time being is in charge of, the herd concerned and to any dairy produce manufacturer, milk pasteuriser, or any milk bottler or other person by whom milk is sold, or offered for sale, for liquid consumption and who, in any case, is for the time being receiving a supply of milk from the herd, a notice in writing in the form prescribed for the purposes of this subsection, and such notice shall, after its commencement, continue in force until a certificate given under section 8 of this Act and cancelling the notice comes into force. 35 40

(2) A notice under this section shall come into force on the expiration of the period of seven days beginning on the date of the notice. 45

Cancellation of notice under section 7.

8.—(1) Where—

(a) a notice under section 7 of this Act is for the time being in force, and

(b) as a result of a test or otherwise an inspector believes that there is no longer in the herd an animal which is infected with disease, 50

the inspector shall forthwith give, or cause to be given, both to the owner of, or the person who for the time being is in charge of, the herd and to any dairy produce manufacturer, milk pasteuriser, milk bottler or any other person to whom such notice was given, a certificate in relation to the herd in the form prescribed for the purposes of this section and such certificate shall be deemed to have come into force on such day, being a day earlier than that on which the certificate is given, as may be specified in the certificate, and in case such a day is not so specified, the certificate shall come into force on the day next following that on which it is given. 55 60

(2) Where there is for the time being in force a notice under section 7 of this Act and there is given in relation to the herd to which the notice relates a certificate under subsection (1) of this section, the certificate shall on its commencement operate to cancel
5 the notice.

9.—In case a notice under section 7 of this Act is given, then for so long as the notice is in force the following provisions shall apply: Milk price differential.

(a) notwithstanding anything contained in any order under the Milk (Regulation of Supply and Price) Acts, 1936 to 1967, or in any agreement, the amount payable as regards milk supplied to and received by a dairy produce manufacturer, milk pasteuriser, milk bottler or other person described in section 7 (1) of this Act, at any time while the notice is in force from a herd to which the notice relates, shall be, and shall only be, the amount payable apart from this section reduced by an amount calculated at the rate per gallon standing for the time being prescribed for the purposes of this section,
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15

(b) it shall be unlawful for such manufacturer, pasteuriser, bottler or other person to pay in respect of such milk an amount other than that which is appropriate having regard to paragraph (a) of this section.
20

10.—(1) An inspector or an authorised officer may require the owner or the person in charge of a herd to furnish to him the name and address of any dairy produce manufacturer, milk pasteuriser, milk bottler or other person by whom milk is sold or offered for sale and who, in any case, is for the time being receiving or has, on any day specified by the inspector or officer, received a supply of milk from the herd. Information as regards supply of milk.
25
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(2) Where a requisition is made under this section, the person of whom the requisition is made shall comply with the requisition.

11.—(1) This section applies to any land which is for the time being used, or is capable of being used whether wholly or partly, for any agricultural purpose. Information to Minister as regards land used for or in connection with grazing or retention of animals.
35

(2) The Minister may by a notice in writing given to the owner of any land to which this section applies, any herdowner, cattle dealer, auctioneer, estate agent or other person, require the person to give to the Minister, within a period specified in the notice (being a period of not less than ten days commencing on the date of the notice), such of the following information as it is in the person's power to give as regards any land specified in the notice, namely:
40

(a) whether or not such land is used, either partly or wholly, for or in connection with the grazing or retention of animals;

(b) the name of the person who for the time being is in occupation of such land;
45

(c) whether or not such land is let, and, if it is let, the name and address of the person to whom, and the period of time for which, it is let,
50

and in case such a notice is given, the person to whom it is given shall, within the period specified in the notice, comply with the requirement of the notice.

12.—(1) Every accountable person shall, in accordance with such direction (if any) as may be given by the Minister, keep full and true records of all transactions which affect his liability to levy (other than levy which is payable in respect of an animal which is exported live from the State), and, where it is appropriate, his obligations to make reductions under section 9 of this Act. Duty to keep records.
55

(2) Records or other documents kept by a person pursuant to the requirements of subsection (1) of this section which are in the power,
60

possession or procurement of the person and, in the case of any such record or other document which has been issued by the person to another person, any copy thereof which is in the power, possession or procurement of the person, shall be retained in his power, possession or procurement for a period of three years from the date of the latest transaction to which the records or other documents relate: provided that this section shall not require the retention of records or invoices or any other documents in respect of which the Minister notifies the person concerned that retention is not required, nor shall it apply to the books and papers of a company which have been disposed of in accordance with section 305 (1) of the Act of 1963. 5 10

(3) In this section "accountable person" means—

(a) any—

(i) dairy produce manufacturer, milk pasteuriser or milk bottler, or 15

(ii) person by whom milk is sold, or offered for sale, for liquid consumption,

who receives milk from a herd for processing,

(b) the holder of a beef exporter's licence or an exporter's permit, 20

(c) any person for whom facilities for slaughtering animals are provided by a local authority,

(d) any person who for the time being is the holder of a licence by which a slaughter-house is licensed, or in whose name a slaughter-house is for the time being registered under the Act of 1847, or that Act as extended by either section 105 of the Act of 1878 or section 4 of the Act of 1935. 25

Inspection
and removal
of records.

13.—(1) An inspector or an authorised officer may, for the purpose of making an enquiry which he reasonably considers to be necessary either in relation to liability to levy (other than levy payable in respect of an animal which is exported live from the State), or an obligation to make reductions under section 9 of this Act, of any person, enter at any reasonable time any premises in which the inspector or officer has reason to believe that such person is carrying on business and the inspector or officer may request the production of, search for and inspect any records, books or other documents whatsoever relating to milk or animals and may remove and retain any such records, books, or other documents for such period as may be reasonable for their examination or for the purpose of any proceedings for the recovery of levy payable under or by virtue of this Act or for an offence under this Act. 30 35 40

(2) Upon request made by an inspector or an authorised officer at any premises in which a person carries on business, the person, or any person employed by him, shall produce to the inspector or officer all records, books, or other documents relating, whether solely or otherwise, to levy, a reduction under section 9 of this Act or milk in relation to which such a reduction is made, and which may be in the power, possession or procurement of the person to whom the request is made and shall permit the inspector or officer to inspect and remove any documents so produced. 45 50

(3) A person shall not impede or obstruct an inspector or an authorised officer in the exercise of his powers under this section.

(4) Where, in pursuance of this section, an inspector or an authorised officer enters any premises, carries out any search or requests production of any document, he shall, on request, produce 55

his warrant of appointment or his authorisation under this Act, as may be appropriate, to any person affected.

14.—(1) The Minister may appoint in writing such and so many of his officers as he thinks fit to be—

Inspectors and authorised officers.

- 5 (a) inspectors for the purposes of this Act, or
(b) authorised officers for such purposes.

(2) (a) An inspector shall be furnished by the Minister with a warrant of his appointment under this Act as an inspector.

- 10 (b) An authorised officer shall be furnished by the Minister with a certificate of his authorisation under this Act.

15.—(1) A person who fails to comply with the requirements of *section 4 (2)* or *section 12 (1)* of this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

Offences.

- 15 (2) Any person who pays an amount in contravention of *section 9 (b)* of this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500, or, at the discretion of the court, to imprisonment for a term not exceeding six months or to both such fine and such term of imprisonment.

- 20 (3) Where an offence under *subsection (1)* or *(2)* of this section is committed by a body corporate or by a person purporting to act on behalf of a body corporate and it is proved to have been so committed with the consent, connivance or approval of, or to have been facilitated by any wilful neglect on the part of any director, manager,
25 secretary or other official of such body, such person shall also be guilty of the offence.

- (4) A person to whom a notice is given under *section 11* of this Act or of whom a requisition is made under *section 10* of this Act and who either fails to comply with the requirement of the notice or the requisition, as may be appropriate, or in purported compliance with the said requirement or requisition, gives any information which he knows to be false in a material particular or recklessly gives information which is so false, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding
30 £500, or, at the discretion of the court, to imprisonment for a term not exceeding six months or to both such fine and such term of imprisonment.

- (5) Any person who contravenes *section 13 (3)* of this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500, or, at the discretion of the court, to imprisonment for a term not exceeding six months or to both such fine and such term of imprisonment.

16.—An offence under this Act may be prosecuted by the Minister.

Prosecution of offences.

- 17.—(1) The secretary or other officer acting as secretary for the
45 time being of any body of persons shall be answerable in addition to the body for doing all such acts as are required to be done by the body under any of the provisions of either this Act or regulations under this Act.

Officer responsible in case of body of persons.

- (2) Every such officer as aforesaid may from time to time retain
50 out of any money coming into his hands, on behalf of the body, so much thereof as is sufficient to pay levy due under this Act by the body and shall be indemnified for all such payments made in pursuance of this section.

Application of section 10 (4) of Petty Sessions (Ireland) Act, 1851, restricted.

18.—Notwithstanding section 10 (4) of the Petty Sessions (Ireland) Act, 1851, proceedings for an offence under the Diseases of Animals Act, 1966, or under this Act may be instituted at any time within two years after the date of the offence.

Regulations.

19.—(1) The Minister may make regulations for prescribing any matter referred to in this Act as prescribed. 5

(2) Every regulation made under this Act, other than a regulation under section 2, shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder. 10

Service of notices, etc.

20.—(1) Where a notice or certificate is required by this Act or by regulations under this Act to be given to a person, it may be given to him— 15

(a) by delivering it to him,

(b) in the case of a person other than a body corporate, by sending it by post in an envelope addressed to him at the address at which he ordinarily resides or carries on business, or 20

(c) in the case of a body corporate, by sending it by post in an envelope addressed to the secretary or principal officer of the body at the address at which the body carries on business, or by delivering it in an envelope so addressed, to that address. 25

(2) For the purposes of subsection (1) of this section, a company within the meaning of the Act of 1963 shall be deemed to carry on business at its registered offices and every other body corporate and every unincorporated body of persons shall be deemed to carry on business at its principal office or place of business. 30

Application of moneys received under Act.

21.—Moneys paid to the Minister in pursuance of any provision of this Act shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct.

Expenses.

22.—The expenses incurred by the Minister 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. 35

Alteration of penalties specified in sections 48 and 49 of Diseases of Animals Act, 1966.

23.—A person convicted of an offence under the Diseases of Animals Act, 1966, for which a penalty is provided in subsection (2) of section 48 or subsection (2) of section 49 thereof shall, in lieu of that penalty— 40

(a) on summary conviction be liable to a fine not exceeding £500, or, at the discretion of the court, to imprisonment for a term not exceeding six months or to both such fine and such term of imprisonment, 45

(b) on conviction on indictment, be liable—

(i) in case he is so convicted by reason of his having—

(1) in contravention of an order of the Minister under the said Act, interfered with or removed an ear-tag, or 50

5 (II) altered or falsely made or ante-dated or
counterfeited, or offered or uttered, knowing
it to have been altered or falsely made or
ante-dated or counterfeited, a licence, declara-
tion, certificate or instrument described in
section 49 (1) (d) of that Act,

10 to a fine not exceeding £2,000, or, at the discretion of
the court, to imprisonment for a term not exceeding two
years or to both such fine and such term of imprison-
ment,

15 (ii) in case he is otherwise so convicted, to a fine not
exceeding £1,000, or, at the discretion of the court,
to imprisonment for a term not exceeding one year
or to both such fine and such term of imprison-
ment.

20 24.—(1) Anything done pursuant to an order made by the Minister Saver.
in exercise of the powers conferred on him by section 22 of the
Diseases of Animals Act, 1894, as amended by section 2 of the
Diseases of Animals (Bovine Tuberculosis) Act, 1957 (as amended
by section 5 of the Diseases of Animals Act, 1960), shall not be
questioned in any legal proceedings on the grounds that there was
not made by the Minister in relation to an area to which the order
applies a declaration by him either declaring the area to be an
attested area or declaring the area to be an attested or disease-free
25 area.

(2) This section shall be deemed to have come into force on
the 2nd day of May, 1979.

25 25.—Section 48 (3) of the Diseases of Animals Act, 1966, is hereby Repeal.
repealed.

30 26.—(1) This Act may be cited as the Bovine Diseases (Levies) Short title,
Act, 1979. commencement
and
collective
citation.

35 (2) This Act, other than *sections 18, 22, 23, 24, 25* and this
section, shall come into operation on such day or days as may be
fixed therefor by order or orders of the Minister, either generally or
with reference to any particular such provision.

(3) The Diseases of Animals Act, 1966, and *sections 23* and *25*
of this Act, together with *section 18* of this Act in so far as it
relates to that Act, may be cited together as the Diseases of Animals
Acts, 1966 and 1979.

BILLE

dá ngairtear

Acht do dhéanamh socrú, d'fhonn scriosadh galar bólachta a fhurasú nó iad a chosc ar leathadh, chun tobhaigh áirithe a mhuir-earú, a thobhach agus a íoc agus chun difríochtaí áirithe praghsanna a oibriú, do dhéanamh socrú i dtaobh nithe eile a bhaineann leis na nithe réamhráite agus do leasú ailt 48 agus 49 den Acht um Ghalair Ainmhithe, 1966.

An tAire Talmhaíochta a thíolaic

*Riteadh ag Dáil Éireann,
17 Iúil, 1979*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais,
An Stuara, Ard-Oifig an Phoist, Baile Átha Cliath, nó trí
aon díoltóir leabhar.

Clóbhuailte ag CAHILL PRINTERS LIMITED.

30p

BILL

entitled

An Act to provide, for the purpose of facilitating the eradication, or the prevention of the spread, of bovine disease, for the charging, levying and payment of certain levies and the operation of certain price differentials, to provide for other matters connected with the foregoing and to amend sections 48 and 49 of the Diseases of Animals Act, 1966.

Presented by the Minister for Agriculture

*Passed by Dáil Éireann,
17th July, 1979*

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