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**AN BILLE UM IMEALL TRÁ (LEASÚ), 2011**  
**FORESHORE (AMENDMENT) BILL 2011**

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**EXPLANATORY AND FINANCIAL MEMORANDUM**

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*Introduction*

The purpose of this Bill is to transfer the functions under the Foreshore Acts 1933 to 2009 to the Minister for the Environment, Community and Local Government other than foreshore functions in relation to designated fishery harbour centres, foreshore functions in respect of activities which are wholly or primarily for the use, development or support of aquaculture and foreshore functions which are wholly or primarily for the use, development or support of sea-fishing including the processing and sale of sea-fish and manufacture of products derived from sea-fish.

*Provisions of the Bill*

*Section 1* provides for transfer of all foreshore functions under the Foreshore Acts 1933 to 2009 from the Minister for Agriculture, Fisheries and Food to the Minister for the Environment, Community and Local Government with the exception of functions relating to designated fishery harbour centres, functions in respect of activities which are wholly or primarily for the use, development or support of aquaculture and functions which are wholly or primarily for the use, development or support of sea-fishing including the processing and sale of sea-fish and manufacture of products derived from sea-fish. Provision is also made in this section for the transfer to the Department of the Environment, Community and Local Government of the administration and business in connection with the performance of the functions transferred to the Minister for the Environment, Community and Local Government from the Minister for Agriculture, Fisheries and Food.

*Section 2* provides for an amendment to the Foreshore Act 1933 (No. 12 of 1933) by substituting a new section 1B in place of the section 1B which was inserted by section 6 of the Foreshore and Dumping at Sea (Amendment) Act 2009 (No. 39 of 2009). The new section provides that the Minister for Agriculture, Fisheries and Food is the “appropriate Minister” in relation to designated fishery harbour centres, in relation to functions in respect of activities which are wholly or primarily for the use, development or support of aquaculture or activities which are wholly or primarily for the use, development or support of sea-fishing including the processing and sale of sea-fish and manufacture of products derived from sea-fish. This section also provides that the Minister for the Environment, Community and Local Government is the “appropriate Minister” in relation to any other function exercisable under the *Foreshore Acts 1993 to 2011*.

*Section 3* provides for the preservation of certain continuing contracts and the adaptation of certain references to the Minister for Agriculture, Fisheries and Food in certain documents in relation to the transfer of foreshore functions to the Minister for the Environment, Community and Local Government.

*Section 4* provides for the saving and amendment of certain statutory instruments made by the Minister for Agriculture, Fisheries and Food in relation to functions to be taken over by the Minister for the Environment, Community and Local Government.

*Section 5* provides for the transfer of certain property and liabilities of the Minister for Agriculture, Fisheries and Food to the Minister for the Environment, Community and Local Government which are connected with the functions being transferred.

*Section 6* deals with the effect of the transfer of foreshore functions on certain acts performed and documents which relate to the matters so transferred.

*Section 7* provides for the substitution or addition of the name of the Minister for the Environment, Community and Local Government to any pending legal proceedings to enable those proceedings to continue.

*Section 8* provides for completion by the Minister for the Environment, Community and Local Government, in relation to functions transferred, of matters commenced by or under the authority of the Minister for Agriculture, Fisheries and Food.

*Section 9* provides that any foreshore function exercised in whole or in part by the Minister for the Environment, Community and Local Government since 15 January 2010 including any consultation and other requirements under the Foreshore Acts 1933 to 2009 are deemed to have been exercised as if that Minister was the appropriate Minister for the purposes of the Acts. Additionally any thing commenced but not completed may be carried on or completed by that Minister after the enactment of the Bill.

*Section 10* provides for the short title of the Bill when enacted and a collective citation for the Acts as amended.

#### *Financial implications*

There are no additional costs to the Exchequer arising from the implementation of this Act.

*Oifig an Aire Talmhaíochta, Iascaigh agus Bia,  
Meitheamh, 2011.*