

FLOUR AND WHEATENMEAL ACT 1956

LONG TITLE

An Act to regulate the production, sale and use of flour and wheatenmeal, to control the millers' prices for those commodities and to provide for other matters connected with the matters aforesaid. [4th December, 1956.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I - PRELIMINARY AND GENERAL

1 Short title.

SECT 1.—This Act may be cited as the Flour and Wheatenmeal Act, 1956.

2 Commencement.

SECT 2.—This Act shall come into operation on such day as the Minister by order appoints.

3 Definitions.

SECT 3.—(1) In this Act— "the Assistant State Chemist" means the Assistant State Chemist of the State Laboratory; "authorised officer" means a person appointed by the Minister to be an authorised officer for the purposes of this Act; "flour" means flour derived wholly or mainly from wheat; "home-grown" means grown in the State; "licensed mill" means a mill in respect of which a milling licence is granted; "milling (home-grown wheat) permit" means a permit granted under section 36 of the Agricultural Produce (Cereals) Act, 1933 (No. 7 of 1933), as amended by section 16 of the Agricultural Produce (Cereals) Act, 1934 (No. 41 of 1934); "milling licence" means a licence granted under section 21 of the Agricultural Produce (Cereals) Act, 1933 (No. 7 of 1933); "the Minister" means the Minister for Industry and Commerce; "permit" means a permit granted by the Minister under section 13; "permitted mill" means a mill in respect of which a milling (home-grown wheat) permit has been granted; "prescribed" means prescribed by regulations made under this Act; "standard wheatenmeal" means wheatenmeal produced in the State by the milling of wheat in such manner that no substances are separated in the milling as wheat offals and that the wheatenmeal so produced represents 100 per cent. of the wheat from which it is derived; "the State Chemist" means the head of the State Laboratory; "straight-ran flour" means flour produced in the State by running together all the flour streams of a milling plant which is set to produce as flour the prescribed percentage of the wheat which is fed to the break rolls; "wheatenmeal" includes wheatmeal and wholemeal derived from wheat. (2) References in this Act to selling shall be construed as including references to agreeing or offering to sell or inviting an offer to buy.

4 General provisions as to regulations.

SECT 4.—(1) The Minister may make regulations in relation to any matter or thing referred to in this Act as prescribed or to be prescribed. (2) Regulations for the purposes of section 6 may be made only after consultation with the Minister for Agriculture. (3) A regulation 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.

5 Expenses of the Minister.

SECT 5.—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.

PART II - REGULATION AND CONTROL

6 Production of flour and wheatenmeal.

SECT 6.—(1) All flour produced at a licensed mill, except flour produced in accordance with a permit, shall be straight-run, flour. (2) All wheatenmeal produced at a licensed mill, except wheatenmeal produced in accordance with a permit, shall be standard wheatenmeal. (3) All flour or wheatenmeal produced at a permitted mill, except flour or wheatenmeal produced in accordance with a permit, shall be composed of not less than the prescribed percentage of the wheat from which it is produced. (4) The Minister may prescribe the proportions of home-grown wheat and imported wheat of which millers' grist is to be composed for the production of flour or wheatenmeal and in such case, all flour or wheatenmeal produced at a licensed mill, except flour or wheatenmeal produced in accordance with a permit, shall be derived from the milling of a grist containing not less than the prescribed proportion of home-grown wheat. (5) Every person who is the holder of a milling licence or a milling (home-grown wheat) permit in respect of a mill shall ensure that this section is complied with in respect of the mill.

7 Removal of screenings, seeds and dust in cleaning wheat.

SECT 7.—Except in accordance with a permit, no person shall, in cleaning a bulk of wheat for the purpose of milling, remove from the bulk as screenings, seeds and dust more than the prescribed percentage of the total weight of the bulk.

8 Prohibition on removal of wheat berry.

SECT 8.—A person who carries on any business shall not, for the purposes of or in the course of that business, remove by any means any part of the wheat berry from flour or wheatenmeal, or from any mixture of flour or wheatenmeal with any other commodity.

9 Prohibition on mixing flour and bran for manufacture of bread .

SECT 9.—A person who carries on the business of manufacturing bread for sale shall not manufacture bread from an admixture of flour and bran.

10 Restriction on sale of flour and wheatenmeal.

SECT 10.—Except in accordance with a permit, the holder of a milling licence shall not sell any flour other than straight-run flour, and shall not sell any wheatenmeal other than standard wheatenmeal.

11 Price of flour and wheatenmeal.

SECT 11.—Except in accordance with a permit, the prices to be charged by the holder of a milling licence in respect of a mill for straight-run flour and for standard wheatenmeal produced at the mill shall not exceed such prices as may be prescribed; and different prices may be prescribed for different areas and for different descriptions of straight-run flour and standard wheatenmeal.

12 Manufacture of flour confectionery and other commodities.

SECT 12.—(1) In this section "flour confectionery" means any product of flour to which sugar or other sweetening matter has been added, and, without prejudice to the generality of the foregoing, includes biscuits. (2) The Minister may prescribe the percentage of wheat of which flour for use in flour confectionery or any other specified commodity is to be composed and, in such case, except in accordance with a permit, a person shall not in the course of any business use any flour other than flour of the prescribed percentage in the manufacture of flour confectionery or any such specified commodity. (3) Except in accordance with a permit, a person shall not in the course of any business use wheatenmeal in the manufacture of flour confectionery or any such specified commodity. (4) The price to be charged by the holder of a milling licence for flour of the percentage prescribed under this section produced at the

mill shall not exceed such price as may be specified in a permit granted to that person for the production of that flour. (5) The price to be charged by the holder of a milling licence for standard wheatenmeal produced at the mill for use in the manufacture of flour confectionery or other specified commodities in accordance with a permit shall not exceed such price as may be specified in a permit granted to that person for the production of wheatenmeal.

13 Grant of permits.

SECT 13.—The Minister may, for the purposes of this Act, from time to time grant permits to holders of milling licences or milling (home-grown wheat) permits or to persons who use flour or wheatenmeal for the purposes of their business and may attach to any permit granted by him such conditions as he thinks proper.

PART III - ENFORCEMENT, EVIDENCE AND PENALTIES

14 Powers of entry, inspection and taking of samples by authorised officer.

SECT 14.—(1) Where an authorised officer has reasonable grounds for believing that in any premises any flour or wheatenmeal is being produced, stored, sold or used in the manufacture of any commodity intended for sale— (a) he may at all reasonable times enter and inspect the premises; (b) he may examine any flour, wheatenmeal or other commodity containing flour or wheatenmeal which he finds in the course of any such inspection and take samples thereof without payment; (c) the proprietor of the premises, and any person employed by him therein, is hereby required to produce, at the request of the authorised officer, to such officer any books, documents or records which are in his power, possession or procurement and which relate to any such flour, wheatenmeal or other commodity, to permit the officer to inspect and take extracts from the books, documents or records and to give to him any information, which he may reasonably require, in regard to any entries in the books, documents or records. (2) A person who obstructs or interferes with an authorised officer when he is exercising a power conferred by this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds. (3) A sample may be taken under this section in the prescribed manner or in any other manner. (4) Where— (a) a sample is taken under this section in the prescribed manner, and (b) the State Chemist or the Assistant State Chemist causes the sample to be analysed in the prescribed manner by any person acting under the direction of the State Chemist or the Assistant State Chemist, and (c) the State Chemist or the Assistant State Chemist gives a certificate in the prescribed form of the result of the analysis, evidence of the result of the analysis may be given in any legal proceedings, but, save as aforesaid, evidence of the result of an analysis of a sample taken under this section shall not be given in any legal proceedings. (5) In any legal proceedings the production of a certificate, purporting to be under this section and to be signed by the State Chemist or the Assistant State Chemist, shall be sufficient evidence of the facts stated in the certificate and of the analysis having been duly carried out, unless either party requires the person who made the analysis to be called as a witness.

15 Tampering with samples.

SECT 15.—If any person fraudulently— (a) tampers with any article so as to procure that any sample of it taken under this Act does not correctly represent the article, or (b) tampers or interferes with any sample taken under this Act, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding six months.

16 Certificate of appointment of authorised officer.

SECT 16.—An authorised officer shall be furnished by the Minister with a certificate of his appointment as authorised officer and when exercising any power conferred by this Act shall, if requested by any person affected, produce the certificate to such person.

17 Offences.

SECT 17.—A person who contravenes any provision of this Act shall be guilty of an offence.

18 Penalties.

SECT 18.—A person who commits an offence under this Act for which no special penalty is provided shall be liable on summary conviction to a fine not exceeding one hundred pounds.

19 Prosecution of offences.

SECT 19.—A prosecution for an offence under this Act may be brought by the Minister.