



DÁIL ÉIREANN

AN BILLE IASCAIGH MARA AGUS DLÍNSE MHUIRÍ 2005 SEA-FISHERIES AND MARITIME JURISDICTION BILL 2005

LEASUITHE COISTE COMMITTEE AMENDMENTS

*This is the full list of all amendments received to the Bill as of 26 January 2006.
Please disregard the list circulated on Thursday 26 January 2006.*

DÁIL ÉIREANN

AN BILLE IASCAIGH MARA AGUS DLÍNSE MHUIRÍ 2005 —ROGHCHOISTE

SEA-FISHERIES AND MARITIME JURISDICTION BILL 2005 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 1

1. In page 9, subsection (2), line 19, before “Act” to insert “Sea Fisheries Acts 1952 to 1982, the”.

—Thomas P. Broughan.

2. In page 9, subsection (2), line 20, to delete “2003 and 2005” and substitute “1952 to 2006”.

—Thomas P. Broughan.

3. In page 9, lines 30 and 31, to delete subsection (5) and substitute the following:

“(5) The Mercantile Marine Acts 1955 to 1983, the Fisheries (Amendment) Act 1994 insofar as it relates to mercantile marine and *section 67* may be cited together as the Mercantile Marine Acts 1955 to 2006 and shall be construed together as one.”.

—Thomas P. Broughan.

4. In page 9, lines 32 and 33, to delete subsection (6) and substitute the following:

“(6) The Fishery Harbour Centres Acts 1968 to 2005 and *section 69* may be cited together as the Fishery Harbour Centres Acts 1968 to 2006.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

5. In page 10, lines 3 and 4, to delete subsection (8) and substitute the following:

“(8) The Maritime Safety Acts 1992 to 2005 and *section 71* may be cited together as the Maritime Safety Acts 1992 to 2006.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

[*SECTION 1*]

SECTION 2

6. In page 10, lines 26 to 41, to delete subsection (2).
—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

SECTION 3

7. In page 11, subsection 2, line 3, to delete “, *section 44*”.
—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

8. In page 11, between lines 9 and 10, to insert the following subsection:

“(3) Each year the Minister shall present for approval to each of the Houses of the Oireachtas a Sustainability Impact Assessment of Sea Fisheries for the Exclusive Economic Zone and Exclusive Fishing Limits of Ireland (as defined in *section 54* and *section 55*) based on consultation with all relevant stakeholders, and this assessment shall, as far as practicable, be presented in advance of the date of any negotiations by the Minister on the common fisheries policy in regard to national quotas, total allowable catches or other fish capture mechanisms in the sea areas in question.”.

—Thomas P. Broughan.

SECTION 6

9. In page 11, to delete lines 24 to 28.
—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

10. In page 11, line 38, after “gear” to insert the following:
“or which is not an integral part of a fishing vessel”.
—Martin Ferris.

11. In page 11, line 39, after “fish” to insert the following:
“, but for the avoidance of doubt does not include a sea-fishing boat”.
—John Perry.

12. In page 12, line 2, after “during” to insert “, but not after.”.
—John Perry.

13. In page 12, line 9, after “thing” to insert the following:

[SECTION 6]

“but not a fishing vessel or its fixed equipment and machinery”.

—Martin Ferris.

14. In page 12, line 11, after “fish” to insert the following:

“, but for the avoidance of doubt does not include equipment or a sea-fishing boat”.

—John Perry.

15. In page 12, line 25, after “and,” to insert “in lieu of him or her,”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

16. In page 12, line 36, to delete “or partly”.

—Martin Ferris.

17. In page 13, between lines 1 and 2, to insert the following:

““Total Allowable Catch” means the quantity of certain species of fish permitted to be captured in respect of a particular period which is fixed by a regulation of the Council of the European Communities following the annual report to the Houses of the Oireachtas on the Sustainability Impact Assessment of Sea Fisheries in the Exclusive Economic Zone and Exclusive Fishing Limits of Ireland.”.

—Thomas P. Broughan.

SECTION 8

18. In page 13, subsection (1)(b), line 15, after “purposes” to insert the following:

“being purposes consistent with the law of the State concerning the Exclusive Economic Zone and the Exclusive Fishing Limits of the State”.

—Thomas P. Broughan.

SECTION 9

19. In page 13, subsection (1)(b), line 27, after “purposes” to insert the following:

“being purposes consistent with the law of the State concerning the Exclusive Economic Zone and the Exclusive Fishing Limits of the State”.

—Thomas P. Broughan.

20. In page 13, subsection (2), line 37, after “boats” to insert the following:

“including the requirement for every foreign fishing boat to report to an Irish fishery harbour or other port so designated by the Minister during each or any entrance by such a vessel into the territorial seas of the State”.

—Thomas P. Broughan.

[SECTION 9]

21. In page 13, subsection (2), line 37, after “boats.” to insert the following:

“Such regulations may include the requirement that foreign sea-fishing boats provide evidence to a sea-fisheries protection officer prior to entering our exclusive fishery limits of their up to date individual quota allocation as determined within their own national fishing quota management system under the total allowable catch regulations agreed by the Council of European Communities.”.

—Eamon Ryan.

SECTION 10

22. In page 14, subsection (1), line 6, after “so” to insert the following:

“following full disclosure by a person on board a foreign sea-fishing boat of the total allowable catches pertaining to that sea-fishing boat under the national quota of the state of origin of the boat as transmitted to the Fishery Monitoring Centre of Ireland from the Fishery Monitoring Centre of the foreign state in question and the European Union Fishery Control Centre”.

—Thomas P. Broughan.

SECTION 11

23. In page 14, subsection (1), line 10, after “Regulation” to insert the following:

“which has been specified to be a Community Regulation to which this subsection applies by regulations made by the Minister with the approval of both Houses of the Oireachtas”.

—Thomas P. Broughan.

24. In page 14, subsection (3)(a), line 14, to delete “or”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

25. In page 14, subsection (3)(c), line 18, after “fish” to insert “within the State or the exclusive fishery limits”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

SECTION 12

26. In page 14, subsection (1), line 32, to delete “the State’s fishing quota” and substitute “fishing quotas”.

—Eamon Ryan.

27. In page 14, subsection (1), line 32, after “quota” to insert “and fishing effort”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

28. In page 14, subsection (1), line 34, to delete “Irish”.

—Eamon Ryan.

29. In page 14, between lines 41 and 42, to insert the following subsection:

“(3) A notice shall provide for an adequate period of time in order for the owner and master of an Irish sea-fishing boat to which the notice applies, and persons on board such boat, to comply with a notice.”.

—Thomas P. Broughan.

30. In page 14, subsection (3), line 42, to delete “an Irish” and substitute “a”.

—Eamon Ryan.

31. In page 15, subsection (4), line 1, to delete “An Irish” and substitute “A”.

—Eamon Ryan.

32. In page 15, subsection (5), line 5, to delete “An Irish” and substitute “A”.

—Eamon Ryan.

33. In page 15, subsection (6), line 12, to delete “an Irish” and substitute “a”.

—Eamon Ryan.

34. In page 15, subsection (6), line 12, after “not” to insert “, unless permitted by a notice,”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

35. In page 15, subsection (7)(a), line 23, after “voyage” to insert the following:

“allowing for the possibility on safety grounds of a change in destination port resulting from *force majeure* or enforced circumstances beyond the control of the master of an Irish sea-fishing boat”.

—Thomas P. Broughan.

36. In page 15, subsection (7), between lines 32 and 33, to insert the following:

“(d) the provisions of *paragraph (c)* shall not apply in case of *force majeure* if the master considers that the safety of his vessel or of any person aboard the vessel is endangered and he is unable to receive prior approval from a sea fisheries protection officer.”.

—Martin Ferris.

[SECTION 12]

37. In page 15, between lines 32 and 33, to insert the following subsection:

“(8) The master of an Irish sea-fishing boat may depart from the terms of any notice under *subsection (7)* where exceptional circumstances (such as *force majeure*, the safety of the crew or the safety of the vessel) so require.”.

—John Perry.

38. In page 15, subsection (8), line 33, after “specifying” to insert “the date and time of its issue and”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

39. In page 15, subsection (8), line 34, after “the” to insert “seventh”.

—John Perry.

40. In page 16, subsection (12), line 3, to delete “an Irish” and substitute “a”.

—Eamon Ryan.

41. In page 16, subsection (13), line 6, to delete “Irish”.

—Eamon Ryan.

42. In page 16, subsection (17), lines 15 and 16, to delete “*subsection (17)*” and substitute “*subsection (1)*”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

SECTION 13

43. In page 17, subsection (4), line 17, after “Regulation” to insert “or a notice issued under *section 12(1)*”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

44. In page 18, lines 5 to 11, to delete subsection (6).

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

45. In page 18, between lines 18 and 19, to insert the following subsection:

“(8) (a) Conditions under *subsection (5)* or (6)* may be attached to an authorisation at the time it is granted or at any time while it is in force.

(b) A condition may be altered at any time while the authorisation is in force and further conditions may be added.

[SECTION 13]

- (c) Notification of any condition or alteration shall be made in writing (including writing in electronic form) to the holder of the authorisation and to any organisation which the Minister considers to be representative of the holder.
- (d) Any condition attached or altered, after the authorisation is granted, comes into force as specified in the notification to the holder of the authorisation, being a period not earlier than 24 hours after the notification is sent.
- (e) It is the duty of the holder of the authorisation to inform the master of the sea-fishing boat to which the authorisation relates of any condition or alteration of a condition notified to the holder under this subsection.”
—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

**[This is the appropriate reference if Amendment No. 44 is accepted.]*

Amendments to Amendment No. 45

1.

In subsection (8), to delete paragraph (b).

Thomas P. Broughan.

2.

In paragraph (c), after “electronic form” to insert the following:

“provided that a mechanism exists and has been operated to confirm that the electronic communication has been read by the recipient”.

Thomas P. Broughan.

46. In page 18, subsection (10), line 31, to delete “and” and substitute “or”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

47. In page 18, subsection (12), line 41, after “authorisation” to insert the following:

“or in the case of foreign sea-fishing boat may refuse access for a period to Irish exclusive fishery limits”.

—Eamon Ryan.

48. In page 18, lines 42 to 49, to delete subsection (13) and substitute the following:

“(13) (a) Where the Minister proposes to revoke, or withdraw for a period, an authorisation he or she shall notify in writing (including writing in electronic form) the holder of the authorisation of the proposal and the reasons for it.

(b) The holder may within 14 days of being sent the notification make representations to the Minister about the proposal.

[SECTION 13]

- (c) The Minister shall consider such representations before making a decision to revoke or withdraw the authorisation.
- (d) The decision takes effect 24 hours after notification of it in writing is sent to the holder.
- (e) It is the duty of the holder to inform immediately the master of the sea-fishing boat to which the authorisation relates of the revocation or withdrawal.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

Amendments to Amendment No. 48

1.

In paragraph (a), after “electronic form” to insert the following:

“provided that a mechanism exists and has been operated to confirm that the electronic communication has been read by the recipient”.

Thomas P. Broughan.

2.

In paragraph (d), after “holder”, to insert “subject to the provisions of paragraph (f)* if applicable”.

Martin Ferris.

**[This is the appropriate reference if amendment no. 3 to this amendment is accepted.]*

3.

After paragraph (e), to insert the following:

“(f) In the event of the decision being notified on a date or at a time such that it does not reach the holder during normal business hours or days, the decision will be deemed to take effect 24 hours after the receipt of the notification on the next normal business day unless its receipt is otherwise explicitly acknowledged by the holder.”.

Martin Ferris.

49. In page 18, subsection (12), line 41, after “authorisation” to insert the following:

“or a refusal to allow access to Irish exclusive fishery limits”.

—Eamon Ryan.

50. In page 19, lines 1 to 10, to delete subsection (14).

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

51. In page 19, subsection (14), line 2, after “authorisation” to insert “or owner of the sea-fishing boat”.

—Eamon Ryan.

[*SECTION 13*]

- 52.** In page 19, subsection (14)(b), line 6, after “holder” to insert “or owner”.

—Eamon Ryan.

- 53.** In page 19, subsection (14)(b), line 9, to delete “or” and substitute “and”.

—John Perry.

- 54.** In page 19, subsection (14)(c), line 10, to delete “at such address.” and substitute the following:

“at—

- (i) the address at which the holder is ordinarily resident, and
- (ii) the address at which the holder carries on business, where the two are different.”.

—John Perry.

- 55.** In page 19, subsection (14)(c), line 10, to delete “address” and substitute the following:

“address;

in such a manner and in such terms as to require the recipient to contact the Minister or his officials within a specified time period so that the Minister may, as far as practicable, confirm that the notice has been received”.

—Thomas P. Broughan.

- 56.** In page 19, subsection (15)(a), line 12, after “owner” to insert “, charterer or hirer”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

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

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

—John Perry.

- 58.** In page 19, subsection (19), line 33, to delete “Secretary General” and substitute “Minister”.

—Thomas P. Broughan.

[SECTION 14]

SECTION 14

- 59.** In page 20, subsection (1)(c), line 15, after “fish” to insert “within the State or the exclusive fishery limits”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

- 60.** In page 21, subsection (3), lines 7 to 10, to delete paragraph (b) and substitute the following:

“(b) in relation to fish, the master and owner of the boat concerned commits an offence, and the buyer, handler, weigher, transporter, processor, person storing or documenting and seller of the fish, where he or she could reasonably have been aware that the fish in question contravened a regulation, each commits an offence.”.

—John Perry.

- 61.** In page 21, subsection (3)(b), line 10, after “offence” to insert the following:

“as prescribed in the particular obligations placed upon each of the foregoing in the regulation”.

—Martin Ferris.

- 62.** In page 21, lines 11 to 14, to delete subsection (4) and substitute the following:

“(4) In any proceedings for an offence under this section it shall be for the accused to show (as the case may be)—

(a) entitlement to any exemption or relief from any prohibition or restriction or requirement alleged to have been contravened, or

(b) that in the circumstances it was not possible to know or not reasonable to ascertain that a regulation was being contravened.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

SECTION 15

- 63.** In page 21, subsection (1), lines 15 and 16, to delete all words from and including “The” in line 15 down to and including “policy” in line 16 and substitute the following:

“Notwithstanding the common fisheries policy, the Minister may”.

—Thomas P. Broughan.

- 64.** In page 22, subsection (2)(a)(v), line 6, to delete “, processor” and substitute “or processor”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

65. In page 22, subsection (2)(a), between lines 10 and 11, to insert the following:

“(vi) A requirement for all Irish and foreign fishing boats to provide by electronic format daily information on the recent quota allocation and landing information in relation to the boat.”.

—Eamon Ryan.

66. In page 22, subsection (3), lines 29 to 32, to delete paragraph (b) and substitute the following:

“(b) in relation to fish, the master and owner of the boat concerned commits an offence, and the buyer, handler, weigher, transporter, processor, person storing or documenting and seller of the fish, where he or she could reasonably have been aware that the fish in question contravened a regulation, each commits an offence.”.

—John Perry.

67. In page 22, subsection (3)(b), line 32, after “offence” to insert the following:

“as prescribed in the particular obligations placed upon each of the foregoing in the regulation”.

—Martin Ferris.

68. In page 22, subsection (3), between lines 32 and 33, to insert the following:

“(c) In relation to the provision of information regarding quota or fish landing information, the master and owner of the boat concerned and the buyer, handler, weigher, transporter, processor, person storing or documenting and seller of the fish each commits an offence.”.

—Eamon Ryan.

69. In page 22, lines 33 to 36, to delete subsection (4) and substitute the following:

“(4) In any proceedings for an offence under this section it shall be for the accused to show (as the case may be)—

(a) entitlement to any exemption or relief from any prohibition or restriction or requirement alleged to have been contravened, or

(b) that in the circumstances it was not possible to know or not reasonable to ascertain that a regulation was being contravened.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

[SECTION 15]

70. In page 22, between lines 38 and 39, to insert the following subsection:

“(6) The Minister, in exercising his powers under this section to supplement the common fisheries policy shall have regard to the impact of such regulations so as not to adversely impact upon the competitive position of the Irish fishing industry.”.
—Martin Ferris.

SECTION 16

71. In page 22, subsection (1), between lines 45 and 46, to insert the following:

“(b) a person appointed under *subsection (1)*, or authorised under *subsection (2)(a)*, of *section 52,**”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

**[This is the appropriate reference if Amendment No. 153 is accepted.]*

72. In page 23, between lines 10 and 11, to insert the following subsection:

“(3) The Secretary General may, in agreement with any body established by or under statute, authorise persons who are officers of that body to—

(a) perform such functions of a sea-fisheries protection officer under this Act,
or

(b) assist a sea-fisheries protection officer in exercising such functions,

in such circumstances or area, to such extent and subject to such conditions as he or she may specify in the authorisation.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

SECTION 17

73. In page 23, subsection (1)(b)(iii), line 28, to delete “sea food” and substitute “seafood”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

74. In page 24, subsection (1), between lines 43 and 44, to insert the following:

“(m) A Sea Fishery Protection Officer shall exercise his or her powers under this section subject to the understanding that the person suspected of having committed an offence for which that person may elect to pay a fixed penalty in respect of, in accordance with *section 28* of this Act.”.

—Martin Ferris.

75. In page 24, lines 50 and 51 and in page 25, lines 1 to 5, to delete subsection (3).

—John Perry.

[SECTION 17]

76. In page 25, subsection (3), line 4, to delete “destroy,”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha, Thomas P. Broughan,
Martin Ferris.

SECTION 18

77. In page 25, subsection (1)(c), line 51, after “logbooks” to insert the following:

“containing details of the individual quota allocations for the boat and
records of landings within the current year”.

—Eamon Ryan.

78. In page 26, subsection (1)(i)(i), line 30, to delete “the persons on board” and
substitute the following:

“such of the persons on board whose detention in respect of whom
proceedings for an offence have been or are about to be instituted”.

—Thomas P. Broughan.

79. In page 26, subsection (1)(i)(ii), lines 31 and 32, to delete “the persons on
board” and substitute the following:

“such of the persons on board whose detention in respect of whom
proceedings for an offence have been or are about to be instituted”.

—Thomas P. Broughan.

80. In page 26, subsection (1)(i), between lines 34 and 35, to insert the following:

“(iii) The provisions of this subsection shall not obstruct persons so detained
from reasonable access to communications in private or such access
to facilities in or near the port in which a vessel is detained as may be
reasonably afforded.”.

—Martin Ferris.

81. In page 26, subsection (4), lines 46 to 48, to delete all words from and
including “(including” in line 46 down to and including “Síochána))” in line
48.

—Martin Ferris.

82. In page 26, lines 50 and 51 and in page 27, lines 1 to 11, to delete subsections
(5) and (6).

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha, Thomas P.
Broughan , Martin Ferris, John Perry.

[*SECTION 19*]

SECTION 19

- 83.** In page 27, subsection (1), lines 19 and 20, to delete “those persons” and substitute the following:

“such of the persons on board whose detention in respect of whom proceedings for an offence have been or are about to be instituted”.

—Thomas P. Broughan.

- 84.** In page 27, subsection (3), line 33, to delete “will be” and substitute “has been”.

—John Perry.

SECTION 20

- 85.** In page 27, subsection (1), line 40, to delete “instituted” and substitute “instituted,”.

—John Perry.

- 86.** In page 27, between lines 41 and 42, to insert the following subsection:

“(2) As far as practicable following detention under the Act of 2003 or this Act, a person against whom proceedings for an offence have been or about to be instituted shall be afforded access (by electronic or telecommunication device means or otherwise) to legal advisers without unreasonable delay.”.

—Thomas P. Broughan.

- 87.** In page 28, between lines 3 and 4, to insert the following subsection:

“(4) In setting the conditions of bail of a person against whom proceedings have been instituted before the proceedings have been determined, the judge shall, with a view to minimising such conditions have regard to the place of residence of the accused, the value of the asset which is detained, or the amount of security as shall be given in the event of conviction in respect of the offence or other relevant evidence as shall be adduced.”.

—Martin Ferris.

- 88.** In page 28, between lines 3 and 4, to insert the following subsections:

“(5) Where a sea fisheries officer has, in exercise of the powers conferred on him, concluded that an offence has been committed which falls under the schedule set out in *section 28, Table 1*, he or she shall advise the master of the vessel that he or she has the right to elect to pay a fixed penalty as set out in *section 28*, if eligible.

[SECTION 20]

(6) If the vessel on which the alleged offence is suspected of taking place is in a port at the time the Sea Fisheries Protection Officer forms his or her suspicion, and the owner elects to pay a fixed penalty in accordance with *subsection (5)* above, the Sea Fishery Protection Officer shall detain the vessel and all persons on board until such time as payment of the fixed penalty has been effected to the satisfaction of the Sea Fisheries Protection Officer.

(7) If the vessel on which the alleged offence is suspected of taking place is not in port at the time the Sea Fisheries Protection Officer forms his or her suspicion, and the owner elects to pay fixed penalty in accordance with *subsection (5)* above, the Sea Fisheries Protection Officer may detain the vessel and order the Master of the vessel to go directly to a specified port, pursuant to the payment of the fixed charge.

(8) A Sea Fisheries Protection Officer, if he or she is satisfied that payment of a fixed charge as previously agreed is not forthcoming, or if the Master is found to be ineligible or elects not to pay a fixed charge in respect of the suspected offence, the Sea Fishery Protection Officer may proceed in accordance with the provisions of the following provisions for proceedings to be instituted.

(9) In the event a fixed charge is applicable and a fixed penalty is selected and the amount of the fixed penalty applying has been paid to the satisfaction of the Sea Fishery Protection Officer, no proceedings shall be instituted against the vessel in question. Record of the imposition of a penalty shall be maintained by the Department.

(10) If a fixed charge has been duly paid in respect of an offence, and if no other offences are alleged, the vessel in respect of which the fixed charge has been paid and the persons on board shall be released.”.

—Martin Ferris.

SECTION 21

- 89.** In page 28, subsection (1), line 17, to delete “detain the boat further” and substitute “release the boat”.

—John Perry.

- 90.** In page 29, subsection (2)(a), line 3, to delete “his/her” and substitute “his or her”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

- 91.** In page 29, subsection (2)(a)(i), line 8, to delete “maximum”.

—Martin Ferris.

SECTION 22

- 92.** In page 29, subsection (1), lines 41 to 44, to delete paragraph (c).

—Martin Ferris.

[*SECTION 22*]

- 93.** In page 29, subsection (1)(c), lines 43 and 44, to delete “(including the capacity thereof)”.

—Thomas P. Broughan, John Perry.

- 94.** In page 30, subsection (3), line 15, after “him” to insert “or her”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

- 95.** In page 30, subsection (4), line 19, to delete “€5,000” and substitute “€3,000”.

—John Perry.

SECTION 23

- 96.** In page 30, subsection (1), line 20, before “Where” to insert the following:

“Having regard to the provisions of *section 19, subsections (1), (2), (3) and (4), and*”.

—Martin Ferris.

- 97.** In page 30, subsection (1), between lines 26 and 27, to insert the following:

“(c) and in the event that the alleged offences fall within the scope of *section 28, Table 1* and where the master of the vessel has not elected to pay a fixed penalty in respect of the alleged offence,”.

—Martin Ferris.

- 98.** In page 30, subsection (1)(i), line 30, to delete “a Table” and substitute the following:

“Table 1 and the master has not elected to pay a fixed penalty”.

—Martin Ferris.

- 99.** In page 30, subsection (1)(i), line 30, to delete “and” where it secondly occurs and substitute “or”.

—Martin Ferris.

SECTION 24

- 100.** In page 31, subsection (1)(d)(i), lines 5 and 6, to delete “*section 17(1)(g) or 18(1)(f)*” and substitute “*section 17(1)(i) or 18(1)(g)*”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

- 101.** In page 31, subsection (1)(d), to delete lines 9 to 14.

—Martin Ferris.

[*SECTION 24*]

- 102.** In page 31, subsection (1)(d)(ii), lines 9 and 10, to delete “is lawfully requested of him or her” and substitute the following:

“on board is lawfully requested of the master of a sea-fishing boat”.
—Thomas P. Broughan.

- 103.** In page 31, subsection (1)(d)(ii), line 11, to delete “*section 17(1)(g)*” and substitute “*section 17(1)(i)*”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

- 104.** In page 31, subsection (1), line 16, to delete “€5,000” and substitute “€3,000”.
—John Perry.

- 105.** In page 31, between lines 17 and 18, to insert the following subsection:

“(2) A person who fails to comply with an order given by a sea-fisheries protection officer under *section (18)* to the master of a sea-fishing boat or to stop, or to go directly to a specified port or to disobey or disregard requests for them in relation to manoeuvring directions from a sea-fishery officer commits an offence and is liable—

- (a) on summary conviction, to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 12 months or to both,
- (b) on conviction on indictment, to a fine or an imprisonment for a term not exceeding 5 years, or to both.”.

—Eamon Ryan.

SECTION 25

- 106.** In page 31, subsection (1)(a), line 37, to delete “€5,000” and substitute “€3,000”.

—John Perry.

SECTION 26

- 107.** In page 32, line 7, after “faith” to insert “and intended to be in accordance with law”.

—Thomas P. Broughan.

SECTION 27

- 108.** In page 32, subsection (2), lines 39 to 41, to delete paragraph (d).

—Martin Ferris.

SECTION 28

- 109.** In page 33, subsection (1), line 3, after “specified” where it firstly occurs to insert the following:

“in respect of the category of sea-fishing boat mentioned in that column”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

- 110.** In page 33, subsection (1), line 3, after “and” to insert “may be subject”.

—John Perry.

- 111.** In page 33, lines 35 to 45, to delete subsection (5) and substitute the following:

“(5) Where a person is convicted on indictment of an offence specified in a Table, in addition to any fine the court may impose under this section, it may order the forfeiture of all or any fish and fishing gear found on the boat to which the offence relates.”.

—John Perry.

- 112.** In page 33, subsection (5), between lines 40 and 41, to insert the following:

“(b) Insofar as the categories of offences in *Table 1* is abbreviated, this subsection describes the offences:

“Logbook offences” means any failures to maintain prescribed EU logbook records in the manner required in Community regulations;

“Exceeding quotas” means any vessel which is found to be carrying in excess of the prescribed maximum quantities of any species which is the subject of a limit as established by Statutory Instrument in Ireland or in the case of vessels from other EU countries, limits duly established in law in that country;

“Illegal fishing gear” means nets or any other equipment whose characteristics do not comply with regulations in force for any particular area as set out in Community regulations;

“No fishing license” means any sea fishing vessel not in possession of a valid fishing license issued by the authorities in any EU country or by the EU, as required;

“Notification of Landings” means contravention of any Community regulation made specifying advance notice of landings;

“VMS” means failure to comply with EU regulations governing the operation of vessel monitoring systems;

“Undersize fish” means any fish of any species which is less than the minimum size as defined in community or Irish regulations.”.

—Martin Ferris.

[SECTION 28]

113. In page 33, subsection (5), lines 41 to 45, to delete paragraph (b).

—Martin Ferris.

114. In page 33, subsection (5)(b), line 41, after “any” to insert “other”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

115. In page 33, lines 46 to 48 and in page 34, lines 1 to 24, to delete subsections (6) and (7).

—Martin Ferris.

116. In page 34, between lines 24 and 25, to insert the following subsection:

“(8) Nothing in this section shall prevent the Minister from bringing forward a table of administrative penalties including on the spot fines, penalty points and graduated fines under the auspices of the Sea-Fisheries Protection Authority.”.

—Thomas P. Broughan.

117. In page 34, between lines 24 and 25 and substitute the following:

“SCHEDULE OF ADMINISTRATIVE SANCTIONS

		1ST OFFENCE			2ND OFFENCE			3RD OFFENCE			SUBSEQUENT OFFENCES
LOGBOOK OFFENCES	U 12 M	€500.00			€1,000.00			€1,500.00			COURT
	U 18M	€750.00			€1,500.00			€3,000.00			COURT
	18M<30M	€1,000.00			€2,000.00			€4,000.00			COURT
	30M<40M	€1,500.00			€3,000.00			€6,000.00			COURT
	40M+	€3,000.00			€6,000.00			€12,000.00			COURT
EXCEEDING QUOTA		<20%	20%<50%	50%+	<20%	20%<50%	50%+	<20%	20%<50%	50%+	
	U 12 M	€500	€750	€2,000	€1,000	€1,500	€4,000	€2,000	€3,000	€8,000	COURT
	U 18M	€750	€1,250	€3,000	€1,500	€2,500	€6,000	€3,000	€5,000	€12,000	COURT
	18M<30M	€1,000	€2,000	€5,000	€2,000	€4,000	€10,000	€4,000	€8,000	€20,000	COURT
	30M<40M	€1,500	€3,000	€6,000	€3,000	€6,000	€12,000	€6,000	€12,000	€24,000	COURT
	40M+	€3,000	€6,000	€12,000	€6,000	€12,000	€24,000	€12,000	€24,000	€48,000	COURT
ILLEGAL FISHING GEAR	U 12 M	€1,000	PLUS GEAR		€2,000	PLUS CATCH AND GEAR		€4,000	PLUS CATCH AND GEAR		COURT
	U 18 M	€1,500	PLUS GEAR		€3,000	PLUS CATCH AND GEAR		€6,000	PLUS CATCH AND GEAR		COURT
	18M<30M	€2,250	PLUS GEAR		€7,500	PLUS CATCH AND GEAR		€15,000	PLUS CATCH AND GEAR		COURT
	30M<40M	€2,500	PLUS GEAR		€10,000	PLUS CATCH AND GEAR		€20,000	PLUS CATCH AND GEAR		COURT
	40M+	€5,000	PLUS GEAR		€20,000	PLUS CATCH AND GEAR		€40,000	PLUS CATCH AND GEAR		COURT
NO FISHING LICENSE	U 12 M	COURT			COURT			COURT			COURT
	U 18 M	COURT			COURT			COURT			COURT
	18M<30M	COURT			COURT			COURT			COURT
	30M<40M	COURT			COURT			COURT			COURT
	40M+	COURT			COURT			COURT			COURT
FISHING IN PROHIBITED ZONES	U 12 M	€1,000			€2,000			€4,000			COURT
	U 18 M	€2,000			€4,000			€8,000			COURT
	18M<30M	€6,000			€12,000			€24,000			COURT
	30M<40M	€8,000			€16,000			€32,000			COURT
	40M+	€10,000			€20,000			€40,000			COURT
NOTIFICATION OF LANDING	U 12 M	€500			€1,000			€2,000			COURT
	U 18 M	€750			€1,500			€3,000			COURT
	18M<30M	€1,000			€2,000			€4,000			COURT
	30M<40M	€1,500			€3,000			€6,000			COURT
	40M+	€3,000			€6,000			€12,000			COURT
VMS	U 12 M										
	U 18 M	€750			€1,500			€3,000			COURT
	18M<30M	€1,000			€2,000			€4,000			COURT
	30M<40M	€1,500			€3,000			€6,000			COURT
	40M+	€3,000			€6,000			€12,000			COURT
UNDERSIZE FISH	U 12 M	€2,000			€4,000	PLUS GEAR		€8,000	PLUS CATCH AND GEAR		COURT
	U 18 M	€4,000			€8,000	PLUS GEAR		€16,000	PLUS CATCH AND GEAR		COURT
	18M<30M	€6,000			€12,000	PLUS GEAR		€24,000	PLUS CATCH AND GEAR		COURT
	30M<40M	€8,000			€16,000	PLUS GEAR		€32,000	PLUS CATCH AND GEAR		COURT
	40M+	€10,000			€20,000	PLUS GEAR		€40,000	PLUS CATCH AND GEAR		COURT

”.

—Martin Ferris.

[SECTION 28]

118. In page 34, to delete lines 26 to 40* and substitute the following:
“

Reference Number (1)	Provision (2)	Fine on conviction on indictment not exceeding amount specified below (3)		
		Category 1 - sea-fishing boat of less than 12 metres in length overall	Category 2 - sea-fishing boat of 12 metres or more but not exceeding 18 metres in length overall	Category 3 - sea-fishing boat of more than 18 metres in length overall
1.	Section 11, 14 or 15 in so far as it relates to—			
	(a) a contravention relating to fish storage capacity of a sea-fishing boat,	€20,000	€50,000	€100,000
	(b) illegal nets or other equipment, or	€20,000	€40,000	€80,000
	(c) any other contravention or failure of compliance.	€10,000	€20,000	€35,000
2.	Section 8(2), 9(3) or 10(2).	€20,000	€50,000	€75,000
3.	Section 12 or 13.	€10,000	€20,000	€35,000

”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha, Martin Ferris.

[*Note: A printing error has resulted in incorrect line references in page 34 of the Bill. The line references in this amendment relate to the actual number of lines of text contained in page 34 of the Bill.]

Amendment to Amendment No. 118

1. To delete the third, fourth and fifth rows of the Table and substitute the following:

[*SECTION 28*]

1.	Section 11, 14 or 15 in so far as it relates to—			
(a)	a contravention relating to fish storage capacity of a sea-fishing boat,	€10,000	€25,000	€50,000
(b)	illegal nets or other equipment, or	€10,000	€20,000	€40,000
(c)	any other contravention or failure of compliance.	€5,000	€10,000	€17,500
2.	Section 8(2), 9(3) or 10(2).	€10,000	€25,000	€34,500
3.	Section 12 or 13.	€5,000	€10,000	€17,500

”
—Thomas P. Broughan.

[SECTION 28]

119. In page 34, to delete lines 26 to 40* and substitute the following:

“

Reference Number [1]	Provision [2]	Category [3]	Fine on conviction on indictment not exceeding amount specified below [4]
1	Section 11, 14 or 15 in so far as it relates to—		
(a)	a contravention relating to capacity plans of a sea-fishing boat,	Category1 Category2 Category3 Category4	€5,000 €10,000 €20,000 €40,000
(b)	illegal nets or other equipment, or	Category1 Category2 Category3 Category4	€5,000 €10,000 €20,000 €40,000
(c)	any other contravention or failure of compliance.	Category1 Category2 Category3 Category4	€3,000 €6,000 €12,000 €24,000
2	Section 8(2), 9(3) or 10(2)	Category1 Category2 Category3 Category4	€3,000 €6,000 €12,000 €24,000
3	Section 12 or 13	Category1 Category2 Category3 Category4	€3,000 €6,000 €12,000 €24,000

Category 1: Fishing vessels with a waterline length <10 metres;

Category 2: Fishing vessels with a waterline length >10 metres and < 18 metres;

Category 3: Fishing vessels with a waterline length >18 metres and < 24 metres;

Category 4: Fishing vessels with a waterline length >24 metres.”.

—John Perry.

[*Note: A printing error has resulted in incorrect line references in page 34 of the Bill. The line references in this amendment relate to the actual number of lines of text contained in page 34 of the Bill.]

[]

120. In page 35, to delete lines 2 to 16 and substitute the following:

“

Reference Number (1)	Provision (2)	Fine on conviction on indictment not exceeding amount specified below (3)		
		Category 1 - sea-fishing boat of less than 12 metres in length overall	Category 2 - sea-fishing boat of 12 or more but not exceeding 18 metres in length overall	Category 3 - sea-fishing boat of more than 18 metres in length overall
1.	Section 4(12) (fishing without or in contravention of sea-fishing boat licence).	€20,000	€50,000	€75,000
2.	Section 25(3) (fishing in contravention of conservation regulations).	€20,000	€50,000	€100,000
3.	Section 27(5) (failure to return to port immediately on order of sea-fisheries protection officer).	€20,000	€50,000	€100,000

”

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha, Martin Ferris.

[*Note: A printing error has resulted in incorrect line references in page 34 of the Bill. The line references in this amendment relate to the actual number of lines of text contained in page 34 of the Bill.]

Amendment to Amendment No. 120

1.

To delete the third, fourth and fifth rows of the Table and substitute the following:

1.	Section 4(12) (fishing without or in contravention of sea-fishing boat licence).	€10,000	€25,000	€37,500
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2.	Section 25(3) (fishing in contravention of conservation regulations).	€10,000	€25,000	€50,000
3.	Section 27(5) (failure to return to port immediately on order of sea- fisheries protection officer).	€10,000	€25,000	€50,000

”.
—Thomas P. Broughan.

SECTION 29

121. In page 35, lines 41 to 50 and in page 36, lines 1 to 15, to delete subsection (2).
—John Perry.

Section proposed to be deleted.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha, Thomas P. Broughan,
Martin Ferris.

SECTION 30

122. In page 36, lines 30 and 31, to delete “or any boat under *section 29*”.
—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

Section opposed.

—Martin Ferris.

SECTION 31

123. In page 36, line 38, to delete “statutory”.
—Martin Ferris.

124. In page 36, lines 39 and 40, to delete “or 29”.
—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

[SECTION 32]

SECTION 32

- 125.** In page 36, subsection (1), lines 47 and 48, to delete all words from and including “shall” in line 47 down to and including “and” in line 48 and substitute the following:

“may, if applicable in accordance with the provisions of the Tables in section 28, be forfeit and in the event of such forfeiture, the appropriate market value from disposal of that fish”.

—Martin Ferris.

- 126.** In page 37, subsection (2), lines 15 to 17, to delete paragraph (b).

—Martin Ferris.

- 127.** In page 37, subsection (5), line 39, to delete “Seafood Control Manager” and substitute “Minister”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

SECTION 33

- 128.** In page 38, subsection (2), line 9, after “appealable” to insert the following:

“save for an appeal to the High Court on a point of law”.

—John Perry.

Section opposed.

—Thomas P. Broughan, Martin Ferris.

SECTION 36

- 129.** In page 39, subsection (1), line 4, after “State” to insert the following:

“including a person who is a representative of the EU Fishery Control Centre”.

—Thomas P. Broughan.

- 130.** In page 39, subsection (2), line 12, after “State” to insert the following:

“including a person who is a representative of the EU Fishery Control Centre”.

—Thomas P. Broughan.

SECTION 38

- 131.** In page 39, paragraph (d), line 45, to delete “she” and substitute “it”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

[SECTION 39]

SECTION 39

132. In page 40, lines 15 to 18, to delete subsection (3) and substitute the following:

“(3) For the purpose of giving jurisdiction under the Sea-Fisheries Acts 2003 and 2006 any act which is an offence under those Acts and triable summarily shall, if committed by or on board a sea-fishing boat—

(a) be deemed to have been committed in any place in which the accused person may be, or

(b) which was within the exclusive fishery limits when the act was committed or when the accused person was arrested, be deemed to have been committed in a district court district abutting on that portion of those limits in which the boat was when the act was committed or the accused person arrested, as the case may be.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

SECTION 40

133. In page 40, subsection (1), lines 19 to 22, to delete all words from and including “The” in line 19 down to and including “33” in line 22 and substitute the following:

“The Government, on the request of the Attorney General, may by order appoint a day from which the Director, subject to *subsection (2)*, is the prosecutor in lieu of the Attorney General, of an offence under a section specified in a Table”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

134. In page 40, subsection (2), line 24, after “proceedings” to insert the following:

“in respect of an offence under a section specified in a Table or a Table to section 2 of the Act of 1978”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

135. In page 40, between lines 28 and 29, to insert the following subsection:

“(3) Any proceedings for an offence under a section specified in a Table to section 2 of the Act of 1978 which have not been instituted on the commencement of an order under *subsection (1)* shall be taken in the name of the Director. Accordingly, for the purposes of those proceedings, the reference to the Attorney General in section 2 of the Act of 1978 is to be read as a reference to the Director and section 18 of the Act of 1978 does not apply.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

136. In page 40, subsection (3)(a), line 33, after “Table” to insert “or a Table to section 2 of the Act of 1978”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

137. In page 40, subsection (3)(b), lines 37 and 38, to delete “of Public Prosecutions”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

138. In page 40, between lines 43 and 44, to insert the following subsection:

“(5) In this section—

“Act of 1978” means Fisheries (Amendment) Act 1978;

“Director” means Director of Public Prosecutions.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

Section opposed.

—Thomas P. Broughan.

SECTION 41

139. In page 40, to delete lines 44 to 47, to delete page 41 and in page 42, to delete lines 1 to 19 and substitute the following:

“CHAPTER 5

Sea-Fisheries Protection Authority

Establishment day. 41.—The Minister shall by order appoint a day to be the establishment day for the purposes of this Chapter. That order shall be laid before each House of the Oireachtas as soon as may be after it is made.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

140. In page 40, subsection (1), line 46, to delete “Secretary General” and substitute “Minister”.

—John Perry.

141. In page 41, subsection (5), between lines 38 and 39, to insert the following:

“(d) liaise with the other European national fishery control centres to ensure we are receiving up to date information on quota allocation and fish landing statistics.”.

—Eamon Ryan.

142. In page 41, lines 48 and 49 and in page 42, lines 1 to 4, to delete subsection (8).

—John Perry.

[SECTION 42]

SECTION 42

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

“Establishment of
Sea-Fisheries
Protection
Authority.

42.—(1) There shall stand established, on the establishment day, a body to be known in the Irish language as An t-Údarás um Chosaint Iascaigh Mhara, or, in the English language, the Sea-Fisheries Protection Authority, in this Act referred to as the “Authority”, to perform the functions assigned to it by or under this Chapter.

(2) The Authority shall be a body corporate with perpetual succession and shall have a seal and power to sue and be sued in its corporate name and to acquire, hold and dispose of land or an interest in land, and to acquire, hold and dispose of any other property.

(3) The Authority shall have all such powers as are necessary for or incidental to the performance of its functions under this Chapter.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

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

“Independence of
Authority.

43.—Subject to this Chapter, the Authority shall be independent in the exercise of its functions.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

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

“Functions of
Authority.

44.—(1) The principal functions of the Authority are—

- (a) to secure efficient and effective enforcement of sea-fisheries law and food safety law,
- (b) to promote compliance with and deter contraventions of sea-fisheries law and food safety law,
- (c) to detect contraventions of sea-fisheries law and food safety law,
- (d) to provide information to the sea-fisheries and seafood sectors on sea-fisheries law and food safety law and relevant matters within the remit of the Authority, through the Consultative Committee established under *section 49** or by any other means it considers appropriate,
- (e) to advise the Minister in relation to policy on effective implementation of sea-fisheries law and food safety law: the Minister shall consider any such advice for the purposes of *Chapter 2*,
- (f) to provide assistance and information to the Minister in relation to the remit of the Authority,

[SECTION 42]

- (g) to collect and report data in relation to sea-fisheries and food safety as required by the Minister and under Community law,
- (h) to represent or assist in the representation of the State at national, Community and international fora as requested by the Minister, and
- (i) to engage in any other activities relating to the functions of the Authority as may be approved of by the Minister.

(2) The Authority, subject to the approval of the Minister given with the consent of the Minister for Finance, may—

- (a) for the purpose of carrying out its functions under *subsection (1)* make arrangements with or enter into agreements including Service Level Agreements or contracts with the Minister for Defence or, with the consent of the Minister for Defence, the Naval Service and the Air Corps of the Permanent Defence Forces, in respect of those functions for which they were responsible immediately before the establishment day or other functions of the Authority as may be appropriate,
- (b) enter into agreements or make arrangements with any other Minister of the Government, or any other person, for that other Minister or person to perform on behalf of the Authority (with or without payment) any of its functions,
- (c) enter into agreements or make arrangements with any other Minister of the Government or the Food Safety Authority of Ireland for the Authority to perform on behalf of that Minister or that other Authority (with or without payment) such functions as may appropriately be performed by it in connection with its functions under this Chapter.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

*[*This is the appropriate reference if Amendment No. 150 is accepted.*]

Amendments to Amendment No. 145

1.

In subsection (1), after paragraph (g), to insert the following:

“(h) to assist the Minister annually in preparing a Sustainability Impact Assessment of sea fisheries for the exclusive economic zone and exclusive fishing limits of the State (as defined in *sections 54 and 55*) for presentation to the Houses of the Oireachtas,”.

Thomas P. Broughan.

2.

In subsection (1), after paragraph (h), to insert the following:

“(i) to exchange information with other national and EU Sea Fisheries Protection Authorities,”.

Thomas P. Broughan.

[SECTION 42]

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

“Transfer of functions.

45.—(1) The administration and business in connection with the performance of any of the functions transferred by *subsection (2)* are transferred, on the establishment day, to the Authority.

(2) The functions vested in the Minister or Secretary General by or under—

(a) sections 28(3) and 33(3) of the Radiological Protection Act 1991,

(b) *sections 16(1), 31, 32(5) and 39*, and

(c) the regulations mentioned in *Schedule 3**,

are, on the establishment day, transferred to the Authority.

(3) The Minister shall consult the Authority before making regulations under subsection (1), or an order under subsection (2), of section 32 of the Radiological Protection Act 1991.

(4) The Authority is an official agency, in lieu of the Minister, in respect of the enforcement of food safety law, for the purposes of the Food Safety Authority of Ireland Act 1998.

(5) Anything commenced before the establishment day by or under the authority of the Minister may, in so far as it relates to functions transferred by this section, be carried on or completed on or after that day by the Authority.

(6) Where, immediately before the establishment day, any legal proceedings are pending to which the Minister is the plaintiff or the prosecutor and the proceedings have reference to functions transferred by this section to the Authority, the name of the Authority shall, in so far as the proceedings relate to any functions transferred by this section, be substituted in those proceedings for that of the Minister or added in those proceedings as may be appropriate and those proceedings shall not abate by reason of such substitution or addition.

(7) Where, immediately before the establishment day, any legal proceedings are pending to which the Minister is a defendant and the proceedings have reference to any functions transferred to the Authority by this section, the Authority shall not be substituted for the Minister in those proceedings notwithstanding the transfer of functions under this Chapter.

(8) Every document (including any certificate or licence) granted or made in the exercise of a function transferred by this section shall, if and in so far as it was operative immediately before the establishment day, have effect on and after that day as if it had been granted or made by the Authority.”

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

*[*This is the appropriate reference if Amendment No. 220 is accepted.*]

[SECTION 42]

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

“Transfer of assets and liabilities of staff, etc., transferred.

46.—(1) The following are transferred to the Authority on the establishment day—

- (a) all property and rights relating to such property held or enjoyed immediately before that day by the staff, administration or business transferred to the Authority under *section 45** or *section 53***, as the case may be, or any trustee or agent acting on their behalf, and
- (b) all liabilities incurred before that day by the staff, administration or business so transferred, or any trustee or agent acting on their behalf, that had not been discharged before that day,

and, accordingly, without any further conveyance, transfer or assignment—

- (i) that property, real and personal, shall, on that day, vest in the Authority for all the estate, term or interest for which, immediately before that day, it was so vested in the staff, the administration or business so transferred, as the case may be, but subject to all trusts and equities affecting the property subsisting and capable of being performed,
- (ii) those rights shall, as on and from that day, be enjoyed by the Authority, and
- (iii) those liabilities shall, as on and from that day, be liabilities of the Authority.

(2) Every right and liability transferred to the Authority by this section may, on or after the establishment day, be sued on, recovered or enforced by or against the Authority in its own name and it shall not be necessary for the Authority to give notice to the person whose right or liability is transferred by this section of the transfer.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

*[This is the appropriate reference if Amendment No. 146 is accepted.]

**[This is the appropriate reference if Amendment No. 154 is accepted.]

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

“Policy directions by Minister to Authority.

47.—(1) Subject to *subsection (3)*, the Minister may give such general policy directions in writing to the Authority in relation to its functions as he or she considers appropriate.

(2) The Authority shall, subject to the performance of the functions specified in *section 44(1)**, implement any direction given under *subsection (1)*.

(3) Nothing in this section shall be construed as enabling the Minister to exercise any power or control in relation to individual cases or groups of cases with which the Authority is or may be concerned or in relation to the performance in particular circumstances by the Authority of a function assigned to it by or under this Chapter.

[SECTION 42]

(4) A copy of any direction given by the Minister under *subsection (1)*, along with a statement of the reasons for giving the direction, shall be laid before each House of the Oireachtas and published in the *Iris Oifigiúil* as soon as may be after it is given.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

*[*This is the appropriate reference if Amendment No. 145 is accepted.*]

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.

(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)*,

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.

[SECTION 42]

(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
- (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.

Amendment to Amendment No. 149

1.

In subsection (13), to delete “12 months” and substitute “two years”.

Thomas P. Broughan.

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

[*SECTION 42*]

“Consultative
Committee.

49.—(1) The Minister shall, for the purposes of consultations and liaison with the sea-fisheries and seafood sectors and other relevant interests on matters relating to the functions of the Authority, establish a body to be known in the Irish language as *An Coiste Sainchomhairleach um Chosaint Iascaigh Mhara* or, in the English language, the Sea-Fisheries Protection Consultative Committee (referred to in this Chapter as the “Consultative Committee”) and appoint the members of the Consultative Committee.

(2) The Consultative Committee shall have the following functions—

- (a) to inform the Authority of concerns and views of the sea-fisheries and seafood sectors regarding the functions of the Authority,
- (b) to seek to keep the sea-fisheries and seafood sectors generally informed of the applicable sea-fisheries law and food safety law, as well as of the standards, guidelines, practices and procedures operated by the Authority in relation to the enforcement of that law,
- (c) to advise the Authority on keeping the burden on the sea-fisheries and seafood sectors generally of compliance with that law to the minimum possible consistent with the essential purposes and the effective enforcement of that law,
- (d) to advise the Authority of its views on the fairness and consistency of the operations of the Authority,
- (e) to seek the delivery of a high standard of service by the Authority.

(3) The Consultative Committee shall have no function in relation to detailed operational matters or individual cases or groups of cases with which the Authority is or may be concerned.

(4) The Minister or the Authority may consult the Consultative Committee on any matters arising in relation to the functions of the Authority.

(5) The Consultative Committee shall consist of not more than 14 members as follows—

- (a) 5 persons from the sea-fishing catching sector,
- (b) 2 persons from the inshore fishing sector,
- (c) 2 persons from the seafood processing sector,
- (d) 2 persons from the aquaculture sector, and
- (e) 3 persons nominated by the Minister.

(6) A member may resign from office by written notice given to the Minister and the resignation shall take effect on the date specified in the notice or on the date on which the Minister receives the notice whichever is the later.

(7) The Consultative Committee may act notwithstanding a vacancy or vacancies in its membership.

(8) The Minister may appoint a person to fill a casual vacancy which arises in the membership of the Consultative Committee due to the death, resignation or removal of a member and the person so appointed shall be appointed in the same manner as the member who occasioned the casual vacancy.

[SECTION 42]

(9) The Minister in appointing members of the Consultative Committee, shall ensure, in as far as is practicable, an equitable balance between men and women in the composition of the Consultative Committee.

(10) The Minister shall appoint the chairperson and deputy chairperson of the Consultative Committee from among the members of the Consultative Committee referred to in *paragraphs (a) to (d) of subsection (5)* for such period as is specified in the appointment and may reappoint a chairperson and deputy chairperson for a further specified period or further specified periods. The chairperson or deputy chairperson ceases to be the chairperson or deputy chairperson on ceasing to be a member of the Consultative Committee.

(11) The Minister may remove from office a member of the Consultative Committee in the following circumstances—

- (a) where, in the opinion of the Minister, the member has become incapable through ill-health of being a member of the Consultative Committee,
- (b) for stated misbehaviour,
- (c) in the case of a person appointed to represent a sector referred to in *paragraphs (a) to (d) of subsection (5)*, where the person is no longer a representative or
- (d) where removal of the member appears to the Minister to be necessary or desirable for effective performance by the Consultative Committee of its functions.

(12) The Consultative Committee shall arrange its business as it sees fit.

(13) Members of the Consultative Committee shall be paid by the Authority such allowances for expenses as the Minister, with the consent of the Minister for Finance, may from time to time determine.

(14) The Authority shall provide all reasonable facilities and services as may be required by the Consultative Committee for the performance of its functions.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

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

“Complaints
procedures.

50.—(1) The Authority shall appoint one or more persons from outside the Authority (“Complaints Officer”) to—

- (a) duly consider, and
- (b) furnish a report to the Authority on,

any complaint duly made under this section by or on behalf of a member of the public in relation to the enforcement of sea-fisheries law or food safety law.

(2) The Authority shall have regard to the report of the Complaints Officer under *subsection (1)* and shall advise the complainant and the Complaints Officer of its decision in the matter.

(3) A complaint shall not be considered under this section if—

[SECTION 42]

- (a) it relates to any matter the subject of proceedings before a court or other tribunal,
- (b) it is the subject of a complaint to the Ombudsman or an appeal to the Information Commissioner, or
- (c) it is not made to a Complaints Officer within 28 days after the subject matter of the complaint arose.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

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

“Staff of Authority. 51.—(1) The Authority may, with the approval of the Minister given with the consent of the Minister for Finance, appoint such and so many persons to be members of its staff as it considers necessary to assist it in the performance of its functions.

(2) The terms and conditions, including terms and conditions as to remuneration and grading, of persons appointed under *subsection (1)* shall be determined by the Minister with the consent of the Minister for Finance.

(3) The Authority may perform such of its functions as it may deem proper through or by any member of its staff (including any person who is made available to it under *section 62(1)**).”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

**[This is the appropriate reference if Amendment No. 163 is accepted.]*

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

“Sea-fisheries protection officers. 52.—(1) The Authority may appoint members of staff of the Authority to be sea-fisheries protection officers for the purposes of enforcing sea-fisheries law and food safety law for such period as it sees fit.

(2) The Authority may, in agreement with any body established by or under statute, authorise persons who are officers of that body, to—

- (a) perform such functions of a sea-fisheries protection officer under sea-fisheries and food safety law, or
- (b) assist a sea-fisheries protection officer in exercising such functions,

for such period and in such circumstances or area, to such extent and subject to such conditions as it may specify in the authorisation.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

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

[SECTION 42]

“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—

- (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) Act 1994,
- (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 Nádurtha.

Amendments to Amendment No. 154

1.

In subsection (5)(b), to delete “1973 to 2001” and substitute “1973 to 2005”.

Thomas P. Broughan.

2.

In subsection (5)(c), to delete “1977 to 2001” and substitute “1977 to 2005”.

Thomas P. Broughan.

3.

In subsection (5)(d), to delete “Act 1994” and substitute “Acts 1994 to 2001”.

Thomas P. Broughan.

[SECTION 42]

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

“Consultants and advisers.

54.—The Authority may, from time to time, engage such consultants or advisers as it may consider necessary to assist it in the discharge of its functions and any fees due to a consultant or adviser engaged under this section shall form part of the expenses of the Authority.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

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

“Indemnity.

55.—No action or other proceedings shall lie or be maintainable (except in the case of wilful neglect or default) against—

- (a) a member of the Authority or a member of the staff of the Authority,
- (b) a person authorised by the Authority under *section 52(2)(a)**,
- (c) a person engaged by the Authority under *section 54***, or
- (d) a person made available to the Authority under *section 62****,

arising from a failure to perform or to comply with any of the functions conferred or obligations imposed on the Authority by or under this Chapter.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

**[This is the appropriate reference if Amendment No. 153 is accepted.]*

***[This is the appropriate reference if Amendment No. 155 is accepted.]*

****[This is the appropriate reference if Amendment No. 163 is accepted.]*

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

“Membership of House of Oireachtas, European Parliament and local authorities.

56.—(1) Where a member of the Authority—

- (a) accepts nomination as a member of Seanad Éireann,
- (b) is elected as a member of either House of the Oireachtas or as a representative in the European Parliament,
- (c) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to the European Parliament to fill a vacancy, or
- (d) becomes a member of a local authority,

he or she shall thereupon cease to be a member of the Authority.

[*SECTION 42*]

(2) Where a member of the staff of the Authority—

- (a) accepts nomination as a member of Seanad Éireann,
- (b) is elected as a member of either House of the Oireachtas or as a representative in the European Parliament, or
- (c) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to the European Parliament to fill a vacancy,

he or she shall thereupon stand seconded from his or her employment by the Authority and shall not be paid by, or be entitled to receive from, the Authority remuneration or allowances in respect of the period commencing on such nomination or election or when he or she is so regarded as having been elected, as the case may be, and ending when he or she ceases to be a member of either such House or such Parliament.

(3) A person who is, for the time being, entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a member of the European Parliament shall, while he or she is so entitled or is such a member, be disqualified from becoming a member of the Authority or a member of the staff of the Authority.

(4) A person who is a member of a local authority shall be disqualified from becoming a member of the Authority while he or she is a member of such local authority.

(5) The Authority shall not employ or otherwise retain in any capacity a person who would otherwise be disqualified under this section from becoming a member of the Authority while that person would be so disqualified.

(6) Without prejudice to the generality of *subsection (2)*, that subsection shall be construed as prohibiting, among other things, the reckoning of a period mentioned in that subsection as service with the Authority for the purposes of any superannuation benefits.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

Amendments to Amendment No. 157

1.

In subsection (1), to delete paragraph (d).

Thomas P. Broughan.

2.

To delete subsection (4).

Thomas P. Broughan.

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

“Code of Conduct.

57.—The Authority shall, following consultation with the Minister and the Minister for Finance, draw up a code of conduct in respect of controls on interests and ethical behaviour to apply to all members of the Authority and all members of the staff of the Authority.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

[SECTION 42]

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

“Disclosure of interests.

58.—(1) Where a member of the Authority, a member of the staff of the Authority, or a consultant, adviser or other person engaged by the Authority, has a beneficial interest in, or material to, any matter which falls to be considered by the Authority, he or she shall—

- (a) disclose to the Authority, and in the case of disclosure by a member of the Authority where there is only one member, that member shall disclose to the Minister, the nature of his or her interest in advance of any consideration of the matter,
- (b) neither influence nor seek to influence a decision in relation to the matter,
- (c) take no part in any consideration of the matter, unless there are compelling reasons requiring him or her to do so,
- (d) if he or she is a member of the Authority, withdraw from a meeting of the Authority for so long as the matter is being discussed or considered by the Authority, and unless there are compelling reasons requiring him or her to do so, shall not vote or otherwise act in relation to the matter, and
- (e) prepare and furnish in advance to the Authority or Minister, as appropriate, a statement in writing of the compelling reasons aforesaid.

(2) For the purposes of this section, but without prejudice to the generality of *subsection (1)*, a person shall be regarded as having a beneficial interest if—

- (a) he or she or any connected relative, or any nominee of his or her or any connected relative, is a member of an undertaking or any other body which has a beneficial interest in, or material to, a matter referred to in that subsection,
- (b) he or she or any connected relative is in partnership with or is in the employment of a person who has a beneficial interest in, or material to, such a matter,
- (c) he or she or any connected relative is a party to any arrangement or agreement (whether or not enforceable) concerning land to which such a matter relates, or
- (d) any connected relative has a beneficial interest in, or material to, such a matter.

(3) In *subsection (2)*, “connected relative” means, in relation to a person to whom that subsection applies, the person’s spouse or partner, parent, brother, sister, child or a child of a spouse or partner.

(4) For the purposes of this section, a person shall not be regarded as having a beneficial interest in, or material to, any matter, by reason only of an interest of his or her or of any undertaking or of any other body or person mentioned in *subsection (2)* which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a person in considering, discussing or in voting on, any question with respect to the matter, or in performing any function in relation to that matter.

[SECTION 42]

(5) Where a question arises as to whether or not a course of conduct, if pursued by a person, would be a failure by him or her to comply with the requirements of *subsection (1)*, the question shall be determined by the Authority or, where there is only one member of the Authority, in the case of that member, by the Minister.

(6) Particulars of the determination under *subsection (5)* shall be recorded by the Authority in the minutes of the meeting concerned or by the Minister by letter addressed to the Authority.

(7) Where a disclosure is made to the Authority or the Minister pursuant to *subsection (1)*, particulars of the disclosure shall be recorded in the minutes of any meeting concerned or by the Minister by letter addressed to the Authority.

(8) Where a person referred to in this section, other than a member of the Authority, fails to make a disclosure in accordance with this section, the Authority shall decide the appropriate action (including removal from office or termination of contract) to be taken.

(9) Where a member of the Authority fails to make a disclosure in accordance with this section, the Minister shall decide the appropriate action (including removal from office) to be taken.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

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

“Disclosure of
confidential
information.

59.—(1) Save as otherwise provided by law, a person shall not disclose confidential information obtained by him or her while performing duties as a member of the Authority, member of the staff of the Authority or a consultant, adviser or other person engaged by the Authority, unless he or she is duly authorised to do so.

(2) In this section, “duly authorised” means authorised by the Authority or by some person authorised in that behalf by the Authority for the purposes of this section.

(3) A person who contravenes *subsection (1)* is guilty of an offence and is liable on summary conviction to a fine not exceeding €5,000 or imprisonment for a term not exceeding 3 months, or to both.

(4) (a) In this section, “confidential information” means that which is expressed by the Authority to be confidential either as regards particular information or as regards information of a particular class or description.

(b) In expressing information to be confidential, the Authority shall have regard to the requirement to protect information of a confidential commercial nature.

(5) Nothing in *subsection (1)* shall prevent the disclosure of information in a report made by or on behalf of the Authority to the Minister.

(6) The Third Schedule to the Freedom of Information Act 1997 is amended by the insertion in Part I at the end thereof—

(a) in column (2) of “*Sea-Fisheries and Maritime Jurisdiction Act 2006*”, and

[SECTION 42]

(b) in column (3) of “Section 59*”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

**[This is the appropriate reference if this amendment is accepted.]*

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

“Superannuation of members of Authority.

60.—(1) The Minister shall, with the consent of the Minister for Finance, make a scheme or schemes for the granting of superannuation benefits to or in respect of a member of the Authority ceasing to hold office.

(2) Every scheme made under this section shall fix the time and conditions of retirement for all persons to or in respect of whom superannuation benefits are payable under the scheme and different times and conditions may be fixed in respect of different classes of persons.

(3) The Minister may, with the consent of the Minister for Finance, make a scheme amending or revoking a scheme under this section, including a scheme under this subsection.

(4) If any dispute arises as to the claim of a member of the Authority to, or the amount of, any superannuation benefit payable in pursuance of a scheme under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for Finance for determination by him or her.

(5) A scheme under this section shall be carried out by the Minister in accordance with its terms.

(6) No superannuation benefit shall be granted by the Minister to or in respect of any member of the Authority ceasing to hold office otherwise than in accordance with a scheme under this section or as otherwise may be approved of by the Minister with the consent of the Minister for Finance.

(7) A scheme under this section shall be laid before each House of the Oireachtas by the Minister as soon as may be after it is made and, if a resolution annulling the scheme is passed by either such House within the next 21 days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.”

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

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

“Superannuation of staff of Authority.

61.—(1) The Authority shall prepare and submit to the Minister a scheme or schemes for the granting of superannuation benefits to or in respect of such members of the staff of the Authority as it may think fit.

(2) Every scheme made under this section shall fix the time and conditions of retirement for all persons to or in respect of whom superannuation benefits are payable under the scheme and different times and conditions may be fixed in respect of different classes of persons.

[*SECTION 42*]

(3) Every scheme made under *subsection (1)* may, with the consent of the Minister for Finance, be amended or revoked by a subsequent scheme prepared, submitted and approved under *subsection (1)*.

(4) A scheme made under *subsection (1)* submitted by the Authority to the Minister shall, if approved by the Minister with the consent of the Minister for Finance, be carried out by the Authority in accordance with its terms.

(5) No superannuation benefits shall be granted by the Authority nor shall any other arrangements be entered into by the Authority for the provision of such a benefit to or in respect of a member of the staff of the Authority otherwise than in accordance with a scheme under *subsection (1)* or otherwise as may be approved of by the Minister with the consent of the Minister for Finance.

(6) If any dispute arises as to the claim of any person to, or the amount of, any superannuation benefit payable in pursuance of a scheme or schemes under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for Finance for determination by him or her.

(7) A scheme under this section shall be laid before each House of the Oireachtas by the Authority as soon as may be after it is made and, if a resolution annulling the scheme is passed by either such House within the next 21 days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

(8) Superannuation benefits granted under schemes under this section to persons who, immediately before the establishment day, were officers of the Minister and the terms and conditions relating to those benefits shall not be less favourable to those persons than those to which they were entitled immediately before that day.

(9) Where, in the period beginning on the establishment day and ending immediately before the commencement of a scheme under this section, a superannuation benefit falls due for payment to or in respect of a person who was transferred to the staff of the Authority under *section 53**, the benefit shall be calculated by the Authority in accordance with such scheme, or such enactments in relation to superannuation, as applied to the person immediately before the establishment day and, for that purpose, his or her pensionable service with the Authority shall be aggregated with his or her previous pensionable service and shall be paid by the Authority.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

**[This is the appropriate reference if Amendment No. 154 is accepted.]*

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

“Resources made available by Minister to Authority.

62.—(1) The Minister may make available to the Authority, on a request being made by the Authority, such staff, premises, equipment, services and other resources as the Minister may determine from time to time in consultation with the Minister for Finance.

[SECTION 42]

(2) The Authority shall, on request from the Minister, pay to the Minister such sum or sums as the Minister may specify to be the expenses incurred by the Minister in making available to the Authority such staff, premises, equipment, services and other resources under *subsection (1)*.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

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

“Grants to
Authority.

63.—(1) In each financial year there shall be paid to the Authority out of moneys provided by the Oireachtas a grant of such amount as the Minister, with the consent of the Minister for Finance and after consultation with the Authority in relation to its likely work programme and expenditure for the financial year (and after taking into account any other resources including monies available to the Authority), may sanction towards the expenses of the Authority in the due performance of its functions.

(2) In determining the grant payable to the Authority under *subsection (1)*, the Minister shall have regard to the obligations of the State under the common fisheries policy or other international agreement in so far as the due performance of the functions of the Authority is concerned.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

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

“Fees.

64.—(1) Subject to *subsection (2)*, for the purpose of meeting expenses properly incurred by the Authority in the due performance of its functions under this Chapter, the Authority, with the consent of the Minister and the Minister for Finance, may make regulations imposing fees to be paid by such classes of persons as may be specified by the Authority in the regulations.

(2) Regulations under *subsection (1)* may provide for the following—

(a) rates of fee payable,

(b) the keeping of records and the making of returns by persons liable to pay fees,

(c) the collection and recovery of fees, and

(d) such other matters as are necessary or incidental to the procurement of the payment of fees.

(3) Fees shall be payable to the Authority at such time and at such rates as may be prescribed in regulations made by the Authority under *subsection (1)* and different rates may be prescribed in respect of different classes of persons liable to pay fees.

(4) Fees payable under the regulations mentioned in *Schedule 3** shall, on the establishment day, be payable to the Authority and may be altered by regulations under this section.

[SECTION 42]

(5) The Minister may, with the consent of the Minister for Finance, direct the Authority to pay into the Central Fund or the growing produce thereof, such sum as he or she may specify, being a sum that represents the amount by which the gross income received by the Authority in each financial year exceeds the gross expenditure incurred in the administration of its office in that year.

(6) The Authority may recover, as a simple contract debt in any court of competent jurisdiction, from any person by whom it is payable any amount due and owing to it under this section (including fees payable under regulations mentioned in *Schedule 3**).

(7) The Public Offices Fees Act 1879 does not apply to any fees payable under this section.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

**[This is the appropriate reference if Amendment No. 220 is accepted.]*

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

“Borrowings.

65.—The Authority may, for the purpose of the performance of its functions, borrow money (whether on the security of its assets or otherwise), including money in a currency other than the currency of the State, but shall not do so without the consent of the Minister and the Minister for Finance.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

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

“Accounts and annual report of Authority.

66.—(1) The Authority shall keep in such form and in respect of such accounting periods as may be approved of by the Minister, with the consent of the Minister for Finance, all proper and usual accounts of moneys received or expended by it, including an income and expenditure account and a balance sheet.

(2) Accounts kept in pursuance of this section shall be submitted, not later than three months after the end of the financial year to which they relate, by the Authority to the Comptroller and Auditor General for audit and, immediately after the receipt of the Comptroller and Auditor General’s report on the accounts, a copy of the income and expenditure account, the balance sheet and of such other (if any) accounts kept pursuant to this section as the Minister, after consultation with the Minister for Finance, may direct and a copy of the Comptroller and Auditor General’s report on the accounts shall be presented to the Minister who shall cause copies thereof to be laid before each House of the Oireachtas.

(3) As soon as practicable, but not later than 3 months after the end of each financial year, the Authority shall, in writing, report to the Minister in relation to the performance of its functions in that year and the Minister shall cause copies of the report to be laid before each House of the Oireachtas within 3 months of its receipt by him or her.

(4) The report under *subsection (3)* shall, in particular, indicate—

[SECTION 42]

- (a) the extent to which the Strategy Statement of the Authority was implemented in that year,
- (b) the number of complaints made under *section 50** in that year and the decision of the Authority in relation to the complaints, and
- (c) the results of any review by or on behalf of the Authority of the cost-effectiveness of its operations.

(5) The Minister may give directions in writing to the Authority in regard to the format and content of a report under *subsection (3)*, but such directions shall not require the Authority to include in such report details which could, in the opinion of the Authority, be prejudicial to the performance of its functions.

(6) The Authority shall give to the Minister such information relating to the performance of its functions as the Minister may request provided that such information would not, in the opinion of the Authority, be prejudicial to the performance of its functions.

(7) The financial year of the Authority shall be the period of 12 months ending on 31 December in any year and, for the purposes of this section and *section 63***, the period commencing on the establishment day and ending on the following 31 December shall be deemed to be a financial year.”

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

**[This is the appropriate reference if Amendment No. 151 is accepted.]*

***[This is the appropriate reference if Amendment No. 164 is accepted.]*

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

“Strategy Statement
of Authority.

67.—(1) The Authority shall adopt and submit to the Minister a statement of strategy within 6 months after the establishment day and at least every 3 years from the submission date of the first statement.

(2) The statement of strategy shall—

- (a) comprise the key objectives, outputs and related strategies, including use of resources, of the Authority,
- (b) be prepared in a form and manner in accordance with any directions issued from time to time by the Minister, and
- (c) have regard to the need to ensure the most beneficial, effective and efficient use of the resources of the Authority.

(3) The Authority shall publish a statement of strategy adopted by it and shall lay a copy before each House of the Oireachtas.”

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

[SECTION 42]

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

“Publication of reports of Authority. 68.—Subject to *section 66**, the Authority may publish any reports on matters related to its functions.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

**[This is the appropriate reference if Amendment No. 167 is accepted.]*

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

“Accountability of Authority to Committees of Oireachtas. 69.—(1) The member of the Authority, or where there is more than one member of the Authority, the chairperson of the Authority, shall, whenever required by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, attend before and give evidence to that Committee on—

- (a) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account subject to audit by the Comptroller and Auditor General which the Authority is required by or under statute to prepare,
- (b) the economy and efficiency of the Authority in the use of its resources,
- (c) the systems, procedures and practices employed by the Authority for the purpose of evaluating the effectiveness of its operations, and
- (d) any matter affecting the Authority referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993, or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in *paragraph (a), (b) or (c)*) that is laid before Dáil Éireann.

(2) From time to time, and whenever so requested, the Authority shall account for the performance of the functions of the Authority to a Committee of one or both Houses of the Oireachtas and shall have regard to any recommendations of such Committee relevant to its functions.

(3) In carrying out its duties under this section, the Authority shall not—

- (a) question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy,
- (b) provide information that might facilitate the commission of an offence, prejudice a criminal investigation or jeopardise the safety of any person, or
- (c) be required to account to a Committee for any matter which is or has been or may at a future time be the subject of proceedings before a court or tribunal in the State.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

[SECTION 42]

Amendment to Amendment No. 170

1.

In subsection (3), to delete paragraph (a).

Thomas P. Broughan.

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

“Premises of Authority.

70.—The Authority may, for the purposes of providing premises necessary for the performance of its functions, purchase, lease, equip and maintain offices and other premises with the consent of the Minister and the Minister for Finance.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

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

“Seal of Authority.

71.—(1) The Authority shall, as soon as may be after its establishment, provide itself with a seal.

(2) The seal shall be authenticated by the signature of—

(a) a member of the Authority, or

(b) a member of the staff of the Authority, authorised by the Authority to act in that behalf.

(3) Judicial notice shall be taken of the seal of the Authority and every document purporting to be an instrument made by and to be sealed with the seal of the Authority (purporting to be authenticated in accordance with this section) shall be received in evidence and be deemed to be such instrument without proof unless the contrary is shown.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

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

“Authority to keep itself informed on certain matters.

72.—(1) The Authority shall keep itself informed of the policies, objectives, resolutions and guidelines of any public authority the functions of which have, or may have, a bearing on the matters with which the Authority is concerned.

(2) In this section, “public authority” means the Minister, the Council and Commission of the European Communities and any other public authority inside or outside the State which, in the opinion of the Authority, has functions that have, or may have, a bearing on matters with which the Authority is concerned.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

[SECTION 42]

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

“Provision of services by Authority.

73.—The Authority may provide services (including services of staff) to the Minister or to another person on such terms and conditions (including payment for such services) as may be agreed and the Minister or the other person concerned may avail of such services.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

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

“Definitions (Chapter 5).

74.—In this Chapter— “food safety law” means—

- (a) food legislation (within the meaning of section 2(1) of the Food Safety Authority of Ireland Act 1998) relating to the safety and hygiene of fish or fishery products, and
- (b) the legal obligations of the State in relation to fish or fishery products arising under any law of an institution of the European Communities or other international agreement which is binding on the State (whether or not such legal obligation is the subject of regulations under the Act of 1972 or any other enactment);

“local authority” has the meaning assigned to it by the Local Government Act 2001;

“sea-fisheries law” means—

- (a) the Sea-Fisheries Acts 2003 and 2006 and instruments made by the Minister under the Acts, and
- (b) the legal obligations of the State in relation to sea-fisheries arising under any law of an institution of the European Communities to give effect to the common fisheries policy or other international agreement which is binding on the State (whether or not such legal obligation is the subject of regulations under the Act of 1972 or any other enactment).”

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

176. In page 42, before section 42, to insert the following new section:

“CHAPTER 6

Administrative Penalties

Administrative Penalties.

42.—(1) As soon as may be following the passage of this Act, the Minister shall prescribe a system of administrative penalties which may be applied to breaches of the *Sea Fisheries Acts 2003* and *2006*.

(2) Administrative penalties for breaches of the *Sea Fisheries Acts 2003* and *2006* will not preclude the application of any other sanctions as allowed for in this Act for serious and repeated sea fishery offences.

[*SECTION 42*]

(3) The system of administrative penalties may include—

- (a) on the spot fines,
- (b) penalty points in relation to licensing offences,
- (c) graduated fines,
- (d) fines levied in proportion to percentages of individual boat fishing catches, individual annual turnover and corporate annual turnover.”.

—Thomas P. Broughan.

177. In page 42, subsection (1), line 26, to delete “in such form as he or she considers appropriate”.

—Martin Ferris.

178. In page 42, between lines 29 and 30, to insert the following subsection:

“(2) The Registrar shall make the Register of Fishing Boats available to the public by means of publication on the Internet.”.

—Martin Ferris.

179. In page 42, between lines 33 and 34, to insert the following subsection:

“(4) If satisfied, after considering the objection and any submission received, the Minister shall issue directions, including policy directions, to the Registrar General so as to remedy any matters giving rise to, or likely to give rise to, anomalies.”.

—John Perry.

180. In page 42, subsection (6), line 46, to delete “continues” and substitute “continue”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

SECTION 43

181. In page 43, subsection (1), line 4, after “law” to insert the following:

“, or other international obligations which are binding on the State,”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

182. In page 43, subsection (4)(a), line 23, after “issued” to insert “by the Registrar General”.

—John Perry.

[*SECTION 43*]

- 183.** In page 43, subsection (4)(b), line 25, after “registration” to insert “issued by the Registrar General”.

—John Perry.

- 184.** In page 44, subsection (6)(c), line 8, after “law” to insert the following:

“, or other international obligations which are binding on the State,”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

- 185.** In page 44, subsection (6), line 11, to delete “€5,000” and substitute “€3,000”.

—John Perry.

SECTION 47

- 186.** In page 45, subsection (3), line 24, to delete “€5,000” and substitute “€3,000”.

—John Perry.

SECTION 48

- 187.** In page 45, line 33, to delete “65” and substitute “64”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

SECTION 52

- 188.** In page 46, before section 52, to insert the following new section:

“Contiguous zone.

52.—(1) The contiguous zone of the State is that portion of the sea not included in the territorial seas of the State which lies between the baseline and the outer limit of the contiguous zone.

(2) The outer limit of the contiguous zone is the line every point of which is at a distance of 24 nautical miles from the nearest point of the baseline.

(3) The State may exercise in the contiguous zone such rights and duties as are provided for in international law.”.

—Thomas P. Broughan.

SECTION 54

- 189.** In page 47, subsection (3), line 14, to delete “the” where it firstly occurs.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

[SECTION 55]

SECTION 55

190. In page 47, before section 55, to insert the following new section:

“Continental shelf of State lying outside the exclusive economic zone of the State.

55.—(1) The continental shelf of the State is the area beyond and adjacent to the territorial seas and prescribed for the purposes of section 2(3) of the Continental Shelf Act 1968.

(2) Over that part of the continental shelf that lies outside the exclusive economic zone, the State has the sovereign rights and jurisdiction and other rights and duties referred to in *section 54(4)* insofar as they relate to the seabed and its subsoil or are reasonably incidental thereto, and includes, for purposes prescribed by the Minister, the waters above such seabed.”.

—Thomas P. Broughan.

SECTION 56

191. In page 47, before section 56, to insert the following new section:

“Extent of State.

56.—The territorial seas, the exclusive economic zone and the continental shelf of the State are part of the State and, unless otherwise provided by law, the law of the State shall apply in and in relation to such areas.”.

—Thomas P. Broughan.

SECTION 57

192. In page 48, lines 13 and 14, to delete subsection (2) and substitute the following:

“(2) This section does not apply to an offence under—

- (a) the *Dumping at Sea Acts 1996 to 2006*,
- (b) the Maritime Security Act 2004,
- (c) the *Sea-Fisheries Acts 2003 and 2006*, or
- (d) the Sea Pollution Acts 1991 to 1999.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

SECTION 59

193. In page 48, subsection (1), line 24, after “seas,” to insert “the”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

[SECTION 60]

SECTION 60

194. In page 48, between lines 37 and 38, to insert the following subsection:

“(3) Section 2 of the Wildlife Act 1976 is amended by substituting for the definition of “the territorial seas of the State” the following:

“ ‘territorial seas of the State’ means the portion of the sea which is defined by *section 50* of the *Sea-Fisheries and Maritime Jurisdiction Act 2006* as the territorial seas of the State;”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

195. In page 49, subsection (6), line 11, to delete “*subsection*” and substitute “*subsection (2)*”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

SECTION 64

196. In page 51, lines 29 and 30, to delete “renew a sea-fishing boat licence”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

197. In page 53, line 12, after “with” to insert “, or a record of a permitted derogation from,”.

—John Perry.

198. In page 53, line 19, to delete “of”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

199. In page 54, between lines 12 and 13, to insert the following:

“(c) A decision to refuse the grant or renewal of a sea fishing boat license under the provisions of this section shall be open to appeal by the applicant or license holder in accordance with the provisions of the Act of 2003 as related to the issuing of license by the Registrar General of Fishing Boats.”.

—Martin Ferris.

200. In page 54, to delete lines 15 to 20 and substitute the following:

“(a) entered in the Register of Fishing Boats maintained under *section 42* of the *Sea-Fisheries and Maritime Jurisdiction Act 2006*,

(b) required by regulations under *section 44* of that Act to be so entered, or

(c) exempt from such registration by regulations under that section;”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

[SECTION 64]

- 201.** In page 54, subsection (2), line 33, to delete “commencement of this section” and substitute “passing of this Act”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

SECTION 66

- 202.** In page 55, paragraph (a), between lines 11 and 12, to insert the following:

“(i) The Minister may, at his discretion, amend existing policy directives issued to the Registrar of Fishing Boats if in his opinion such is required to rectify unacceptable anomalies or where existing policy has led to consequences which were not foreseen and which require amendments to policy directives, whether or not such amendments are in relation to individual vessels or individual circumstances, notwithstanding provisions of other sections of this Act,”.

—Martin Ferris.

- 203.** In page 55, paragraph (b), to delete lines 30 to 35.

—John Perry.

- 204.** In page 55, line 32, after “faith” to insert “and intended to be in accordance with law”.

—Thomas P. Broughan.

- 205.** In page 56, paragraph (c)(iii), line 16, to delete “and” and substitute “an”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

- 206.** In page 57, paragraph (i), line 6, to delete “29” and substitute “28”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

SECTION 67

- 207.** In page 57, before section 67, but in Chapter 3, to insert the following new section:

“Avoidance of flags of convenience.

67.—(1) This section applies where a person applies to the Minister, under section 21 of the Mercantile Marine Act 1955, to register a ship under the law of another country, the ship concerned being one that—

(a) is registered at a port in the State, and

(b) regularly proceeds to sea from a port in the State to any other port in the State or to a port in any other Member State.

[*SECTION 67*]

(2) The Minister may on the application of a person to whom this section applies, consent to such registry by that person if but only if—

- (a) that person is a national of a Member State or a body corporate established under and subject to the laws of a Member State,
- (b) the port at which it is proposed to register the ship is a port within a Member State.

(3) In this section, “Member State” means a Member State of the European Union and also includes the Channel Islands and the Isle of Man.

(4) In deciding under this section whether to consent to registration or not of a ship, the Minister shall—

- (a) have regard to the United Nations Convention on the Law of the Sea, signed at Montego Bay, Jamaica, on the 10th December 1982, which entered into force on the 16th November, 1994, and which was ratified by the State on the 21st June, 1996,
- (b) have regard in particular to the need to ensure that the registry in the State of a ship will not be closed or transferred to a port outside the State in any circumstances that would amount to breach by the State of the Convention, and
- (c) ensure that no recognition is given to the documents of registration issued by any other state to a ship in circumstances where no genuine link, within the meaning of the Convention, between that state and any ship concerned might exist.

(5) A person who registers a ship under the law of another state in contravention of this section is guilty of an offence and is liable—

- (a) on summary conviction, to a fine not exceeding €3,000 or to imprisonment for a term not exceeding 12 months, or to both,
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 5 years, or to both.

(6) Where an offence under this Act is committed by a body corporate or by a person acting on behalf of a body corporate and is proved to have been so committed with the consent, connivance or approval of, or to have been attributed to any neglect on the part of, any person who, when the offence was committed, was a director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, that person (as well as the body corporate) is guilty of an offence and is liable to be proceeded against and punished as if guilty of the offence committed by the body corporate.”.

—Thomas P. Broughan.

[]

SECTION 68

208. In page 58, between lines 35 and 36, to insert the following:

“(b) The Minister shall cause to have published guidelines to assist applicants for aquaculture licenses, detailing procedures, relevant forms, timescales and service obligations which apply to the Department and obligations upon applicants, to enable dealing with such applications expeditiously, and in accordance with the law.”.

—Martin Ferris.

209. In page 60, line 13, to delete “€5,000” and substitute “€3,000”.

—John Perry.

210. In page 62, to delete lines 39 to 41.

—Thomas P. Broughan.

SECTION 69

211. In page 63, to delete lines 1 to 3.

—Martin Ferris.

212. In page 63, between lines 3 and 4, to insert the following:

“(c) All rates, tolls or other charges payable pursuant to an order under subsection (2)(b) shall be invoiced in a timely and fully transparent manner to all users of the National Fishery Harbour Centres.”.

—Thomas P. Broughan.

213. In page 63, between lines 4 and 5, to insert the following:

“(b) The Department shall furnish relevant vessel owners with timely invoices detailing separately dates and individual charges which comprise the amount being charged in respect of use of Fishery Harbour Centres.”.

—Martin Ferris.

SECTION 70

214. In page 63, lines 38 to 41 and in page 64, lines 1 to 24, to delete paragraphs (c) and (d).

—Thomas P. Broughan.

[SECTION 70]

215. In page 64, line 1, to delete “71” and substitute “70”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

216. In page 64, line 6, after “Government” to insert “, on the request of the Attorney General”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

SECTION 71

217. In page 64, subsection (1)(c), line 35, to delete “and” and substitute the following:

“(d) in section 38—

(i) in subsection (1), by substituting the following paragraphs for paragraph (c):

“(c) securing safe navigable routes,

(cc) securing that search and rescue and search and recovery operations can be conducted safely, or”,

and

(ii) in subsection (3), by substituting the following paragraph for paragraph (d):

“(d) the temporary prevention of or restriction on the navigation of vessels within a specified area or specified areas, or the establishment and maintenance of a temporary exclusion zone around a vessel, structure or other thing that is sunk, wrecked, damaged or in distress, for the purposes of allowing any directions or actions under this section to be carried out safely, and”.’”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

NEW SECTION

218. In page 64, before Schedule 1, to insert the following new section:

“CHAPTER 8

Introduction of Single Stock Management System and Voluntary Buyout for Net Fishermen

Introduction of
Single Stock
Management
System and
Voluntary Buyout
for Net Fishermen.

72.—As soon as may be after the passing of this Act, the Minister and Secretary General shall bring to the House of the Oireachtas for approval a comprehensive scheme setting out details establishing the following:

[*NEW SECTION*]

- (a) a single stock management programme and system for wild salmon;
- (b) a voluntary buyout/set-aside scheme for drift, draft, snap and loop net fishermen under the direction of the Seafood Control Manager;
- (c) the structures and competence of the National Inland Fisheries Authority and the National and Regional Advisory Fisheries Councils.”.

—Thomas P. Broughan.

SCHEDULE 1

219. In page 65, column (3), line 54, to delete “and16” and substitute “and 16”.

—Thomas P. Broughan.

NEW SCHEDULE

220. In page 76, after line 21, to insert the following new Schedule:

“Section 45(2)*.

SCHEDULE 3

FUNCTIONS UNDER REGULATIONS WHICH ARE TRANSFERRED

European Communities (Aquaculture Animals and Fish) (Placing on the Market and Control of Certain Diseases) Regulations 1996	(S.I. No. 253 of 1996)
European Communities (Trade in Fish) Regulations 1997	(S.I. No. 191 of 1997)
European Communities (Minimum measures for the control of certain diseases affecting bivalve molluscs) Regulations 1999	(S.I. No. 26 of 1999)
European Communities (Animal By-products) Regulations 2003	(S.I. No. 248 of 2003)
European Communities (Labelling of Fishery and Aquaculture Products) Regulations 2003	(S.I. No. 320 of 2003)
European Communities (Financing of Veterinary Inspections and Controls on Fish and Fishery Products at Approved Establishments and on Factory Vessels) Regulations 2003	(S.I. No. 544 of 2003)
European Communities (Financing of Veterinary Inspections and Controls on Fish and Fishery Products on Irish Fishing Vessels) Regulations 2003	(S.I. No. 545 of 2003)

[*NEW SCHEDULE*]

European Communities (Financing of Veterinary Inspections and Controls on Fish and Fishery Products at Border Inspection Posts) Regulations 2003 (S.I. No. 546 of 2003)

European Communities (Financing of Veterinary Inspections and Controls on Fresh Fish landed by Third Country Vessels) Regulations 2003 (S.I. No. 547 of 2003)

European Communities (Veterinary Checks on Fish and Fishery Products Imported from Third Countries) Regulations 2003 (S.I. No. 548 of 2003)

European Communities (Common Organisation of Markets in Fishery and Aquaculture Products) Financial Compensation for Withdrawal and Carry-over Aid) Regulations 2004 (S.I. No. 398 of 2004)

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

**[This is the appropriate reference if Amendment No. 146 is accepted.]*

TITLE

221. In page 9, line 8, before “AMEND” to insert the following:

“PROVIDE FOR THE ESTABLISHMENT OF A BODY TO BE KNOWN IN THE IRISH LANGUAGE AS AN T-ÚDARÁS UM CHOSAINT IASCAIGH MHARA, OR IN THE ENGLISH LANGUAGE AS THE SEA-FISHERIES PROTECTION AUTHORITY, AND TO DEFINE ITS FUNCTIONS, TO”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

222. In page 9, line 12, before “TO” to insert the following:

“TO MAKE FURTHER AND BETTER PROVISIONS IN RELATION TO THE RE-REGISTRATION OF MERCANTILE SHIPPING,”.

—Thomas P. Broughan.