

## PELAGIC FISH (HANDLING, STORAGE AND TRANSPORT) REGULATIONS 1979

I, BRIAN LENIHAN, Minister for Fisheries and Forestry, in exercise of the powers conferred on me by section 8 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 that Act, hereby make the following regulations:

### REG 1

Citation.

1. These Regulations may be cited as the Pelagic Fish (Handling, Storage and Transport) Regulations, 1979.

### REG 2

Interpretation.

2. In these Regulations, except where the context otherwise requires—  
"fish" means any fresh, whole pelagic fish (including the species which are specified in the Schedule to these Regulations) which is intended for sale for human consumption;  
"fishing vessel" means any ship, boat or other sea-going vessel used for catching or transporting fish;  
"the Minister" means the Minister for Fisheries and Forestry;  
"registered length" means the length of a fishing vessel calculated in accordance with the provisions of the Merchant Shipping Acts, 1894 to 1968.

### REG 3

Commencement.

3. These Regulations shall come into operation on the 15th day of May, 1979.

### REG 4

Fishing Vessels

4. The following provisions shall be complied with in relation to fishing vessels:

- ( a ) the deck area and pound boards shall be thoroughly washed and scrubbed with clean water before the first haul is taken aboard and after each haul is sorted and stowed;
- ( b ) the deck area and hold shall be thoroughly washed and scrubbed with clean water immediately after each catch of fish has been unloaded from the fishing vessel;
- ( c ) the bilges shall be maintained in a sanitary condition;
- ( d ) all timber surfaces in the fish hold and all metal surfaces therein liable to corrosion shall be treated with a suitable non-toxic paint or preservative at least once a year; the area so painted shall be well ventilated after the painting is completed and a sufficient time shall be allowed for the fumes to disperse before such area is used again for the storage of fish;

- ( e ) no product other than fish, ice, fish boxes, fish containers, or other packing material shall be stowed in the fish hold;
- ( f ) all equipment and utensils used in the handling of fish shall be cleaned thoroughly as necessary and, in particular, immediately after each haul has been sorted and stowed away;
- ( g ) no fish boxes or fish containers, shall be taken aboard the fishing vessel unless they have been thoroughly washed with clean water.

## REG 5

### Handling of fish on board fishing vessels.

5. (1) The following provisions shall be complied with in relation to the handling of fish, caught and taken aboard fishing vessels of 12.2 m (40 feet), or greater, registered length;

- ( a ) the fish shall be handled with care at all times;
- ( b ) the fish shall not at any time be walked upon or unduly thrown about;
- ( c ) the fish shall be handled in order of arrival on board;
- ( d ) subject to paragraphs (e), (f) and (g) of this Regulation, fish taken aboard a fishing vessel shall be discharged direct from the net into, and stored in—
  - (i) pounds in the fish hold, or
  - (ii) chilled seawater or refrigerated sea water containers maintained at a temperature not higher than 3°C, or
  - (iii) boxes or other suitable containers together with sufficient clean ice to maintain the temperature of the fish not higher than 2°C;
- ( e ) fish shall not be stored in pounds aboard the fishing vessel if the fish are to be landed more than 24 hours after capture;
- ( f ) fish shall be stored in chilled seawater or in refrigerated seawater containers maintained at a temperature not higher than 3°C or in boxes with sufficient clean ice to maintain the temperature of the fish not higher than 2°C if the fish are to be landed more than 24 hours after capture;
- ( g ) during the months of March, April, May, June, July, August and September, fish shall be stored in chilled seawater or in refrigerated seawater containers maintained at a temperature not higher than 3°C, or be placed in boxes aboard the vessel together with sufficient clean ice to maintain the temperature of the fish not higher than 2°C.

(2) The following provisions shall be complied with in relation to the handling of fish, caught and taken aboard fishing vessels of less than 12.2m (40 ft) registered length;

- ( a ) the fish shall be handled with care at all times;
- ( b ) the fish shall not at any time be walked upon or unduly thrown about;
- ( c ) the fish shall be handled in order of arrival on board;
- ( d ) the fish shall not be landed more than 24 hours after capture;
- ( e ) the fish shall be placed in boxes or other suitable containers, all of which shall be clean, immediately after landing, together with sufficient clean ice to reduce and maintain the

temperature of the fish not higher than 2°C.

#### REG 6

Boxing and icing of fish.

6. The following provisions shall have effect in relation to the boxing and icing of fish:

- ( a ) the level of fish and ice in a box shall not be above the rim of the box;
- ( b ) no box in which any fish of the type or species specified in the Schedule to these Regulations is packed, shall contain more than one such type of species.

#### REG 7

Unloading, transport and distribution of fish

7. The following provisions shall be complied with in relation to the unloading, transport and distribution of fish:

- ( a ) whilst being unloaded from fishing vessels, fish shall be exposed as little as possible to the atmosphere;
- ( b ) fish, which have been stored in pounds aboard fishing vessels and which are intended for freezing and subsequent cold storage, or for further processing, or for further handling or for onward transport for a period in excess of one hour shall, on landing, be packed in boxes or barrels or other suitable containers by the owners of the fish or their agents together with sufficient clean ice or a combination of ice and salt to reduce and maintain the temperature of the fish not higher than 2°C;
- ( c ) during the course of transport or distribution ice shall be replenished, whenever necessary, with sufficient clean ice by the owner of the fish or his agent to maintain the temperature of the fish not higher than 2°C;
- ( d ) salting and packing of herring in barrels or other containers with sufficient salt to preserve the fish in a state suitable for human consumption shall take place only in the immediate vicinity of the point of landing or at the most convenient and suitable place adjacent thereto and be carried out as soon as practicable after landing;
- ( e ) the master of the fishing vessel by which the fish were caught shall be responsible for the icing of such fish as have been stored in boxes on board his vessel and for maintaining the fish at the correct temperature and for the inner cleanliness of the boxes in which the fish are transported until the completion of the first sale and each purchaser of the fish thereafter shall be similarly responsible as long as the fish are in his possession;
- ( f ) the master of the vessel shall be responsible for ensuring that the temperature of the chilled seawater or the refrigerated sea water in any containers aboard his vessel is maintained at a temperature of 3°C or less;
- ( g ) the fish shall be adequately protected from wind and rain and, in particular, shaded from direct sunlight.

## REG 8

Processing, freezing, cold storage and sale of fish.

8. The following provisions shall have effect in relation to fish intended for processing, for freezing, for cold storage or for direct sale to the consumer without further processing:—

- ( a ) adequate covered accommodation, which shall be kept in a clean and hygienic condition, shall be provided in the premises used for the processing or cold storage of fish or for the temporary storage of fish delivered to such premises whilst awaiting processing or entry to a refrigerated room;
- ( b ) adequate storage accommodation, which shall be kept in a clean and hygienic condition, shall be provided for fish intended for sale;
- ( c ) the fish shall be adequately protected from sun, wind and rain;
- ( d ) the fish shall be maintained at a temperature not higher than 2°C;
- ( e ) all containers used for holding fish shall be maintained in a clean and hygienic condition and shall be thoroughly washed with clean water after use;
- ( f ) all equipment used in the display of fish for sale shall be maintained in a clean and hygienic condition.

## REG 9

Enforcement.

9. (1) These Regulations shall be enforced and executed by such officers of the Minister as the Minister may duly authorise in writing for that purpose.

(2) An officer of the Minister engaged in enforcement of these Regulations shall, at the request of any person concerned, produce for inspection his authorisation under these Regulations.

(3) A person authorised in writing under paragraph (1) of this Regulation may do all or any of the following things:—

- ( a ) enter upon and inspect premises on which he reasonably believes that fish are prepared for sale, are stored for sale or are sold;
- ( b ) enter on and inspect ships, aircraft, vehicles and containers in which he reasonably believes there are fish present;
- ( c ) seize, retain and remove any such fish in respect of which he has reasonable grounds for suspecting that there has been a failure to comply with the provisions of these Regulations;
- ( d ) take samples of fish, materials or articles used or intended for use in the processing and preparation of fish;
- ( e ) arrange for the carrying out of tests, examinations and analysis of samples taken in accordance with subparagraph (d) of this paragraph;
- ( f ) do anything consequential, ancillary, incidental or supplementary to any of the foregoing matters.

(4) The results of a test, examination or analysis of a sample carried out in accordance with the provisions of paragraph (3) (e) of this Regulation shall without proof of the signature (if any)

thereon of the person giving it, or that he was authorised to give it, be evidence, until the contrary is proved, of the result of such test, examination or analysis and shall also be evidence, until the contrary is proved, that such test, examination or analysis was carried out under and in accordance with these Regulations.

## **SCHEDULE**

**SPECIES**Herring (*Clupea harengus*)Mackerel (*Scomber scombrus*)Sprat (*Sprattus sprattus*)

GIVEN under my Official Seal, this 24th day of April, 1979.

BRIAN LENIHAN,  
Minister for Fisheries and Forestry.

## **EXPLANATORY NOTE.**

These Regulations relate to fresh whole pelagic fish intended for sale for human consumption and set out the procedure and requirements relating to the handling, storage and transport of such fish from the time the fish is landed aboard the fishing vessel until the fish reaches the consumer.