

S.I. No. 16/1994 - European Communities (Pure-Bred Sheep and Goat Flock-Book) Regulations, 1994.

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EUROPEAN COMMUNITIES (PURE-BRED SHEEP AND GOAT FLOCK-BOOK) REGULATIONS, 1994.

I, JOE WALSH, Minister for Agriculture, Food and Forestry, in exercise of the powers conferred on me by [section 3](#) of the [European Communities Act, 1972](#) (No. 27 of 1972), and for the purpose of giving effect to Council Directive No. 89/361/EEC of 30 May 1989¹, Commission Decision No. 90/254/EEC of 10 May 1990², Commission Decision No. 90/255/EEC of 10 May 1990³, Commission Decision 90/256/EEC of 10 May 1990⁴, Commission Decision No. 90/257/EEC of 10 May 1990⁵, and Commission Decision No. 90/258/EEC of 10 May 1990⁶, hereby make the following Regulations:

1 Citation and Commencement.

1. (1) These Regulations may be cited as the European Communities (Pure-Bred Sheep and Goat Flock-Book) Regulations, 1994.

(2) These Regulations shall come into operation on the 31st day of January, 1994.

2 Interpretation.

2. (1) In these Regulations—

"application for approval" means an application to the Minister in respect of an approval for the maintenance of a flock-book for the purposes of these Regulations and the Directive;

"an approval" means an approval granted by the Minister under Regulation 3;

"approved breeders' association or organisation" means—

(a) a breeders' association or organisation which has its headquarters located within the State and has been granted an approval, or

(*b*) a breeders' association or organisation which has its headquarters located in another Member State and is approved by the competent authority of that Member State;

¹O.J. No. L153, 6. 6. 1989, p. 30.

²O.J. No. L145, 8. 6. 1990, p. 30.

³O.J. No. L145, 8. 6. 1990, p. 32.

⁴O.J. No. L145, 8. 6. 1990, p. 35.

⁵O.J. No. L145, 8. 6. 1990, p. 38.

⁶O.J. No. L145, 8. 6. 1990, p. 39.

"authorised officer" means a person authorised in writing by the Minister to exercise for the purposes of these Regulations and the Directive the powers conferred on an authorised officer by these Regulations;

"Decision 90/254" means Commission Decision No. 90/254/EEC of 10 May 1990¹;

"Decision 90/255" means Commission Decision No. 90/255/EEC of 10 May 1990²;

"Decision 90/256" means Commission Decision No. 90/256/EEC of 10 May 1990³;

"Decision 90/257" means Commission Decision No. 90/257/EEC of 10 May 1990⁴;

"Decision 90/258" means Commission Decision No. 90/258/EEC of 10 May 1990⁵;

"the Decisions" means Decision 90/254, Decision 90/255, Decision 90/256, Decision 90/257 and Decision 90/258;

"the Directive" means Council Directive No. 89/361/EEC of 30 May 1989⁶;

"flock-book" means, any book, file or data medium in which pure-bred breeding sheep or goats of a specified breed are entered or registered with mention of their ancestors;

"marketed" means offered for sale, lease or hire;

"Member State" means a Member State of the European Communities;

"The Minister" means the Minister for Agriculture, Food and Forestry;

¹O.J. No. L145, 8. 6. 1990, p. 30.

²O.J. No. L145, 8. 6. 1990, p. 32.

³O.J. No. L145, 8. 6. 1990, p. 35.

⁴O.J. No. L145, 8. 6. 1990, p. 38.

⁵O.J. No. L145, 8. 6. 1990, p. 39.

⁶O.J. No. L153, 6. 6. 1989, p. 30.

"pure-bred breeding sheep or goat" means any sheep or goat the parents and grandparents of which are entered or registered in a flock-book of the same breed and which is itself entered or registered and eligible for entry therein.

(2) A word or expression that is used in these Regulations and is also used in the Directive or in any of the Decisions has, unless the contrary intention appears, the meaning in these Regulations that it has in the Directive or in such Decision, save where the context otherwise requires.

(3) (a) In these Regulations a reference to a Regulation is to a Regulation of these Regulations, unless it is indicated that reference to some other Regulations is intended.

(b) In these Regulations a reference to a paragraph or subparagraph is to the paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

3 Approval of breeders' associations and organisations for the purposes of maintaining flock-books.

3. (1) The Minister shall for the purposes of these Regulations and the Directive grant an approval to a breeders' association or organisation, whose headquarters are located within the State, for the purposes of maintaining a flock-book if—

(a) the Minister is satisfied that the provisions of the Directive and Decision 90/254 shall be complied with, and

(*b*) where for a particular breed of sheep or goats one or more breeders' organisations or associations have already been granted an approval under this Regulation, he does not consider that the granting of a further such approval to a new breeders' organisation or association would endanger the preservation of the breed or jeopardise the zootechnical programme of the breeders' associations or organisations already so approved.

(2) An application for approval shall be—

(*a*) submitted in writing by the applicant to the Minister,

(*b*) legible and shall state the name and address of the applicant and where the applicant is a body corporate its principal place of business,

(*c*) accompanied by the fee determined in accordance with Regulation 8, and

(*d*) addressed to—

The Officer in Charge,

Livestock Breeding Division (Sheep),

Department of Agriculture, Food and Forestry,

Farnham Street,

Cavan.

or to such other person or address as the Minister may direct and as published in at least 2 daily newspapers published and circulating in the State.

(3) The Minister may, upon receipt of an application for approval, require such information from the applicant as he considers necessary for him to ensure that the Directive and Decision 90/254 will be complied with and to decide whether or not to grant the approval.

(4) A person who in making an application for approval wilfully makes a false or misleading statement shall be guilty of an offence.

(5) Where the Minister grants an approval he shall notify the owner or person in charge of the breeders' association or organization concerned in writing of that approval.

(6) An approval shall be valid for 5 years.

(7) The Minister may, for the purpose of ensuring due compliance with the Directive and Decision 90/254, attach conditions to an approval at the time it is granted or subsequently and he may amend or revoke a condition attached to the approval and shall notify the owner or person in charge of the breeders' association or organization concerned in writing of the conditions, amendment or revocation in relation to that approval.

(8) The Minister may, if he is not satisfied that the relevant provisions of the Directive or Decision 90/254 are being or will be complied with by the breeders' association or organization refuse an application for approval or revoke an approval.

(9) The Minister shall not—

(a) revoke an approval, or

(b) refuse an application for approval, or

(*c*) attach a condition to an approval or amend such a condition,

without—

(*d*) notifying the holder of, or applicant for, the approval of his intention to revoke the approval or refuse the application, or attach or amend the condition, as the case may be,

(*e*) specifying his reasons for the intended revocation or refusal of the approval, or the attaching or amendment of the condition, and

(*f*) affording the holder of, or applicant for, the approval the opportunity of making representations or having representations made on his behalf to the Minister in relation to the proposed revocation or refusal or to the attachment or amendment of the condition, as the case may be, within 14 days of the receipt by that person of the notification referred to in subparagraph (*d*) and having had regard to any such representations.

(10) A person who contravenes an approval or a condition of an approval shall be guilty of an offence.

4 Entry and acceptance for breeding of pure-bred sheep and goats in approved flock-books. 4. (1) A pure-bred sheep or goat shall not be entered or registered in a flock-book maintained by an approved breeders' association or organisation otherwise than in accordance with Decision 90/255.

(2) Without prejudice to paragraph (3), a pure-bred breeding sheep or goat shall not be accepted for breeding unless it is registered in a flock-book.

(3) A pure-bred breeding sheep or goat and the semen or ova and embryos of such animal shall not be accepted for the purposes of breeding, artificial insemination, the use of the semen, ova or

embryos of such animal or official testing (as the case may be) unless the applicable provisions of Decision 90/256 and Decision 90/257 have been complied with.

5 Marketing of pure-bred sheep and goats, their embryos, semen and ova.

5. A pure-bred breeding sheep or goat which is entered or registered in a flock-book maintained by an approved breeders' association or organisation and the semen, ova and embryos of such animal shall, when marketed, be accompanied by a zootechnical certificate drawn up in accordance with the applicable provisions of Decision 90/258.

6 Provisions regarding the monitoring of the genetic merit of pure-bred breeding sheep and goats.

6. An approved breeders' association or organisation shall, in respect of a flock-book maintained by it, calculate, or make arrangements to have calculated, the genetic merit of a pure-bred breeding sheep or goat entered or registered in the flock-book in accordance with Decision 90/256.

7 Powers of authorised officers.

7. (1) An authorised officer, on production of the officer's authorisation, if so required by any person affected, may, for the purposes of these Regulations and the Directive—

(a) at all reasonable times enter any premises or place, including any land, vehicle, wagon, vessel, aircraft or other means of transport where he reasonably suspects that a flock-book or part of a flock-book, or any article, book, document or other record associated with a flock-book maintained by an approved breeders association or organisation is being stored or transported,

(b) require any person at the premises or place or the owner or person in charge thereof and any person employed in connection therewith to give him such information and to produce to him such books, documents and other records within the power or procurement of the person as he may reasonably require for the purposes of such functions,

(c) examine and take copies of, or extracts from, any such records as aforesaid,

(d) if accompanied by a member of the Garda Síochána in uniform, stop any vehicle which he reasonably suspects to contain a flock-book or part of a flock-book or any article, book, document or other record associated with a flock-

book, maintained by an approved breeders' association or organisation.

(2) A person who obstructs or otherwise interferes with an authorised officer in the performance of his functions under this Regulation or who, in purported compliance with such a requirement under subparagraph (1) (b), gives information to an authorised officer that he knows to be false or misleading in a material respect shall be guilty of an offence.

(3) If any person, with intent to deceive, tampers or interferes with any copy, extract or sample taken under these Regulations, he shall be guilty of an offence.

(4) Where an authorised officer finds or comes into possession of any article, book, document or other record which he reasonably believes to be evidence of the commission of an offence under these Regulations, he may seize it and detain it for use in evidence in a prosecution under these Regulations for such period from the date of the seizure as may be reasonable or, if proceedings are commenced in which the article, book, document or other record is required for use in evidence, until the conclusion of the proceedings.

8 Fees.

8. (1) There shall be charged by the Minister in respect of an approval such fee as the Minister, with the consent of the Minister for Finance, may determine.

(2) A fee charged under this Regulation shall be payable by the breeders' association or organisation to which the approval concerned relates and the Minister may refuse to grant an approval until the fee under this Regulation in respect thereof has been paid.

(3) Fees under this Regulation shall be collected and taken in such manner as the Minister for Finance directs and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the Minister for Finance.

(4) A fee payable under this Regulation may be recovered by the Minister as a simple contract debt in any court of competent jurisdiction.

(5) A fee charged under this Regulation shall not exceed an amount equal to the costs, estimated by the Minister, incurred in relation to the approval concerned and the performance of functions under these Regulations in relation to the breeders' association or

organisation concerned by an authorised officer for the purposes of the approval.

9 Penalties and offences.

9. (1) A person who contravenes Regulation 4, 5 or 6 shall be guilty of an offence.

(2) A person guilty of an offence under these Regulations shall be liable on summary conviction to a fine not exceeding £1,000.

(3) An offence under these Regulations may be prosecuted by the Minister.

(4) Where an offence under these Regulations has been committed by a body corporate and is proved to have been so committed with the consent or connivance of or to be attributable to any wilful neglect on the part of a person, being a director, manager, secretary or other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he were guilty of the first-mentioned offence.

(5) Where a person after conviction of an offence under these Regulations continues to contravene the provisions concerned, he shall be guilty of a further offence on every day on which the contravention continues and for each such offence he shall be liable on summary conviction to a fine not exceeding £200.

GIVEN under my Official Seal, this 31st day of January, 1994.

JOE WALSH,

Minister for Agriculture, Food and

Forestry.

EXPLANATORY NOTE.

These Regulations, which give legal effect to Council Directive 89/361/EEC (copies of which may be obtained from the

Government Publications Sale Office, Molesworth Street, Dublin 2), provide for the approval and recognition of organisations which maintain flock-books for pure-bred sheep and goats, set out the criteria to be used for entry into such flock-books and set out the certification which must accompany such animals, their semen, ova or embryos when marketed.