

## LIVESTOCK MARTS ACT 1967

AN ACT TO PROVIDE FOR THE CONTROL AND REGULATION BY THE MINISTER FOR AGRICULTURE AND FISHERIES OF LIVE STOCK MARTS AND THE SALE OF LIVESTOCK AT SUCH MARTS AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID.

[17th August, 1967.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

### SECT 1

Definitions.

1.—In this Act—

"business of a livestock mart" means the business of selling livestock by auction or providing, for the holding of sales of livestock by auction or otherwise, a place adapted for the sale of livestock by auction;

"licence" means a licence under section 3 of this Act;

"livestock" means cattle, sheep or pigs;

"the Minister" means the Minister for Agriculture and Fisheries.

### SECT 2

Prohibition of unlicensed livestock marts.

2.—(1) A person shall not carry on the business of a livestock mart at any place unless there is for the time being a licence in force in respect of that place.

(2) A person who contravenes subsection (1) of this section shall be guilty of an offence.

(3) Subsections (1) and (2) of this section shall come into operation on such day as the Minister may appoint by order.

### SECT 3

Grant of licences for livestock mart.

3.—(1) On the application of or on behalf of a person who proposes to carry on the business of a livestock mart at a specified place in such form and containing such particulars as the Minister may direct, the Minister may, at his discretion, grant or refuse to grant a licence authorising the carrying on of the business of a livestock mart at that place.

(2) The Minister may, at the time of the granting of a licence, attach to the licence such conditions as he shall think proper and

shall specify in the licence.

(3) The Minister may, if he so thinks fit, amend or revoke a condition attached to a licence.

(4) Upon breach of a condition attached to a licence the holder of the licence shall be guilty of an offence.

(5) Where the holder of a licence is guilty of any offence under this Act, the Minister may, if he so think fit, revoke the licence.

(6) ( a ) Whenever the Minister proposes to refuse to grant a licence or to revoke a licence because of a contravention of regulations under section 6 of this Act prescribing any matter specified in paragraphs ( e ) to ( i ) of section 6 ( 2 ) of this Act, he shall, before doing so, notify the holder of or the applicant for the licence of his intention and of the reasons therefor and, if any representations are made to the Minister within seven days after the date of the giving of the notification by the holder or applicant, as the case may be, the Minister shall consider then—

( b ) Whenever the Minister proposes to revoke a licence because of a contravention of regulations under section 6 of this Act prescribing any matter specified in paragraphs ( e ) to ( i ) of section 6 ( 2 ) of this Act, the Minister shall not do so until the expiration of one month after the date of the giving of the notification aforesaid, and, if, within seven days after the giving of the notification aforesaid, the holder of the licence makes a request to the Minister for the holding of an inquiry in relation to the matter, the Minister shall cause an inquiry to be held (unless, as result of the consideration of representations made to him, the Minister has decided not to revoke the licence).

( c ) Where an inquiry is held under this subsection, the Minister shall not revoke the licence until he has considered the report of the person holding the inquiry.

( d ) The Minister shall appoint a person who is a practising barrister of at least ten years standing to hold any inquiry under this subsection and the person so appointed shall have power to take evidence on oath which he is hereby authorised to administer and shall make a report to the Minister of his findings at the inquiry.

( e ) The Minister shall give to the person who requested the holding of the inquiry notice of the time and place of the holding of the inquiry and the person shall be entitled to appear at the inquiry personally or by counsel or solicitor and to adduce evidence.

( f ) There shall be paid to a person holding an inquiry under this subsection such remuneration as the Minister, with the consent of the Minister for Finance, may fix.

(7) Whenever the Minister revokes a licence, he shall cause a statement of his reasons for doing so to be laid before each House of the Oireachtas.

(8) Notwithstanding anything contained in this Act, a person who carries on the business of a livestock mart at any place and who, immediately before the passing of this Act, carried on that business at that place, shall, if in relation to the place, the regulations under this Act are complied with, be entitled to be granted a licence in respect of the place.

#### SECT 4

Exemption from Act.

4.—(1) The Minister may, if he so thinks fit, grant exemption from the provisions of this Act in respect of the carrying on of any particular business or business of any particular class or kind.

(2) This Act shall not apply in relation to a particular business or business of a particular class or kind in respect of which an exemption under this section has been granted and has not been withdrawn.

(3) An exemption under this section may be withdrawn at any time by the Minister.

(4) The Minister shall cause particulars of any grant or withdrawal of an exemption under this section to be laid before each House of the Oireachtas.

#### SECT 5

False statement to obtain licence.

5.—A person who, for the purpose of obtaining a licence for himself or another person, makes a statement or representation which is to his knowledge false or misleading in a material respect shall be guilty of an offence.

#### SECT 6

Regulations in relation to livestock mart.

6.—(1) The Minister may, for the purpose of ensuring the proper conduct of places where the business of a livestock mart is carried on and the proper conduct of such businesses, adequate and suitable hygienic and veterinary standards in relation to such places and auctions of livestock at such places and the provision of adequate and suitable accommodation and facilities for such auctions and for persons and livestock at such auctions, make such regulations as he thinks appropriate in relation to such places and such businesses.

(2) Without prejudice to the generality of subsection (1) of this section, regulations under this section may—

- ( a ) prescribe the manner in which entries for auctions of livestock at such places shall be received,
- ( b ) provide that entries for such auctions shall not be refused except in circumstances prescribed in the regulations,
- ( c ) prescribe the manner in which such auctions shall be conducted,
- ( d ) provide that the receipt of entries for and the conduct of such auctions shall be carried out in accordance with conditions of sale drawn up by the owner of each such place and approved of by the Minister and that the conditions of sale relating to any such place shall be displayed in a prominent position which is accessible to the public at that place,
- ( e ) prescribe requirements as to the size, design, maintenance, repair, cleansing, cleanliness, ventilation, heating and lighting of any buildings in which such auctions are held,
- ( f ) prescribe requirements as to the accommodation (including washing facilities and sanitary conveniences) provided at such places,
- ( g ) prescribe requirements as to and provide for the veterinary examination of livestock at such auctions, the veterinary inspection of livestock marts and the veterinary supervision of such auctions,
- ( h ) provide for the inspection of such places and the supervision of such auctions by health authorities and their officers,
- ( i ) prescribe hygienic and veterinary requirements and standards for such places and such auctions.

(3) A person who contravenes a provision of regulations under this section shall be guilty of an offence.

#### SECT 7

##### Powers of officers of Minister.

7.—(1) An officer of the Minister shall, for the purposes of the execution of this Act, have power to do all or any of the following things, that is to say—

- ( a ) to enter, inspect and examine at all reasonable times by day a place where the business of a livestock mart is carried on;
- ( b ) to require the production of any documents, required to be kept in pursuance of regulations under this Act, and to inspect, examine and copy any of them;
- ( c ) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act and the regulations thereunder and the enactments for the time being in force relating

to public health are complied with, so far as respects the place;

( d ) to require the person who carries on the business of a livestock mart at the place or any person holding a responsible position of management at the place or, in the absence of any such person, any person whom he finds in the place and whom he has reasonable cause to believe to be employed in the place to give such information as it is in his power to give as to who is carrying on the business of a livestock mart in the place;

( e ) to exercise such other powers as may be necessary for carrying this Act into effect.

(2) If any person wilfully delays an officer of the Minister in the exercise of any power under this section, or fails to comply with the requisition of such an officer in pursuance of this section, or to produce any document which he is required in pursuance of regulations under this Act to produce, or wilfully withholds any information he is required in pursuance of this Act to give, that person shall be deemed to obstruct an officer of the Minister in the execution of his duties under this Act.

(3) Where an officer of the Minister is obstructed in the execution of his powers or duties under this Act the person obstructing the officer of the Minister shall be guilty of an offence.

(4) An officer of the Minister performing functions under this Act shall be furnished with a certificate of his authorisation to perform those functions, and when visiting a place where the business of a livestock mart is carried on shall, if so required, produce the said certificate to the person who carries on such business or any other person holding a responsible position of management at the place.

## SECT 8

### Offences and punishments.

8.—(1) ( a ) Every person who attempts or aids, abets, assists, counsels or procures another person, or conspires with another person, to commit an offence under this Act shall be guilty of an offence.

( b ) Where an offence under section 2 of this Act is committed at any place in relation to livestock and a person is, by reason of having sold or bought or offered to sell or buy the livestock at that place, charged with an offence under this section, it shall be a defence for the person to prove that he did not know that there was not, at the time of the sale, purchase or offer, as the case may be, a licence in force in respect of that place.

(2) Where an offence under this Act is committed by a body corporate or by a person purporting to act on behalf of a body corporate or an unincorporated body of persons, and is proved to have been so committed with the consent or approval of, or to have been facilitated by any default on the part of any person being,

in the case of a body corporate a director thereof, or, in the case of an unincorporated body, a member of the committee of management or other controlling authority thereof, that person shall also be guilty of the offence.

(3) Every person who commits any offence under this Act shall be liable—

( a ) on summary conviction, to a fine not exceeding one hundred pounds (together with, in the case of a continuing offence, a further fine not exceeding ten pounds for every day on which the offence is continued) or, at the discretion of the court, to imprisonment for a term not exceeding three months, or to both the fine and the imprisonment, or

( b ) in the case of an offence under section 2 of this Act, on conviction on indictment, to a fine not exceeding five hundred pounds (together with, in the case of a continuing offence, a further fine not exceeding fifty pounds for every day on which the offence is continued) or, at the discretion of the court, to imprisonment for a term not exceeding six months or to both the fine and the imprisonment.

#### SECT 9

Prosecution of unincorporated bodies of persons.

9.—(1) An unincorporated body of persons may be prosecuted for an offence under this Act as if it were a company within the meaning of the Companies Act, 1963, and the provisions of section 382 of that Act shall apply in relation to an unincorporated body of persons as if it were such a company.

(2) Provision may be made by regulations made by the Minister for Justice for enforcing the payment of any fine imposed on any such body on conviction, whether summarily or on indictment, of an offence under this Act, out of any of its assets or funds, wherever found.

#### SECT 10

Laying of order and regulations before Houses of Oireachtas.

10.—Every order and regulation made by the Minister or the Minister for Justice 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 order or regulation is passed by either such House within the next subsequent twenty-one days on which that House has sat after the order or regulation is laid before it, the order or regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

#### SECT 11

Expenses.

11.—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.

SECT 12  
Short title.

12.—This Act may be cited as the Livestock Marts Act, 1967.