



STATUTORY INSTRUMENTS.

S.I. No. 707 of 2007

SEA FISHERIES, FORESHORE AND DUMPING AT SEA (TRANSFER
OF DEPARTMENTAL ADMINISTRATION AND MINISTERIAL
FUNCTIONS) ORDER 2007

(Prn. A7/1823)

SEA FISHERIES, FORESHORE AND DUMPING AT SEA (TRANSFER OF DEPARTMENTAL ADMINISTRATION AND MINISTERIAL FUNCTIONS) ORDER 2007

The Government, in exercise of the powers conferred on them by section 6(1) of the Ministers and Secretaries (Amendment) Act 1939 (No. 36 of 1939), hereby order as follows:

1. This Order may be cited as the Sea Fisheries, Foreshore and Dumping at Sea (Transfer of Departmental Administration and Ministerial Functions) Order 2007 and comes into operation on 19 October 2007.

2. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 3 are transferred to the Department of Agriculture and Food.

(2) A reference to the Department of Communications, Marine and Natural Resources contained in any Act or instrument made thereunder and relating to any administration and business transferred by paragraph (1) shall be construed as a reference to the Department of Agriculture and Food.

3. (1) A function vested in the Minister for Communications, Marine and Natural Resources by or under—

(a) an enactment cited in Part 1 of the Schedule to this Order, and

(b) Regulations made under section 3 of the European Communities Act 1972 cited in Part 2 of that Schedule,

is transferred to the Minister for Agriculture and Food.

(2) A reference to the Minister for Communications, Marine and Natural Resources contained in an enactment or instrument made under an enactment and relating to a function transferred by this Article shall be construed as a reference to the Minister for Agriculture and Food.

4. Where, immediately before the commencement of this Order, any legal proceedings are pending to which the Minister for Communications, Marine and Natural Resources is a party and the proceedings have reference to functions transferred by this Order to the Minister for Agriculture and Food, the name of the Minister for Agriculture and Food, is, in so far as the proceedings relate to any function transferred by this Order, substituted in the proceedings for that of the Minister for Communications, Marine and Natural Resources or added in the proceedings, as may be appropriate, and the proceedings shall not abate by reason of such substitution.

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 26th October, 2007.

5. Anything commenced before the commencement of this Order by or under the authority of the Minister for Communications, Marine and Natural Resources may, in so far as it relates to functions transferred by this Order to the Minister for Agriculture and Food, be carried on or completed by the Minister for Agriculture and Food.

6. A document (including a certificate or licence) granted or made in the exercise of a function transferred by this Order has effect on and after such commencement as if it had been granted or made by the Minister for Agriculture and Food.

7. A reference to the Minister for Communications, Marine and Natural Resources contained in the memorandum and articles of association of any company and relating to any function transferred by this Order shall be construed as a reference to the Minister for Agriculture and Food.

8. (1) Property, rights and liabilities held, enjoyed or incurred before the commencement of this Order by the Minister for Communications, Marine and Natural Resources, in connection with a function transferred by this Order is transferred to the Minister for Agriculture and Food and, accordingly, without any further conveyance, transfer or assignment—

(a) that property, real and personal, vests in the Minister for Agriculture and Food,

(b) those rights are enjoyed by the Minister for Agriculture and Food,

(c) those liabilities are the liabilities of the Minister for Agriculture and Food.

(2) All moneys, stocks, shares and securities transferred to the Minister for Agriculture and Food by this Article which, on such commencement, are standing in the name of the Minister for Communications, Marine and Natural Resources shall on the request of the Minister for Communications, Marine and Natural Resources be transferred into the name of the Minister for Agriculture and Food.

SCHEDULE

PART 1

Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006)

Part 2 of the Maritime Safety Act 2005 (No. 11 of 2005) so far as that Part relates to a fishery harbour centre to which the Fishery Harbour Centres Act 1968 (No. 18 of 1968) applies.

Fishery Harbour Centres Acts 1968 to 2006

Sea Fisheries Acts 1952 to 1982

Marine Institute Act 1991 (No. 2 of 1991) other than section 4A (inserted by section 30 of the Fisheries (Amendment) Act 1999 (No. 35 of 1999))

Fisheries (Amendment) Act 2003 (No. 21 of 2003) except Part 5

Aquaculture Acts 1997 to 2006

Agricultural and Fishery Products (Regulation of Exports) Act 1947 (No. 18 of 1947) so far as that Act relates to sea fish and aquaculture products

Agricultural Products (Regulation of Import) Act 1938 (No. 14 of 1938) so far as that Act relates to sea fish and aquaculture products

Foreshore Acts 1933 to 2005

Dumping at Sea Acts 1996 to 2006

PART 2

European Communities (Quality of Shellfish Waters) Regulations 2006 (S.I. No. 268 of 2006) other than in respect of any function exercisable by virtue of being a prescribed public authority as referred to in Schedule 1

European Communities (Sea Fisheries) (Conservation and Rational Exploitation of Scallops) Regulations 2005 (S.I. No. 297 of 2005)

European Communities (Sea Fisheries) Irish Sea Herring Fishing (Licensing) Regulations 2005 (S.I. No. 547 of 2005)

European Communities (Sea Fisheries) (Conservation and Rational Exploitation of Scallop) Regulations 2005 (S.I. No. 464 of 2005)

European Communities (Common Organisation of Markets in Fishery and Aquaculture Products) (Financial Compensation for Withdrawal and Carry-over Aid) Regulations 2004 (S.I. No. 398 of 2004)

European Communities (Veterinary Checks on Fish and Fishery Products Imported from Third Countries) Regulations 2003 (S.I. No. 548 of 2003)

European Communities (Financing of Veterinary Inspections and Controls on Fresh Fish landed by Third Country Vessels) Regulations 2003 (S.I. No. 547 of 2003)

European Communities (Labelling of Fishery and Aquaculture Products) Regulations 2003 (S.I. No. 320 of 2003)

European Communities (Minimum measures for the control of certain diseases affecting bivalve molluscs) Regulations 1999 (S.I. No. 26 of 1999)

European Communities (Trade in Fish) Regulations 1997 (S.I. No. 191 of 1997)

Regulations 7, 15 and 24 of the European Communities (Natural Habitats) Regulations 1997 (S.I. No. 94 of 1997)

European Communities (Aquaculture Animals and Fish) (Placing on the Market and Control of Certain Diseases) Regulations 1996 (S.I. No. 253 of 1996) as amended by—

- (a) European Communities (Aquaculture Animals and Fish) (Placing on the Market and Control of Certain Diseases) (Amendment) Regulations 2000 (S.I. No. 377 of 2000);
- (b) the European Communities (Aquaculture Animals and Fish) (Placing on the Market and Control of Certain Diseases) (Amendment) Regulations 2001 (S.I. No. 34 of 2001),
- (c) the European Communities (Aquaculture Animals and Fish) (Placing on the Market and Control of Certain Diseases) (Amendment) Regulations 2005 (S.I. No. 500 of 2005), and
- (d) the European Communities (Aquaculture Animals and Fish) (Placing on the Market and Control of Certain Diseases) (Amendment) Regulations 2006 (S.I. No. 614 of 2006)

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GIVEN under the Official Seal of the Government,
9 October 2007

BERTIE AHERTN.
Taoiseach.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2
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