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**AN BILL UM EARRAI PACAISTITHE (CAINNIOCHTAI  
A RIALU), 1980**  
**PACKAGED GOODS (QUANTITY CONTROL) BILL, 1980**

*Mar a tionscnaíodh  
As initiated*

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**ACTS REFERRED TO**

Companies Act, 1963	1963, No. 33
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Criminal Procedure Act, 1967	1967, No. 12
Merchandise Marks Act, 1887	1887, c. 28
Merchandise Marks Act, 1970	1970, No. 10
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AN BILL UM EARRAI PACAISTITHE (CAINNIOCHTAI  
A RIALU), 1980

PACKAGED GOODS (QUANTITY CONTROL) BILL, 1980

# BILL

entitled

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AN ACT TO MAKE PROVISION IN RELATION TO PACKAGED GOODS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

## PART I

### PRELIMINARY AND GENERAL

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Short title and commencement.

1.—(1) This Act may be cited as the Packaged Goods (Quantity Control) Act, 1980.

(2) This Act shall come into force on such day as the Minister may fix by order.

Interpretation.

2.—(1) In this Act—

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“the Act of 1970” means the Merchandise Marks Act, 1970;

“container” includes a bag, bottle, box, case, carton, envelope, net, sack or wrapper and also an inner container;

“equipment” includes any electrical or other appliance or equipment (or any part thereof) or any other machine or machinery (or any part thereof);

“goods” means anything which is the subject of trade, manufacture or merchandise and, in relation to a package, excludes the container included in the package;

“importer” in relation to a package means, subject to subsection (3) of this section, the person by whom or on whose behalf the package is entered for customs purposes on importation;

“inspector” means, except in section 3 (2) (h) of this Act, an officer of the Minister who is appointed under section 13 of this Act by the Minister to be an inspector for the purposes of this Act;

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“the e-mark” has the meaning assigned to it by section 11 of this Act;

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

" package " means a container containing goods together with the goods in the container;

" packer " means, in relation to a package, the person who in the course of business placed in the container included in the package 5 the goods so included;

" prescribed " means prescribed by regulations under this Act.

(2) If two or more different quantities are expressed on a package to which *section 8* of this Act applies, of those quantities all except the one which indicates the larger or largest quantity shall be dis- 10 regarded for the purposes of this Act.

(3) Where a package which is marked with the e-mark is brought into the State from another member state of the European Economic Community, then for the purposes of this Act the package shall be regarded as not having been imported.

15 (4) In case a notice described in *section 3 (2) (i)* of this Act is for the time being in force, then as regards the person on whom the notice is served *section 11 (3)* of this Act shall be construed and have effect subject to the terms of the notice.

3. (1) The Minister may make regulations for prescribing any 20 matter referred to in this Act as prescribed; provided that in so far as any such regulations provide for the charging of fees they shall only be made with the consent of the Minister for Finance. *Regulations.*

(2) Regulations under this Act may—

25 (a) apply to packages generally or to packages of a particular class or description,

(b) provide that where a package includes an outer container and one or more inner containers, such of the containers as is prescribed shall for all or any prescribed purposes of this Act be disregarded,

30 (c) provide that, for the purposes of *section 9 (3)* of this Act, equipment shall not be regarded as being suitable unless it is made from specified materials or according to or with regard to a prescribed specification or a prescribed principle,

35 (d) provide for the inspection, testing and certification of equipment which may be used to make up or to check packages to which *section 8* of this Act applies,

(e) provide for the payment to the Minister of prescribed fees as regards such inspection, testing and certification,

40 (f) provide that, where an inspector as a result of the exercise of a power conferred on him by *section 14* of this Act finds that a person has failed to perform a duty imposed on him by *section 9* of this Act—

45 (i) the inspector may give to the person a notice requiring him to take, within such period as may be specified in the notice (which period shall be a period of not less than twenty-one days), such steps

as are necessary to ensure that the requirements of the said section 9 are complied with in relation to the matter, and

(ii) in case for the purpose of ascertaining whether or not the requirements of the notice have been complied with, an inspector at any time after the expiration of the said period exercises any such power, there shall be payable to the Minister by the person such fee as may be prescribed for the purposes of this subparagraph,

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(g) provide that in deciding whether or not—

(i) for the purposes of this Act equipment is suitable or has been appropriately used, or

(ii) checks or records are adequate for the said purposes, or

(iii) information is adequate to show that a person is likely to have discharged the duty imposed on him by section 9 (1) of this Act,

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regard may be had to prescribed documents (which documents may be or include codes or parts of codes of practical guidance),

(h) provide that the Weights and Measures Acts, 1878 to 1961, shall not, by reason only of the fact that a weight, measure or measuring instrument of a prescribed class or description is used for or in connection with the discharge of a duty imposed by section 9 of this Act, be construed as requiring that weight, measure or measuring instrument to be verified and stamped by an inspector of weights and measures,

(i) enable an inspector to give to any person a notice providing that, until an inspector informs the person in writing that the notice is cancelled, none, or only such one or more as may be specified in the notice, of the following paragraphs, that is to say, paragraphs (a), (b) and (c) of section 11 (3) of this Act shall apply to him as respects packages of a kind specified in the notice or a place so specified,

(j) contain such provisions as the Minister considers appropriate with respect to the dimensions of a mark prescribed for the purposes of section 11 of this Act and the manner and position in which it is to be applied to the container included in a package to which section 8 of this Act applies.

(3) Every regulation made 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 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.

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Service of notices.

4.—(1) A notice under this Act to be served on or given to a person shall be addressed to the person on or to whom it is to be served or given and it may be served on or given to him in any of the following ways:

- (a) where it is addressed to him by name, by delivering it to him;
- (b) by leaving it at the address at which he ordinarily resides or at which he carries on business, or in a case in which an address for service has been furnished, at that address;
- 5 (c) by sending it by post in a prepaid registered letter addressed to him at the address at which he ordinarily resides or at which he carries on business, or in a case in which an address for service has been furnished, at that address.
- 10 10 (2) For the purposes of this section, a company within the meaning of the Companies Act, 1963, shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business.
- 15 15 5.—(1) The Minister may by regulations declare that such provisions of this Act as are prescribed shall apply, with such modifications (if any) as may be prescribed, to packages of a prescribed class or description, being packages which— Extension of Act.
- 20 (a) have been made up otherwise than in the presence of the person purchasing the package, and
- (b) have expressed thereon a quantity expressed in units of weight or volume, and
- (c) are not packages to which *section 8* of this Act otherwise applies.
- 25 25 (2) In case regulations under this section are for the time being in force a reference in this Act to a package to which *section 8* of this Act applies shall, in case the application of the provision in which the reference occurs is extended by the regulations, for the purpose of giving effect to the regulation be construed as including a reference to 30 a package to which the application of the provision is so extended.
- 30 6.—(1) Where, on an application being made to him in that behalf, the Minister is satisfied that because of— Exemptions.
- (a) a difficulty in obtaining or providing any appliance, equipment, machine or machinery,
- 35 (b) an inability to or a difficulty in recruiting or training staff,
- (c) the holding of stocks of containers or of labels or other documents,
- (d) any other consideration which in the particular circumstances of the case is relevant,
- 40 40 it would be unreasonable to require the applicant to comply with all or any of the requirements of this Act without being given a period within which to prepare for such compliance, then subject to subsection (2) of this section he may grant to the applicant an exemption under this section.
- 45 45 (2) An exemption under this section shall be given by the Minister in writing and shall remain in force for such period as shall be

specified therein provided that a period so specified shall not end on any day which is later than the 31st day of December, 1985.

(3) An exemption under this section may—

- (a) be expressed to relate to any package made up or imported by the applicant or to packages so made up or imported which are of a specified class or description, 5
- (b) be granted subject to such conditions (if any) as the Minister shall specify therein when granting the exemption.

(4) The following provisions shall apply in relation to an exemption granted under this section : 10

- (a) in case the exemption is granted subject to a condition, if the condition is not complied with the exemption shall upon such non-compliance cease to have effect, and
- (b) for so long as the exemption remains in force this Act shall, as regards any package which is a package to which the exemption relates, be construed and have effect subject to the terms of the exemption. 15

**Expenses.**

7.—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. 20

**PART II**

**PACKAGED GOODS**

**Packages.**

8.—(1) Subject to subsection (2) of this section, this section applies to any package which has in the course of carrying on a business either been made up in the State or imported and which— 25

- (a) has been made up otherwise than in the presence of the person purchasing the package, and
- (b) has expressed thereon, or, in case regulations under section 3 (2) (b) of this Act and relating to the package are for the time being in force, on the relevant container, a quantity purporting to be the quantity of goods included in the package and expressed in units of weight or volume being, in case the quantity is expressed in units of weight, a quantity not less than 5 grams, or, in case the quantity is expressed in units of volume, a quantity not less than 5 millilitres, and 30 35
- (c) is a package the contents of which, or any part of such contents, cannot be removed without opening it.

(2) The Minister may by regulations declare that this section shall not apply, or shall only apply with prescribed modifications, in relation to any package (being a package to which this section would otherwise apply, or, as may be appropriate, would otherwise apply without modification) which is of a prescribed class or description, and for so long as regulations under this subsection are in force this section shall be construed and have effect subject to their terms. 40 45

- Duties of packers  
and importers as  
regards quantity  
of goods included  
in packages.
- 9.—(1) It shall be the duty of a person who is the packer or importer of packages to which *section 8* of this Act applies to ensure that when a group of the packages, being packages each of which is marked with the same quantity, is selected in the prescribed manner and the packages in the group or such a portion of the group as is so selected are tested in the prescribed manner by an inspector—
- (a) the total quantity of the goods shown by the test to be included in the packages tested divided by the number of those packages is not less than the quantity expressed on each of those packages; and
- (b) the number of non-standard packages among those tested is not greater than the number prescribed as acceptable in relation to the number tested.
- (2) Where, as a result of a test in respect of a group of packages which is carried out when the packages are in the possession of the packer or importer of the packages or another person, it is shown that the packer or importer of the packages has failed to perform the duty imposed on him by *subsection (1)* of this section in respect of the packages, then, without prejudice to the liability of the packer or importer under *section 17* of this Act in respect of the failure, it shall be the duty of the person in possession of the packages to keep them in his possession until—
- (a) he is authorised by an inspector to dispose of them, or
- (b) if he is the packer or importer of them, he has performed his duty under *subsection (1)* of this section in respect of the group.
- (3) It shall be the duty of a person who makes up packages to which *section 8* of this Act applies either—
- (a) to use in an appropriate manner in making up the packages equipment which is both suitable and of a prescribed kind, or
- (b) (i) to carry out, at the prescribed time, a check which is adequate to show whether he has performed the duty imposed on him by *subsection (1)* of this section as regards the packages, and—
- (ii) so to use suitable equipment of the prescribed kind in carrying out the check, and
- (iii) to make, and to keep for the prescribed period, an adequate record of the check.
- (4) It shall be the duty of a person who is the importer of packages to which *section 8* of this Act applies either—
- (a) to carry out at the prescribed time a check of the kind mentioned in *paragraph (b)* of *subsection (3)* of this section and to comply with *subparagraph (ii)* and *(iii)* of that paragraph as regards the check; or
- (b) (i) to obtain, within the prescribed period and as regards the packages, documents containing such information concerning the packages as will be adequate to show that the packer is likely to have discharged, as regards the packages, the duty which would have been imposed on him by *subsection (1)* of this section had the packages been made up in the State, and
- (ii) to retain for the prescribed period such documents.

(5) For the purposes of this section a package to which *section 8* of this Act applies shall be regarded as being non-standard if the quantity of the goods included in the package is less, by more than an amount prescribed for the purposes of this section, or, as may be appropriate, an amount calculated in the manner so prescribed, than 5 the quantity expressed on the package and referred to in *section 8 (1) (b)* of this Act.

Duties of packers  
and importers as  
regards marking  
packages.

10.—(1) Subject to subsection (2) of this section, it shall be the duty of the person who is the packer of, or by whom in the course of a business is imported, a package to which *section 8* of this Act 10 applies to ensure—

- (a) that the quantity expressed on the package and referred to in *section 8 (1) (b)* of this Act is so expressed in the prescribed units of weight or volume, and
- (b) that such quantity is expressed in the prescribed manner, 15 and
- (c) that there are so expressed such other particulars (if any) as may be prescribed, and
- (d) that such quantity and, where appropriate, such other particulars are so expressed in a manner as will enable them 20 easily to be read without opening the package.

(2) (a) The Minister may, if he thinks fit, for the purposes of identifying—

- (i) the packer by whom and the place at which a package to which *section 8* of this Act applies is made up, or 25
- (ii) the name of the importer by whom such a package is imported and the address in the State at which he carries on business as an importer,

arrange with any person for the application by the person to packages of a class or description specified in the 30 arrangement of a mark so specified.

(b) Where there is for the time being an arrangement under this subsection, if a package which is of a class or description specified in the arrangement is marked with the mark so specified, then, in so far as regulations under this section require the packer and place or the importer and address referred to in paragraph (a) of this subsection 35 to be expressed on the package they shall be regarded as having been complied with.

(3) The provisions of subsection (1) of this section are in addition 40 to and not in substitution for those of any other enactment; provided that in case—

- (a) a package to which *section 8* of this Act applies includes goods specified in an order under section 2 (1) of the Act of 1970, and 45
- (b) the duties imposed by this section are complied with in relation to the package,

then if such order is made pursuant to paragraph (a) or (c) of the said section 2 (1), the requirements included in the order by virtue

of either or both of those paragraphs, as may be appropriate, shall be regarded as having been complied with as regards the package.

- 11.—(1) This section applies to any package which is of a class e-mark or description prescribed for the purposes of this section.
- 5 (2) A person shall not in the course of carrying on a business—  
(a) mark with the e-mark any package which is not a package to which this section applies,  
(b) so mark any package which is a package to which this section applies unless he is either the packer or the importer of the package or is acting on behalf of such packer or importer,  
(c) mark any package with a mark so closely resembling the e-mark as to be likely to deceive.
- 15 (3) Subject to section 3 (2) (i) of this Act, it shall be the duty of—  
(a) the packer of packages which are marked with the e-mark and which he intends to export from the State; and  
(b) a person who intends to import packages which are so marked and to export them from the State to a place in another member state of the European Economic Community; and  
(c) a person who intends to import packages, to mark them with the e-mark and to export them in the manner mentioned in paragraph (b) of this subsection,
- 25 to give, within the prescribed period and in the prescribed manner, to the Minister a notice containing such information about the packages as is prescribed and, in the case of a person described in paragraph (b) or (c) of this subsection, such further information about the packages in question as an inspector may specify in a notice in writing served on the person by the inspector.
- 30 (4) In this Act “the e-mark” means such mark as may be for the time being prescribed for the purposes of this section.

### PART III

#### MISCELLANEOUS

- 12.—(1) A statement of quantity expressed on a package in pursuance of section 10 (1) (a) of this Act shall not be regarded as being a trade description within the meaning of the Merchandise Marks Act, 1887, as amended by section 2 (2) of the Consumer Information Act, 1978.
- 40 (2) For the purposes of section 5 of the Act of 1970 the weight or measure of the goods included in a package to which section 8 of this Act applies shall be regarded as being equal to the quantity expressed on the package.

Certain statements not to be regarded as trade descriptions, etc.

- 13.—(1) The Minister may appoint in writing any person who is an officer of the Minister to be an inspector for the purposes of this Act. Inspectors.

(2) Every person appointed under subsection (1) of this section by the Minister to be an inspector shall be furnished with a certificate of his appointment and when exercising a power under this Act shall, if requested by any person thereby affected, produce such certificate for inspection by the person. 5

Powers of  
inspectors.

14.—(1) For the purposes of giving effect to this Act, an inspector may—

(a) at all reasonable times enter any premises, other than a dwelling, in which he reasonably believes there are for the time being packages to which section 8 of this Act applies, 10

(b) inspect such premises and examine any packages found thereon which he reasonably believes to be packages to which the said section 8 applies,

(c) subject to subsection (4) of this section, open any such package and examine, test (including testing to destruction) and measure any goods or container included in such package, 15

(d) subject to subsection (4) of this section, take away from the premises for examination, testing and measuring any such package, 20

(e) test any equipment which he reasonably believes may be used to make up or to check packages to which section 8 of this Act applies,

(f) require any person, other than an officer of Customs and Excise, whom he finds on such premises to produce for inspection by such inspector any books, records or other documents which are in that person's power or control and which relate to such packages or to the goods included therein and to give to him such information (being information in the person's possession) as he may require in relation to any entries in such books, records or other documents, 25 30

(g) inspect and copy or take extracts from any such books, records, or other documents, 35

(h) in case he finds on such premises any such package, require any person whom he so finds to give to him, if known to such person, the name of the person by whom the package was made up, imported or distributed,

and, if an inspector has reasonable grounds for suspecting that a person has failed or is failing to perform the duty imposed on him by section 9 or 10 of this Act as regards any package found on premises entered by the inspector pursuant to this section, or that any such package is, for the purposes of section 17 (5) of this Act, inadequate, he may seize and retain the package and anything else so found and which appears to him to be something which might be required as evidence in proceedings for an offence under this Act. 40 45

(2) If an inspector has reasonable cause to believe that a person has failed to perform the duty imposed on him by section 9 of this Act in relation to a group of packages, the inspector may serve on 50

the person in possession of the packages a notice in writing specifying the packages and requiring him to keep the packages at a place specified in the notice and at the disposal of the inspector for a period so specified (being a period not greater than one month).

5 (3) An inspector may in the course of exercising a power conferred on him by subsection (1) of this section require a person whom he finds on premises entered by him in exercise of such a power to—

(a) enable such inspector to use anything which is then under the person's control and is required by the inspector for the purpose of making an examination, test or measurement, under the said subsection (1),

(b) render, or cause to be rendered, for or in connection with such purpose, such personal assistance as the inspector shall reasonably specify.

15 (4) If an inspector—

(a) breaks open a package in pursuance of subsection (1) (c) of this section otherwise than on premises occupied by the packer or importer of the package and, for the purposes of section 17 (5) of this Act, the package is not inadequate,

(b) takes away a package in pursuance of subsection (1) (d) of this section,

it shall be the duty of the inspector, if the owner of the package requests him so to do, to buy the package on behalf of the Minister.

25 15.—Any person who is aggrieved by a seizure and retention under this Act may appeal to a Justice of the District Court and in determining the appeal the Justice may—

(a) if he is satisfied that the package or other thing was properly seized, confirm the seizure and retention, and

30 (b) if he is not so satisfied, order the person who made the seizure to return to the person the package or other thing seized and order the Minister to pay to the person such compensation (if any), costs (if any) and expenses (if any) as he considers reasonable having regard to any loss, costs and expenses incurred by the person by reason of the seizure and retention.

35 16.—(1) An inspector who, in accordance with this Act, has seized any package or other thing shall not dispose of it without the consent in writing of the owner or the person in apparent charge or control of it, but in the case of any thing other than a document, it may be disposed of if a direction is given pursuant to this section by a Peace Commissioner for its disposal.

40 (2) A person who under this Act has seized any package may, on giving notice in writing to the owner or to the person who, when the seizure was made, was in apparent charge or control of it of his intention to do so, apply to a Peace Commissioner for a direction that the package be disposed of (by destruction or otherwise) in a manner specified in the direction.

Appeal against seizures.

Disposal of things seized.

(3) A Peace Commissioner to whom an application in that behalf is duly made under this section shall, if he is satisfied that the goods included in any package in respect of which the application is made are, or are likely, before it can be used as evidence in proceedings for an offence under this Act, to become, unfit for human consumption, or if he is satisfied for any other reason that the package ought not to be further retained, give a direction under this section authorising its disposal (by destruction or otherwise). 5

(4) Where a direction is given under this section, the person who applied for the direction shall, as soon as may be, give notice of the making of the direction to the person to whom notice was given in pursuance of subsection (2) of this section. 10

(5) Any person who is aggrieved by a direction under this section may, not later than seven days after the making of the direction, appeal to a Justice of the District Court against the direction and in determining the appeal the Justice may— 15

- (a) if he is satisfied that the direction was properly given and that, having regard to the circumstances of the case, the direction should be confirmed, confirm the direction, and 20
- (b) if he is not so satisfied, annul the direction.

(6) (a) Subject to paragraphs (c) and (d) of this subsection, a direction under this section shall not have effect until the expiration of seven days from the date of its making.

(b) If an appeal to the District Court is taken against a direction under this section, the order shall, if the District Court confirms the direction, have effect at such time as that court determines. 25

(c) If a Peace Commissioner is satisfied that for any reason a direction given by him under this section should have effect before the expiration of seven days from the date of its making and he specifies in the direction the time when it should so have effect, the direction shall have effect at the time so specified. 30

(d) Where a thing is disposed of in accordance with a direction under this section and, on appeal, the District Court annuls the direction, the District Court may order the payment by the Minister to the owner of such compensation (if any), costs (if any) and expenses (if any) as it considers reasonable having regard to any loss, costs and expenses incurred by the owner by reason of the disposal under this section. 35

(7) Where a Peace Commissioner gives a direction pursuant to this section, he shall, on the production to him of the thing to which the direction relates by the person applying for the direction, give to that person a certificate in the prescribed form describing the thing and stating that a direction under this section has been given by him in respect of it. 40

(8) Moneys payable pursuant to a disposal under this section shall be paid to the Minister. 45

17.—(1) A person who fails to perform a duty imposed on him by subsection (1), (3) or (4) of section 9 or subsection (1) of section 10 of this Act shall be guilty of an offence.

(2) A person who contravenes section 9 (2) of this Act shall be guilty of an offence.

(3) A person who obstructs or impedes an inspector in the exercise of a power, or who does not comply with a requirement made by an inspector under this Act, shall be guilty of an offence.

(4) Any person who—

10 (a) purports to perform the duty imposed on him by paragraph (b) of section 9 (3) of this Act, or paragraph (a) of section 9 (4) of this Act, by making a record which he knows is false in a material particular, or

15 (b) purports to perform the duty imposed on him by paragraph (b) of the said section 9 (4) by reference to a document containing information which he knows is false in a material particular; or

20 (c) with intent to deceive, alters or destroys any record kept for the purposes of this Act or any document kept for the purposes of section 9 (4) (b) of this Act,

shall be guilty of an offence.

(5) (a) If a person has in his possession for sale, agrees to sell or sells a package to which section 8 of this Act applies which is inadequate and either—

25 (i) he is the packer or importer of the package, or  
(ii) he knows that the package is inadequate,

he shall be guilty of an offence.

(b) Where—

30 (i) a package to which section 8 of this Act applies is made up pursuant to an agreement or arrangement between the relevant packer and another person, and

35 (ii) the package is inadequate, and  
(iii) such packer delivers the package to or to the order of a person to whom, under the agreement or arrangement, it falls to be delivered,

such packer shall be guilty of an offence.

40 (c) For the purposes of this subsection a package to which section 8 of this Act applies shall be regarded as being inadequate if the quantity of the goods included in the package is less, by more than twice the amount prescribed for the purposes of section 9 (5) of this Act, or, as may be appropriate, twice the relevant amount calculated in the manner so prescribed, than the quantity marked in pursuance of this Act on the package.

(6) Where an offence under this Act is committed by a body corporate or an unincorporated body of persons or by a person purporting to act on behalf of such a body and is proved to have been committed with the consent, connivance or approval of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of such body or a member of the committee or other controlling authority of such body or any person acting as such a director, manager, secretary or other official, such person shall also be guilty of the offence.

(7) Summary proceedings for an offence under this Act may be 10 prosecuted by the Minister.

(8) 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 date of the offence.

**Defence.**

18.—In any proceedings for an offence under this Act in which it 15 is proved that the defendant failed to discharge the duty imposed on him either—

(a) by subsection (3) of section 9 of this Act, as to the keeping of records, or

(b) by subsection (4) of the said section 9 as to the obtaining or 20 retention of documents,

the defendant shall not be convicted of an offence under this Act by reason only of such failure if he satisfies the court that he took reasonable steps to discharge such duty.

**Penalties.**

19.—(1) A person guilty of an offence under subsection (1) or (5) 25 of section 17 of this Act shall be liable, on conviction on indictment,

(a) in the case of a first offence, to a fine not exceeding £1,000, and

(b) in the case of a second or subsequent offence, to a fine not exceeding £10,000.

(2) A person guilty of an offence under this Act, other than an offence under subsection (1) or (5) of section 17, shall be liable on summary conviction to a fine not exceeding £500.

(3) A Justice of the District Court shall have jurisdiction to try summarily an offence under subsection (1) or (5) of section 17 of 35 this Act if—

(a) the Justice is of opinion that the facts proved or alleged 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

(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.

AN ACT TO AMEND THE CIVIL PROCEDURE ACT, 1908

(4) Section 13 of the Criminal Procedure Act, 1967, shall apply in relation to an offence under subsection (1) or (5) of section 17 of this Act as if, in lieu of the penalties specified in subsection (3) of that section, there were specified therein the penalty provided for by subsection (3) of this section, and the reference in subsection (2) (a) of that section to the penalties provided for by subsection (3) of that section shall be construed accordingly.

20.—Where, in any proceedings for breach of a warranty of the kind specified in section 3 (1) of the Act of 1970 and in which there is 10 raised an issue as to whether the packing of goods was in contravention of an order under paragraph (b) or (d) of section 2 (1) of that Act, the defendant proves—

- (a) that the goods to which the proceedings relate were comprised either in, and only in, a package to which section 8 of this Act applies, or in, and only in, two or more such packages, and  
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- (b) (i) in case the defendant is the packer or importer of the package or packages, as may be appropriate, mentioned in paragraph (a) of this subsection, that the duty imposed on him by section 9 of this Act has, in so far as it applies to such package or packages, been performed by him, and that such package, or, as may be appropriate, any of such packages is, for the purposes of section 17 (5) of this Act, not inadequate,  
(ii) in the case of any other defendant, that such package, or, as may be appropriate, any of such packages is for the said purposes not inadequate,

then, as regards the proceedings in so far as they relate to such issue, 30 the weight or volume of the goods included in the package or packages shall be regarded as being equal to the quantity marked on the package, or, in case there are two or more such packages, the aggregate of the quantities marked on them.

An Act to amend the Civil Procedure Act, 1908, in relation to the application of the provisions of the Criminal Procedure Act, 1967, in respect of certain proceedings relating to the packing of goods.

The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Such rules may, in particular, provide for the following matters, namely:

- (a) the manner in which the provisions of this Act shall be applied in respect of proceedings relating to the packing of goods;
- (b) the manner in which the provisions of this Act shall be applied in respect of proceedings relating to the packing of goods in connection with the importation or exportation of goods;
- (c) the manner in which the provisions of this Act shall be applied in respect of proceedings relating to the packing of goods in connection with the carriage of goods by sea or land or air;
- (d) the manner in which the provisions of this Act shall be applied in respect of proceedings relating to the packing of goods in connection with the carriage of goods by rail or road;
- (e) the manner in which the provisions of this Act shall be applied in respect of proceedings relating to the packing of goods in connection with the carriage of goods by air;
- (f) the manner in which the provisions of this Act shall be applied in respect of proceedings relating to the packing of goods in connection with the carriage of goods by road or rail;
- (g) the manner in which the provisions of this Act shall be applied in respect of proceedings relating to the packing of goods in connection with the carriage of goods by sea or land or air;
- (h) the manner in which the provisions of this Act shall be applied in respect of proceedings relating to the packing of goods in connection with the carriage of goods by rail or road;
- (i) the manner in which the provisions of this Act shall be applied in respect of proceedings relating to the packing of goods in connection with the carriage of goods by air;
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- (k) the manner in which the provisions of this Act shall be applied in respect of proceedings relating to the packing of goods in connection with the carriage of goods by sea or land or air;
- (l) the manner in which the provisions of this Act shall be applied in respect of proceedings relating to the packing of goods in connection with the carriage of goods by rail or road;
- (m) the manner in which the provisions of this Act shall be applied in respect of proceedings relating to the packing of goods in connection with the carriage of goods by air;
- (n) the manner in which the provisions of this Act shall be applied in respect of proceedings relating to the packing of goods in connection with the carriage of goods by road or rail;
- (o) the manner in which the provisions of this Act shall be applied in respect of proceedings relating to the packing of goods in connection with the carriage of goods by sea or land or air;
- (p) the manner in which the provisions of this Act shall be applied in respect of proceedings relating to the packing of goods in connection with the carriage of goods by rail or road;
- (q) the manner in which the provisions of this Act shall be applied in respect of proceedings relating to the packing of goods in connection with the carriage of goods by air;
- (r) the manner in which the provisions of this Act shall be applied in respect of proceedings relating to the packing of goods in connection with the carriage of goods by road or rail;
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- (v) the manner in which the provisions of this Act shall be applied in respect of proceedings relating to the packing of goods in connection with the carriage of goods by road or rail;
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- (y) the manner in which the provisions of this Act shall be applied in respect of proceedings relating to the packing of goods in connection with the carriage of goods by air;
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AN BILLE UM EARRAI PACAISTITHE  
(CAINNIOCHTAI A RIALU), 1980

**PACKAGED GOODS  
(QUANTITY CONTROL) BILL, 1980**

# BILLE

(mar a tionscnaíodh)

### dá neairtear

Acht do dhéanamh socrú i ndáil le hearraí pacáistithe.

An Act to make provision in relation to packaged goods.

*entitled*

An tAire Tionscail, Tráchtala agus  
Turasóireachta a thíolaic, 26 Feabhra, 1980

*Presented by the Minister for Industry,  
Commerce and Tourism, 26th February, 1980*

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