CHAPTER 2.

An Act to provide for the Supply of Seed Potatoes to Occupiers and Cultivators of Land in Ireland. A.D. 1895.

[14th March 1895.]

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:

Short title.

1. This Act may be cited as the Seed Potatoes Supply (Ireland) Act, 1895.

Powers of Guardians to borrow.

2. The Guardians of any poor law union may apply to the Local Government Board for a loan under this Act for the use of any electoral division of their union, and if they satisfy the Local Government Board that the occupiers of land in that division are generally unable, through poverty and the extent of the failure of the potato crop, to procure an adequate supply of seed potatoes, the Local Government Board may approve of the application, and in that case shall transmit it to the Board of Works, who may, with the consent of the Treasury, make, out of any moneys at their disposal for the purpose of local loans, a loan to such Board of Guardians, on the security of the poor rate, leviable in the said electoral division, and without requiring any further or other security.

Terms of loan.

3.—(1.) Such loan shall be repayable by the Guardians to the Board of Works by two equal instalments, the first of which shall be paid on the first day of August one thousand eight hundred and ninety-six, and the second on the first day of August one thousand eight hundred and ninety-seven.

(2.) The interest on such loan or on so much as is for the time being not repaid shall be at the lowest rate fixed by the Treasury for interest on local loans in Ireland, and shall be paid by equal half-yearly payments to the Board of Works out of the Irish Church Temporalities Fund.

(3.) When any such loan is made for the benefit of any electoral division, all poor rates leviable in the division shall become forthwith charged, without any deed of mortgage or other instrument, with the repayment by the said instalments of the loan.

Orders for payment of loans may be made by

4. If at any time the Board of Works certify that any sum is payable to them by the Guardians of any union on account of any loan under this Act for the benefit of an electoral division, the

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Local Government Board.

Local Government Board shall, by order under their seal, assess that sum on the electoral division, and shall send copies of the order to the Guardians and to the treasurer of the union; and thereupon the treasurer of the union shall, out of any money then in his hands to the credit of the Guardians, or if such money is insufficient, then, out of all moneys subsequently received by him on account of the Guardians, pay the amount mentioned in the order to the Board of Works. The Guardians shall debit the electoral division with the amount so assessed.

Application of loans.

5.—(1.) Where the Guardians obtain a loan under this Act for the benefit of any electoral division, they may apply the whole or any part thereof in purchasing seed potatoes, and in defraying all expenses incurred for carriage, storage, or otherwise in providing the same for sale, and shall, when required by the Local Government Board, repay to the Board of Works any portion of the loan which is not so applied.

(2.) The Guardians shall sell such seed subject to the following provisions:—

(*a.*) Seed shall not be sold to any occupier of land the rateable value of which exceeds fifteen pounds, nor for less than the net price paid by the guardians for it, including all expenses incurred for carriage, storage, or otherwise in providing such seed for sale:

(*b.*) The Guardians may sell to any such occupier of land a quantity of seed potatoes not exceeding twelve hundredweight:

(*c.*) They may sell to any person, who cultivates for his own use any land under a contract made by him with the occupier of the land for the purpose of growing potatoes, seed potatoes not exceeding six hundredweight: Provided that upon any such sale the Guardians shall obtain such security as they may think sufficient for the payment of the price of the seed sold:

(*d.*) Seed shall not be sold to any person unless the Guardians, or such persons as the Local Government Board may nominate in that behalf, are satisfied that the land into which it is to be put has been properly prepared, and is ready for sowing:

(*e.*) An abatement of one-fifth shall be made in the price of all seed which is paid for in cash; and any loss thereby occasioned shall be charged on and paid out of the Irish Church Temporalities Fund:

(*f.*) All sums received for seed paid for in cash shall be paid by the Guardians to the Board of Works at the prescribed times, and shall be applied in repayment of the loan with which the seed was bought.

Recovery of price from purchasers.

6.—(1.) The amount due to the Guardians on account of any seed sold shall be paid by two equal instalments.

(2.) For obtaining payment of each such instalment due from any person the Guardians shall levy the amount, where the person is rated to the poor rate, either as part of the poor rate payable by such person, or by a special rate to be added to the poor rate

assessed on the tenements occupied by such person, and to be collected therewith.

(3.) Where such person is not rated to the poor rate the Guardians shall make a special rate for the purposes of this Act in which he shall be rated.

(4.) Every such special rate shall be recoverable in the same manner and with the same remedies by the collectors of the poor rate as if it were poor rate, and shall be lodged to the credit of the Guardians with the treasurer of the union, and shall be transmitted by the Guardians at their next meeting to the Board of Works.

(5.) Provided that no person shall be entitled to make any deduction from his rent on account of any such special rate.

(6.) The first of such special rates shall be made by the Guardians at the same time as the first ordinary poor rate made after the first day of July one thousand eight hundred and ninety-five, and the second of such special rates shall be made by the Guardians at the same time as the first ordinary poor rate made after the first day of July one thousand eight hundred and ninety-six.

The first instalment payable by each purchaser of seed shall be due on the day on which the first of such special rates is made, and the second instalment shall be due on the day on which the second of such special rates is made. Any such instalment may be paid to the Board of Guardians at any earlier date.

Power to postpone instalment.

7. The Lord Lieutenant, with the consent of the Treasury, may, on the application of any Guardians made through the Local Government Board, postpone the payment of any instalment due from or to the Guardians under this Act to any day not later than the first day of August one thousand eight hundred and ninety-nine; and the time of making the special rates for the purpose of obtaining payment of any instalment so postponed shall be postponed for a corresponding period; and the postponed instalment shall become due on the day on which such postponed special rate is made.

Power of entry and inspection.

8.—(1.) The Lord Lieutenant, on the application of the Local Government Board, may, with the consent of the Treasury, appoint inspectors to assist the Guardians in the purchase of seed potatoes under this Act, and in all arrangements for the inspection, storage, and distribution of the same, and those inspectors shall be paid out of moneys provided by Parliament such remuneration as the Lord Lieutenant with the approval of the Treasury may direct.

(2.) All purchases by the Guardians of seed potatoes under this Act shall be made subject to the approval of the Local Government Board.

(3.) Any member of the Board of Guardians of the union, or any person nominated by the Guardians, or any inspector appointed under this Act, may at all reasonable times enter into and examine any land occupied or tilled by a purchaser of seed under this Act from such Guardians, for the purpose of ascertaining whether the seed has been properly sown, and may do all acts reasonably necessary for that purpose.

(4.) For the purpose of facilitating such examination the Guardians shall keep a list of the names and addresses of all

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purchasers of seed, and shall permit such list to be inspected by any person having authority to enter and examine under this Act.

(5.) If any person refuses to a Guardian or other person acting in execution of the powers conferred by this section admission to any land which such Guardian or person is entitled to enter or examine, or obstructs or impedes him in so entering or examining, the person so offending shall be liable, on summary conviction, to a fine not exceeding five pounds.

Summary recovery of price of seed.

9. If any purchaser of seed from Guardians under this Act does not properly sow such seed, the Guardians may forthwith recover the price of such seed, whether the amount is more or less than two pounds, before the justices in petty sessions, in the manner prescribed by the Act of the session of the twenty-second year of the reign of Her present Majesty, chapter fourteen, and any Acts amending it; and the provisions of such Acts shall apply as if the amount was under two pounds.

22 Vict. c. 14.

Rules and regulations.

10. The Local Government Board may make general rules and regulations as regards,—

(*a*) the times and manner of summoning and holding meetings of Guardians for the purposes of this Act:

(*b*) the time within which applications are to be made under this Act:

(*c*) the information to be given by Guardians to the Local Government Board in respect of the persons in the several electoral divisions in the unions who are in need of, but are unable to procure, seed potatoes, and who the Guardians believe would be willing to purchase the same under this Act:

(*d*) the forms of all estimates, circulars, notices, and receipts to be used by the Guardians under this Act:

(*e*) the times at which sums received by Guardians as the price of seed paid for in cash are to be paid to the Board of Works:

(*f*) any other matter or thing, whether similar or not to those before mentioned, in respect of which it may seem to the Local Government Board expedient to make rules and regulations for the purpose of carrying this Act into effect.

Savings.

11.—(1.) Nothing in this Act shall prejudice or affect any proceedings which might have been instituted by the Board of Works or by any Guardians for the enforcement of any contract or the recovery of any debt.

(2.) No electoral disability or loss of parliamentary or other franchise shall be incurred by any voter by reason of the purchase of seed under this Act.

Repayment of loans made by Board of Works.

12. If at any time within three months before the passing of this Act the Board of Works have advanced money to any Guardians for the purchase of seed, the sum so advanced, or any part thereof remaining unpaid, shall be a charge upon the rates leviable on such electoral divisions in the union as the Local Government Board appoint; and such sum or part shall be repaid in the same manner as sums lent by the Board of Works to Guardians under the

authority of this Act, and the provisions of this Act relative to the repayment of loans made under the authority of this Act shall apply to such loans made before the passing of this Act.

Confirmation of expenditure by Guardians, and indemnity.

13. If at any time within three months before the passing of this Act any outlay has been made by any Guardians, with the sanction of the Local Government Board, for the purchase of seed for sale to occupiers of land or other persons qualified to purchase such seed under this Act in the union, such outlay, and all resolutions and proceedings of the board and of their officers in relation thereto, shall be ratified and confirmed and be as valid and effectual as if the outlay had been made, and the resolutions and proceedings had been passed and taken, under the authority and in compliance with the provisions of this Act; and all persons who have acted in any manner in making any loan to any Guardians, or in making any advance of money to the Board of Works for the purpose of any such loan, or in making such outlay for seed, shall be released and indemnified from and against any penalties and surcharges in consequence thereof.

Definitions.

14. In this Act—

The expression "poor rate" means any rate leviable under the Acts made for the relief of the poor in Ireland:

The expression "rateable value" means the annual rateable value under the Irish Valuation Acts, and, where any land occupied is not separately valued under those Acts, means such value as the Guardians of the union determine would be the rateable value if such premises were so separately valued:

The expression "Local Government Board" means the Local Government Board for Ireland:

The expression "Board of Works" means the Commissioners of Public Works in Ireland:

The expression "Guardians" means a Board of Guardians:

The expression "Irish Church Temporalities Fund" means the fund under the control of the Land Commission by virtue of the Irish Church Act Amendment Act, 1881: 44 & 45 Vict. c. 71.

The expression "prescribed" means prescribed by rules made in pursuance of this Act.

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