



AN BILLE STAMPAL TRADALA, 1979
TRADING STAMPS BILL, 1979

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

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Restrictions on persons who may carry on business as promoters of trading stamps.
3. Unreasonable withholding of supply of stamps.
4. Statements required on face of trading stamps.
5. Redemption of trading stamps for cash.
6. Provisions in relation to catalogues.
7. Offences in relation to catalogues.
8. Application of Sale of Goods Act, 1893 and *Sale of Goods and Supply of Services Act, 1980*.
9. Display of information in shops.
10. Advertisements referring to the value of stamps.
11. Certain contracts to be void.
12. Offences committed by body corporate.
13. Jurisdiction in summary proceedings.
14. Summary proceedings.
15. Short title.

ACTS REFERRED TO

Companies Act, 1963	1963, No. 33
Criminal Procedure Act, 1967	1967, No. 12
Petty Sessions (Ireland) Act, 1851	1851, c. 93
Restrictive Practices Act, 1972	1972, No. 11
Sale of Goods Act, 1893	1893, c. 71
<i>Sale of Goods and Supply of Services Act, 1980</i>	



AN BILLE STAMPAI TRADALA, 1979
TRADING STAMPS BILL, 1979

BILL

entitled

AN ACT TO MAKE PROVISION IN RELATION TO TRADING 5
STAMPS, INCLUDING PROVISION FOR REGULATING
THE ISSUE, USE, AND REDEMPTION OF TRADING
STAMPS, AND TO PROVIDE FOR REGULATING THE
BUSINESS OF ISSUING AND REDEEMING TRADING 10
STAMPS, AND TO PROVIDE FOR OTHER MATTERS
CONNECTED WITH THE MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :

Interpretation.

1.—In this Act,

“company” has the meaning assigned to it by the Companies 15
Act, 1963;

“Minister” means the Minister for Industry, Commerce and
Tourism;

“private company” has the meaning assigned to it by section 33 of
the Companies Act, 1963;

“redeem”, in relation to trading stamps, means to exchange such 20
stamps for money, goods or services;

“trading stamp” means any stamp, coupon, voucher, token or
similar device which is, or is intended to be, delivered to any person
upon, or in connection with, the purchase of goods (other than a 25
newspaper or periodical of which the stamp forms part or in which
it is contained) or the provision of services and is, or is intended to
be, redeemable by that or some other person, but excludes a stamp,
coupon, voucher, token or similar device which is redeemable only
from the seller of the goods, or his supplier, or the person who pro- 30
vides the services;

“trading stamp scheme” means any arrangements for making
trading stamps available for use in shops or elsewhere, including
arrangements for their redemption.

Restrictions on
persons who may
carry on business
as promoters of
trading stamps.

2.—(1) It shall be unlawful for any person or body of persons 35
other than a company which has a place of business in the State to
carry on business as the promoter of a trading stamp scheme.

(2) Notwithstanding the provisions of section 128 of the Com-
panies Act, 1963, that section shall apply to a private company which
carries on business as the promoter of a trading stamp scheme.

(3) Any person who carries on business as the promoter of a 40
trading stamp scheme in contravention of *subsection (1)* of this
section shall be guilty of an offence and shall be liable on conviction
on indictment to a fine not exceeding £5,000.

(4) A Justice of the District Court shall have jurisdiction to try 45
summarily an offence referred to in *subsection (3)* of this section if—

(a) the Justice is of opinion that the facts proved against a

defendant charged with such an offence constitute a minor offence fit to be tried summarily,

(b) the Director of Public Prosecutions consents,

and

5 (c) the defendant (on being informed by the Justice of his right to be tried by jury) does not object to being tried summarily,

and, upon conviction under this subsection, the said defendant shall be liable to a fine not exceeding £500.

10 (5) Section 13 of the Criminal Procedure Act, 1967, shall apply in relation to an offence under this section as if, in lieu of the penalties specified in subsection (3) of that section, there were specified therein the penalty provided for by subsection (4) of this section, and the reference in subsection (2) (a) of that section to the penalties provided
15 for in subsection (3) of that section shall be construed accordingly.

3.—If any company which is the promoter of a trading stamp scheme unreasonably withholds a supply of trading stamps from any person wishing to partake in the trading stamp scheme, such withholding of supply shall be deemed to be an unfair practice within
20 the meaning of the Restrictive Practices Act, 1972.

Unreasonable withholding of supply of stamps.

4.—(1) No person shall issue, or cause to be issued, or deliver or cause to be delivered, to any person a trading stamp unless it bears on its face in clear and legible characters—

Statements required on face of trading stamps.

25 (a) the name or registered trade mark of the company which issued it, and

(b) a value expressed in the currency of the State.

(2) The Minister may, by order, prescribe that the value specified on the face of a trading stamp shall be—

30 (a) not less than the cost of the trading stamp to the person to whom it is sold, or

(b) not less than that cost by more than such proportion as may be specified in the order,

and different values may be prescribed for different classes of trading stamps.

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

(4) Every order made by the Minister under this section 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
40 House within the next twenty-one days on which that House has sat after the order has been laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(5) Any person who issues, or causes to be issued, or delivers or
45 causes to be delivered any trading stamp in contravention of this section or of an order made thereunder shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

50 5.—(1) If the holder of any number of trading stamps which have an aggregate cash value of not less than £1 so requests, the promoter of the trading stamp scheme shall redeem them by paying over not less than their aggregate cash value.

Redemption of trading stamps for cash.

(2) The holder of the trading stamps may exercise his right under *subsection (1)* of this section—

(a) by presenting the stamps at any reasonable time at the registered office or any place of business of the company which is the promoter of the scheme, or 5

(b) by sending the stamps by post to that office or place of business with sufficient instructions as to the manner in which the cash value is to be paid over, or

(c) in any other manner afforded by the promoter of the scheme.

(3) If a company which is the promoter of a trading stamp scheme fails, neglects or refuses to redeem any trading stamps which have been presented to it pursuant to *subsection (1)* of this section, the holder of those stamps may recover the value of the stamps as a simple contract debt in any court of competent jurisdiction. 10

Provisions in relation to catalogues.

6.—(1) Every company which is the promoter of a trading stamp scheme under which the company offers goods or services in exchange for trading stamps shall publish and make reasonably available a catalogue which lists the goods or services which are offered in exchange for the trading stamps. 15

(2) Every catalogue published by or on behalf of the promoter of a trading stamp scheme shall— 20

(a) illustrate or otherwise identify the goods or services offered in exchange for trading stamps,

(b) state the number of stamps for which each item in the catalogue will be exchanged, 25

(c) state the name and the address of the registered office of the company promoting the scheme, and

(d) state the date on which the catalogue shall cease to be valid, which date shall be not less than six months after the date specified in *subsection (3) (b)* of this section. 30

(3) For the purposes of this section a company which is the promoter of a trading stamp scheme shall be deemed not to have complied with the provisions of *subsection (1)* of this section unless the company has—

(a) lodged with the Minister a copy of the catalogue, 35

(b) announced, after the catalogue has been lodged with the Minister and not later than one month before the date on which the catalogue will become operative, in at least one daily newspaper circulating throughout the State that the catalogue will become operative from a date specified in the announcement, and 40

(c) supplied a copy of the catalogue to every shop or other premises where the trading stamps are offered to the public.

Offences in relation to catalogues.

7.—Any company which is the promoter of a trading stamp scheme which— 45

(a) fails to comply with the provisions of *section 6* of this Act,

(b) alters the exchange value in its current catalogue without the prior approval of the Minister who shall have the power to give such approval, or 50

(c) includes in its catalogue goods or services without having made reasonable provision to meet the foreseeable demand for such goods or services,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500. 55

8.—(1) For the purposes of the Sale of Goods Act, 1893, and the *Sale of Goods and Supply of Services Act, 1980*, the publication by a company which is the promoter of a trading stamp scheme of a catalogue shall be regarded as an offer, and the tender within
5 the prescribed period of validity of the appropriate number of stamps shall be regarded as an acceptance, in the same way as if the offer and the acceptance were for a monetary consideration.

Application of Sale of Goods Act, 1893, and *Sale of Goods and Supply of Services Act, 1980*.

(2) The provisions of the Sale of Goods Act, 1893, and of the *Sale of Goods and Supply of Services Act, 1980*, shall apply in every
10 case where the promoter of a trading stamp scheme offers goods or services in exchange for trading stamps.

(3) Where a person other than a promoter of a trading stamp scheme offers goods or services in exchange for trading stamps, the provisions of the Sale of Goods Act, 1893, and of the *Sale of Goods and Supply of Services Act, 1980*, shall apply in the same way as
15 if that exchange were for a monetary consideration.

9.—(1) Every person who is the owner or occupier of, or other person having control of, any shop or other premises in which a trading stamp scheme is operated shall—

Display of information in shops.

20 (a) where the promoter publishes a catalogue of goods or services offered in exchange for stamps, keep available for inspection on demand by customers a copy of the current catalogue relating to the scheme,

25 (b) display in a prominent position where it can be easily read by customers a notice stating in clear and legible characters—

(i) where the promoter publishes a catalogue of goods or services offered in exchange for stamps, that the catalogue is available for inspection by customers
30 on demand,

(ii) the number of stamps offered for every £1 worth of purchases in the shop or other premises, as the case may be, and

(iii) the cash redemption value of the stamps.

35 (2) Any person being the owner or occupier of, or other person having the control of, a shop or other premises in which a trading stamp scheme is operated who fails, without reasonable cause, to comply with the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not
40 exceeding £50.

10.—(1) It shall be unlawful for a company which is the promoter of a trading stamp scheme or for any person carrying on a trade or business in which a trading stamp scheme is operated to advertise or to issue or publish or cause to be issued or published an advertisement which conveys, or purports to convey, the cash value of any
45 trading stamps—

Advertisements referring to the value of stamps.

(a) by means of a statement which associates the worth of any trading stamps with the amount that the holder of the stamps pays or may pay for goods or services to obtain
50 the stamps, or

(b) in terms which are misleading or deceptive.

(2) In this section “advertise” includes publish or display any matter whether by notice, circular, photograph, film, sound broadcasting, television, personal canvassing or otherwise and
55 “advertisement” shall be construed accordingly.

(3) Any person contravening this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

Certain contracts to be void.

11.—(1) This section applies to any contract, whether existing at the passing of this Act or entered into after the coming into force of this Act, which is made between a retailer and any person other than a company which is the promoter of a trading stamp scheme or a customer buying from the retailer. 5

(2) Any provision in a contract to which this section applies under which a retailer is required to offer trading stamps to his customers shall be void.

Offences committed by body corporate.

12.—Where any offence under this Act which is committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any person (or any person acting on his behalf) being a director, manager, secretary or other officer of such body, that person or the person so acting, as the case may be, shall also be guilty of that offence and shall be liable to be proceeded against and punished accordingly. 10 15

Jurisdiction in summary proceedings.

13.—Summary proceedings against a person for an offence under this Act may be taken before the court having jurisdiction in the place where that person is for the time being or, in the case of a body corporate, in any place where the body corporate, for the time being, has a place of business. 20

Summary proceedings.

14.—(1) Summary proceedings in relation to an offence under this Act may be prosecuted by the Minister.

(2) Notwithstanding section 10 (4) of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under this Act may be instituted within twelve months from the latest day on which the offence was committed. 25

Short title.

15.—This Act may be cited as the Trading Stamps Act, 1980.

BILLE

dá ngairtear

Acht do dhéanamh socrú i ndáil le stampaí trádála, lena n-áirítear socrú chun eisiúint úsáid agus fuascailt stampaí trádála a rialú, agus do dhéanamh socrú chun gnó eisiúna agus fuascailte stampaí trádála a rialú, agus do dhéanamh socrú i dtaobh nithe eile a bhaineann leis na nithe réamhráite.

BILL

entitled

An Act to make provision in relation to trading stamps, including provision for regulating the issue, use, and redemption of trading stamps, and to provide for regulating the business of issuing and redeeming trading stamps, and to provide for other matters connected with the matters aforesaid.

*Ritheadh ag dhá Theach an Oireachtais,
2 Iúil, 1980*

*Passed by both Houses of the Oireachtas,
2nd July, 1980*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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

Cló-bhuailte ag CAHILL PRINTERS LTD.

24p

Wt.127287/F/7. 1,200. 8/80. Cahill. (6701) G.16.

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE

To be purchased through any bookseller, or direct from the Government Publications Sale Office, G.P.O. Arcade, Dublin.

Printed by CAHILL PRINTERS LTD.

24p