



STATUTORY INSTRUMENTS

S.I. No. 201 of 2009

AN BORD BIA (TRANSFER OF FUNCTIONS OF AN BORD
IASCAIGH MHARA RELATING TO FISH MARKETING) ORDER 2009

(Prn. A9/0747)

AN BORD BIA (TRANSFER OF FUNCTIONS OF AN BORD IASCAIGH MHARA RELATING TO FISH MARKETING) ORDER 2009

I, BRENDAN SMITH, Minister for Agriculture, Fisheries and Food, in exercise of the powers conferred on me by section 9(2) of An Bord Bia Act 1994 (No. 22 of 1994) as adapted by the Agriculture and Food (Alteration of Name of Department and Title of Minister) Order 2007 (S.I. No. 707 of 2007), hereby make the following order with respect to which, pursuant to section 9(3) of An Bord Bia Act 1994, a draft has been laid before each House of the Oireachtas and a resolution approving of the draft has been passed by each such House:

1. (1) This Order may be cited as An Bord Bia (Transfer of Functions of An Bord Iascaigh Mhara relating to Fish Marketing) Order 2009.

(2) This Order comes into operation on 1 June 2009.

2. In this Order—

“fish” means fish (including shellfish), whether fresh or processed, which is intended for human consumption;

“processed” includes frozen, cured or otherwise preserved;

“transfer date” means 1 June 2009.

3. The powers conferred on An Bord Iascaigh Mhara by section 15 of the Sea Fisheries Act 1952 (No. 7 of 1952) are, insofar as they relate to the marketing of fish, assigned to An Bord Bia.

4. An Bord Iascaigh Mhara shall designate members of its staff to be transferred to An Bord Bia, and such staff shall, on the transfer date, be transferred to and become members of staff of An Bord Bia.

5. (1) Save in accordance with a collective agreement negotiated with any recognised trade union or staff association concerned, a person referred to in Article 4 shall not, while in the service of An Bord Bia, be subject to less beneficial conditions of service (including conditions in relation to tenure of office) or of remuneration than the conditions of service (including conditions in relation to tenure of office) or remuneration to which he or she was subject while in the service of An Bord Iascaigh Mhara.

(2) In this Article “recognised trade union or staff association” means a trade union or staff association recognised by An Bord Bia for the purposes of negotiations that are concerned with the remuneration or conditions of employment, or the working conditions of employees.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 2nd June, 2009.

6. Any superannuation benefits awarded to or in respect of persons transferred to An Bord Bia pursuant to Article 4, shall not be less favourable than those which applied immediately before the transfer date.



GIVEN under my Official Seal,
28 May 2009

BRENDAN SMITH.
Minister for Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

This Order provides for the transfer of the functions of fish marketing from Bord Iascaigh Mhara to Bord Bia in accordance with Section 9 of the An Bord Bia Act 1994.

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