

# Dairy Produce Act, 1931

An Act to provide for the collection and publication of information in relation to the amount of butter from time to time held in stock in saorstát eireann and to extend the duration of certain licences granted under section 42 of the dairy produce act, 1924 [29th July, 1931.]

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT EIREANN AS FOLLOWS:—

1.—This Act may be cited as the Dairy Produce Act, 1931, and the Dairy Produce Acts, 1924 and 1927, and this Act may be cited together as the Dairy Produce Acts, 1924 to 1931.

**Definitions.** 2.—In this Act— the expression "the Minister" means the Minister for Agriculture; the expression "the Principal Act" means the Dairy Produce Act, 1924 (No. 58 of 1924); the word "butter" has the meaning assigned to it by the Principal Act; the expression "registered proprietor" means a person who is the registered proprietor within the meaning of The Principal Act of premises registered in any register kept by the Minister in pursuance of the Principal Act; the expression "butter trader" means a person who carries on for trade or gain, whether alone or in conjunction with any other business, the business of selling, by wholesale or retail, butter; the word "warehouseman" means a person who carries on for trade or gain the business of warehousing goods for other persons; the word "prescribed" means prescribed by regulation, made under Part II of this Act.

## PART II - COLLECTION AND PUBLICATION OF INFORMATION IN RELATION TO BUTTER HELD IN STOCK

### Records of butter in stock.

3.—(1) The Minister may serve a notice in writing (in this Part of this Act referred to as a records notice) on a registered proprietor requiring such proprietor to keep on the registered premises of which he is the registered proprietor such records, as the Minister shall specify in such notice of all butter manufactured, acquired or disposed of by him. (2) The Minister may serve a notice in writing (in this Part of this Act also referred to as a records notice) on a butter trader requiring such trader to keep on the premises where he carries on the business of butter trader such records as the Minister shall specify in such notice of all butter acquired or disposed of by him. (3) The Minister may serve a notice in writing (in this Part of this Act also referred to as a records notice) on a warehouseman requiring such warehouseman to keep on the premises where he carries on the business of warehouseman such records as the Minister shall specify in such notice of all butter put into or taken out of the said premises. (4) Whenever a notice has been served under this section on any person, it shall be the duty of such person to keep such records as he is required by such notice to keep. (5) Every record kept in pursuance of this section may be inspected at all reasonable times by an inspector, and it shall be the duty of the person liable under this section to keep such record to produce for the inspection of such inspector on demand such record and also all invoices, consignment notes, receipts and other documents (including copies thereof where the originals are not available) reasonably demanded by such inspector for the purpose of verifying any entry in or explaining any omission from such record. (6) If any person— ( a ) fails to keep or cause to be kept such record as is required by this section to be kept or caused to be kept by him, or ( b ) fails to produce or cause to be produced for inspection by an inspector on demand any record, document, or copy of a document which he is required by this section to produce or obstructs any inspector in the making of such inspection, or ( c ) wilfully or negligently makes or causes to be made in such record any entry which is false or misleading in any material particular, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds. (7) For the purposes of this section— ( a ) inspection of a record or document shall include taking copies thereof or extracts therefrom, and ( b ) the word "inspector" means a person authorised in writing by the Minister to exercise the powers conferred on an inspector by this section.

**Returns of butter held in stock.** 4.—(1) The Minister may serve a notice in writing (in this Act referred to as a returns notice) on any registered proprietor requiring such proprietor (whether he has or has not been previously served with a records notice) to do either or both of the following things, that is to say:— ( a ) to make in respect of the premises specified in such notice to the Minister within three days after the service of such notice such prescribed return or returns (each such return being in the form and containing the particulars prescribed in respect thereof) as may be specified in such notice in relation to the amount of butter (if any) held in stock by him or stored for other persons on the date in that behalf specified in such notice; ( b ) until the Minister otherwise directs, to make in respect of the premises specified in such notice to the Minister within three days after the expiration of every prescribed period ending after the date of such service such prescribed return or returns (each such return being in the form and containing the particulars prescribed in respect thereof) as may be specified in such notice in relation to— (i) the amount of butter (if any) held in stock by him or stored for other persons, on the first and last days of such period; and (ii) the amount of butter (if any) manufactured or required or disposed of by him during such period; and (iii) the amount of butter (if any) being the property of other persons put into and taken out of store during such period. (2) The Minister may serve a notice in writing (in this Act also referred to as a returns notice) on any butter trader, requiring such trader (whether he has or has not been previously served with a records notice) to do either or both of the following things, that is to say:— ( a ) to make to the Minister within three days after the service of such notice a return in the prescribed form and containing the prescribed particulars of the amount of butter (if any) held in stock by him on the date in that behalf specified in such notice; ( b ) until the Minister otherwise directs, to make to the Minister within three days after the expiration of every prescribed period ending after the date of such service a return in the prescribed form and containing the prescribed particulars in relation to— (i) the amount of butter (if any) held in stock by him on the first and last days of such period, and (ii) the amount of butter (if any) acquired or disposed of by him during such period. (3) The Minister may serve a notice in writing (in this Act also referred to as a returns notice) on any warehouseman requiring such warehouseman (whether he has or has not been previously served with a records notice) to do either or both of the following things, that is to say:— ( a ) to make to the Minister within three days after the service of such notice a return in the prescribed form and containing the prescribed particulars of the amount of butter (if any) held in store by him on the date in that behalf specified in such notice; ( b ) until the Minister otherwise directs, to make to the Minister within three days after the expiration of every prescribed period ending after the date of such service a return in the prescribed form and containing the prescribed particulars in relation to— (i) the amount of butter (if any) held in store by him on the first and last days of such period, and (ii) the amount of butter (if any) put into and taken on the first and last days of such period, and (4) If any person on whom a returns notice is served under this section either refuses or neglects to make a return or returns in accordance with such notice or makes a return which is false or misleading in any material respect, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

**Service of notices.** 5.—A records notice or a returns notice may be served by delivering it to the person to whom it is addressed or by leaving it with a person over the age of sixteen years at the premises where the person to whom it is addressed carries on business or by sending it by registered post to the person to whom it is addressed at the premises where he carries on business.

**Publication of information of stocks of butter.** 6.—(1) The Minister may, from time to time, publish information (including information derived from returns made in pursuance of a returns notice) with respect to the amount of butter from time to time held in stock and stored in Saorstát Éireann. (2) No individual return or part of a return furnished in pursuance of a returns notice shall be published or disclosed except for the purpose of a prosecution.

**Offences.** 7.—Every offence under any provision of this Part of this Act may be prosecuted by or at the suit of the Minister as prosecutor.

**Regulations.** 8.—(1) The Minister may by order make regulations in regard to any matter or thing referred to in this Act as prescribed, or as being or to be prescribed. (2) Every regulation made by the Minister 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 is passed by either House of the Oireachtas within the next subsequent twenty-one days on which that House has sat annulling such regulation, such regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done under such regulation.

**Expenses.** 9.—All expenses of carrying this Part of this Act into effect shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

### **PART III - EXTENSION OF CERTAIN LICENCES**

#### **Extension of licences under section 42 of the of the Principal Act.**

10.—Every licence granted under sub-section (2) of section 42 of the Principal Act and in force, by virtue of section 1 of the Dairy Produce (Amendment) Act, 1927 (No. 35 of 1927), on the 17th day of December, 1930, shall be deemed to have remained in force until the passing of this Act and shall, if the premises to which such licence relates were registered in the register of manufacturing exporters on the passing of this Act, remain in force until the 31st day of March, 1934, but shall continue until that date to be subject and liable to revocation by the Minister as and when he thinks proper.