



AN BILLÉ IASCAIGH MHARA, 1952.
SEA FISHERIES BILL, 1952.

Mar a leasaíodh i gCoiste.
As amended in Committee.

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AN BORD IASCAIGH MHARA.

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AN COMHLACHAS IASCAIGH MHARA.



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

BILL

entitled

5 AN ACT TO PROVIDE FOR THE IMPROVEMENT AND REGULATION OF THE SEA-FISHING INDUSTRY AND FOR MATTERS (INCLUDING THE CHARGING OF FEES ON CERTAIN LICENCES) CONNECTED WITH THE MATTERS AFORESAID.

10 BE IT ENACTED BY THE OIREACTHAS AS FOLLOWS :—

PART I.

PRELIMINARY AND GENERAL.

- 1.—This Act may be cited as the Sea Fisheries Act, 1952. Short title.
- 2.—In this Act— Definitions.
- 25 “the Association” means the body established by *section 23*; Association.
- “the Board” means the body established by *section 14*; Board.
- “the distributive fish trade” includes the wholesale fish trade, the retail fish trade and the business of curing, smoking, canning or otherwise processing fish for sale; distributive fish trade.
- 20 “fresh fish” means fish which has not been salted, smoked, cured or otherwise artificially preserved, but includes fish which has been preserved solely by refrigeration; fresh fish.
- “licence” means a licence under *section 9*; licence.
- “master”, in relation to a sea-fishing boat, means the master, skipper or other person for the time being in charge of the boat; master.
- 25 “the Minister” means the Minister for Agriculture; Minister.
- “prescribed” means prescribed by regulations made by the Minister; prescribed.
- “sea-fish” means fish of any kind found in the sea and whether fresh or in other condition and includes crustaceans and molluscs found in the sea; sea-fish.
- 30 “sea-fishing” means fishing for or taking sea-fish in tidal waters; sea-fishing.
- “sea-fishing boat” means any ship, boat or other vessel of whatsoever kind used for sea-fishing, and includes any ship, boat or other vessel used for the treatment of fish or wholly or mainly for the transport of fish; sea fishing boat.
- 35 “seafisherman” means an individual who engages in sea-fishing and does not directly engage in either the wholesale or retail sale of fresh fish; seafisherman.
- 40 “the wholesale fish trade” includes the business of auctioning fish. wholesale fish trade.

Commencement. 3.—This Act shall come into operation on such day or days as may be fixed therefor by order or orders of the Minister either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions of this Act. 5

Laying of Regulations before Houses of Oireachtas. 4.—Every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling the regulation is passed by either House within the next twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done under the regulation. 10

Laying of reports and accounts of Board before Houses of Oireachtas. 5.—The Minister shall lay before each House of the Oireachtas a copy of every report made to him by the Board under this Act, together with a copy of the last capital account, revenue account, profit and loss account, and balance sheet of the Board and a copy of the auditor's report on such accounts and balance sheet and shall with every such report by the Board lay before each House of the Oireachtas copies of such information, returns and accounts furnished to him under this Act as may be necessary for the proper understanding of such report. 15 20

Prosecution of offences. 6.—(1) Proceedings for an offence under this Act shall not be instituted save by or with the consent of the Minister. (2) Every offence under this Act may be prosecuted by or at the suit of the Minister as prosecutor. 25

Expenses. 7.—All expenses of carrying this Act into execution shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

PART II.

REGULATION OF SEA-FISHING. 30

Regulations. 8.—The Minister may make such regulations for the landing and sale of sea-fish and for the storage, handling, transport, processing and treating of sea-fish as appear to him to be necessary or desirable.

Licensing of vessels for sea-fishing. 9.—(1) No vessel exceeding thirty-five feet over all in length shall be used for sea-fishing except under and in accordance with a licence under this section. 35

(2) (a) A licence for a vessel may be granted by the Minister on application made by or on behalf of the owner, charterer or hirer of the vessel. 40

(b) The application shall be in the prescribed form and contain such particulars as the Minister may require.

(3) (a) A licence shall not be granted unless the vessel is registered in the State under the Merchant Shipping Acts, 1894 to 1947, and is owned by an Irish citizen or a company incorporated under the Companies Acts, 1908 to 1924, the whole of the share capital of which is held by Irish citizens. 45

(b) This prohibition shall not apply in relation to the Board or to a vessel which on the 1st day of February, 1952, is registered in the State under the Merchant Shipping Acts, 1894 to 1947, so long as it continues to be so registered. 50

(4) A licence may be granted without limit as to time or for a specified period.

5 (5) A licence may be granted subject to such conditions as the Minister thinks fit, including restrictions on sea-fishing either generally or in regard to methods of sea-fishing in particular places and as to disposal of the catches and the Minister may from time to time vary any condition or impose new conditions.

(6) Where—

(a) a vessel is licensed under this Act, and

10 (b) any person being owner, charterer or hirer of the vessel, or if such person is a body corporate, any member thereof or the master of the vessel is directly engaged in either the wholesale or retail sale of fresh fish,

15 the catches of the vessel shall be delivered for sale to the Board or disposed of according to the directions of the Board.

(7) A licence for a vessel shall be valid only if and so long as no person, other than a person named in the licence or his legal personal representative, is the owner, charterer or hirer of the vessel.

20 (8) A licence shall be carried on board the vessel to which it relates and the owner, charterer, hirer or master shall, on demand, produce the licence for inspection by any sea fisheries protection officer under the Sea Fisheries Protection Act, 1933, as amended by section 34 of the Fisheries (Statute Law Revision) Act, 1949.

25 **10.**—The Minister may refuse to grant a licence to an applicant—

Restrictions on grant of licence.

(a) if a former licence granted to him has been revoked, or

30 (b) if the applicant or any other person who, if the licence were granted, would be concerned in the management of the vessel, whether as owner, charterer, hirer or master, was concerned in the management of a vessel in any such capacity at a time when an offence was committed by reason of which a licence for that vessel was revoked.

35 **11.**—(1) Where a person is convicted for contravention of a condition of a licence the Minister may, within three months after such conviction, revoke the licence if there has been a previous conviction for contravention of a condition of the licence.

Revocation of licence.

40 (2) Where the Minister proposes to consider the revocation of a licence he shall send by registered post to the holder thereof notice of his intention and of the fact that representations may be made by that holder within such period as shall be specified in the notice and the Minister shall consider any representations so made.

45 **12.**—The holder of a licence which has expired or is revoked shall, within fourteen days after the date of expiration or revocation, surrender the licence document to the Minister.

Surrender of revoked and out-of-date licences.

50 **13.**—(1) Any person who contravenes (whether by act or omission) any provisions of this Part or of any regulations under *section 8* and the owner, charterer, hirer and master of the vessel concerned shall each be guilty of an offence against this Act and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

Offences.

(2) Where a person is convicted of an offence against this Act the court by whom he is convicted may order him to pay the costs of the prosecution.

(3) A prosecution for an offence against this Act may be heard and determined by any justice of the District Court. 5

PART III.

AN BORD IASCAIGH MHARA.

Establishment and Functions.

Establishment. 14.—(1) There shall be a body to be known as An Bord Iascaigh Mhara (in this Act referred to as the Board) to perform the functions given to them by this Act. 10

(2) The provisions of the *First Schedule* shall apply to the Board.

Functions generally. 15.—(1) It shall be the general duty of the Board to exercise the functions which, immediately before the commencement of Part V, were exercised or capable of being exercised by Comhlachas Iascaigh Mhara na hÉireann Teoranta (The Irish Sea Fisheries Association, Limited). 15

(2) Without prejudice to the generality of *subsection (1)* and in addition to the powers conferred upon the Board by any other provision of this Act, the Board shall have the following powers— 20

(a) to acquire, receive on transfer, hold, sell, mortgage, lease or let land, buildings, markets, premises, or plant and to erect, alter, or maintain buildings, markets, premises, or plant necessary for the discharge or exercise of their duties or powers under this Act; 25

(b) to acquire, receive on transfer, make, own, store, hire, charter, sell or supply sea-fishing boats and their machinery or fittings, as well as nets and other gear and requisites for sea-fishing or for the handling, transport, freezing, icing, preservation, curing or other treatment of fish or fish products or the marketing of fish; 30

(c) to purchase, store or sell fuel and lubricating and other oils for use in the running of sea-fishing boats;

(d) to smoke, salt, can, or otherwise cure or preserve fish; 35

(e) to engage in the business of wholesale or retail dealers in fish, fish curers and fishmongers, and also in the business of salt dealers and that of coopers;

(f) to carry on or engage in sea-fishing;

(g) to acquire, receive on transfer, own, hire, manage, service, supply, or sell waggons, cars, motor vans, or other conveyances, containers, or means, or appliances for the transport of fish, or any other commodities which the Board are empowered to buy, supply or sell; 40

(h) to repair sea-fishing boats and their machinery and other parts and equipment, including nets or other gear for use in sea-fishing; 45

(i) to undertake exploratory and experimental work with a view to the provision of new and improved types of sea-fishing boats, engines and equipment generally for the sea-fishing industry; 50

(j) to develop and improve the sea-fishing industry by the introduction of improved methods and conditions in the catching, grading, curing, packing, transporting and marketing of fish, and by the provision of cold storage 55

and curing stations and of pounds or ponds or other facilities for the collection and storage of lobsters and other fish;

- 5 (k) to become licensee of and to stock oyster beds and to propagate oysters;
- (l) to develop new markets for fresh, cured and preserved fish;
- (m) to develop and further co-operative dealing and more especially in regard to the collection, transportation, distribution and sale of fish and fish products;
- 10 (n) to prepare, enter into, maintain, and, from time to time, alter and vary such contract or contracts as may be deemed expedient with a view to the purposes aforesaid;
- (o) to provide for, print, and circulate bulletins, periodicals, pamphlets, and other literature as the Board may deem advisable in the interests of the sea-fishing industry;
- 15 (p) to hire or supply labour for carrying on fishing or other work appertaining or ancillary thereto;
- (q) to make arrangements with persons or firms engaged in any trade, business, or profession for the concession to seafishermen or others of any special rights, privileges, and advantages, and in particular in regard to the supply and conveyance of goods;
- 20 (r) to advance or lend any of the capital or other moneys of the Board for the time being on satisfactory security to seafishermen or others in pursuance of the powers of the Board;
- 25 (s) to promote and encourage insurance by seafishermen and take the necessary steps to secure indemnity to them against losses of property by fire or other accident and against pecuniary liability in respect of claims under the Workmen's Compensation Acts, or other legislation, or otherwise, in respect of accidents or injuries, malicious or accidental happening to employees or to property of those persons or of the Board;
- 30 (t) to exercise and perform any functions, powers and duties transferred by law from the Minister to the Board in relation to the conservation and development of the sea-fishing industry;
- 35 (u) generally to engage in any business or transaction or to promote or facilitate any arrangements, measures or transactions which may seem to the Board directly or indirectly conducive to the development of the sea-fishing industry or to the interests or convenience of seafishermen or in pursuance thereof and to undertake such other functions and to do all things which may be necessary or expedient from time to time for exercising the said powers or any of them.
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(3) The Board may, with the consent of the Minister, make rules with respect to the exercise of their functions under this section.

50 (4) The provisions of *subsection (2)* shall not be construed as limiting any power of the Board conferred by *subsection (1)* or by any other provision of this Act whether a like power is referred to in *subsection (2)* or not.

55 (5) In relation to a conveyance or transfer under which the Board become entitled to any beneficial interest, section 13 (which alters the stamp duties on conveyances and transfers of land) of the Finance (No. 2) Act, 1947 (No. 33 of 1947), as amended by

subsequent enactments, shall have effect as if the conveyance or transfer contained such a statement as is referred to in subsection (4) of that section and the facts existed to justify that statement.

(6) In relation to a lease under which the Board become entitled to any beneficial interest, section 24 (which alters the stamp duties on leases) of the Finance Act, 1949 (No. 13 of 1949), as amended by subsequent enactments, shall have effect as if the lease contained a statement such as is referred to in subsection (4) of that section and the facts existed to justify that statement.

Financial Provisions.

Annual estimate of Board's requirements.

16.—In each financial year the Board shall submit to the Minister an estimate of their financial requirements by way of grant and repayable advances for the ensuing financial year.

Grants.

17.—In each financial year there may be paid to the Board, out of moneys provided by the Oireachtas, a grant of such amount as the Minister, with the concurrence of the Minister for Finance, may sanction towards the expenses of the Board.

Advances to the Board out of the Central Fund.

18.—(1) For the purpose of enabling the Board to exercise or perform their functions, the Minister for Finance may, on the recommendation of the Minister, advance from time to time to the Board, out of the Central Fund or the growing produce thereof, such sums (not exceeding in the aggregate five hundred thousand pounds) as the Board may from time to time request.

(2) The sums advanced under this section shall be repayable with interest in accordance with the subsequent provisions of this Act.

Provision of money for advances to the Board out of the Central Fund.

19.—(1) The Minister for Finance may, for the purpose of providing for the advance of sums out of the Central Fund under section 18 borrow on the security of the Central Fund or the growing produce thereof such sums as shall be required for that purpose, and the said Minister may, for the purposes of such borrowing, create and issue securities bearing such rate of interest and subject to such conditions as to repayment, redemption, or otherwise as he thinks fit, and shall pay all moneys so borrowed into the Exchequer.

(2) The principal of and interest on all securities issued under this section shall be charged on and payable out of the Central Fund or the growing produce thereof.

Payment of interest on repayable advances.

20.—(1) The Board shall pay to the Minister for Finance on every sum advanced to the Board out of the Central Fund under section 18 and which is repayable interest from the date of the advance of such sum until the same is repaid at such rate as shall from time to time be appointed by the Minister for Finance in respect of such sum, and such interest shall be so paid by half-yearly payments on such days in every year as the Minister for Finance shall from time to time appoint.

(2) If the Board fail to pay to the Minister for Finance any interest payable by them under this section at the time appointed in that behalf under this section, the Board shall pay to the said Minister interest at the rate appointed by the said Minister on the interest so unpaid from the time appointed as aforesaid until the same is actually paid.

(3) All interest paid to the Minister for Finance by the Board under this section shall be paid into or disposed of for the benefit of the Exchequer in such manner as the said Minister may direct.

10 **21.**—(1) For the purpose of providing for the repayment by the Board of the advances made to it out of the Central Fund under *section 18* which are repayable, the Board shall make to the Minister for Finance half-yearly payments, commencing on such date, and continuing for such number of years and being of such amounts and payable at such times as the said Minister, after consultation with the Minister, shall appoint, and different such dates, numbers of years, amounts, and times may be so appointed in respect of different portions of such advances.

Repayment of repayable advances.

(2) The several half-yearly payments to be made to the Minister for Finance by the Board under this section shall be applied by the said Minister as sinking funds for the repayment of the several portions of the advances in respect of which such half-yearly payments are made and when the Board have paid to the said Minister the full number of half-yearly payments appointed under this section in respect of any portion of such advances (together with any interest which may have become payable under this section in respect of any of such half-yearly payments) such portion of such advances shall be deemed to be fully repaid by the Board, without prejudice to the liability of the Board for any interest then unpaid in respect of such portion of such advances.

(3) If the Board fail to pay to the Minister for Finance any half-yearly payment or portion of a half-yearly payment payable by them to the said Minister under this section at the time appointed in that behalf under this section, the Board shall pay to the said Minister on such half-yearly payment or portion of a half-yearly payment interest at such rate as shall from time to time be appointed by the said Minister in respect thereof from the time appointed as aforesaid until the same is actually paid.

(4) All moneys paid by the Board to the Minister for Finance under this section in repayment of advances shall be paid into the Exchequer.

(5) All sums paid by the Board to the Minister for Finance under this section on foot of interest shall be paid into or disposed of for the benefit of the Exchequer in such manner as the said Minister may direct.

22.—The Board may, with the consent of the Minister, given after consultation with the Minister for Finance, borrow temporarily by arrangement with bankers such sums as they may require for the purpose of providing for current expenditure.

Power of the Board to borrow temporarily.

PART IV.

AN COMHLACHAS IASCAIGH MHARA.

Establishment.

23.—(1) There shall be a body to be known as An Comhlachas Iascaigh Mhara (in this Act referred to as the Association).

(2) Any person engaged in sea-fishing or carrying on business 5
in the distributive fish trade shall be eligible for membership of
the Association.

(3) The persons who, immediately before the commencement of
this Part, were members of the dissolved body (as defined by
section 25) and were described in its share register as fishermen 10
shall become members of the Association upon its establishment.

(4) The provisions of the *Second Schedule* shall apply to the
Association.

Functions.

24.—The functions of the Association shall be to further the
interests of its members and of the sea-fishing industry in general 15
and to make such representations as it thinks proper to the Board
in relation thereto.

PART V.

DISSOLUTION OF IRISH SEA FISHERIES ASSOCIATION, LIMITED.

Dissolution of
the Irish Sea
Fisheries
Association,
Limited.

25.—Comhlachas Iascaigh Mhara na hÉireann, Teoranta (The 20
Irish Sea Fisheries Association, Limited), hereinafter referred to
as the dissolved body is hereby dissolved.

Transfer of
property of
the dissolved
body to the
Board.

26.—(1) Subject to the provisions of this section all property
whether real or personal (including choses-in-action) which 25
immediately before the commencement of this Part was vested in,
or belonged to or was held in trust for the dissolved body and
all rights, powers and privileges relating to or connected with
any such property shall, on such commencement and without any
conveyance or assignment but subject where necessary to transfer
in the books of any bank, corporation or company or authority, 30
become and be vested in or the property of or held in trust for
(as the case may require) the Board for all the estate, trust or
interest for which the same immediately before such commencement
was vested in or belonged to or was held in trust for the dissolved 35
body.

(2) All property transferred by this section which, immediately
before the commencement of this Part was standing in the books
of any bank or was registered in the books of any bank, corporation,
company or authority shall, upon the request of the Board made
on or after such commencement be transferred in such books by 40
such bank, corporation, company or authority into the name of the
Board.

(3) On and after the commencement of this Part every chose-
in-action transferred by this section to the Board may be sued
upon, recovered or enforced by the Board in their own name and 45
it shall not be necessary for the Board to give notice to the person
bound by such chose-in-action of the transfer effected by this
section.

27.—Every debt and other liability (including unliquidated liabilities arising from torts or breaches of contract) which immediately before the commencement of this Part was owing and unpaid or has been incurred and is undischarged by the dissolved body shall, on such commencement, become and be the debt or liability of the Board and shall be paid or discharged by and may be recovered from or enforced against the Board accordingly.

Transfer of liabilities of the dissolved body.

28.—Every bond, guarantee, mortgage or other security of a continuing nature made or given by the dissolved body to any person, or by any person to such dissolved body, and in force immediately before the commencement of this Part, and every contract or agreement in writing made between the dissolved body and another person and not fully executed and completed before such commencement shall notwithstanding the dissolution of the dissolved body, continue in force on and after such commencement but shall be construed and have effect as if the name of the Board were substituted therein for the name of the dissolved body, and such security, contract, or agreement shall be enforceable by or against the Board accordingly.

Preservation of continuing contracts of the dissolved body.

29.—In every action, suit or proceedings which is pending at the commencement of this Part in any court or tribunal and to which the dissolved body is a party, the Board shall on such commencement become and be a party in the place of the dissolved body and such proceedings shall be continued between the Board and the other parties thereto accordingly and no such proceedings shall abate or be discontinued or prejudicially affected by reason of the dissolution of the dissolved body.

Continuance of pending legal proceedings.

30.—Section 12 of the Finance Act, 1895, shall not apply to the vesting in the Board of the property of the dissolved body.

Exemption from stamp duty.

31.—(1) On or as soon as may be after the commencement of this Part the Board shall pay to each person who was, on the day before such commencement the registered holder of any share or shares of the dissolved body (in this section referred to as a shareholder) and who applies to the Board for payment, the sum paid by him to the dissolved body for each share held by him.

Payment in respect of shares in dissolved body.

(2) Where the shareholder is indebted to the Board as successor to the dissolved body, the Board shall set-off the sum paid by him for shares against the debt and only the balance, if any, shall be repayable under subsection (1).

(3) The sum paid to a shareholder in accordance with this section shall be accepted by him in lieu of and in satisfaction of all rights and claims in respect of the shares of the dissolved body held by him.

PART VI.

LICENCES TO SELL FRESH FISH.

32.—(1) The Minister may by order declare that any specified area in the State shall as on and from the date stated in that behalf in the order be a district to which this Part applies and thereupon such area shall, as on and from that day and so long as the order remains in force, be a district to which this Part applies.

District to which this Part of this Act applies.

(2) The Minister may at any time by order revoke or amend an order made under this section.

(3) Every order made 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 the order is passed by either House within the next twenty-one days on which that House has sat after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Fish sales
licences.

33.—(1) The Minister may grant a licence (in this Part referred to as a fish sales licence) to sell by auction fresh fish or to act as agent for the sale by wholesale of fresh fish or to do both those things to any person who—

- (a) applies in the prescribed form and manner, and
- (b) satisfies the Minister that he is a fit and proper person to hold a fish sales licence, and
- (c) is not an undischarged bankrupt.

(2) Every fish sales licence shall—

- (a) be in the prescribed form, and
- (b) be expressed and operate to license the person to whom it is granted to sell by auction fresh fish and to act as agent for the sale by wholesale of fresh fish, and
- (c) be subject to such conditions as the Minister thinks fit and are expressed therein.

Duration of
licences.

34.—Every fish sales licence shall, unless sooner revoked under this Part, remain in force for one year from the date thereof and shall then expire.

Fees on licences.

35.—(1) There shall be paid on the grant of every fish sales licence such fee as may be fixed by the Minister, with the consent of the Minister for Finance, and the payment of the fee shall be a condition precedent to the grant of a licence.

(2) This section shall not apply to any person holding a licence by virtue of the provisions of the Auctioneers and House Agents Act, 1947.

Revocation
of licences.

36.—(1) If any person being the holder of a fish sales licence is convicted of an offence under the Fisheries Acts, 1842 to 1949, or under this Act, or is convicted of an offence involving fraud, dishonesty or breach of trust, the Minister may, within three months after such conviction, revoke the licence.

(2) Where the Minister proposes to consider the revocation of a fish sales licence he shall send by registered post to the holder thereof notice of his intention and of the fact that representations may be made by such holder within such period as shall be specified in the notice and the Minister shall consider any representations so made.

Prohibition of
sale of fresh fish
without licence.

37.—(1) Subject to the provisions of this section, it shall not be lawful for any person in any district to which this Part applies to sell by auction any fresh fish or to act as agent for the sale by wholesale of any fresh fish unless he holds a fish sales licence for the time being in force.

(2) Every person who acts in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof in the case of a first offence to a fine not exceeding ten pounds and in the case of a second or any subsequent offence to a fine not exceeding twenty pounds.

(3) This section shall not apply to any person who sells by auction fresh fish or who acts as agent for the sale by wholesale of fresh fish at the seashore or quayside upon such fish being first landed or to any person who is for the time being a duly authorised agent or representative of the Board.

38.—(1) The Minister shall cause to be kept a register to be called and known as the register of fish sales licences in which there shall be entered particulars of all fish sales licences granted under this Part. Register of licences.

10 (2) Any person may inspect the register of fish sales licences on payment of such fee, not exceeding one shilling, as shall be prescribed.

39.—A certificate purporting to be under the hand of an officer of the Minister authorised in that behalf by the Minister and certifying that a person named in the certificate was not the holder of a fish sales licence on a specified date or during a specified period shall until the contrary is proved be evidence of the facts so certified and it shall not be necessary to prove the signature of such officer or that he was in fact such officer or was so authorised. Evidence of non-holding of licence.

40.—(1) All fees payable under this Part shall be collected and taken in such manner as the Minister for Finance shall from time to time direct and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the said Minister. Disposal of fees.

(2) The Public Offices Fees Act, 1879, shall not apply in respect of any fees payable under this Part.

41.—The Sea Fisheries Act, 1931 (No. 4 of 1931), is hereby repealed. Repeal of Act of 1931.

30

FIRST SCHEDULE.

Section 14.

AN BORD IASCAIGH MHARA.

1. The Board shall be a body corporate with perpetual succession and a common seal and power to sue and be sued in their corporate name and to hold land. Incorporation.

35 2. (1) The Board shall consist of six members of whom one shall be Chairman. Membership.

(2) The Chairman and the other members shall be appointed by the Minister.

40 (3) Subject to *sub-paragraph* (4), each member shall be appointed for a period of two years.

(4) Where a vacancy occurs amongst the members, the person appointed to fill the vacancy shall hold office for the remainder of the period for which his predecessor was appointed.

(5) A retiring member may be re-appointed.

45 (6) Each member shall hold office upon such terms as may be fixed by the Minister when appointing him and shall receive such fees and allowances as may from time to time be determined by the Minister with the consent of the Minister for Finance.

(7) The Minister may remove a member from office.

50 (8) A member may resign his office.

Procedure.

3. (1) The quorum at a meeting of the Board shall be two.

(2) The Board may act notwithstanding vacancies in their membership.

(3) When the Chairman is absent from a meeting of the Board or if the office of Chairman is vacant, the members who are present shall select one of their number to act as Chairman of the meeting. 5

(4) Every question at a meeting of the Board shall be decided by a majority of the votes of the members present and voting on the question and, in case of an equal division of votes, the chairman of the meeting shall have a second or casting vote. 10

Seal of the Board.

4. (1) The seal of the Board shall, when applied to a document, be attested by the signature of any two members.

(2) All courts of justice shall take judicial notice of the seal of the Board and every document purporting to be an instrument made by the Board and to be sealed with the seal of the Board and to be attested in accordance with this paragraph shall, unless the contrary is shown, be received in evidence and be deemed to be such instrument without further proof. 15

Exercise of functions.

5. (1) The Board may exercise and perform any of their functions through or by any member or sub-committee of members authorised by the Board in that behalf. 20

(2) Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Board by any person generally or specially authorised by the Board for that purpose. 25

Disclosure by members of the Board of interest in proposed contract.

6. A member of the Board who has—

(a) any interest in any company or concern with which the Board propose to make any contract, or

(b) any interest in any contract which the Board propose to make, 30

shall disclose to the Board the fact of such interest and the nature thereof, and shall not be present during any discussion by the Board relating to such contract, and such disclosure shall be recorded in the minutes of the Board.

Officers and servants of the Board.

7. (1) The Board shall appoint such and so many officers and servants as the Board from time to time think proper. 35

(2) The Board may at any time remove any officer or servant of the Board from being such officer or servant.

(3) There shall be paid by the Board to their officers and servants out of funds at their disposal such remuneration and allowances as the Board shall determine. 40

(4) The officers of the Board may, with the consent of the Minister, include a manager whose appointment and terms of office shall be subject to the approval of the Minister.

(5) The Board may, if it so thinks fit, for the purpose of the appointment of a person to fill a situation in the service of the Board request the Local Appointments Commissioners to recommend to it a person for appointment to such situation, and the Commissioners on receiving such request shall select and recommend under and in accordance with the Local Authorities (Officers and Employees) Act, 1926 (No. 39 of 1926), to the Board a person for appointment to such a situation and shall, if they so think proper, select and recommend to the Board two or more persons for such appointment, and the Board on receiving from the Commissioners such recommendation shall appoint to such situation the person so recommended by the Commissioners or, where more than one person is so recommended, such one of the persons so recommended as the Board thinks proper. 45 50 55

(6) The Board shall pay to the Local Appointments Commissioners out of the funds at its disposal such expenses in respect 60

of the selection and recommendation by the Commissioners under this paragraph of persons to fill situations in the service of the Board as shall be fixed by agreement between the Board and the Commissioners with the consent of the Minister for Finance or, 5 in default of such agreement, by the Minister for Finance.

(7) Every sum received by the Local Appointments Commissioners under subparagraph (5), shall be deemed for the purposes of paragraph (b), of subsection (2), of section 12, of the Local Authorities (Officers and Employees) Act, 1926, to be a fee paid 10 to the Commissioners under that Act.

8. (1) The Board shall in each year, at such date and in such form as the Minister may direct, make to the Minister a report of their proceedings under this Act during the preceding year. Reports and information by the Board.

(2) The Board shall furnish to the Minister at such times and 15 in such form and manner as the Minister may direct such information, with regard to the performance of their functions, as the Minister may require.

9. (1) The Board shall keep in such form as shall be approved by the Minister after consultation with the Minister for Finance 20 all proper and usual accounts of all moneys received or expended by them, including a capital account, revenue account, profit and loss account, and a balance sheet, and in particular shall keep in such form as aforesaid all such special accounts as the Minister on his own motion, or at the request of the Minister for Finance shall 25 from time to time direct. Accounts and audits.

(2) The accounts of the Board for each year shall be audited within ninety days or such longer time as the Minister may in any particular case allow after the end of that year and shall be the subject of a report by duly qualified auditors appointed 30 annually for the purpose by the Minister, with the consent of the Minister for Finance, and the fees of such auditors and the expenses generally of such audits shall be paid by the Board.

(3) The Minister may with the consent of the Minister for Finance appoint the time, place, and method of conducting the 35 audit of the accounts of the Board under this paragraph and may also appoint the accounts of which copies are to be furnished to the Minister under this paragraph and the accounts which are to be published and put on sale under this paragraph and the time and method of such publication and sale.

(4) Immediately after every audit under this paragraph of the 40 accounts of the Board, the Board shall send to the Minister a copy of the capital account, revenue account, profit and loss account and balance sheet as certified by the auditors, a copy of the auditors' report, and copies of such of the accounts submitted to 45 the auditors as are appointed in that behalf under this paragraph or may be specially called for by the Minister, and shall publish and put on sale such of the accounts submitted to the auditors as are appointed in that behalf by the Minister.

SECOND SCHEDULE.

Section 23.

50 AN COMHLACHAS IASCAIGH MHARA.

1. The Association shall be managed by a Committee consisting 55 of— Committee.

- (a) four representatives of seafishermen,
- (b) one representative of the retail fish trade,
- 55 (c) one representative of the wholesale fresh fish trade, and
- (d) two representatives of the distributive fish trade, other than the retail fish trade and the wholesale fresh fish trade.

2. (1) Pending the election of members of the Committee in accordance with *paragraph 8*, the Association shall be managed 60 by a provisional Committee consisting of— Provisional Committee.

- (a) those persons who were the elected directors of the dissolved body immediately before its dissolution, and

(b) four other persons appointed by the Minister after consultation with the Board, of whom one shall be a member of the retail fish trade, one of the wholesale fresh fish trade and two shall be members of the distributive fish trade, other than the retail fish trade and the wholesale fresh fish trade. 5

(2) The Minister shall nominate one of the members of the provisional Committee to be Chairman of the Association.

(3) The provisional Committee shall hold office for a period not exceeding twelve months. 10

(4) The provisional Committee shall make all necessary arrangements for the election of members of the Committee in accordance with *paragraph 8*.

(5) The Committee and the provisional Committee may act notwithstanding vacancies in their membership. 15

(6) Where a vacancy occurs in the membership of the provisional Committee the Minister may appoint a person to fill the vacancy.

(7) In the subsequent paragraphs references to the Committee shall, save where the context otherwise requires, be read as including reference to the provisional Committee. 20

Chairman.

3. (1) At each annual general meeting the Association shall elect from amongst the members of the Committee a person to be Chairman of the Association.

(2) The Chairman shall go out of office on the election of his successor. 25

(3) An outgoing Chairman shall be eligible for re-election.

(4) Where the Chairman is temporarily unable to act, the Committee may appoint a person to act in his place and the person so acting shall, for the purposes of this Act, be deemed to be Chairman of the Association. 30

Secretary.

4. (1) The Committee of the Association may, if it thinks fit, appoint a Secretary on such terms and conditions as may be approved by the Board.

(2) The remuneration and expenses of the Secretary shall be defrayed out of moneys held by the Board in trust for the Association. 35

Procedure at meetings of Committee.

5. (1) At a meeting of the Committee the Chairman of the Association shall be chairman of the meeting.

(2) Every question at a meeting of the Committee shall be determined by a majority of the votes of the members present and voting on the question, and, in case of an equal division of votes, the chairman of the meeting shall have a second or casting vote. 40

(3) The quorum for a meeting of the Committee shall be four.

(4) Subject to the provisions of this Act, the Committee shall regulate, by standing orders or otherwise its procedure and business. 45

Travelling and maintenance expenses.

6. Members of the Committee shall be paid, out of moneys provided by the Board, travelling and maintenance expenses in respect of attendance at meetings of the Association or the Committee, to such extent as the Board may from time to time decide. 50

Membership.

7. (1) The Committee shall keep the following registers of members—

(a) a register of seafishermen,

- (b) a register of persons carrying on business in the retail fish trade,
- (c) a register of persons carrying on business in the wholesale fresh fish trade,
- 5 (d) a register of persons carrying on business in the distributive fish trade, other than the retail fish trade and the wholesale fresh fish trade.

(2) Applications for membership of the Association shall be made to the Committee in such manner as the Committee may
10 provide.

(3) If any question arises whether a person is entitled to become or continue to be a member of the Association or as to the register in which he ought to be registered the question shall be decided by the Committee.

15 (4) The Committee may at any time terminate the membership of any person who is, in their opinion, no longer entitled to be a member of the Association.

(5) If any person is dissatisfied with the decision of the Committee he may apply to the Board to decide the question and the
20 decision of the Board shall be final.

(6) A member being a body corporate or an unincorporated body of persons may exercise its functions as such only by means of an individual duly nominated by it from time to time to be its representative, and the representative shall for the purposes of this Act
25 be deemed to be a member of the Association and to be entered in the register in the place of the member that he represents.

(7) The Committee shall furnish the Board with such information in regard to membership of the Association as the Board may from time to time require.

30 8. (1) Elections of members of the Committee of the Association shall be carried out in accordance with this paragraph.

Elections to
the Committee.

(2) (a) For the purpose of the election of the four representatives of seafishermen there shall be four electoral divisions, namely—

35 (i) Electoral Division A, comprising the counties of Dublin, Louth, Meath, Waterford, Wexford and Wicklow,

(ii) Electoral Division B, comprising the counties of Cork, Kerry and Limerick,

40 (iii) Electoral Division C, comprising the counties of Clare, Galway and Mayo,

(iv) Electoral Division D, comprising the counties of Donegal, Leitrim and Sligo.

(b) Each electoral division shall elect one representative.

45 (c) The electorate for each electoral division shall consist of each person entered in the register of seafishermen whose address as given in the register is within that electoral division.

50 (d) A person whose address as given in the register is not in any of the counties mentioned in clause (a) shall be a member of the electorate for the electoral division of his choice.

(3) The electorate for the several elections of the trade representatives referred to in clauses (b), (c) and (d) of paragraph 1
55 shall consist of the persons entered in the appropriate register under paragraph 7.

(4) Where there is a failure to elect a representative under *subparagraph (2)* or *subparagraph (3)* the Minister may appoint any individual to be the representative.

(5) An election of members of the Committee shall be held in the year 1953 and in every third successive year thereafter. 5

(6) (a) The polling for the election to be held in any year shall be completed at least seven days before the date for which the annual general meeting of that year is convened.

(b) The members of the Committee for the time being in office shall hold office until the declaration of the result of the election at the annual general meeting, whereupon the persons so elected shall take up office. 10

(7) No person shall be entitled to be a candidate for the election of a representative except an individual who is a member of the electorate for that election. 15

(8) The Minister may make rules for the conduct of elections under this section.

Casual vacancies
in Committee.

9. (1) Where a casual vacancy arises amongst the representatives of seafishermen on the Committee, the Committee may co-opt to fill the vacancy an individual for the time being entered in the register of seafishermen members whose address as given in the register is within the same electoral division as that which the outgoing member represented. 20

(2) Where a casual vacancy arises amongst the members of the Committee other than the representatives of seafishermen the Committee may co-opt to fill the vacancy an individual for the time being entered on the same register as the outgoing member. 25

General meetings
of Association.

10. (1) The Committee shall in the year 1953 and every subsequent year convene an annual general meeting of the Association. 30

(2) The Chairman of the Association shall preside at each general meeting.

(3) The quorum at a general meeting shall be twelve.

(4) Subject to the provisions of this Act, the Committee shall regulate, by standing orders or otherwise, the procedure and business of general meetings of the Association. 35

Facilities to be
provided for the
Association by
the Board.

11. (1) The Board shall in every year provide accommodation for the holding in Dublin or in such other place as may be agreed upon by the Board and the Committee of four meetings of the Committee and for one general meeting of the Association. 40

(2) The Board may, at the request of the Committee, make available the services of members of their staff to act as secretary at the meetings of the Committee and the Association for which accommodation is provided under this paragraph and to conduct elections and perform the general clerical work of the Association. 45

(3) (a) During the period of twelve months from the establishment of the Association, the Board shall make no charge for the services so provided or for any outlay incurred in connection therewith. 50

(b) Thereafter, the Association shall pay the Board for such services and outlay such sums as may from time to time be agreed between the Committee and the Board or

as may, in default of agreement, be fixed by the Minister, and the Board may recoup themselves the amount thereof out of moneys held by them for the Association.

5 12. (1) An entrance fee shall be payable by every person becoming a member of the Association, except a person who becomes a member by virtue of *subsection (3) of section 23*.

Finances of
the Association.

(2) The entrance fee shall be—

(a) for a seafisherman, one shilling;

10 (b) for any other person, five shillings.

(3) Each member shall pay an annual subscription of five shillings, which shall become due and payable on the 1st day of July.

(4) Notwithstanding anything to the contrary in *section 23* or 15 in this Schedule, a member shall not be entitled to be present or represented at a meeting of the Committee or of the Association or to be reckoned for the purpose of a quorum or to be a member of an electorate under *paragraph 8* whilst any sum due and payable by him in respect of entrance fee or subscription remains unpaid.

20 (5) Entrance fees and subscriptions shall be taken and collected by the Committee who shall transmit all moneys so received to the Board to hold on behalf of the Association.

(6) The Board shall act as trustees of the Association for all 25 moneys received by them on its behalf and shall make such disbursements thereout as the Committee of the Association may duly request.

(7) The Board shall keep all proper and usual accounts of 30 moneys received or expended by them on behalf of the Association and shall, as soon as may be after the end of each year, present to the Committee of the Association a statement of accounts for that year, audited by qualified auditors appointed annually for that purpose by the Minister, with the consent of the Minister for Finance, and the fees of such auditors and the expenses generally of such audits shall be paid out of the moneys of the 35 Association.

BILLE

(*mar a leasaíodh i gCoiste*)

dá ngairmtear

Acht do dhéanamh soeruithe chun an tionseal iascaigh mhara d'fheabhsú agus a rialú agus i dtaobh nithe (lena n-áirítear táillí d'éileamh ar cheadúnais áirithe) a bhaineas leis na nithe réamhráite.

An tAire Talmhaíochta a thug isteach.

Do hordáíodh, ag Dáil Éireann, do chlóbhualadh, 26ú Márta, 1952.

BAILE ATHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLATHAIR.

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BILL

(*as amended in Committee*)

entitled

An Act to provide for the improvement and regulation of the sea-fishing industry and for matters (including the charging of fees on certain licences) connected with the matters aforesaid.

Introduced by the Minister for Agriculture.

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