

# DÁIL ÉIREANN

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## AN BILLE IASCAIGH MHARA AGUS DLÍNSE MUIRÍ 2005 —ROGHCHOISTE

## SEA-FISHERIES AND MARITIME JURISDICTION BILL 2005 —SELECT COMMITTEE

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*Leasuithe Ionadacha agus Breise  
Additional and Substitute Amendments*

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### SECTION 6

**11a.** In page 12, lines 1 and 2, to delete all words from and including “includes” in line 1 down to and including “life” in line 2 and substitute the following:

“include anadromous and catadromous species and all crustaceans and molluscs found in the sea and the brood and spawn of fish”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

### SECTION 13

**56a.** In page 19, lines 33 to 36, to delete subsection (19) and substitute the following:

“(19)The Minister may authorise such officers of the Department as he or she considers necessary to grant authorisations on behalf of the Minister and to add or alter conditions to authorisations.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

### SECTION 42

**149.** In page 42, before section 42, but in Chapter 5, to insert the following new section:

“Members of  
Authority.

48.—(1) The Authority shall consist of at least one but not more than 3 members.

(2) (a) The person who holds, immediately before the establishment day, the position of Seafood Control Manager in the Department, is deemed to be appointed as a member of the Authority, with effect on and from the establishment day for a period of not less than 5 years, subject to such terms and conditions, including remuneration and superannuation arrangements, as the Minister with the consent of the Minister of Finance may fix.

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(b) The person referred to in *paragraph (a)* shall be eligible to apply for re-appointment as a member.

(c) In the event that the person—

(i) fails to be re-appointed as a member, or

(ii) resigns or is removed from office under *subsection (10)* other than for stated misbehaviour,

he will be deemed to be the Seafood Control Manager in the employment of the Authority, subject to the same terms and conditions as regards grading, remuneration and superannuation arrangements as applied to him immediately prior to his appointment as a member of the Authority under *subsection (2)(a)*.

(3) A member of the Authority (other than as provided for in *subsection (2)(a)*) shall be appointed by the Minister.

(4) A member of the Authority shall be appointed to hold office in a full-time capacity for a period of not less than 3 years and not more than 7 years on such terms and conditions, including remuneration, as the Minister, with the consent of the Minister for Finance, may fix.

(5) Where there is more than one member of the Authority, the Minister shall appoint one of them to be chairperson of the Authority on such terms and conditions, including remuneration, as the Minister may fix, with the consent of the Minister for Finance, to hold office in a full-time capacity for a period of not less than 3 years and not more than 7 years.

(6) The chairperson of the Authority shall have a casting vote in the case of decisions to be taken by the Authority in the event of a tied vote.

(7) Where the chairperson of the Authority is unavailable to perform his or her duties, he or she, or if he or she is unable to do so, the Minister, shall appoint a member of the Authority to be an acting chairperson to assume the duties of the chairperson for a defined period not exceeding 12 months.

(8) With the exception of the person appointed under *subsection (2)(a)*, a person shall not be appointed as a member of the Authority unless the Public Appointments Service, after holding a competition on behalf of the Authority, has selected him or her for appointment as a member.

(9) With the exception of the person appointed under *subsection (2)(a)*, a member of the Authority, including the chairperson, whose term of office expires by effluxion of time shall be eligible for re-appointment to serve a second term, subject to a limit of serving not more than 14 years on the Authority.

(10) A member of the Authority may—

(a) at any time resign his or her office by letter addressed to the Minister and the resignation shall take effect from the date specified therein or upon the date of receipt of the letter, whichever is the later, and

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- (b) be removed from office by the Minister if, in his or her opinion, the member has become incapable through ill-health of effectively performing his or her duties or for stated misbehaviour and the Minister shall cause to be laid before each House of the Oireachtas a statement of the reasons for such removal.

(11) The Authority may act notwithstanding a vacancy or vacancies in its membership.

(12) A member of the Authority shall not hold any other office or employment in respect of which emoluments are payable.

(13) A member of the Authority shall not, for a period of 12 months following his or her resignation, removal or retirement from the office of member of the Authority, accept any office, consultancy or employment, where he or she could or might use or disclose information of a confidential or commercially sensitive nature acquired by him or her in the exercise of the functions of the Authority.

(14) Notwithstanding *subsection (13)*, a person who was a member of the Authority shall not be precluded from holding office or engagement in any employment in the Civil Service or any statutory regulatory body or from acting as a consultant to the Authority, the Minister or any other Minister of the Government on the basis that the period referred to in that subsection has not expired.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

*[This Amendment is in substitution for amendment No. 149 on the principal list of amendments dated 27th January, 2006.]*

**154.** In page 42, before section 42, but in Chapter 5, to insert the following new section:

“Transfer of staff  
from Minister to  
Authority.

53.—(1) The Minister shall designate officers of the Minister who are sea-fishery protection officers immediately before the establishment day to be transferred to the Authority on the establishment day.

(2) The Minister may designate such and so many of his or her other officers to be transferred to the Authority.

(3) Staff transferred in accordance with *subsection (1)* or *(2)* are deemed to be in the employment of the Authority.

(4) Save in accordance with a collective agreement negotiated with any recognised trade unions and staff associations concerned, an officer of the Minister transferred to the staff of the Authority under *subsection (1)* or *(2)* shall not, while he or she is in the service of the Authority, receive a lesser scale of pay or be made subject to less beneficial terms and conditions of service (including those relating to tenure of office) than the scale of pay to which he or she was entitled or the terms and conditions of service (including those relating to tenure of office) to which he or she was subject immediately before his or her transfer.

(5) In relation to persons transferred in accordance with *subsection (1)* or *(2)* to the staff of the Authority, previous service in the Civil Service shall be reckonable for the purposes of, but subject to any exceptions or exclusions in—

[ SECTION 42 ]

- (a) the Redundancy Payments Acts 1967 to 2003,
- (b) the Minimum Notice and Terms of Employment Acts 1973 to 2001,
- (c) the Unfair Dismissals Acts 1977 to 2001,
- (d) the Terms of Employment (Information) Acts 1994 and 2001,
- (e) the Organisation of Working Time Act 1997,
- (f) the Parental Leave Act 1998,
- (g) the Carer's Leave Act 2001,
- (h) the Protection of Employees (Part-Time Work) Act 2001 and
- (i) the Protection of Employees (Fixed-Term Work) Act 2003.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

*[This Amendment is in substitution for amendment No. 154 on the principal list of amendments dated 27th January, 2006.]*