

Dairy Produce (Amendment) Act, 1934

An Act to amend section 16 and 17 Dairy Produce Act, 1924, and to extend further the duration of certain licences granted under section 42 of the said act.

[6th September, 1934.]

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

Definitions. 1.—(1) In this Act— the expression "the Principal Act" means the Dairy Produce Act, 1924 (No. 58 of 1924); the expression "the Minister" means the Minister for Agriculture. (2) Every word and expression to which a particular meaning is given by the Principal Act for the purposes of that Act has in this Act the meaning so given.

Amendment of section 16 and 17 of the Principle Act. 2.—Where cream is supplied to any premises registered in the register of creameries or the register of cream-separating stations from a mechanically propelled vehicle in respect of which a licence (in this Act referred to as a vehicle licence) granted under this Act is for the time being in force and such cream was separated from milk on such vehicle, the following provisions shall have effect, that is to say:— (a) in case such premises are registered in the register of creameries, such cream shall, be deemed, for the purposes of the following provisions of the Principal Act, namely, paragraph (a) of sub-section (1) of section 16, and section 17, to have been supplied to such premises from premises registered in the register of cream-separating stations, and (b) in case such first-mentioned premises are registered in the register of cream-separating stations, such cream shall be deemed, for the purposes of section 17 & the Principal Act, to have been supplied to such premises from other premises registered in the register of cream-separating stations.

Licensing of vehicles equipped with cream-separating plant. 3.—(1) The Minister may, if he so thinks fit, grant to any person a vehicle licence authorising such person to carry on cream-separating business on any mechanically propelled vehicle which, in the opinion of the Minister, is so constructed and equipped as to be suitable for carrying on such business thereon. (2) In this Act the expression "licensed vehicle" means a mechanically propelled vehicle in respect of which a vehicle licence has been granted and is in force. (3) There shall be paid to the Minister on every application for a vehicle licence a fee of one pound. (4) All fees paid under this section shall be collected and taken in such manner as the Minister for Finance may from time to time direct and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the Minister for Finance. (5) The Public Offices Fees Act, 1879, shall not apply in respect of any fees payable under this section.

Conditions of vehicle licenses. 4.—(1) Every vehicle licence shall be granted subject to the following conditions, that is to say:— (a) that the licensee shall at all times keep the vehicle to which such licence relates and the plant, machinery and appliances therein in a state of cleanliness and good repair; (b) that the licensee shall take all necessary steps to ensure that the milk or cream and all other ingredients and materials used in connection with the cream-separating business carried on in such vehicle shall be clean and kept free from contamination; (c) that the licensee shall make such improvements or additions to the plant, machinery appliances and utensils used in connection with the cream-separating business carried on in such vehicle as the Minister may from time to time require. (2) If the licensee under a vehicle licence fails, neglects, or refuses to comply with the conditions subject to which such licence was granted, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

Inspection of licensed vehicles. 5.—(1) Any inspector (subject to the production by him if so required of his authority in writing as such inspector) may at all reasonable times enter any licensed vehicle and inspect such vehicle and also all plant, machinery, appliances and utensils used in connection with the cream-separating business carried on thereon (2) If any person obstructs or impedes any inspector in the exercise of any of the powers conferred on him by this section, such person shall be guilty of an offence

under this section and shall be liable on summary conviction thereof to, in the case of a first offence under this section, a fine not exceeding five pounds, or, in the case of a second or any subsequent offence, a fine not exceeding ten pounds.

Application of certain provisions of the Principle Act. 6.—(1) Regulations made (whether before or after the passing of this Act) under section 32 of the Principal Act shall apply to and in respect of licensed vehicles in like manner as such regulations apply to and in respect of premises registered in the register of cream-separating stations, and the said section and regulations made thereunder shall be construed and have effect accordingly. (2) The references contained in sections 39 and 40 of the Principal Act to a cream-separating station shall be construed as including references to a licensed vehicle, and the said sections shall have effect accordingly.

Revocation of vehicle licence. 7.—(1) Where the licensee under a vehicle licence is convicted of an offence under any section contained in this Act or under sections 32, 39 or 40 of the Principal Act, as applied by this present Act, the Minister may revoke such licence. (2) The Minister may on the application of the licensee under a vehicle licence revoke such licence.

Extension of licenses under section 42 of the Principle Act. 8.—Every licence granted under subsection (2) of section 42 of the Principal Act and in force, by virtue of section 10 of the Dairy Produce Act, 1931 (No. 29 of 1931), on the 31st day of March, 1934, shall be deemed to have remained in force until the passing of this Act and shall, if the premises to which such licence relates are registered in the register of manufacturing exporters on the passing of this Act, remain in force until the 31st day of March, 1937, but shall continue until that date to be subject to and liable to revocation by the Minister as and when he thinks proper.

Short title and citation. 9.—This Act may be cited as the Dairy Produce (Amendment) Act, 1934, and the Dairy Produce Acts, 1924 to 1931 and this Act may be cited together as the Dairy Produce Acts, 1924 to 1934.