

Number 35 of 1983

CONTROL OF EXPORTS ACT, 1983
AN ACT TO PROVIDE FOR THE CONTROL OF THE EXPORTATION
OF GOODS OTHER THAN AGRICULTURAL AND FISHERY
PRODUCTS AND TO PROVIDE FOR OTHER MATTERS CONNECTED
WITH THE MATTER AFORESAID.

[13th December, 1983.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

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Interpretation.

1.—In this Act—

"exportation" includes the exportation of goods brought into the State for transhipment, whether under bond or otherwise;

"goods" does not include an agricultural product or a fishery product within the meaning, in each case, of section 1 of the Agricultural and Fishery Products (Regulation of Export) Act, 1947;

"licence" means a licence issued pursuant to *section 3* of this Act;

"the Minister" means the Minister for Trade, Commerce and Tourism.

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Prohibition of exportation of goods.

2.—(1) The Minister may, whenever and so often as he thinks fit, by order prohibit, subject to such exceptions, if any, as he may think proper, the exportation of goods of any specified description, save under and in accordance with a licence.

(2) The Minister may, after consultation with the Minister for Foreign Affairs, by order prohibit, subject to such exceptions, if any, as he may think proper, the exportation of goods of any specified description to a specified destination, save under and in accordance with a licence.

(3) An order under this section may make provision for such other matters as appear to the Minister necessary for securing the due operation and enforcement of the order.

(4) The Minister may revoke or amend an order made under this section including this subsection.

(5) Every order made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling that order is passed by either such House within the next subsequent twenty-one days on which that House has sat after that order is laid before it, such order shall be annulled accordingly, but without prejudice to the validity of anything previously done under that order.

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Licences.

3.—(1) The Minister may, at his discretion, issue or refuse a licence.

(2) The Minister may attach to a licence such conditions as he may think proper and specifies in the licence.

(3) The Minister may revoke a licence issued under this section.

(4) Every person who, for the purpose of obtaining for himself or for any other person a licence, makes any statement or representation which is, to his knowledge, false or misleading in any material respect shall be guilty of an offence.

(5) A person guilty of an offence under this section shall be liable, on conviction on indictment, to a fine not exceeding £10,000 or three times the value of the goods in respect of the exportation of which the licence is sought, whichever is the greater, or, at the discretion of the court, to imprisonment for a term not exceeding two years or to both the fine and the imprisonment.

(6) A Justice of the District Court shall have jurisdiction to try summarily an offence under this section if

(a) the Justice is of the opinion that the facts proved or alleged against a defendant charged with such an offence constitute a minor offence fit to be tried summarily,

(b) the Director of Public Prosecutions consents,

and

(c) the defendant (on being informed by the Justice of his right to be tried by a jury) does not object to being tried summarily,

and upon conviction under this subsection, the said defendant shall be liable to a fine not exceeding £800 or, at the discretion of the court, to imprisonment for a term not exceeding six months, or to both the fine and the imprisonment.

(7) Section 13 of the Criminal Procedure Act, 1967, shall apply in relation to an offence under this section as if, in lieu of the penalties specified in subsection (3) of the said section 13, there were specified therein the penalty provided for by subsection (6) of this section, and the reference in subsection (2) (a) of the said section 13 to the penalties provided for in the said subsection (3) shall be construed and have effect accordingly.

(8) An offence under this section may be prosecuted by the Minister.

(9) Notwithstanding the provisions of section 10 (4) of the Petty Sessions (Ireland) Act, 1851, proceedings for a summary offence under this Act may be taken within two years from the date of the offence.

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Transfer of power of Minister to another Minister.

4.—(1) The Government may by order transfer to and vest in another Minister of the Government all the powers conferred by this Act on the Minister, so far as such powers relate to or are concerned with any particular goods specified in such order.

(2) Whenever the powers of the Minister under this Act in relation to any particular goods are for the time being vested in another Minister of the Government by virtue of an order under this section, the Government may by order retransfer to and re-vest in the Minister the said powers, so far as the same relate to or are concerned with the said particular goods.

(3) The Government may by order amend an order made under this section including this subsection.

(4) Whenever and so long as the powers conferred on the Minister by this Act, are, so far as they relate to or are concerned with any particular goods, vested in another Minister of the Government by virtue of an order under this section, then the references in *sections 2 and 3* of this Act to the Minister shall in relation to the said particular goods be construed as references to the Minister of the Government in whom such powers are so vested.

(5) No transfer or retransfer under this section of powers shall prejudice or affect the validity, operation or duration of any order made or thing done in exercise of such powers before such transfer or retransfer, as the case may be, by the Minister of the Government in whom such powers were for the time being vested, and references in any such order to the Minister of the Government by whom such order was made shall be construed and have effect as references to the Minister of the Government in whom such powers are for the time being vested.

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Continuation of Orders.

5.—Every order made under an enactment repealed by this Act, and in force immediately before the passing of this Act shall continue in force as if made under the corresponding provision of this Act.

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Expenses.

6.—The expenses incurred by the Minister or by any other Minister of the Government in the execution 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.

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Repeals.

7.—The Control of Exports (Temporary Provisions) Act, 1956, and the Control of Exports (Temporary Provisions) Act, 1956 (Continuance) Act, 1982, are hereby repealed.

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Short Title.

8.—This Act may be cited as the Control of Exports Act, 1983.