

**DEMERSAL FISH (HANDLING, STORAGE AND TRANSPORT) REGULATIONS,
1967
(AMENDMENT) REGULATIONS 1983**

I, PADDY O'TOOLE, Minister for Fisheries and Forestry, in exercise of the powers conferred on me by section 8(1) of the Sea Fisheries Act, 1952 (No. 7 of 1952), and the Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order, 1977 (S.I. No. 30 of 1977) as adapted by the Fisheries (Alteration of Name of Department and Title of Minister) Order, 1978 (S.I. No. 195 of 1978), and after due compliance with section 8(2) of the said Act, hereby make the following regulations:

REG 1

1. (1) These Regulations may be cited as the Demersal Fish (Handling, Storage and Transport) Regulations, 1967 (Amendment) Regulations, 1983.
- (2) The Principal Regulations and these Regulations may be cited together as the Demersal Fish (Handling, Storage and Transport) Regulations, 1967 and 1983.
- (3) These Regulations shall come into operation on the 6th day of May, 1983.

REG 2

2. In these Regulations "the Principal Regulations" means the Demersal Fish (Handling, Storage and Transport) Regulations, 1967 (S.I. No. 223 of 1967).

REG 3

3. A person authorised under Regulation 9(1) of the Principal Regulations may do all or any of the following things:
 - (a) enter upon and inspect any premises on which he reasonably believes that fish are or may be prepared for sale, stored for sale or sold;
 - (b) enter on and inspect any ship, aircraft, hovercraft, vehicle or container in which he so believes there are or may be fish present;
 - (c) seize, retain and remove from such premises any fish in respect of which he has reasonable grounds for suspecting that there has been a failure to comply with any provision of the Principal Regulations;
 - (d) take samples of any fish, material, articles or other thing which he reasonably believes is or may be used or intended for use in the processing and preparation of fish;
 - (e) arrange for the carrying out of tests, examinations and analyses of any sample taken pursuant to paragraph (d) of this Regulation;

(f) do anything consequential, ancillary, incidental or supplementary to any of the foregoing matters.

REG 4

4. (1) Subject to paragraph (2) of this Regulation, in any proceedings for an offence under section 13 of the Sea Fisheries Act, 1952 (No. 7 of 1952), in which a contravention of a provision of the Demersal Fish (Handling, Storage and Transport) Regulations, 1967 and 1983, is alleged, the production of a certificate purporting to be signed by a person with whom an arrangement has been made under Regulation 3 of these Regulations and stating that the certificate is a certificate given for the purposes of these Regulations and that it relates to a test, examination or analysis of a sample submitted for testing, examination or analysis by a person authorised under Regulation 9 of the Principal Regulations shall, without proof of any signature on it or that the signatory was the proper person to sign it, be, until the contrary is shown, sufficient evidence of the facts stated in the certificate and that the test, examination or analysis referred to in the certificate was carried out.

(2) A certificate referred to in paragraph (1) of this Regulation shall not be tendered in evidence unless a copy of the certificate has been previously served on the defendant.

(3) a certificate required by this Regulation to be served on a person may be served—

(a) by delivering it to him or to his Solicitor; or

(b) by addressing it to him and leaving it at his usual or last known place of abode or place of business or by addressing it to his Solicitor and leaving it at his office; or

(c) by sending it in a registered letter addressed to him at his usual or last known place of abode or place of business or addressed to his Solicitor at his office.

GIVEN under my Official Seal, this 4th day of May, 1983.

PADDY O'TOOLE,

Minister for Fisheries and Forestry.

EXPLANATORY NOTE.

These Regulations amend the Demersal Fish (Handling, Storage and Transport) Regulations, 1967, as regards the powers of enforcement of Authorised Officers.