

ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. XL.

An Act to continue and amend an Act of the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Eighty-nine, and also the Laws for the Suppression and Prevention of Illicit Distillation in *Ireland*; and to constitute the Constabulary Force Officers of Customs for certain Purposes. [17th *August* 1857.]

WHEREAS an Act was passed in the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Eighty-nine, and it is expedient to amend the same, and also the Laws for the Suppression and Prevention of Illicit Distillation in *Ireland*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 17 & 18 Vict. c. 89.

I. Sections Thirteen, Fourteen, and Seventeen of the said Act, and also Section Three of an Act passed in the Eighteenth and Nineteenth Years of Her Majesty's Reign, Chapter One hundred and three, shall be and the same are hereby repealed. Certain Sections of 17 & 18 Vict. c. 89. and 18 & 19 Vict. c. 103. repealed.

II. All

As to Disposal of Seizures made under recited Act and this Act.

II. All Seizures to be made under the Provisions of the said Act of the Seventeenth and Eighteenth Years of Her Majesty or of this Act by any Officer, Head or other Constable, shall (except in the Cases in this Clause herein-after provided for, and except also in Cases of Seizures made under the Customs Consolidation Act, 1853, herein-after referred to,) be destroyed or otherwise disposed of as the Inspector General of Constabulary shall direct in that Behalf: Provided always, that all Seizures which may be made, under the Powers or Directions of the Sixth Section of the said Act of the Seventeenth and Eighteenth Years of Her Majesty, of Spirits *in transitu* or Process of Removal from Place to Place, where the same shall be sent or removed from or by any Licensed Distiller or Rectifier of or Dealer in or Retailer of Spirits, shall be disposed of in such Manner as the Commissioners of Inland Revenue may direct or authorize in that Behalf.

Penalties and Proceeds of Sales of Seizures to whom to be paid.

III. All Penalties to be recovered by Officers of Constabulary by virtue of the Powers conferred or to be conferred on them under the Authority of the said last-mentioned Act and of this Act, and also the Proceeds of the Sale of any Seizure to be made by them under the said Powers, where such Seizure may, at the Discretion of the Inspector General of Constabulary, be sold, shall, after deducting and paying thereout all reasonable Expenses, be handed over to the Commissioners of Inland Revenue, or to such Person as they shall appoint, for the Use of Her Majesty, anything contained in any former Act to the contrary notwithstanding.

Lord Lieutenant may appoint Officers for the Prevention of Illicit Distillation.

IV. And for the Purpose of carrying into effect the Provisions of the several Acts for the Suppression and Prevention of Illicit Distillation in *Ireland*, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* from Time to Time to appoint such and so many Officers as he or they shall consider necessary or proper in that Behalf, and also to revoke the Appointment of any such Officers; and all such Officers so to be appointed shall have, use, and exercise the same Powers and Duties, and shall be entitled to and receive the same Pay and Allowances, and be under and subject to the same Rules and Regulations, and liable to the same Deductions and Contributions with respect to Superannuation Allowances, Reward Fund, and otherwise, as Officers of the like Rank appointed under the several Acts relating to the Constabulary Force in *Ireland*: Provided always, that the Pay and Expenses of all such Officers as may be appointed in pursuance of this Act shall be paid out of Monies provided by Parliament applicable to such Expenses; and provided also, that nothing in this Act shall interfere with the Distribution of the existing Constabulary

As to Pay, and Expenses of Officers appointed under this Act.

bulary Force in reference to their present Duties in the respective Counties.

Officers of Constabulary to have the same Power as Officers of Excise and Customs in relation to certain Offences.

V. All Officers of the said Constabulary Force, appointed or to be appointed under any Act relating to the said Force, or under this Act, shall have, use, and exercise all the Powers and Authorities, and have and possess all the Privileges, granted to Officers of Excise in relation to any Offence committed or to be committed, or suspected to be committed, under or contrary to the Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, Chapter Fifty-five, intituled *An Act to consolidate and amend the Laws for suppressing the illicit making of Malt and Distillation of Spirits in* Ireland, or in relation to any Offence mentioned in the One hundred and thirty-eighth Section of the Act passed in the Sixth Year of the Reign of King *George* the Fourth, Chapter Eighty, which said last-mentioned Section is hereby extended to *Ireland*, and shall have, use, and exercise all the Powers and Authorities, and have and possess all the Privileges, which are or may be exercised, had, or possessed by any Officer of Customs under the "Customs Consolidation Act, 1853," or any other Act now in force or hereafter to be passed, in relation to the Customs, so far as relates to any Seizure, Detention, or Prosecution which may be made or had under any such Act or Acts, and shall be deemed and considered to be Officers of Customs for such Purposes; but such Officers of the Constabulary Force shall have, use, and exercise the Powers and Authorities conferred by this Act so long only as they shall be and continue Officers of such Constabulary Force.

Proceedings to be conducted according to Provisions of 14 & 15 Vict. c. 93.

VI. All Proceedings under the said Act of the First and Second Years of *William* the Fourth, and the said One hundred and thirty-eighth Section of the Act of the Sixth Year of *George* the Fourth, shall be conducted, and all Penalties and Costs under the same shall be sued for, levied, and recovered, as by the Petty Sessions (*Ireland*) Act, 1851, is directed and provided, anything in the said Acts or any of them to the contrary notwithstanding.

Treasury may grant Compensation to Officers of the Revenue Police deprived of their Employment by the Operation of this Act.

VII. And whereas the carrying into effect by the said Constabulary Force of the Provisions of the said Acts for the Suppression and Prevention of illicit Distillation in *Ireland* may eventually render unnecessary the Employment of the Force now known as the Revenue Police in *Ireland*, and will in the meantime enable the Commissioners of Inland Revenue to reduce the Numbers of the said last-mentioned Force, and it is proper to provide for the Compensation of Officers and Men of the said Revenue Police who may lose their Employment by the Discontinuance or Reduction of the said last-mentioned Force:

Be

Be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to grant and allow to any Officer or other Person who may be deprived of his Employment in the said Revenue Police, by reason of any such Discontinuance or Reduction of the said Force as aforesaid, such Compensation, either by way of Pension or Gratuity, as the said last-mentioned Commissioners may think proper and reasonable in that Behalf, to be paid out of Monies provided by Parliament for that Purpose: Provided always, that if any such Officer or other Person of the said Revenue Police shall be appointed under the Powers of this Act to the said Constabulary Force, his previous Service in the said Revenue Police shall, for the Purpose of Superannuation Allowance and otherwise, be counted as Service in the said Constabulary Force; provided that a Sum of Money equal to the Rate of Two and a Half *per Cent.* on the aggregate Amount of the Pay of an Officer of the Constabulary Force for the Period of such Service in the said Revenue Police shall be paid on his Behalf to the Constabulary Superannuation and Reward Funds.

Interpretation of Terms.

VIII. The Term "Officer" or "Officers" used in this Act with reference to the Constabulary Force in *Ireland* shall include Head or other Constable of the said Constabulary Force.

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