

**FISHERIES (AMENDMENT) ACT, 1991 (FISHERIES CO-OPERATIVE SOCIETIES)
RULES 1992**

I, MICHAEL WOODS, Minister for the Marine, in exercise of the powers conferred on me by section 5 of the Fisheries (Amendment) Act, 1991 (No. 26 of 1991), hereby make the following rules for the regulation of fisheries co-operative societies established under section 4 of that Act:

REG 1

1. These rules may be cited as the Fisheriesw (Amendment) Act, 1991 (Fisheries Co-operative Societies) Rules, 1992.

REG 2

2. The provisions set out in the Schedule hereto shall constitute the rules of each fisheries co-operative society, established by order of the Minister under section 4 of the Fisheries (Amendment) Act, 1991, from the establishment of that society, subject to the power of the Minister, with the consent of the society, or the society, with the consent of the Minister, to amend or revoke the said rules in relation to the society.

SCHEDULE.

Rules of a Fisheries Co-operative Society.

Definitions.

1. In these Rules, except where the context otherwise requires—
- (1) "the Act of 1991" means the Fisheries (Amendment) Act 1991;
 - (2) "address" means the address at which a person normally resides;
 - (3) "the Central Board" means the Central Fisheries Board established under the Fisheries Act, 1980;
 - (4) "the Committee" means the Management Committee of the Society;
 - (5) "election year" has the meaning given to it by the Fisheries Act, 1980;
 - (6) "fisheries development work of public benefit" means work carried out to enhance with continuing effect the trout or coarse fishery in the Society's area and the benefits of which are available to be enjoyed by members of the public at large;
 - (7) "the Fisheries Acts" means the Fisheries Acts, 1959 to 1991, and any subsequent provision for the time being in force in modification of or in substitution for those Acts or any of them;
 - (8) "Ireland" means the whole island of Ireland, its islands and the territorial seas;
 - (9) "the Minister" means the Minister for the Marine;
 - (10) "the Society" means the Fisheries Co-operative Society whose name is entered in Rule 2;
 - (11) "the Regional Board" or "the Board" means the Regional Fisheries Board established under the Fisheries Act, 1980, with statutory responsibility for management of fisheries in the region which includes the Society's area;
 - (12) "the trustees" means the persons designated by the Minister in accordance with section 4 of the Act of 1991.

Name.

2. The name of the Society is

*

Objects.

3. The Society is established for the purposes of raising and disbursing for the public benefit funds for the development of trout or coarse fisheries or both in the area specified in respect of the Society by order of the Minister under section 4 of the Act of 1991, having regard in particular to the development programme and plans of the regional board (hereinafter referred to as the Board) for the region which includes the Society's area.

Headquarters.

4. The Headquarters of the Society shall be as determined from time to time by the Committee.

Membership.

5. The following persons are entitled to be members of the Society,

(a) the persons nominated by the Minister in accordance with section 4 of the Act of 1991 to be trustees of the Society;

(b) holders of current annual share certificates of the Society;

Register.

6. (1) The Society shall maintain a Register of members.

(2) The Register shall be kept at the headquarters of the Society;

(3) A copy of the Register, duly certified by the Committee and updated at intervals agreed with the Regional Board, shall be supplied to the Board.

(4) The Register, together with Accounts and Books of the Society shall be open to inspection by members at times to be determined by the Committee.

(5) Every member shall notify the Committee of any change of address and the Committee shall cause the Register to be amended accordingly.

Termination of Membership.

7. A person ceasing by death, resignation or otherwise to be a member of the Society shall not, nor shall his representatives, have any claim upon or interest in the Society.

Management Committee.

8. (1) There shall be a Management Committee of the Society ("the Committee") for the management of its affairs.

(2) The Committee shall consist of seven members as follows:

*Enter name of particular Society.

(a) such number of members (elected by persons who are registered as members of the Society as trout anglers) as the Minister shall specify in relation to the Society;

(b) such number of members (elected by persons who are registered as members of the Society as coarse fish anglers) as the Minister shall specify in relation to the Society;

(c) two members nominated by the Minister.

(3) The Committee shall normally serve for a period of five years.

Elections of members shall take place at the same time as elections to the Regional Board. Elections shall be conducted in accordance with the procedures outlined in Annex A to these Rules. The Committee shall ensure that the conduct of elections is closely co-ordinated with elections to the Regional Board so as to minimise costs and facilitate electors.

(4) The Committee shall co-operate as far as possible with other

fisheries co-operative societies under the Act of 1991 in relation to:

- (a) the printing and distribution of share certificates;
- (b) matters of mutual interest generally.

The Committee shall report to the Minister on these matters at such times as may be determined by the Minister.

(5) The Committee shall ensure that due attention is given by the Society to both trout and coarse fishery development in the Society's area.

Elections.

9. (1) To be eligible to vote in the first election of the Committee a person must on the 1st day of October in the election year be normally resident in Ireland and be the holder of a current annual share certificate.

(2) To be eligible to vote in any subsequent Committee election a person must on the 1st day of October in the election year be normally resident in Ireland, be the holder of a current annual share certificate and be the holder of such a certificate for any two other years since the previous election.

(3) Any ordinary member, whether he holds one or more than one current annual share certificate, shall be entitled to one vote only in any ballot.

(4) A person shall not be eligible for election under the provisions of these Rules to the Committee if on the day fixed by the Minister for the receipt of nominations for the election—

- (a) he is not entitled to vote at the election,
- (b) he is an undischarged bankrupt,
- (c) within a period of seven years ending on such day he has been convicted of an offence under the Fisheries Acts in respect of an offence committed on or after the 1st day of January, 1990.

(5) Subject to the provisions of these Rules persons who are eligible to vote in Committee elections shall also be eligible to be nominated as candidates for election to the Committee.

First Trustees.

10. (1) Pending the first election the Society shall be managed by the trustees appointed by the Minister under section 4 of the Act of 1991 and these rules shall apply thereto as if they were the elected Management Committee.

(2) Trustees shall in particular encourage and promote membership of the Society following its establishment.

(3) Any casual vacancy which may occur among the trustees shall be filled by the Minister.

(4) The person nominated by the Minister to be Chairman of the trustees shall be the first Chairman of the Society.

Membership of Management Committee.

11. (1) The Management Committee shall at its first meeting elect one of its members to be Chairman. The Chairman of the Committee shall also be Chairman of the Society.

(2) The Chairman may at any time resign his office of Chairman by letter addressed to the Committee and the resignation shall, unless it is previously withdrawn, take effect on the commencement of the meeting of the Committee held next after the receipt by the Committee of such letter.

(3) A resignation under this Rule may be withdrawn by a letter addressed to and received by the Committee before the Committee

meeting held next after the letter of resignation was received by the Committee.

(4) Any casual vacancy which may occur among the nominated members of the Committee shall be filled by the Minister.

(5) Any casual vacancy which may occur among the elected members of the Committee shall be filled through co-option by the Committee as follows:

(a) in case there was only one unsuccessful candidate at the relevant election, the Committee shall, subject to his agreement, co-opt the person who was such candidate,

(b) in case there were two or more such candidates at such election the Committee shall, subject to his agreement, co-opt the person who as such a candidate obtained the more or the most, as may be appropriate, votes at such election (and in case there is an equality of votes the matter shall be determined by lot), and

(c) in case the requirements of the foregoing provisions of this paragraph cannot be complied with the Committee shall, subject to his agreement, co-opt either any other such candidate or a member of such electorate.

(6) The terms of office of a person co-opted or appointed under this Rule to fill a casual vacancy shall be the remainder of the period for which the member occasioning the vacancy, had he continued to be a member, would have held office.

(7) If at an election under these Rules fewer members are elected than the number which could have been elected at the election, there shall be deemed to have occurred immediately after the meeting of the Committee first held after the election—

(a) in case the number of members who could have been so elected exceeds by one the number of members who were so elected, a casual vacancy,

(b) in case the number of members who could have been so elected exceeds by two or more the number of members who were so elected, casual vacancies equal in number to the excess.

(8) Where a member of the Committee is nominated as a member of Seanad Eireann or for election to either House of the Oireachtas or to the European Parliament, or is appointed under section 15 of the Act of 1977 to fill a vacancy in the said Parliament, he shall upon accepting nomination as such a member or upon nomination for such election, as the case may be, cease to be a member of the Committee.

(9) A member of the Committee may at any time resign his office by letter addressed to the Chairman and the resignation shall, unless it is previously withdrawn, take effect on the commencement of the meeting of the Committee held next after the receipt by such Chairman of such letter.

(10) A resignation under this Rule may be withdrawn by a letter addressed to and received by the Chairman of the Society before the meeting of the Committee held next after the resignation was received by such Chairman.

(11) A member of the Committee whose term of office expires otherwise than by reason of his being removed from office shall be eligible for election, re-election, appointment or re-appointment.

(12) (a) A Committee member who absents himself during a period of six consecutive months from all meetings of the Committee shall be disqualified from continuing to be a member of the Committee and

one fortnight after the expiration of such period his seat on such Committee shall, subject to subparagraph (b), become and be vacant.

(b) Whenever a Committee member is about to become or has been disqualified under subparagraph (a) from continuing to be such, the Committee may, not later than one fortnight after the expiration of the period mentioned in that subparagraph and if the Committee is satisfied that the special circumstances of the case justify the Committee in so doing, extend the said period by such further period as the Committee thinks proper, and thereupon subparagraph (a) shall have effect in that particular case as if such extended period were substituted for the said period of six consecutive months, but no such period of six consecutive months shall be extended under this paragraph more than once.

(c) A period shall not, however, be extended by the Committee under this paragraph unless—

(i) at least two-thirds of the members of the Committee are present at the relevant meeting of the Committee when the question is determined, and

(ii) of such members so present, at least two-thirds vote in favour of the extension.

(13) Where a member of the Committee—

(a) is adjudged bankrupt or makes a composition or arrangement with his creditors, or

(b) is convicted of an offence under the Fisheries Acts or under any instrument made under those Acts, or

(c) has not before the 1st day of March in any year become a member of the Society for that year, or

(d) under provisions made under Rule 13 becomes disqualified for membership of the Committee, he shall thereupon cease to be such member.

(14) A member of the Committee who has any material or financial interest—

(a) in any body corporate with which the Society proposes to make any contract, or

(b) in any contract which the Society proposes to make, shall disclose to the Committee the fact of the interest and the nature thereof, and shall take no part in any deliberation or decision of the Committee relating to the matter, and the Committee shall cause the disclosure to be recorded in the minutes of the Committee and reported to the Minister.

Functions of the Committee.

12. (1) The Committee shall, subject to the provisions of the Fisheries Acts and of these Rules, conduct and manage all the business and affairs of the Society, and exercise all the functions of the society.

(2) Subject to these Rules the Committee may from time to time incur, agree and pay any expenses in connection with the Society's objects and undertakings and pay all the expenses of and incidental to the promotion of the Society.

(3) Members of the Committee may be paid amounts not exceeding the out-of-pocket vouched expenses incurred by them in respect of attendance at Committee meetings.

Such expenses may be paid if the Committee is satisfied that payment is necessary to enable it to perform its functions effectively and does not detract from the voluntary nature of the

contribution of Committee members and the intention that the co-operative is primarily intended to function as a voluntary activity.

Meetings of the Committee.

13. (1) The Committee shall meet at such times as the members of the Committee shall think fit.

(2) Each meeting of the Committee shall be held at such place as the Committee shall appoint.

(3) A Committee meeting shall at any time be called by the Secretary at the written request of the Chairman or of three members of the Committee by giving at least seven days' clear notice to the members of the Committee.

(4) The Committee may determine the quorum necessary for the transaction of business but a quorum shall not consist of less than 3 members.

(5) A Committee meeting may adjourn for such time and to such place as the members of the Committee present may determine.

(6) At a meeting of the committee the Chairman shall, if present, preside, but if the Chairman is not present at a meeting or if the office of Chairman is vacant, then the members of the Committee present at the meeting shall choose one of their number to be chairman of the meeting.

(7) Subject to the provisions of these Rules every question at a meeting of the Committee shall be determined by a majority of votes given and in case of an equality of votes the Chairman shall have a second or casting vote.

(8) The Committee shall cause minutes to be duly entered by the Secretary, in books provided for the purpose:

(a) of the names of the Members of the Committee present at each meeting of the Committee and of any sub-committee,

(b) of meetings of the Committee and sub-committees having regard in particular to decisions relating to—

(i) applications for corporate members,

(ii) development projects to be undertaken,

(iii) appointment of persons or bodies to undertake work or provide services to the Society.

(9) Subject to having a quorum, the Committee may act notwithstanding a vacancy among its members.

(10) Subject to the provisions of these Rules, the Committee may regulate its own procedure and business.

Secretary.

14. (1) There shall be a Secretary of the Society who shall be appointed by the Committee.

(2) A member of the Committee may be appointed as Secretary.

(3) The Secretary's appointment may only be terminated by the Committee.

(4) The Secretary shall be responsible for maintaining the Register, shall conduct all the correspondence of the Society and the Committee, attend and keep records of all meetings of the Society and Committee and ensure that all notices required by these Rules and the Act of 1991 are duly issued.

(5) The Secretary may be assigned such other powers and duties as are determined by the Committee.

(6) The Secretary shall be paid such amounts as may be agreed with the Committee.

Auditors.

15. (1) The first auditor or auditors shall be appointed by the trustees and subsequent auditors shall be appointed by the Committee at its first meeting in each year in each case from a list of public auditors approved by the Minister for Industry and Commerce. An outgoing auditor shall be eligible for re-appointment.

(2) Subject to the foregoing provisions the appointment of auditors and the regulation of their duties shall be in accordance with section 163 of the Companies Act 1963, with necessary adaptations, and for that purpose a reference to the directors shall be construed as a reference to the Committee.

Finance and Disbursement of Funds.

16. (1) The Society shall establish and maintain a development fund (hereinafter referred to as the Fund) and all moneys received by the Society shall be paid into the Fund.

(2) In the allocation of money, which must be for fisheries development work of public benefit, particular regard shall be had to the following:

(a) the degree to which the benefits of the expenditure in terms of an enhanced fishery will ensure for the public benefit and, in particular, for visiting anglers from outside the area of the Society or outside the State, so as to benefit the economy of the Society area generally;

(b) expenditure of a capital nature or other nature which will have a continuing benefit beyond the period in which the expenditure is incurred;

(c) studies, surveys and other considerations which could form the basis for development plans.

(3) The disbursement of moneys by the Society may take the form of—

(a) payments to a public authority for services rendered, or work to be undertaken by the public authority, which meets the objectives of the Society;

(b) payments agreed, between the Society and the Regional Board to be made to the board for its assistance under Section 12 of the Act in enforcing section 9 of the Act;

(c) grants of not more than 50 per cent towards the cost of works undertaken by bodies such as angling clubs, tourist and other enterprises where the works meet the objects of the Society in cases where no other grants are made available from public funds;

(d) payments for works undertaken directly on behalf of the Society;

(e) expenses incurred in the establishment, promotion and operation of the Society.

The Society shall ensure that services and works are carried out on the most cost efficient basis.

(4) In deciding on its general policy in relation to disbursement, the Society shall have regard to the development programmes and plans of the regional board and ensure that they do not duplicate work to be carried out by the Regional Board, Central Board or other public authority.

(5) The Society shall be excluded from entering into any commitments or making grants or any payments which are conditioned on, or linked with, specific contributions to be made to the Society.

(6) The Society shall ensure that any services or works which it

undertakes or financially supports meet any applicable legal requirements under the Fisheries Acts or any other legislation. These Rules do not in any way exempt the Society from such requirements.

(7) The Society shall ensure that it is fully insured to cover all services and works undertaken on its behalf and that it is indemnified against all claims for loss or injury which occur after their completion.

(8) The Society shall not borrow by way of overdraft or other means.

(9) If in the event of the Society being dissolved, any money remains after the satisfaction of all its debts and liabilities such money shall not be paid to or distributed among the members of the Society, but shall be given or transferred to some body (or bodies) having objects analogous to the objects of the Society the rules of which prohibit the distribution of its funds amongst its members to an extent at least as great as is imposed on the Society or by virtue of these Rules. Every such body shall be determined by the Minister on or before the dissolution.

Accounts.

17. (1) The Committee shall cause proper books of account to be kept with respect to all sums of money received and expended by the Society and the matters to which such expenditure and receipts relate, all sales or purchases of commodities by the Society and the assets and liabilities of the Society.

(2) The Committee shall cause to be prepared an income and expenditure account, a balance sheet and a report to the 31st day of December each year, and shall furnish a copy of such account, balance sheet and report, and the auditors' report thereon to the Minister.

(3) A copy of these accounts shall be made available to members of the Society on request. The Committee may ask members to furnish pre-paid envelopes in respect of postal requests.

Annual Report.

18. The Committee shall prepare as soon as may be after the commencement of each year a report in such form as may be specified by the Minister on its proceedings for the previous year and shall furnish copies of such report to the Minister and to the Board.

Notices.

19. (1) All notices required for any reason whatsoever to be given to members shall, unless served on them in person, be delivered by posting to the last address registered for such member with the Committee and in the event of a member not having registered any address then a notice posted up in the office of the Society shall after forty-eight hours from the time of such posting up be deemed to have been duly served on such member.

(2) All notices shall be signed by, or have printed at foot thereof, the name of the Secretary or other authorised person appointed by the Committee.

(3) All notices once posted in a proper manner to members shall be deemed to be well served on the day after posting and in determining the number of days' notice to be allowed in any case the day of service is to be included unless specifically excluded.

Corporate Membership.

20. (1) An angling club or any other body may apply to become a

corporate member of the Society in accordance with the provisions of the Act of 1991.

(2) An application from an angling club must include the following:

(a) a list of paid-up members duly verified by the Chairman and the Treasurer or Secretary of the club;

(b) a list of projects and activities undertaken by the club including any work of public benefit;

(c) details of vouched expenses incurred by the club in respect of outlay for public benefit;

(d) a statement signed by the Chairman and the Treasurer or Secretary of the club indicating the contribution which the club is prepared to make to the Society, the names and addresses of the persons it wishes to nominate and whether it wishes its nominated members to be classified in the Register as "trout angling" or "coarse fish angling" for voting purposes;

The Committee shall satisfy itself as to the bona fides of the club.

(3) Corporate membership may be granted for one year only.

(4) Angling clubs when first applying for corporate membership may provide details of activities in relation to the previous three years.

(5) Applications from angling clubs for a year subsequent to their first year of corporate membership should be accompanied by details outlining the clubs' activities during the previous year.

(6) Applications from angling clubs for corporate membership shall be submitted so as to reach the Society not later than the 1st day of December immediately preceding the year for which membership is sought.

(7) Applications from angling clubs for corporate membership for the year 1992 shall be submitted so as to reach the Society not later than a date determined by the Minister.

(8) The number of members who may be nominated by an angling club which has been granted corporate membership shall be determined by dividing the contribution being paid by the prescribed fee payable in respect of an annual share certificate subject to the following:

(a) clubs shall contribute in cash a sum not less than ten times the fee for an annual share certificate;

(b) clubs may be given credit for an amount not exceeding 50 per cent of the vouched costs incurred by them on fisheries development work of public benefit;

(c) the amount for which credit is given shall not exceed the cash contribution made or to be made by the club.

(9) Share certificates in the names of the persons nominated by any angling club shall be issued by the Society to the persons in question on receipt of the agreed contribution from the club.

(10) A body other than an angling club seeking to become a corporate member shall indicate the contribution it wishes to make the Society, the name and address of the person it wishes to nominate for membership and whether it wishes the nominated person to be classified in the Register as "trout angling" or "coarse fish angling" for voting purposes.

(11) The minimum contribution payable by a body other than an angling club in respect of corporate membership shall be the fee for an annual share certificate.

(12) The Society shall issue a share certificate in the name of

the nominated person to the body in question on receipt of its contribution for corporate membership.

Issue of Share Certificates.

21. (1) Where a person applies to the Society for the issue to him of a share certificate of a specified category and such person tenders the amount of the fee for the time being fixed for that category of share certificate then the Society or agent shall issue such share certificate to that person.

(2) A share certificate shall be in such one of the forms set out in Annex C to these rules as is appropriate.

(3) The Committee shall keep at the headquarters of the Society registers of each category of share certificate.

(4) A person purchasing an annual share certificate shall indicate at the time of purchase whether he wishes to be registered as a trout or coarse fish angler for voting purposes.

(5) (a) The Committee may authorise designated persons to issue share certificates on behalf of the Society on such conditions, including payment of commission, as the Committee may determine. The Society shall notify other societies established under the Act of 1991 of the designated persons. Any person designated by any other such society whose name has been notified to the Society by such other society shall be authorised to act on behalf of the Society as if designated by it under this Rule.

(b) The manner of issue (the "system") shall be such as to maximise the net income of the Society and to ensure that the share certificates are issued on as wide a basis as possible so that all anglers, both local and visiting, have reasonable access to them through, inter alia, public outlets and that such outlets are widely known.

(c) The Society shall provide such details of its system as may be requested from time to time by the Minister.

(6) The Committee shall maintain a proper accounting procedure to record all moneys received on foot of the sale of share certificates and satisfactory records of all share certificates despatched to the designated persons authorised to issue them.

(7) Each designated person shall, at intervals agreed with the Committee but in any event not less than once every three months, furnish returns of all sales by that person of share certificates including all the details which are contained in each share certificate.

(8) The Committee shall take all steps necessary to ensure safe custody of all forms of share certificates in their possession.

Ballot on Requirement to Possess a Current Share Certificate.

22. (1) The Society shall, in accordance with the provisions of the Act of 1991, ballot its members at the same time as the first election to elect the Committee on whether it shall, be a requirement to possess a current share certificate to fish for trout and coarse fish in waters in the area. To be eligible to vote in this ballot a person must have complied with the requirement as set out in section 11 (4) (b) of the Act of 1991 not later than the 1st day of October in the election year.

(2) To be eligible to vote on a subsequent ballot under Section 11

(7) of the Act of 1991 a person must have complied with the requirements as set out in Section II (5) of the Act of 1991 not later than the 1st day of October in the election year.

(3) Ballots on this issue shall be conducted in accordance with the procedures as set out in Annex B to these Rules.

Amendments to Rules.

23. (1) These Rules may only be altered by the Minister with the consent of the Society or by the Society with the consent of the Minister.

(2) The Committee shall furnish the Minister with such information as he may request in this regard.

Copies of Rules.

24. A copy of these rules may be made available on payment of the sum of 50p.

ANNEX A.

ELECTIONS TO MANAGEMENT COMMITTEE.

1. The Minister shall appoint a person to be the returning officer for the purpose of these elections.

2. The Society shall, subject to approval by the Minister, pay out of its available funds to the returning officer such sum as may be agreed by the parties in respect of services in this regard.

3. The Minister shall fix a time and a date during the month of November in each election year which shall be the latest time for receipt of nominations.

4. (1) The returning officer shall cause a notice to be published in one or more of the newspapers circulating in the area—
(a) inviting nominations of candidates for election as members of the Committee and stating the time and the latest day in the month of November fixed by the Minister for the receipt of nominations and the place where nomination forms may be obtained,
(b) stating that a ballot paper shall be sent to each elector at least ten days before the election date, and
(c) specifying the election date and the latest time on that date for the receipt of completed ballot papers.

(2) The nomination form shall be in the form set out in Form I hereto.

(3) Each nomination form shall be signed by each person making the nomination and by the nominee.

(4) Each completed nomination form shall be delivered by hand or sent by prepaid registered post to the returning officer at the address indicated thereon so as to reach him not later than 12.00 noon on the date fixed by the Minister as the latest date for receipt of nominations.

(5) (a) Subject to paragraph (b), and to the provisions of Rule 8 an ordinary member of the Society shall be entitled to be a candidate in the category indicated on his share certificate.

(b) An ordinary member shall be entitled to be nominated in one category only in respect of each election.

(6) A person nominated as a candidate for election shall be nominated by at least five persons who are entitled to vote in the category of electorate to which the nomination relates, and a candidate for election may be one of the five persons who nominate him for that election.

(7) A person shall not be eligible for election as a member of the Committee unless (in addition to satisfying the qualifications

for an elected member otherwise specified in these Rules) he has been duly nominated in accordance with this procedure.

(8) A candidate at any election may, at any time before the latest time for receipt of nominations, withdraw his candidature by furnishing notice to that effect to the returning officer signed by the candidate in the presence of a witness who shall sign it and who shall be a clergyman, a Peace Commissioner, or a member of the Garda Síochána not below the rank of Sergeant.

(9) If a returning officer, before the date of issue of the ballot papers, receives notice that a candidate who has been validly nominated has died, such candidate shall be deemed never to have been nominated.

(10) If, before the close of the ballot, the returning officer receives notice of the death of a candidate, any votes cast for that candidate shall be disallowed.

(11) The returning officer shall scrutinise each nomination form and shall accept those which appear to him to be valid and reject as invalid those which do not comply with the requirements of these Rules and his decision shall be final.

(12) If, in respect of a category of candidate, the number of valid nominations is equal to or less than the number of elected members to be elected by that category, the person or persons nominated shall be deemed to be elected.

(13) If, in respect of a category of candidate, the number of valid nominations exceeds the number of elected members to be elected by that category, the returning officer shall arrange for the holding of an election by the category of electorate to which the nominations relate.

5. (1) Every election shall be by secret ballot.

(2) For the purpose of an election, the returning officer shall, having regard to the provisions of this Annex, send by prepaid registered post to each elector at the address registered with the Society, at least ten days before the election date, a ballot paper in the form specified in Form 2, a form of declaration of identity in Form 3, the instructions to the vote specified in Form 4, and two envelopes, one marked "Ballot Paper Envelope" and "Class of Electorate:", and the other a larger envelope (hereinafter referred to as "the outer envelope") bearing the name and address of the returning officer and capable of containing the ballot paper envelope and the form of declaration of identity.

(3) Each ballot paper shall contain, listed under the category for which they have been nominated, the names of the candidates who have been validly nominated together with their addresses and the names shall be arranged in alphabetical order of surnames and, where surnames are the same, of their other names.

(4) The form of declaration of identity shall be completed by the voter in the presence of a witness who shall be either a clergyman, a Peace Commissioner or a member of the Garda Síochána not below the rank of Sergeant.

6. (1) Each voter shall insert the completed ballot paper issued to him in the ballot paper envelope, shall seal the envelope and shall write on the outside of it under the heading provided the category of electorate under which he has voted i.e. trout or coarse fish and shall then place it in the outer envelope, together with the

duly completed form of declaration of identity issued to him and the envelope containing completed ballot paper as set out in Schedule C, Paragraph 3.

(2) He shall then seal the outer envelope and have it delivered by hand or sent by prepaid post to the returning officer so as to reach him not later than 6.00 p.m. on the election date.

7. (1) The returning officer shall, as soon as possible after the expiry of the time for the receipt by him of the completed ballot papers, open each outer envelope and, if he is satisfied that it contains a duly completed form of declaration of identity, and that the category of electorate is stated on the outside of the ballot paper envelope, and that the person named in the declaration is entitled to vote in the category of electorate specified on the outside of the ballot paper envelope, he shall place the ballot paper envelope in a receptacle provided for the purpose and retain separately the forms of declaration of identity accepted by him as duly completed.

(2) If the returning officer is not satisfied that the form of declaration of identity has been duly completed, he shall endorse it "vote rejected" and attach thereto the ballot paper envelope unopened or, if there is no ballot paper envelope, the ballot paper.

(3) Where there is no form of declaration of identity with the ballot paper envelope, the returning officer shall open the ballot paper envelope and, if it contains the form of declaration of identity, he shall deal with the declaration and the ballot paper as provided in this paragraph.

(4) Where the category of electorate is not stated by the voter on the outside of the ballot paper envelope the returning officer shall write this information on the ballot paper envelope by reference to the relevant form of declaration of identity. He shall then deal with the declaration and the ballot paper as provided in this paragraph.

(5) The returning officer shall compare the category of electorate as shown on the form of declaration of identity with the category of electorate written by the voter on the outside of the ballot paper envelope so as to ensure that they are the same.

(6) If they are not the same, the returning officer shall then open the ballot paper envelope and if the category of candidate for whom the vote is cast as shown on the ballot paper coincides with the category of electorate shown on the form of declaration of identity, he shall endorse the outside of the ballot paper envelope accordingly and then deal with the declaration and the ballot paper envelope as provided in this paragraph.

(7) If the category of candidate for whom the vote is cast as shown on the ballot paper does not coincide with the category of electorate shown on the form of declaration of identity, the returning officer shall endorse the ballot paper "vote rejected" and attach thereto the form of declaration of identity and the ballot paper envelope.

(8) If the returning officer shall endorse "rejected" on every declaration of identity which is not accompanied by a ballot paper and on every ballot paper which is not accompanied by a declaration of identity.

(9) Where the outer envelope contains a ballot paper and a declaration of identity, the ballot paper shall not be rejected

solely on the ground that it was not inserted in the ballot paper envelope.

(10) The returning officer shall keep in separate bundles all rejected ballot papers and relevant declarations of identity and ballot paper envelopes and shall keep them separate from other documents.

8. (1) The returning officer shall open all unopened ballot paper envelopes other than those to which paragraph 7 (2) refers, scrutinise all ballot papers other than rejected or disallowed ballot papers, compare the category of electorate written on the outside of the ballot paper envelope with the category or candidate for which the vote is cast so as to ensure that they coincide with each other and endorse the 1 ballot paper "vote rejected" on any ballot paper where they do not so coincide, declare invalid any ballot paper in respect of which the requirements of these Rules have not been complied with and disallow the vote marked on it.

(2) If an elector votes for more than one candidate the returning officer shall endorse the ballot paper "vote rejected".

9. (1) The returning officer shall ascertain the number of valid votes given to each candidate and the candidate, not exceeding the number of candidates to be elected by each category of electorate, who obtain the greatest number of valid votes shall be deemed to be elected.

(2) If an equal number of votes has been given for a number of candidates in any one category of electorate that is greater than the number of candidates to be elected by that category or remaining to be elected by that category of electorate, the returning officer shall determine the result of the ballot between them by lot.

10. The returning officer may, at the request of a candidate, permit him to be present at the opening and counting of the ballot papers.

11. (1) As soon as may be after the completion of the counting of the votes the returning officer shall prepare and sign a statement indicating the number of valid votes cast for each candidate, his address and category and, where the result of the ballot was required to be determined by lot, the result of the determination.

(2) The returning officer shall send by prepaid registered post to the Secretary or have delivered by hand at the officer of the Department of the Marine, a copy of the statement and upon the receipt shall be deemed to be completed and the returning officer shall notify the Chief Officer of the Regional Board accordingly.

(3) The returning officer shall send to each candidate elected a certificate of his election.

12. Every question arising at, or in relation to, an election shall be decided by the returning officer and his decision thereon shall be final.

FORM I

(Title of Co-operative Society)

Nomination of a person to be a candidate for election as a member of the Management Committee

BEFORE COMPLETING THIS FORM THE INSTRUCTIONS AT THE FOOT OF THE FORM SHOULD BE READ BY THE NOMINATOR(S) AND THE CANDIDATE

PART 1

The person(s) named below, being members of the same category of

the electorate as that of the proposed candidate, hereby nominate the following person to be a candidate at the election of members of the Management Committee:

Full name of candidate:.....Address of candidate:.....
.....Category of candidate:.....

Signature of nominatorAddress of nominatorCategory of electorate of nominatorShare certificate No(s)+Date of signature1.2.3.4.5.

* See (ii) under Instructions to Nominators + See (iv) under Instructions to Nominators

PART II
CONSENT OF THE CANDIDATE

I,, being the person nominated for election as a member of the Management Committee as described in Part I of this form hereby consent to the said nomination.

My share certificate number is:

.....
My share certificate number in respect of other years since the last Management Committee elections were as follows:

YearNo.YearNo.YearNo.YearNo.

Signature:Date:

IMPORTANT:Parts I and II of this form must be completed in full. When so completed the form should be delivered by hand or sent by prepaid registered post

to:.....to reach him not later than 12.00 noon on.....(a)(a)Insert latest date for the receipt of completed nomination forms.

INSTRUCTIONS TO NOMINATOR(S)

(i) Class of Candidate: Insert under this heading on the form the category to which the candidate is nominated, i.e. trout or coarse fish.

(ii) Nominator(s): Each candidate must be nominated by at least five nominators one of whom may be the candidate. Each of these nominators must be a member of the same category of the electorate as the person he is nominating.

(iii) Category of electorate of nominator: Each nominator should insert under this heading on the form the category of the electorate to which he belongs.

(iv) Share Certificate No(s): Each nominator should insert under this heading (a) his/her share certificate number for the current year;

(b) other than in the first election share certificate numbers in the other years since the previous election.

INSTRUCTIONS TO CANDIDATE

(i) A person is entitled to be nominated as a candidate of ONE category and ONE category only, at a Management Committee election.

The candidate and his nominators must be members of the same category. If a candidate is eligible for nomination for more than one category, he must decide the category to which he wishes to be nominated.

(ii) The candidate must insert his share certificate number in the space(s) provided in Part II of this form. Current share certificate number only is required in respect of first election to Management Committee.

FORM 2

(Title of Co-operative Society)

Ballot for election as members of the Management Committee.

BEFORE MARKING THIS BALLOT PAPER THE INSTRUCTIONS ON TABLE 4 ATTACHED SHOULD BE READ.

Name of Candidate
Address of Candidate
Category of Candidate (b)
Voter's Mark

(b) Insert class of candidate, that is: trout or coarse fish
FORM 3.

(Title of Co-operative Society).

Form of Declaration of Identity.

I hereby declare that I am the voter to whom this Ballot Paper has been issued and that I am a person of the same category of electorate as the candidate for whom I have voted.

Signature of

voter:.....

Address of voter:

.....
.....

Category of electorate under which vote is cast:

.....

Signed in the presence of:

Signature of

witness:.....

Address:

.....
.....

Description:

.....
.....

INSTRUCTIONS FOR COMPLETING THE ABOVE FORM.

1. All the information requested on the form must be given. Failure to complete the form fully may invalidate the vote.

2. The voter must sign the form in the presence of a witness who must be a clergyman, a Peace Commissioner or member of the Garda Siochana not below the rank of Sergeant. The witness must also sign the form and state thereon his address and description.

Class of electorate:

3. The voter must state in the space provided on the form the category of electorate concerned. If a voter belongs to more than

one category of electorate he must decide under which category his vote is cast, i.e. trout or coarse fish.

FORM 4.

(Title of Co-operative Society).

ELECTIONS OF MANAGEMENT COMMITTEE.

INSTRUCTIONS TO THE VOTER.

1. A voter may vote for ONE candidate only.
2. Further to 1, the ONE and ONLY candidate for whom the voter decides to vote must be a category of candidate which is THE SAME as the category of electorate to which the voter belongs and which is designated by the voter on the Form of Declaration of Identity accompanying the Ballot Paper.
3. Mark the Ballot Paper in the space provided in the column headed "Voter's Mark" with the mark "X" opposite the name of the ONE and ONLY candidate for whom the voter wishes to vote.
4. The identity of the voter must be declared on the Form of Declaration of Identity accompanying the Ballot Paper.
5. When the vote has been marked on the Ballot Paper and the Form of Declaration of Identity has been completed, place the Ballot Paper in the Ballot Paper Envelope and seal it. Then write on the outside of the Ballot Paper Envelope the category of electorate under which the vote is cast, i.e. trout or coarse fish. Then place the Ballot Paper Envelope, together with the Form of Declaration of Identity, together with ballot envelope as described below in the outer envelope addressed to the returning officer and have it delivered to him by hand or by prepaid post so as to reach him not later than 6.00 p.m. on the ?? day of December, 19??.
6. The votes on Ballot Papers received after that time will not be counted.
7. Votes on Ballot Papers which are not accompanied by the duly completed Form of Declaration of Identity will not be counted.

ANNEX B.

Ballots relating to the Requirement to Possess a Current Share Certificate.

1. The returning officer appointed by the Minister for the purpose of the elections to the Management Committee shall act as returning officer for the purpose of the ballot being held at the same time in relation to the share certificate requirement.
2. The returning officer shall issue to each ordinary member in addition to documentation set out in Annex A a ballot paper in the form set out below and a third envelope which shall be capable of being contained in the "outer envelope" as described in Annex A, paragraph 5 (2) and shall be marked "Ballot Paper Envelope" and "Ballot re Share Certificate Requirement".
3. Members should complete ballot paper, insert in envelope provided, seal the envelope and shall place in the outer envelope together with the documentation set out in Annex A, paragraph 5 (2).
4. The provisions in relation to scrutiny by the returning officer of ballot papers relating to the elections of the Management Committee shall also apply in relation to these ballots.
5. The latest time for receipt of completed ballot papers shall be the same time as that specified for ballot papers relating to the

election of the Management Committee.

6. The returning officer shall notify the Management Committee of the result of the ballot.

7. The Committee shall notify the Minister and the Committee of the members' decision.

(Title of Co-operative Society).

BALLOT PAPER.

SHARE CERTIFICATE REQUIREMENT.

Please read the Instructions on Ballots relating to Share Certificates set out below before marking this ballot paper.

Persons other than those categories of persons listed beneath wishing to fish with rod and line for trout and coarse fish in the area covered by this Society should be required to hold a current share certificate issued by this Society or by another Society established under the Fisheries (Amendment) Act 1991.

I agree

.....
()

I

disagree.....

()

Categories of Exempted Persons,

(a) Persons under the age of 18 years or of the age of 66 years or over.

(b) Unemployed persons in receipt of social welfare assistance.

(c) Persons in receipt of an invalidity pension.

Instructions.

1. Please insert "X" in one of the boxes on the ballot paper.

2. Place the completed ballot paper in the appropriate ballot paper envelope and seal it.

3. Place the ballot paper envelope, together with documentation relating to the election of the Management Committee in the outer envelope referred to at A. 5 above addressed to the returning officer.

4. Completed ballot papers should reach the returning officer not later than the latest time for receipt of completed ballot papers in respect of elections to the Management Committee. The votes on ballot papers received after that time will not be counted.

ANNEX C.

(Title of Co-Operative Society).

ANNUAL SHARE CERTIFICATE.

Year:Certificate No.:Fee payable: £Name (Block Capitals)

.....
Home Address (Block

Capitals).....
.....

Name of Corporate Member (if applicable)

.....
Electoral Category (for future voting purposes)

Troutor Coarse Fish(please tick appropriate box)Received with thanks

.....
(authorised agent)

Date

(Title of Co-Operative Society).

3 DAY SHARE CERTIFICATE.

Amount £

Certificate No.

.....
Name (Block Capitals)

.....
Home Address (Block Capitals)

.....
Received with thanks

.....
(authorised agent)

Date

Period commences on date of issue.

(Title of Co-Operative Society).

21 DAY SHARE CERTIFICATE.

Amount £

Certificate No.

.....
Name (Block Capitals)

.....
Home Address (Block Capitals)

.....
.....

.....
Received with thanks

.....
(authorised agent)

Date

Period commences on date of issue.

GIVEN under my Official Seal, this 18th day of May, 1992.

MICHAEL WOODS,

Minister for the Marine.

EXPLANATORY NOTE.

These rules constitute the rules for the regulation of each of the fisheries co-operative societies established by the Minister under Section 4 of the Fisheries (Amendment) Act 1991.