

Red Cross Act, 1938



Number 32 of 1938.

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Number 32 of 1938.

RED CROSS ACT, 1938.

AN ACT TO ENABLE, SO FAR AS IRELAND IS CONCERNED, EFFECT TO BE GIVEN TO AND ADVANTAGE TAKEN OF CERTAIN PROVISIONS CONTAINED IN AN INTERNATIONAL CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED AND SICK IN ARMIES IN THE FIELD AND AN INTERNATIONAL CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR, BOTH OF

WHICH WERE SIGNED AT GENEVA ON THE 27TH DAY OF JULY, 1929, AND FOR THAT PURPOSE TO MAKE PROVISION FOR THE ESTABLISHMENT AND INCORPORATION IN IRELAND OF A RED CROSS SOCIETY AND FOR CERTAIN OTHER MATTERS. [14th December, 1938.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Establishment of Red Cross Society.

1.—(1) The Government may by order (in this section referred to as the establishment order) declare—

- (a) that there shall be established as on and from a specified date a society (in this Act referred to as the Society) to be called by the name specified in the establishment order;
- (b) that the Society shall by such name be a body corporate and have perpetual succession and a common seal (which shall be judicially noticed) and may by such name sue and be sued;
- (c) that the primary objects of the Society shall be—
 - (i) to furnish volunteer aid to the sick and wounded of armies in time of war,
 - (ii) to furnish relief to prisoners of war,
 - (iii) in time of peace or war to carry on and assist in work for the improvement of health, the prevention of disease and the mitigation of suffering throughout the world;
- (d) that the Society shall consist of the persons named in that behalf in the establishment order and all other persons who shall, in accordance with the rules of the Society, become members thereof so long as such first mentioned persons or such other persons (as the case may be) continue to be members.

(2) The Government may by the establishment order make provision in relation to all or any of the following matters, that is to say:—

- (a) the powers of the Society;
- (b) the organisation of the Society;
- (c) the management and administration of the affairs of the Society by a governing body;
- (d) the delegation to such governing body of the power to make rules for the Society;
- (e) the holding of annual and other meetings of the Society;
- (f) the finances and accounts of the Society;
- (g) any other matters in relation to the Society in respect of which it appears to the Government desirable and proper that provision should be made.

(3) The Government may, whenever and so often as they think fit, by order under this sub-section amend (whether by addition, omission, or variation) the establishment order or any order under this sub-section.

(4) Every order made under this section shall have, according to the tenor thereof, the force of law.

(5) Every order 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 such order is passed by either House of the

Oireachtas within the next subsequent twenty-one days on which that House has sat after such order is so laid before it, such order shall be annulled accordingly, but without prejudice to the validity of anything previously done under such order.

Grants and loans to the Society.

2.—The Minister for Finance may, out of moneys provided by the Oireachtas, afford assistance to the Society by way of grant or loan on such terms and conditions as he shall think proper.

Power to authorise voluntary aid societies to render assistance to the Army Medical Service.

3.—The Government may, for the purposes of Article 10 of the International Convention for the amelioration of the condition of the wounded and sick in armies in the field signed at Geneva on the 27th day of July, 1929, from time to time by order authorise any voluntary aid society (including the Society) operating in the State to render assistance to the Army Medical Service, and may from time to time by order withdraw any such authorisation.

Restriction on use of Red Cross, etc.

4.—(1) On and after the date of the establishment of the Society it shall not be lawful for any person to use for the purpose of trade or business or any other purpose whatsoever, without the consent of the Minister for Defence, the heraldic emblem of the red cross on a white ground formed by reversing the Federal colours of Switzerland or any emblem closely resembling such heraldic emblem, or the words “*Cros Dearg*” “*Cros na Geinéibhe*”, “*Red Cross*” or “*Geneva Cross*” or any words closely resembling the words “*Cros Dearg*”, “*Cros na Geinéibhe*”, “*Red Cross*” or “*Geneva Cross*”.

(2) If any person acts in contravention of this section such person shall be guilty of an offence under this section.

Restriction on use of arms of the Swiss Confederation.

5.—(1) It shall not be lawful for any person without the authority of the Minister for Industry and Commerce to use or display, for the purposes of his trade or business or for any other purpose whatsoever—

(a) any design consisting of a white or silver cross on a red ground, none of the limbs of which extends to the margin of the ground, being the cross comprised in the Arms of the Swiss Confederation, or

(b) any design which is a colourable imitation of such first-mentioned design.

(2) If any person acts in contravention of this section such person shall be guilty of an offence under this section.

(3) Nothing in sub-section (1) of this section shall affect the right (if any) of the proprietor of a trade mark registered before the 19th day of June, 1931, and containing the arms of the Swiss Confederation or an imitation thereof to continue to use such trade mark.

Penalties for offences and disposition of forfeited goods.

6.—(1) Every person guilty of an offence under any section of this Act shall be liable on summary conviction thereof to a fine not exceeding ten pounds, and the Court may also order any goods in relation to which the offence was committed to be forfeited.

(2) Where any goods are forfeited under this section such goods shall be disposed of in accordance with the directions of the Minister for Defence and any moneys arising from any such disposition shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct.

Offences by bodies corporate.

7.—Where an offence under any section of this Act is committed by a body corporate and is proved to have been so committed with the consent or approval of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of such body corporate, such director, manager, secretary or other officer shall also be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly.

8.—The Geneva Convention Act, 1911, is hereby repealed as on and from the date of the establishment of the Society.

Repeal of Geneva
Convention Act,
1911.

Short title.

9.—This Act may be cited as the Red Cross Act, 1938.

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