Shell Fish Regulations.

THE PUBLIC HEALTH (SHELL-FISH) REGULATIONS (NORTHERN IRELAND), 1936, DATED 30TH APRIL, 1936, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 148 OF THE PUBLIC HEALTH (IRELAND) ACT, 1878 (41 & 42 VIC., CAP. 52), THE PUBLIC HEALTH ACT, 1896 (59 & 60 VIC., CAP 19) AND THE PUBLIC HEALTH (REGULATIONS AS TO FOOD) ACT, 1907 (7 EDW. 7, CAP 32).

1936. No. 52.

The Ministry of Home Affairs, in the exercise of the powers conferred on it by the Public Health (Ireland) Act, 1878, the Public Health Act, 1896, and the Public Health (Regulations as to Food) Act, 1907, hereby makes the following Regulations :—

Short title and commencement.

1. The Regulations may be cited as the Public Health (Shellfish) Regulations, 1936, and shall come into operation on the first day of May, 1936.

Interpretation. 52 & 53 Vic., c. 63.

2.—(1) The Interpretation Act, 1889, as applied to Northern Ireland by the Interpretation Act, 1921, shall apply for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament.

(2) In these Regulations, unless the context otherwise requires :

"The Ministry" means the Ministry of Home Affairs ;

"Local Authority" means a port sanitary authority, the council of a municipal borough and the council of an urban or rural district.

"District" means, in the case of a port sanitary authority, the district of the port sanitary authority, in the case of any local authority part of whose district is situate in the district of a port sanitary authority, the remainder of the district of the local authority, and in every other case the district of the local authority ;

"Laying" means a foreshore, bed, laying, pond, pit, ledge, float, or other place where shell-fish are taken or deposited ;

"Private laying" means a laying where shell-fish are not habitually taken or deposited except by the owner or by a tenant of the laying, and "tenant" includes any person authorised by the owner or by a tenant to take or deposit shell-fish ;

"Public laying" means a laying which si not a private laying.

Action to be taken on suspicion of danger to public health from shell-fish.

3.—(1) If the medical officer of health of a local authority is in possession of information that any person is suffering, or has recently suffered, from infectious or other disease attributable to shell-fish, or that the consumption of shell-fish exposed for sale within the district is likely to cause danger to public health, he shall make such enquiries and take all such other steps as are practicable to ascertain the layings from which such shell-fish were derived, and shall report thereon to the local authority.

(2) For the purpose of such enquiries the local authority may require any fishmonger supplying shell-fish in the district to furnish to the medical officer of health within a reasonable time fixed by them, a list of all the layings, so far as he can with reasonable diligence ascertain them, from which his supply of shell-fish has been derived during any period not exceeding six weeks immediately preceding the date of the requisition, together with any information in his possession which will assist the medical officer of health in ascertaining the particular laying or layings from which any suspected shell-fish were derived, and, if the supply or any part of it was obtained through any other fishmonger, the local authority may make a similar requisition upon that fishmonger, and a fishmonger on whom a requisition is made under this paragraph shall comply with the requisition.

(3) If any laying from which suspected shell-fish are ascertained to have been derived is situate in the district of the local authority the medical officer of health shall make an investigation with regard to the laying and shall further report to the local authority thereon, furnishing with his report copies of any bacteriological or other reports obtained by him.

(4) If any such laying is not situate in their district the local authority shall send to the local authority within whose district the laying is situate a copy of the report of the medical officer of health and any other information which may be in their possession indicating possible danger to public health from the consumption of shell-fish derived from the laying, and they may, in addition, make such representation as they think fit with regard to the making of an order under these Regulations.

(5) Upon receipt of such information the local authority of the district in which the laying is situate shall instruct their medical officer of health to make an investigation with regard to the laying and to report to them thereon and his report shall be accompanied by copies of any bacteriological or other reports obtained by him.

Power of local authority to make orders.

4.—(1) On receipt of a report of their medical officer of health upon an investigation made by him with regard to a laying situate in their district, the local authority shall take the report into consideration and if they are satisfied that the consumption of shell-fish taken from the laying is likely to cause danger to public health they may make an order in the form set out in the Schedule to these Regulations or a form substantially to the like effect prohibiting the distribution for sale for human consumption of shell-fish taken from the laying, either absolutely or subject to such exceptions and conditions as they may think proper, having regard to the interests of the public health.

(2) At least twenty-one days before making any such order the local authority shall give notice of the proposal to make the order stating the grounds on which the proposal is made, and shall give all persons interested a reasonable opportunity of making representations with regard thereto.

(3) In the case of a private laying such notice shall be served on every owner and tenant of the laying whose name and address can with reasonable diligence be ascertained, and in the case of a public laying it shall be given by means of posters affixed in conspicuous places in the vicinity of the laying or in such other manner as the local authority think best calculated to bring the proposal to the attention of the persons interested. In either case a copy of the notice shall be sent to the Ministry of Commerce.

(4) The local authority shall supply a copy of the report of the medical officer of health to any person interested, on payment of a reasonable sum therefor.

(5) If the local authority decide to make no order, they may allow any person interested any reasonable expenses incurred by him in making representations.

Publication of orders.

5.—(1) As soon as practicable after an order has been made the local authority shall—

(*a*) publish in one or more local newspapers circulating within their district and send to the Ministry of Commerce a notice stating that the order has been made and either setting out the terms of the order or naming a place where a copy of the order may be seen at all reasonable hours;

(*b*) if the order relates to a private laying, serve a like notice, either personally or by post, upon every owner and tenant of the laying whose name and address can with reasonable diligence be ascertained.

(2) Before an order comes into operation, or as soon as practicable thereafter, the local authority shall, if the laying is a public laying, and may, if the laying is a private laying, cause warning notices containing a copy of the order or a sufficient statement of its terms and printed in easily legible type to be posted in conspicuous places in the vicinity of the laying.

Duty to inform Ministry and Ministry of Commerce of action taken.

6. A local authority shall as soon as possible inform the Ministry and the Ministry of Commerce of any action taken by them under these Regulations.

Action on representation as to making of order.

7.—(1) If a report made to a local authority by their medical officer of health is made in consequence of a representation made by some other local authority under paragraph (4) of Article 3 of these Regulations, the first-mentioned authority shall as soon as possible inform the other authority what action, if any, they propose to take in consequence of the representation, and if they make an order shall send to the other authority a copy of the order.

(2) The other authority may appeal to the Ministry—

(*a*) against a decision of the first-mentioned authority not to make an order ; or

(*b*) against the neglect of the first-mentioned authority to make an order within a reasonable time ; or

(*c*) if an order has been made by the first-mentioned authority, on the ground that the order does not provide adequate safeguards for the public health.

(3) An appeal against a decision not to make an order or on the ground that the order does not provide adequate safeguards must be made within one month from the receipt by the appellant authority of notice of the decision or of a copy of the order, as the case may be.

(4) Upon consideration of the appeal the Ministry may, if it thinks fit, make any such order as the first-mentioned local authority could have made or may vary any order made by that authority, as the case may require, and any order so made or varied shall have effect as if it had been made in that form by the authority :

Proviso to Article 7.

Provided, however, if no appeal is made to the Ministry on any of the grounds hereinbefore specified, the Ministry may, if it thinks fit, having regard to the particular circumstances of the case make such order as the first-mentioned local authority could have made or may vary any order made by that authority, as the case may require, and any order so made or varied shall have effect as if it had been made in that form by the authority.

Appeals against orders.

8.—(1) Any person aggrieved by an order made under Article 4 of these Regulations may appeal to the Ministry within 14 days after the publication of notice of the order, or if the appellant has been served with a notice of the order as the owner or tenant of a private laying, within 14 days after the receipt of the notice.

(2) Upon consideration of the appeal the Ministry may confirm the order with or without modification or may quash the order, as it thinks fit.

(3) No appeal shall lie under this Article against an order which has been made or varied by the Ministry on an appeal made under the last preceding Article :

Proviso to Article 8.

Provided, however, if no appeal is made to the Ministry under this Article the Ministry may, if it thinks fit, having regard to the particular circumstances of the case vary, modify or quash such order.

Variation and revocation of orders.

9.—(1) If at any time a local authority are satisfied, whether upon application made to them by a person interested or otherwise, that an order made by them under these Regulations may without prejudice to the public health be varied or revoked, they shall forthwith make an order varying or revoking the original order, as the case may require, and shall send a statement of the reasons for the variation or revocation of the order to the Ministry and to the Ministry of Commerce and to any local authority who made a representation in regard to any laying to which the original order relates :

Provided that no order which has been made or varied by the Ministry on appeal under Article 7 of these Regulations shall be varied or revoked under this Article without the consent of the Ministry.

(2) Any person who has made application under this Article for the variation or revocation of an order may appeal to the Ministry against a decision of the local authority not to vary or revoke the order or their neglect to do so within a reasonable time, and upon consideration of the appeal the Ministry may, if it thinks fit, make an order varying or revoking the original order, and any order so made shall have effect as if it were made by the local authority.

(3) An appeal against a decision not to vary or revoke the order must be made within one month from the receipt by the appellant of the notice of the decision.

(4) Article 5 of these Regulations which relates to publication of notice of orders shall apply to a varying or revoking order :

Proviso to Article 9.

Provided, however, if no appeal is made under this Article for the variation or revocation of an order, the Ministry may, if it thinks fit, having regard to the particular circumstances of the case vary or revoke such order and any order so made shall have effect as if it were made by the local authority.

10. An order made under these Regulations shall become operative at such date, not being less than 14 days after publication of the notice that the order has been made, as may be specified in the order or, if an appeal against the order has been made under Article 8 of these Regulations and the order has been confirmed with or without modification, on such date as the Ministry may determine. Date of operation of orders.

11. If an order in regard to any laying is in operation, a person shall not contrary to the provisions of the order sell or expose, distribute, or offer for sale or have in his possession for the purpose of sale for human consumption any shell-fish taken from the laying. Offences.

12. An order made under these Regulations shall be executed and enforced by the local authority making the order, and their medical officer of health shall make all such enquiries and inspections, whether within or without their district, as may be necessary to secure that the provisions of the order are strictly complied with in the district. Enforcement of orders.

SCHEDULE.

PUBLIC HEALTH (SHELL-FISH) REGULATIONS, 1936.

Order made by the*

In pursuance of the powers conferred on them by the Public Health (Shell-fish) Regulations, 1936, the*
hereby make the following Order :—

*Insert name of local authority.

1. In this Order "prescribed area" means :— †

†Insert description of area.

2. A person shall not sell or expose or distribute or offer for sale or have in his possession for the purpose of sale for human consumption any (‡shell-fish, mussels, cockles) taken from within the prescribed area§, unless such (‡shellfish, mussels, cockles) have been—

‡These words should be varied according to circumstances.

(i) subjected to a satisfactory process of cleansing at an establishment which is for the time being approved by the Ministry of Home Affairs for the purpose ; or

§Omit any of the following words which may be unsuitable.

(ii) relaid in pure water for such period and in such places as may from time to time be approved for the purpose by the said Council ; or

(iii) subject to a process of sterilisation by steam under pressure for at least six minutes in an apparatus which is for the time being approved by the said Council.

3. This Order shall come into operation on the day of 193

Given under the Common Seal of the this day of , 193

Given under the Official Seal of the Ministry of Home Affairs for Northern Ireland this 30th day of April, 1936.

A. Robinson,
Assistant Secretary,
Ministry of Home Affairs,
Northern Ireland.

NOTE :—The Public Health Act, 1896, provides by sub-section (3) of Section 1 that if any person wilfully neglects or refuses to obey or carry out, or obstructs the execution of any regulation made under any of the enactments mentioned in that Act, he shall be liable to a penalty not exceeding £100 and, in the case of a continuing offence, to a further penalty not exceeding £50 for every day during which the offence continues.

The power of making regulations under the Public Health Act, 1896, and the enactments mentioned in that Act is enlarged by the Public Health (Regulations as to Food) Act, 1907.

RESIDENT MAGISTRATES.

Salaries and Allowances.

ORDER OF THE MINISTER OF HOME AFFAIRS, DATED THE 1ST DAY OF JANUARY, 1936.

1936. No. 4.

WHEREAS by Section 6 (4) of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935, (hereinafter referred to as "the Act"), it is provided that the Minister of Home Affairs may, by Order made with the concurrence of the Minister of Finance, from time to time prescribe the rates and scales of salaries and allowances to be paid to Resident Magistrates and temporary Resident Magistrates appointed under the Act :

Now, I, The Right Honourable Sir Richard Dawson Bates, Minister of Home Affairs for Northern Ireland, in pursuance of the powers conferred upon me by the said Act and of all other powers me thereunto enabling, with the concurrence of the Minister of Finance for Northern Ireland, do hereby order and prescribe that the following shall be the rates and scales of salaries and allowances to be paid to Resident Magistrates appointed or deemed to have been appointed under the Act and the conditions applicable thereto :—

1. A scale salary rising from £800 a year by annual increments of £25 a year to £1,100 a year with effect as from the 1st January, 1936 :

Provided that in the case of any Resident Magistrate appointed prior to the passing of the Act who elects under the provisions of Section 8 (2) of the Act to come within the provisions of the