

SHELLFISH (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 Shellfish (Handling, Storage and Transport) Regulations, 1979.

REG 2

Interpretation.

2. In these Regulations—

"controlled area" means an area declared by order made under Article 55 of the Food Hygiene Regulations, 1950 (S.I. No. 205 of 1950), to be a shellfish controlled area;

"deputation" means the process of rendering live sound shellfish fit for human consumption by taking them from polluted waters and relaying them in approved areas of unpolluted natural sea water or treated sea water or by holding the shellfish in pounds, tanks, floats or rafts for such period of time and under such conditions as may be necessary for this purpose;

"fishing vessel" means any ship, boat or other vessel used for harvesting or catching shellfish or for transporting shellfish to land;

"Health Board" means a Health Board established under the Health Act, 1970 (No. 1 of 1970);

"the Minister" means the Minister for Fisheries and Forestry;

"shellfish" means fresh uncooked or live crustacea and mollusca of the types specified in the Schedule to these Regulations which are intended for sale for human consumption and includes parts of such crustacea or mollusca.

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 fishing vessels shall be so constructed, operated and maintained as to prevent contamination and deterioration of shellfish;
- (b) all those parts of the fishing vessel which come into

contact with the shellfish shall be capable of being well drained and easily cleaned and they shall be maintained in a clean and sanitary condition at all times;

(c) all timber surfaces and all metal surfaces which are liable to corrosion or which can give rise to toxic conditions for shellfish and which are in areas reserved for the storage of shellfish and liable to come into contact with them shall be treated with a suitable non-toxic paint or preservative at least once a year or otherwise treated in such a manner as will render them harmless to shellfish and the area so painted shall be well ventilated after the painting is completed and a sufficient time shall be allowed for fumes arising therefrom to disperse before such area is used for the storage of shellfish;

(d) adequate arrangements shall be made to prevent contamination of the shellfish with bilge water, harbour water, fuel, oil, lubricating oils and wash water which has already been used;

(e) the bilges shall be maintained in a sanitary condition;

(f) no product other than fresh wholesome shellfish, fish, ice, fish boxes, containers and sacks or other approved packing material shall be stowed in any area reserved for the reception of shellfish;

(g) bait carried on board fishing vessels shall be stored in a suitable container in such a manner that the bait will not come into contact with the shellfish which have been caught, taken on board and washed;

(h) no fish boxes, sacks or other container intended for the reception of shellfish shall be taken on board the fishing vessel unless they have been thoroughly washed with clean water and thoroughly rinsed with clean sea water.

REG 5

Handling of shellfish from capture until final sale.

5. The following provisions shall be complied with in addition to the provisions of Articles 55, 57 and 58 of the Food Hygiene Regulations, 1950, in relation to the handling of shellfish from the time of harvesting or catching until final sale for human consumption.

(a) all equipment, fishing gear, utensils, containers and transport vehicles used in the harvesting or catching, handling and transport of shellfish shall be capable of being well drained and easily cleaned and shall be maintained in a clean condition by regular washing with clean water and rinsed with clean sea water, particularly before use for the harvesting or catching, handling and transport of shellfish, as the case may be;

(b) shellfish shall be thoroughly washed with clean sea water and freed from mud and weed as soon as practicable after harvesting, and any water which is used for washing shellfish shall not be allowed, after use, to flow over shellfish that have already been cleaned;

(c) washed shellfish shall be held in boxes, sacks or other containers which are clean and in sound condition and shall not be placed where such boxes, sacks or other containers are likely to come into contact with toxic or other substances which may render the meat of the shellfish unpalatable or unfit for human

consumption;

(d) shellfish shall be handled with care at all times and protected from abrasions and contamination and shielded from excessive exposure to the elements and shall be stored out of direct sunlight;

(e) the master of the fishing vessel, or where there is no master, the fisherman in charge of the vessel, by which the shellfish are harvested, caught or transported shall be responsible for the general cleanliness of the shellfish and of the boxes, sacks or other containers in which the shellfish are transported, for their protection from contamination and for maintaining the shellfish at the correct temperature until the completion of the first sale and each purchaser of the shellfish for re-sale shall be similarly responsible while the shellfish are in his possession.

REG 6

Grading, packing, boxing and icing of shellfish.

6. (1) The following general provisions shall have effect in relation to the grading, packing or boxing and icing of shellfish, save where the context otherwise requires—

(a) no box, sack or other container in which any shellfish of the species mentioned in the Schedule to these Regulations are packed shall contain more than one such species. The contents of such container shall, as far as practicable, be of uniform size and the species and size shall be clearly marked on the outside of the container;

(b) the shellfish (other than the species referred to in paragraphs (2), (3) and (4) of this Regulation) shall be packed in boxes or other suitable containers together with sufficient ice to maintain the temperature not higher than 2°C;

(c) ice shall be replenished in each box or container referred to in subparagraph (b) of this paragraph from time to time as may be necessary to maintain the temperature not higher than 2°C;

(d) the level of shellfish and ice in a box or container shall not project above the rim of the box after settlement.

(2) The following particular provisions shall also be complied with in relation to all clams, cockles, mussels, oysters, scallops, queen scallops, periwinkles, palourdes, whelks, and any other variety of mollusc:

(a) such shellfish shall be transported in boxes or other approved containers provided with adequate drainage;

(b) such shellfish shall be maintained at a temperature below 10°C but not less than 2°C;

(c) such shellfish shall not come into direct contact with ice made from fresh water;

(d) such shellfish shall not come into direct contact with ice and other similar cold surfaces and shall not be held in closed containers in the presence of solid carbon dioxide;

(e) there shall be no undue delay between the time of harvesting and immersion in water for storage or depuration;

(f) during storage or depuration such shellfish shall be laid out in a manner and under such conditions that will permit them to open and function normally;

(g) the pounds, tanks, floats or rafts used for storage or

depuration of such shellfish shall not be located in a controlled area and shall not be supplied with sea water drawn from a controlled area; and

(h) any shellfish which are dead, dying, permanently gaping, or which have been tainted by obnoxious substances shall be removed from the catch.

(3) The following particular provisions shall also be complied with in respect of crabs;

(a) crabs shall be packed back uppermost close together in ventilated boxes and barrels on the bottom of which a layer of wet straw or wood shavings of non-aromatic wood has been placed; and

(b) crabs shall not come into direct contact with ice but sachets filled with ice or other cooling devices may be employed to reduce the temperature of the receptacle in which the crabs are held.

(4) The following particular provisions shall also be complied with in relation to lobsters and crawfish;

(a) lobsters and crawfish intended for export alive shall be packed in suitable boxes or containers which shall be leak proof and of adequate strength to withstand the handling received in transport;

(b) lobsters and crawfish shall not come into direct contact with ice but sachets filled with ice or other cooling devices may be employed to reduce the temperature of the receptacle in which the lobsters and crawfish are held; and

(c) each consignment of lobsters or crawfish shall as far as practicable be of uniform size, banded where necessary and packed back uppermost close together. Packing materials such as non-aromatic wood shavings, or approved synthetic materials may be used but the use of sawdust and seaweed is prohibited.

(5) The following particular provisions shall also be complied with in relation to the shellfish known as Dublin Bay prawns (*Nephrops norvegicus*):

(a) Dublin Bay prawns which are to be landed whole shall be packed immediately after capture in suitable boxes or containers which are clean with sufficient clean ice to maintain the temperature not higher than 2°C;

(b) Dublin Bay prawn tails shall be prepared immediately after capture by separating them from the head and carapace with claws and legs attached. The severed tails shall be washed in clean water and stowed in sufficient clean ice immediately to maintain the temperature not higher than 2°C. The head and carapace with claws and legs attached shall be thrown directly over the side of the vessel into the sea, whilst the vessel is still at sea and not whilst the vessel is in harbour. If the head and carapace with claws and legs attached are retained on board, they shall be placed in a special container reserved for that purpose and should be kept separate from the whole prawns and from the prawn tails; and

(c) Dublin Bay prawns and Dublin Bay prawn tails shall, after capture and preparation, be labelled and graded in such a manner as may, from time to time, be prescribed by Regulations made by the Minister.

REG 7

Processing, cold storage and sale of shellfish.

7. The following provisions shall have effect in relation to shellfish awaiting processing, cold storage or sale:

- (a) adequate covered accommodation, which shall be kept in a clean and hygienic condition, shall be provided for the temporary storage of shellfish 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 in premises in which shellfish are held or displayed for sale;
- (c) shellfish shall be adequately protected from sun, wind and rain and from contamination from toxic or obnoxious substances which renders the meat of the shellfish unpalatable or unfit for human consumption;
- (d) shellfish intended for sale as live shellfish shall be maintained in an environment that will ensure their good condition.
- (e) shellfish not intended for sale as live shellfish shall be maintained at a temperature of not higher than 2°C;
- (f) all containers used for holding shellfish shall be maintained in a clean and hygienic condition and shall be thoroughly washed in clean water before use and after use;
- (g) all equipment used in the handling or preparation of shellfish for sale shall be maintained in a clean and hygienic condition and shall be thoroughly washed in clean water before and after use.

REG 8

Hygiene.

8. The following provision in respect to hygiene shall be complied with in relation to shellfish, that is to say, no person shall sell or offer or keep for sale shellfish, whether cooked or uncooked, which are not free from objectionable matter or which are diseased, contaminated or otherwise unfit for human consumption.

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 shellfish 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 shellfish present;
- (c) seize, retain and remove any such shellfish 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 shellfish, materials or articles used or intended for use in the processing and preparation of shellfish;
- (e) arrange for the carrying out of tests, examinations and analyses of samples taken in accordance with sub-paragraph (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.

Type or Species of Shellfish

MolluscaCommon Name

Periwinkle

Whelk

Oyster

Japanese Oyster

Mussel

Cockle

Escallop

Queen scallop

Palourde

Hard-shelled clamSpecific Name

(Littorina littorea) (Buccinum undatum)

(Ostrea edulis)

(Crassostrea gigas)

(Mytilus edulis)

(Cardium edule)

(Pecten maximus)

(Chlamys opercularis)

Venerupis decussatus)

(Mercenaria mercenaria)CrustaceaOctopus

Squid

Crab

Spider Crab

Lobster

Crawfish

Prawns (Dublin Bay)

Shrimps Common

Shrimps Pink

Shrimps Brown(Polypus spp)

(Loligo spp)

(Cancer pagurus)
(Maia squinado)
(Homarus gammarus)
(Palinurus elephas)
(Nephrops norvegicus)
(Palaemon serratus)
(Pandalus montagui)
(Crangon crangon)

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

BRIAN LENIHAN,
Minister for Fisheries and Forestry.

EXPLANATORY NOTE.

These Regulations relate to shellfish or pieces of such 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.