



54023001299095

**AN BILLE IASCAIGH MHARA, 1952.
SEA FISHERIES BILL, 1952.**

EXPLANATORY MEMORANDUM.

The principal objects of the Bill are :—

- (1) to ensure improved outlets, with particular reference to the home market, for landings made by the inshore fishermen;
- (2) to introduce, by the establishment of a new Board, a system of closer supervision and control of sea-fishing operations, with greater attention to the needs of the industry at both the production and marketing ends, than had been practicable under the set-up of the Irish Sea Fisheries Association, Limited;
- (3) to link up the production and distribution sides of the business in a new representative Association the Committee of which would consult the Board in regard to any matter materially affecting the interests of its members and the sea-fishing industry in general.

The forty-two Sections comprising this Bill are grouped in six Parts with two Schedules and comment may conveniently be offered by reference seriatim to these groupings.

PART I (Sections 1 to 7).

PRELIMINARY AND GENERAL.

There are contained in this Part merely the routine provisions (i.e., definitions, commencement date, etc.) applicable to such a piece of legislation.

PART II (Sections 8 to 13).

REGULATION OF SEA-FISHING.

This Part provides for important changes in the existing régime.

Under Section 8 the Minister may make regulations for the landing, sale, storage, handling, transport, processing and treating of seafish as appear to him to be necessary or desirable to secure the best use of supplies of that commodity.

Section 9 provides that no vessel exceeding 35 feet over-all in length may be used for sea-fishing unless duly licensed by the Minister and that, save in the case of vessels registered in the State as at 1st February, 1952, licences shall not be issued in respect of vessels which are not in full Irish ownership. This restriction as to ownership will not apply to the Board to be set up under Part III. Section 9 further provides that the landings of any licensed vessel owned, chartered or hired by any person directly engaged in either the wholesale or retail sale of fresh fish shall be disposed of by or at the direction of the Board.

Section 10 enables the Minister to refuse a licence in circumstances where a question of revocation of a former licence is involved and Section 11 empowers the Minister to revoke a licence upon a second or subsequent conviction for contravention of a condition of a licence.

Section 13 provides penalties for contravention of any of the provisions of this part or of any regulations made by the Minister under Section 8.

PART III (Sections 14 to 23).

AN BORD IASCAIGH MHARA.

A new Board (An Bord Iascaigh Mhara) will be established under Section 14. In general it shall be the duty of this Board to exercise the functions which so far have been exercised or were capable of being exercised by the Irish Sea Fisheries Association, Limited (Comhlachas Iascaigh Mhara na hÉireann, Teoranta). The powers of the Board are set out in Section 15.

In each year the Board shall receive such sums by way of grants and advances wherewith to meet its financial requirements as may be determined by the Minister with the concurrence of the Minister for Finance (Sections 18 and 19). The Board shall be responsible for due repayment to the Exchequer of all such advances together with interest thereon (Sections 21 and 22).

Subject to the consent of the Minister (given after consultation with the Minister for Finance) the Board may borrow temporarily from bankers monies to meet current expenditure (Section 23).

The composition of the Board, appointment of staff, etc., are provided for in the First Schedule.

PART IV (Sections 24 and 25).

AN COMHLACHAS IASCAIGH MHARA.

Section 24 sets up an organisation to be called An Comhlachas Iascaigh Mhara (referred to as the Association) the duty of which shall be to watch over the interests of its members and of the sea-fishing industry in general and to make such representations as it thinks proper to the Board in relation to such matters (Section 25).

The composition of the Association, the regulation of its procedure, finances, etc., are provided for in the Second Schedule.

PART V (Sections 26 to 32).

DISSOLUTION OF COMHLACHAS IASCAIGH MHARA NA hÉIREANN.

By virtue of Section 26 Comhlachas Iascaigh Mhara na hÉireann, Teoranta (the Irish Sea Fisheries Association, Limited) shall be dissolved and all its property, assets and liabilities transferred to the Board (Section 27).

PART VI (Sections 33 to 42).

LICENCES TO SELL FRESH FISH.

This Part of the Act provides that in any area fixed by Order by the Minister any person who sells fresh fish by auction or who acts as agent for the sale by wholesale of fresh fish must hold a fish sales licence granted by the Minister.

An application for a licence shall be made in the prescribed form and a fee of such amount as may be fixed by the Minister, with the consent of the Minister for Finance, shall be paid on the grant of each such licence; licences shall be valid for one year unless sooner revoked (Sections 34 to 36).

Section 37 enables the Minister to revoke a licence if the holder thereof is convicted of an offence under any of the Fisheries Acts or this Act or is convicted of fraud, dishonesty or breach of trust.

Section 38 (2) provides penalties for contravention of this Part.

FIRST SCHEDULE.

BORD IASCAIGH MHARA.

The Board will be a corporate body with a membership of six (of whom one will be Chairman), all of whom will be appointed by the Minister and be paid such fees as may be approved by the Minister for Finance. The term of office of a member shall be two years but a person appointed to fill a vacancy shall hold office for only the remainder of the period for which his predecessor was appointed; all members shall be eligible for re-appointment (paragraphs 1 and 2).

The Board may appoint such staff (including a Manager whose appointment and terms of office shall be subject to the approval of the Minister) as they think proper (paragraph 7).

The Board shall be bound to keep in such form as may be approved by the Minister (after consultation with the Minister for Finance) full and proper accounts of all monies received and expended. It shall be a further obligation upon the Board to have their accounts audited each year within a period to be prescribed by the Minister who (with the consent of the Minister for Finance) will appoint duly qualified auditors for the purpose. Immediately thereafter the Board shall furnish to the Minister a copy of the accounts as certified by the auditors and shall publish and put on sale such accounts as may be directed by the Minister (paragraph 9).

SECOND SCHEDULE.

AN COMHLACHAS IASCAIGH MHARA.

The management of the Association shall be entrusted to a Committee comprising

- (a) four representatives of seafishermen,
- (b) two representatives of the retail fish trade, and
- (c) two representatives of the other members of the Association,

one of whom shall be elected as Chairman by the members of the Association.

Pending the holding of formal elections (under paragraph 8) there shall be a provisional committee consisting of

- (a) the persons who immediately prior to the establishment of the Association were the elected directors of the dissolved body, and
- (b) four other persons appointed by the Minister (after consultation with the Board), of whom two shall be members of the retail fish trade and two shall be members of the distributive fish trade other than the retail fish trade,

one of whom shall be nominated as Chairman by the Minister.

The provisional Committee, which shall not hold office longer than twelve months, will make all the necessary arrangements for the election of members of the regular Committee.

Members of the Committee shall be paid by the Board travelling and maintenance expenses in respect of their attendance at meetings of the Committee to such extent as the Board may decide (paragraph 6).

Paragraph 7 provides that the Committee shall keep the following registers of membership of the Association :—

- (a) a register of seafishermen,
- (b) a register of persons engaged in the retail fish trade,
- (c) a register of the other members,

and the Committee shall furnish the Board with such information as to membership as the Board may require.

The Association may, if it thinks fit, appoint a secretary on such terms and conditions as may be approved by the Board and whose remuneration and expenses shall be defrayed out of monies held by the Board in trust for the Association (paragraph 4).

Under paragraph 11 the Board shall in every year provide accommodation in Dublin or in such other place as may be agreed upon by the Board and the Committee for the holding of four meetings of the Committee and for one general meeting of the Association. In connection with meetings for which accommodation is thus being provided and also for the performance of the general clerical work of the Association as well as for the conduct of elections, the Board may, at the request of the Committee, make available the services of members of their staff. During the first twelve months all such services and accommodation shall be provided free of charge but thereafter their cost shall be recouped to the Board by the Association.

Paragraph 12 provides for payment of an entrance fee by every person becoming a member of the Association, except those previously enrolled as seafishermen members of the dissolved body. Such entrance fee shall be—

- (a) for a seafisherman, one shilling,
- (b) for any other person, five shillings,

and, in addition, each member shall pay an annual subscription of five shillings.

All such fees and subscriptions shall be collected by the Committee of the Association and transferred to the Board to hold in trust for the Association and the Board shall make thereout such disbursements as the Committee may duly request.

An Roinn Talmhaíochta,

Feabhra, 1952.