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# National Beef Assurance Scheme Act, 2000

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*Number 2 of 1999*

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## NATIONAL BEEF ASSURANCE SCHEME ACT, 2000

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*Number 2 of 1999*

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**NATIONAL BEEF ASSURANCE SCHEME ACT, 2000**

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AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A SCHEME TO BE KNOWN AS THE NATIONAL BEEF ASSURANCE SCHEME, TO AMEND CERTAIN ENACTMENTS, AND TO PROVIDE FOR RELATED MATTERS.

[15th March, 2000]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

## PART I

### Preliminary and General

Short title and commencement.

1.—(1) This Act may be cited as the National Beef Assurance Scheme Act, 2000 .

(2) The Diseases of Animals Acts, 1966 to 1996, and *section 35* may be cited together as the Diseases of Animals Acts, 1966 to 2000, and shall be construed together as one.

(3) The Livestock Marts Act, 1967 , and *section 36* may be cited together as the Livestock Marts Acts, 1967 and 2000, and shall be construed together as one.

(4) The Slaughter of Animals Acts, 1935 and 1988, and *section 37* may be cited together as the Slaughter of Animals Acts, 1935 to 2000, and shall be construed together as one.

(5) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Interpretation.

2.—(1) In this Act, unless the context otherwise requires—

“abattoir” has the meaning assigned to it by section 2(1) of the Abattoirs Act, 1988 , but shall not include a premises specified in section 4 of that Act;

“additives” has the meaning assigned to it by Article 1(3) of Council Directive No. 96/51/EC<sup>(1)</sup> ;

“agriculture inspector” means an authorised officer who holds a post in one of the agricultural inspectorate grades and has been appointed by the Minister to discharge the functions of an agricultural inspector under this Act;

“animal” means a bovine animal;

“assembly centre” means a holding, collection centre or mart at which animals from different holdings are grouped together to form consignments of animals intended for trade;

“authorised officer” means—

- (a) a person appointed by the Minister under *section 29* to be an authorised officer for the purposes of any or all of the provisions of this Act, or
- (b) a person deemed to have been appointed as an authorised officer under *section 30*, or
- (c) an officer of a health board established under the Health Act, 1970, authorised in writing by the chief executive officer of the board to be an authorised officer for the purposes of *section 6 (1) (d)* and (2);

“carcase” means the whole body of a slaughtered animal after—

- (a) bleeding and evisceration,
- (b) removal of the limbs at the carpus and tarsus,
- (c) removal of the head, tail and udder, if any, and
- (d) skinning;

“certificate of approval” or “certificate” means a certificate of approval granted under *section 10*, and “certificate” shall be construed accordingly;

“CMMS” means the computerised cattle movement monitoring system;

“dealer” means any person who buys and sells animals commercially, either directly or indirectly, who has a regular turnover of these animals and who within a maximum period of 30 days from the date of purchasing animals resells them or relocates them to other premises not within the ownership or control of that person;

“farmer” means a keeper, other than a dealer, who is the owner or person in charge of a herd or to whom a herd number is for the time being allocated by an officer of the Minister;

“feedingstuffs” means products of vegetable or animal origin in their natural state, fresh or preserved, and products derived from the industrial processing thereof, and organic or inorganic substances, used singly or in mixtures, whether or not containing additives, for oral animal feeding;

“food business” has the meaning assigned to it by the European Communities (Hygiene of Foodstuffs) Regulations, 1998 ( S.I. No. 86 of 1998 );

“herd” means the animals which are for the time being on a particular holding and, in the case where only one animal is for the time being on a particular holding, the animal shall for the purpose of this Act be regarded as being a herd;

“herd number” means the number allocated for the time being to a herd for the purposes of the Bovine Tuberculosis (Attestation of the State and General Provisions) Order, 1989 ( S.I. No. 308 of 1989 );

“holding” means any establishment, construction or, in the case of an open-air farm, any place in which animals are kept situated within the State;

“keeper” means a person who is responsible for animals on a permanent or temporary basis;

“manufacture” means the total or partial manufacture of any additive, premixture or feedingstuff and includes processing, compounding, formulating, filling, dividing up, packing, labelling and presentation, and cognate words shall be construed accordingly;

“mart” has the meaning assigned to it by Regulation 3 of the Livestock Marts Regulations, 1968 ( S.I. No. 251 of 1968 );

“meat” means any part of an animal that can be, or is, used for human consumption, including fresh meat, meat products, minced meat and meat preparations;

“meat plant” means any premises used in connection with the slaughter, production, processing or storage of animals, carcasses or meat that is—

- (a) registered under the Agricultural Produce (Fresh Meat) Acts, 1930 to 1988, and which is for the time being occupied by a person who holds a licence and is registered under those Acts,
- (b) approved or registered under Council Directive 64/433/EEC<sup>(1)</sup>, as amended, and as implemented by the European Communities (Fresh Meat) Regulations, 1997 ( S.I. No. 434 of 1997 ),
- (c) approved under Council Directive No. 77/99/EEC<sup>(2)</sup>, as amended, and as implemented by the European Communities (Meat Products and Other Products of Animal Origin) Regulations, 1995 and 1997 ( S.I. No. 126 of 1995 and No. 175 of 1997 ), or
- (d) approved under Council Directive No. 94/65/EC<sup>(3)</sup>, as implemented by the European Communities (Minced Meat and Meat Preparations) Regulations, 1996 ( S.I. No. 243 of 1996 );

“Minister” means the Minister for Agriculture, Food and Rural Development;

“movement permit” means a permit issued under *section 22* or a movement permit issued under the Diseases of Animals Act, 1966 ;

“participants” means the persons referred to in *section 5 (1)*;

“premises” includes any land, building, dwelling or temporary construction;

“premixtures” means mixtures of additives or mixtures of one or more additives with substances used as carriers, intended for the manufacture of feedingstuffs;

“veterinary inspector” means an authorised officer who is a veterinary surgeon and who is appointed by the Minister to discharge the functions of a veterinary inspector specified in this Act;

“veterinary surgeon” means any person who is currently entered in the register established under the Veterinary Surgeons Act, 1931 .

(2) In this Act—

(a) a reference to a section or Schedule is a reference to a section of or Schedule to this Act, unless it is indicated that reference to some other enactment is intended,

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

(c) a reference to an enactment includes a reference to that enactment as amended or extended by or under any subsequent enactment including this Act.

(3) Reference in this Act to feedingstuffs shall, unless the context otherwise requires, be construed as a reference to additives, premixtures or feedingstuffs, as the case may be, manufactured in the State or imported into the State for bovine animals.

(4) References to animals, carcasses and meat in this Act shall be construed as animals, carcasses or meat produced in the State or animals imported into the State and the carcasses or meat of those animals.

## PART II

### National Beef Assurance Scheme.

Establishment of  
National Beef  
Assurance Scheme.

**3.**— There shall be a scheme to be known as the National Beef Assurance Scheme, the purpose of which is—

(a) to establish standards under which animals, carcasses and meat intended for human consumption shall be produced, processed, traded or otherwise handled and under which feedingstuffs shall be manufactured or traded,

(b) to continue and further develop the animal tracing system operated by the Minister through the collection of data on animal movements under the CMMS and by such other means as the Minister considers appropriate, and

(c) to continue and further develop the measures provided under the Food Safety Authority of Ireland Act, 1998 .

Non-application of Act.

4.— This Act, other than *section 6 (1)(d)*, shall not apply to a food business.

Participants to whom Act applies.

5.—(1) This Act applies to the persons who are members of a class specified in *paragraph 1* of the *First Schedule* or who operate or occupy a class of holding or premises specified in *paragraph 2* of that Schedule and who are engaged in the production, processing, trading or otherwise handling of animals, carcasses or meat intended for human consumption or the manufacture or trading of feedingstuffs.

(2) The Minister may by order amend the *First Schedule* by making additions thereto or deletions therefrom.

Restriction on production, etc. of animals, carcasses, etc.

6.—(1) Subject to *section 9* , it shall be unlawful for—

(a) a participant to produce, trade or otherwise handle animals, carcasses or meat for human consumption or to manufacture or trade in feedingstuffs unless the participant is the holder of a certificate of approval,

(b) a participant to sell or supply animals, carcasses or meat for human consumption or to sell or supply feedingstuffs to a participant who does not hold a certificate of approval,

(c) a participant to buy or receive animals, carcasses or meat for human consumption or to buy or receive feedingstuffs from any other participant who does not hold a certificate of approval, and

(d) a person who owns or operates a food business to buy or receive, or to be in possession of, animals, carcasses or meat for human consumption from a participant who does not hold a certificate of approval.

(2) A person who contravenes *subsection (1)* shall be guilty of an offence.

(3) In any proceedings for an offence under *subsection (1)(b), (c) or (d)* it shall be a defence for the defendant to prove that at the relevant time he or she believed, in good faith and upon reasonable grounds, that the participant with whom he or she dealt in contravention of those provisions was the holder of a certificate of approval.

Regulations

7.—(1) The Minister may make regulations in relation to the seizure, detention,

regarding disposal of non-compliant animals, etc.

destruction and disposal of animals, carcasses, meat and feedingstuffs, produced by or in the possession of persons in contravention of this Act.

(2) The cost of seizing, detaining, destroying and disposing of animals, carcasses, meat or feedingstuffs in accordance with regulations made under *subsection (1)*, may be recovered by the Minister from the owner of the animal or of the holding or premises, as the case may be, as a simple contract debt in any court of competent jurisdiction.

Duty on participant to apply for certificate of approval.

**8.**—(1) A person who immediately before the commencement of this Act was engaged in the production, trade or otherwise handling of animals, carcasses or meat for human consumption or in the manufacture or trade of feedingstuffs shall, within the period beginning on the commencement of this Act and ending 12 months after such commencement or such longer period as the Minister may allow, apply for the grant of a certificate of approval under this Act.

(2) A person who wishes to engage in the production, trade or otherwise handling of animals, carcasses or meat for human consumption or in the manufacture or trade of feedingstuffs within the period referred to in *subsection (1)* shall apply for the grant of a certificate of approval under this Act before engaging in that activity.

Provisional approval of applicants.

**9.**—(1) During the period beginning on the commencement of this Act and ending on the date fixed by the Minister for all participants or for the appropriate class of participants under *subsection (5)*, participants shall be deemed to be provisionally approved under this Act until they are granted or refused a certificate of approval by the Minister.

(2) During the period of provisional approval, the Minister may impose on a participant or a class of participant such conditions and requirements or both as he or she thinks fit relating to the production, processing, trading or otherwise handling of animals, carcasses or meat intended for human consumption and the manufacture or trading of feedingstuffs.

(3) The Minister may at any time amend or revoke a condition or requirement imposed under *subsection (2)*.

(4) A person who fails to comply with a condition or requirement imposed under *subsection (2)* shall be guilty of an offence.

(5) The Minister shall by order fix the date for the termination of the period of provisional approval for all participants or for any class of participant as the Minister considers appropriate.

Grant of certificate of approval.

**10.**—(1) Every application for a grant of a certificate of approval under this Act shall be in such form as may be determined by the Minister.

(2) Where an application is made for the grant of a certificate of approval, the

Minister shall, before deciding on the application, require or cause the holding or premises to which the application relates to be inspected or checked by an authorised officer or other person who is within a class or category of persons approved, in writing, by the Minister.

(3) The Minister shall grant a certificate of approval to the participant, if, based on the outcome of the inspection referred to in *subsection (2)* and other inspections the Minister considers necessary, he or she is satisfied that the participant is a fit and suitable person to hold such a certificate and that the participant complies with the requirements of this Act and the regulations under this Act and with the Acts, orders and regulations specified in the *Second Schedule* that apply to the class of participant.

(4) The Minister may attach such conditions to a certificate of approval as he or she considers necessary.

(5) The Minister may at any time amend or revoke the conditions attached to a certificate of approval under *subsection (4)*.

(6) Any costs incurred in securing a certificate of approval are the responsibility of the applicant.

(7) Subject to any regulations made under *subsection (8)*, the certificate of approval shall remain in force until such time as the certificate expires under *section 14 (2)* or is revoked under this Act.

(8) The Minister may make regulations specifying a fixed period of validity for certificates of approval and the period may be different for different classes or categories of certificates of approval.

(9) A person who knowingly and wilfully gives any false or misleading information in respect of an application for a certificate of approval shall be guilty of an offence.

Requirement for certificate of approval.

**11.**—(1) No person shall produce, trade or otherwise handle animals, carcasses or meat for human consumption or manufacture or trade in feedingstuffs after the date fixed under *section 9 (5)* for all participants or for the class of participant to which the person belongs unless that person applies for and is granted a certificate of approval under this Act.

(2) A person who contravenes *subsection (1)* shall be guilty of an offence.

Regulations regarding reinspection.

**12.**— The Minister may make regulations establishing the procedures for the periodic reinspection of premises and holdings to ensure continued compliance with this Act and the regulations made under this Act.

Register of holders certificates of approval.

**13.**— (1) The Minister shall establish and maintain a register of all participants who have been granted a certificate of approval under this Act.

(2) The register shall contain the following details—

- (a) the full name and address of the certificate holder,
- (b) the type of holding or premises, including the address, to which the certificate applies,
- (c) the number or letter, or both, assigned to each certificate holder,
- (d) the date on which the certificate was granted, and
- (e) such other particulars relating to such certificates as the Minister may from time to time direct.

(3) Whenever a certificate of approval is amended or revoked, the register shall be amended accordingly.

(4) The register may be established and maintained in a form that is not legible if it is capable of being converted into a legible form.

(5) A certificate purporting to be signed by an officer of the Minister that the holding or premises specified in the certificate is not entered in the register shall, until the contrary is proved, be evidence of the matters so certified and it shall not be necessary to prove the signature of the officer or that he or she was in fact such an officer or was in fact so authorised.

Non-transferability of certificate of approval.

**14.**—(1) A certificate of approval shall not be transferred by a certificate holder to any other person.

(2) When a certificate holder who is an individual dies, the certificate of approval shall continue in effect for the benefit of the deceased person's personal representative until the expiration of 9 months from the date of death or such longer period as the Minister may allow.

Refusal of certificate of approval.

**15.**—(1) The Minister may, at any time, refuse an application for the grant of a certificate of approval.

(2) Where the Minister intends to refuse an application for the grant of a certificate of approval, the Minister shall—

- (a) notify the applicant in writing of his or her intention to refuse the application and of the reasons therefor,

(b) notify the applicant in writing that the person, or a person acting on his or her behalf, may make representations to the Minister in relation to the intended refusal within 14 days of the date of issue of the notification, and

(c) consider any representations made under *paragraph (b)* before deciding whether to proceed with the refusal.

(3) Where the Minister decides to proceed with the refusal of an application for the grant of a certificate of approval, the Minister shall, by notice in writing, notify the applicant—

(a) of the decision and of the reasons for that decision,

(b) of the time limit within which, and of the manner in which, an appeal against the decision may, pursuant to *section 17*, be made, and

(c) if the holding or premises to which the application relates may continue to be used for the production, processing, trading or otherwise handling of animals, carcasses or meat intended for human consumption or for the manufacture or trade of feedingstuffs.

Power of Minister to revoke certificate of approval.

**16.—**(1) The Minister may, at any time, revoke a certificate of approval if the Minister is satisfied that—

(a) the certificate of approval has been obtained by fraud or by misrepresentation (whether fraudulent or innocent),

(b) there has been any contravention (whether by commission or omission) of this Act or of a regulation made under this Act or of a condition attached to the certificate of approval,

(c) there has been a contravention (whether by commission or omission) of an Act, order or regulation specified in the relevant part of the *Second Schedule*, or

(d) the holder of a certificate of approval has not, within a reasonable time, complied with the requirements of a notice served under *section 18*.

(2) Before revoking a certificate of approval the Minister shall—

(a) notify the holder in writing of the intention to revoke the certificate of approval and of the reasons for the revocation,

(b) notify the person in writing that the person, or a person acting on his or her behalf, may make representations to the Minister in relation to the intended revocation within 14 days of the date of issue of the notification, and

(c) consider any representations made under *paragraph (b)* before deciding whether or not to proceed with the revocation.

(3) Where the Minister decides to proceed with the revocation of a certificate of approval under this section, the Minister shall, by notice in writing, notify the holder of the certificate—

- (a) of the decision and of the reasons for that decision,
- (b) of the time limit within which, and of the manner in which, an appeal against the revocation may, pursuant to *section 17*, be made, and
- (c) if the holding or premises to which the revocation relates, may continue to be used for the production, processing, trading and otherwise handling of animals, carcasses and meat for human consumption or for the manufacture or trade of feedingstuffs.

Appeal against refusal or revocation of certificate of approval.

**17.—**(1) If the Minister revokes or refuses to grant a certificate of approval, the applicant for, or the holder of, the certificate may, within 21 days after the date of the service of the notice of the revocation or refusal, appeal to the Circuit Court against the refusal or revocation.

(2) If the Minister revokes or refuses to grant a certificate of approval in respect of a holding or premises that, at the time of the revocation or refusal, were lawfully being used to produce, process, trade or otherwise handle animals, carcasses and meat intended for human consumption or to manufacture or trade in feedingstuffs, the holding or premises may, if the Minister is satisfied that there is no danger to public health, continue to be used for those purposes—

- (a) until the time for bringing an appeal has elapsed, or
- (b) if an appeal is made, until such time as the appeal is determined in the Circuit Court,

and thereafter the holding or premises may be so used only by leave of the Circuit Court.

(3) Where, in accordance with *subsection (2)*, a premises continues to be used to produce, process, trade or otherwise handle animals, carcasses and meat intended for human consumption or for the manufacture or trade of feedingstuffs, notwithstanding the refusal or revocation of the certificate of approval in relation to that holding or premises, this Act shall continue to apply to the holding or premises as if the certificate of approval with respect to that holding or premises had not been refused or revoked.

(4) On the hearing of an appeal under this section, the Circuit Court may—

- (a) dismiss the appeal and order the disposal of the animals, carcasses, meat or feedingstuffs on the holding or premises, as the case may be, under the direction of the Minister, or

- (b) allow the appeal and direct the Minister to grant or renew the certificate of approval, or to cancel the revocation,

and the decision of the Circuit Court shall be final save that, by leave of that Court, an appeal shall lie to the High Court on a point of law.

(5) On hearing an appeal under this section, the onus of establishing that the provisions of this Act in relation to the granting, renewal or continuing in force of a certificate of approval have been complied with shall lie on the person making the appeal.

(6) In the event of an unsuccessful appeal, the cost of disposing of the animals, carcasses, meat or feedingstuffs may be recovered by the Minister from the owner of the animals or of the holding or premises, as the case may be, as a simple contract debt in any court of competent jurisdiction.

Seizure and  
detention of  
animals, etc.

**18.—**(1) Where, in relation to a holding or premises, an authorised officer is of the opinion that animals, carcasses, meat or feedingstuffs in or on the holding or premises or in or on a vehicle, vessel or container on the holding or premises intended for sale for human consumption or animal consumption have been, are being or are likely to be, produced in contravention of this Act or regulations made under this Act, the authorised officer may—

(a) seize and detain the animals, carcasses, meat or feedingstuffs, or

(b) serve on the holder of the certificate of approval in relation to that holding or premises or on the person who seems to be in charge of the holding or premises, a notice in writing requiring—

(i) that no animal carcase, meat or feedingstuff be moved off the holding or premises except under and in accordance with the terms of a movement permit, or

(ii) the animal, carcase, meat or feedingstuff to be destroyed, disposed of or otherwise dealt with in such manner and at such place as the authorised officer shall direct.

(2) An authorised officer may, on application in writing by an owner of an animal to which a notice under *subsection (1)* applies, issue a permit under *section 22* allowing the movement of the animal into or out of the holding or premises to which the notice relates or the sale or slaughter of that animal.

(3) A person who fails to comply with the terms of a notice under *subsection (1)* shall be guilty of an offence.

(4) An authorised officer may at any time amend or revoke in writing a notice served by him or her under *subsection (1)*.

(5) The service of a notice under *subsection (1)* shall not be construed as in any way affecting any proceedings, whether instituted before or after the service of the notice, in which a contravention of any provision of this Act or of regulations made under this Act is alleged.

(6) A person aggrieved by a notice under *subsection (1)* may, not later than 5 days after the service of the notice, appeal to the District Court.

(7) On the hearing of an appeal under *subsection (6)* the District Court may, as it thinks proper, cancel the notice or confirm the notice and order that the animals, carcasses, meat or feedingstuffs, as the case may be, be detained, destroyed, disposed of or otherwise dealt with under the direction of the Minister.

(8) The cost of detaining, destroying, disposing of or otherwise dealing with the animals, carcasses, meat or feedingstuffs, may be recovered by the Minister from the owner of the animal, carcase, meat or feedingstuffs, as the case may be, as a simple contract debt in any court of competent jurisdiction.

Regulations  
regarding  
registration and  
identification of  
animals.

**19.—**(1) The Minister may make regulations in relation to the registration and identification of animals.

(2) Without prejudice to the generality of *subsection (1)*, regulations made under this section may include all or any of the following matters:

- (a) the registration of the birth, death or any other event relating to animals;
- (b) the manner in which animals are to be identified, the time or times and the place or places at which they are to be identified, and the person or persons responsible for such identification;
- (c) the manufacture, importation, distribution, sale, possession, control, use and disposal (including destruction or recycling) of ear-tags, microchips, identity cards or documents relating to the identification of animals, and of any other thing which might be used directly or indirectly for the purpose of, or in relation to, the identification of animals;
- (d) without prejudice to *paragraph (c)*, the tampering with, removal from animals or the re-application to animals of ear-tags, microchips or any other thing used for or in relation to the identification of animals;
- (e) the identification of animals by electronic means (including the programming of any such means of identification);
- (f) the information which is to be kept in relation to the identification of animals, the manner in which and the means by which it is to be kept, and the person or persons by whom it is to be kept and to whom it is to be given;

- (g) the importation, movement, sale, possession, control, use, seizure and disposal of animals which are not identified, or which are incorrectly or falsely identified, or which are reasonably suspected of not being so identified or incorrectly or falsely identified;
- (h) the possession of any instrument, implement or other thing which could be used for, or adapted for the use of, removing the identification of animals or for reusing the means of identification of animals;
- (i) the tampering with, forgery or falsification of ear-tags, microchips, identity cards or other documents, or any other thing used for or in connection with the identification of animals;
- (j) the use of ear-tags, microchips, identity cards or other documents, or any other thing used for or in connection with the identification of animals, to give a false or misleading or incorrect identification to animals.

Cattle census.

**20.**—(1) The Minister may conduct a census of animals for the purpose of confirming the location, category and ownership of animals in the State or for any other purpose.

(2) The Minister may make regulations requiring participants to provide information under this Act, specifying, in particular—

- (a) the general nature of the information required,
- (b) the frequency with which it is to be provided, and
- (c) the participants required to provide it.

(3) The Minister may, pursuant to a regulation made under *subsection (2)*, direct a participant by notice in writing—

- (a) to complete and return a form, questionnaire or other record in accordance with any instructions contained therein or otherwise communicated to him or her,
- (b) to answer questions asked of him or her,
- (c) to supply any record, copy or extract from any record,

by a specified date or within a specified period.

(4) A person who fails to comply with the regulations made or a notice served under this section shall be guilty of an offence.

Computerised

**21.**—(1) A keeper, other than a transporter of animals, shall notify the Minister of the

cattle movement  
monitoring system.

movement of animals to or from his or her holding or premises.

(2) The information notified under *subsection (1)* shall be entered on the CMMS database.

(3) The Minister may establish procedures for access to the CMMS database and the register of certificates of approval, having regard to the rights of individuals and undertakings.

(4) The Minister may make regulations providing for the following:

(a) the form and time requirements for notifications under *subsection (1)*;

(b) the use of the CMMS database to identify and trace animals which are intended to be slaughtered or exported for human consumption.

(5) A person who contravenes *subsection (1)* shall be guilty of an offence.

Movement permit.

**22.**—(1) An authorised officer may issue a permit for the purposes of this Act authorising such movement as may be specified in the permit of animals, carcasses, meat or feedingstuffs specified in the permit and may attach to the permit any conditions that the authorised officer considers appropriate.

(2) Without prejudice to the generality of *subsection (1)*, the conditions referred to in that subsection may include conditions as to the destination of the movement and conditions to be fulfilled after the movement has been effected.

(3) An authorised officer may at any time amend or revoke in writing a movement permit issued by him or her under *subsection (1)*.

(4) A person who fails to comply with a permit issued under *subsection (1)* or the conditions attached to such a permit, shall be guilty of an offence.

### PART III

#### Enforcement.

Powers of  
authorised officers  
and Garda  
Síochána.

**23.**—(1) Without prejudice to any other Act or regulation, an authorised officer or a member of the Garda Síochána may—

(a) enter, by force if necessary, at any time, any holding, premises, vehicle, vessel, aircraft or container where he or she reasonably suspects that the production, processing, trading, storage or otherwise handling of animals, carcasses or

meat for human consumption or the manufacture or trade of feedingstuffs is taking place,

- (b) search for and inspect any records, in whatever form kept, in or on the holding, premises, vehicle vessel, aircraft or container that relate to the production, processing, trading, storage or otherwise handling of animals, carcasses or meat for human consumption or the manufacture or trade of feedingstuffs and
- (c) take copies of, or remove, any records, in whatever form found, in or on the holding, premises, vehicle, vessel, aircraft or container for examination or for the purposes of any proceedings under this Act.

(2) The person in charge of a holding, premises, vehicle, vessel, aircraft or container, where an authorised officer or a member of the Garda Síochána reasonably suspects that the production, processing, trading or otherwise handling of animals, carcasses or meat for human consumption or the manufacture or trade of feedingstuffs is taking place, shall, on request by the authorised officer or the member of the Garda Síochána—

- (a) produce all records, in whatever form kept, in or on the holding, premises, vehicle, vessel, aircraft or container and shall permit the authorised officer or the member of the Garda Síochána to inspect, copy or, as the case may be, remove the records, and
- (b) provide any information that may reasonably be required in relation to the production, processing, trading or otherwise handling of animals, carcasses or meat for human consumption or for the manufacture or trading of feedingstuffs.

(3) An authorised officer shall not, other than with the consent of the occupier, enter a private dwelling unless he or she has obtained a warrant from the District Court under *subsection (4)* authorising the entry.

(4) If a judge of the District Court is satisfied on the sworn information of an authorised officer or a Garda Síochána that there are reasonable grounds for suspecting that evidence of or relating to the commission or intended commission of an offence under this Act is to be found in, on or under any holding or premises or in or on any vehicle, vessel, aircraft or container and that such holding, premises, vehicle, vessel, aircraft or container or any part thereof consists of a dwelling, the judge may issue a search warrant.

(5) A search warrant issued under *subsection (4)* shall be expressed and operate to authorise named authorised officers or members of the Garda Síochána, accompanied if appropriate by other authorised officers or members of the Garda Síochána, at any time or times within one month from the date of issue of the warrant, on production of the warrant if so requested, to enter the dwelling, by force if necessary, and exercise all or any of the powers conferred on an authorised officer under this section.

(6) An authorised officer, or a member of the Garda Síochána, in the exercise of the powers conferred on him or her by *subsection (1)*, may seize, detain and remove any animals, carcasses or meat intended for human consumption or feedingstuffs or other

thing that he or she finds in or on a holding or premises or in or on a vehicle, vessel, aircraft or container which is not in compliance with this Act or which is, or he or she reasonably suspects is, unfit for human or animal consumption, as the case may be.

(7) Whenever an authorised officer or a member of the Garda Síochána seizes, detains or removes any animal, carcase, meat or feedingstuff pursuant to *subsection (6)*, he or she shall cause the animal, carcase, meat or feedingstuff to be examined by a veterinary inspector or agricultural inspector, and if the veterinary inspector or the agricultural inspector declares that the animal, carcase, meat or feedingstuff has not been produced, processed, traded or otherwise handled in accordance with the requirements of this Act, or is unfit for human consumption or animal consumption, as the case may be, the animal, carcase, meat or feedingstuff shall be disposed of or destroyed in accordance with the directions of the veterinary inspector or the agricultural inspector.

(8) The cost of disposing of the animals, carcasses, meat or feedingstuffs may be recovered by the Minister from the owner of the holding or premises or the vehicle, vessel, aircraft or container, as the case may be, as a simple contract debt in any court of competent jurisdiction.

Seizures and disposals.

**24.**—(1) Where in the course of exercising any powers under this Act an authorised officer or a member of the Garda Síochána finds or comes into possession of any thing that the officer or member believes to be evidence of any offence or suspected offence under this Act, it may be seized and retained for use in evidence in criminal proceedings.

(2) Where any thing seized from a person under *subsection (1)* is disposed of by or on behalf of the State, the costs of the disposal may be recovered from the person as a simple contract debt in any court of competent jurisdiction.

Penalties.

**25.**—(1) A person guilty of an offence under this Act shall be liable—

(a) on summary conviction, to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 12 months or both,

(b) on conviction on indictment, to a fine not exceeding £100,000 or to imprisonment for a term not exceeding 5 years or both.

(2) The Court may, upon conviction, order any thing that in the opinion of the court was used for the purpose of the commission of an offence under this Act to be forfeited to the Minister and either destroyed or disposed of in such manner as the Minister may determine.

(3) A person who obstructs or interferes with an authorised officer or a member of the Garda Síochána in the exercise of the officer's or member's powers under this Act, or gives an authorised officer or member of the Garda Síochána information that is false or misleading, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 12 months

or both.

(4) Where an offence under this Act is committed by a body corporate and it is proved to have been committed with the consent or connivance or approval of, or to be attributable to any neglect on the part of, any person who, when the offence was committed, was a director, manager, secretary or other officer of the body corporate, or any person who was acting or purporting to act in any such capacity, that person shall be guilty of an offence and shall be liable to be proceeded against and punished as if guilty of the first-mentioned offence.

(5) Where the affairs at a body corporate are managed by its members, *subsection (4)* applies as if the reference to a director in that subsection were a reference to a member of the body corporate.

Prosecution of  
summary  
proceedings.

**26.**—(1) Proceedings in relation to a summary offence under this Act may be brought and prosecuted by the Minister.

(2) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under this Act may be instituted within 2 years from the date of the offence.

Jurisdiction of  
Courts.

**27.**—(1) The jurisdiction conferred on the Circuit Court by this Act shall be exercised by the judge for the time being assigned to the circuit where the participant concerned resides or carries on business.

(2) The jurisdiction conferred on the District Court by this Act shall be exercised by the judge for the time being assigned to the District Court Area where the participant concerned resides or carries on business.

## PART IV

### Miscellaneous

Service of notices.

**28.**—(1) A notice required or authorised to be served on or sent or given to any person under this Act (other than a body to which *subsection (2)* applies) may be served on or sent or given to the person—

(a) where it is addressed to the person by name, by delivering it to him or her, or in the case of a partnership by delivery to any of the partners,

(b) by leaving it at the address at which the person ordinarily resides,

(c) by sending it by post in a prepaid registered letter addressed to the person at the address at which the person ordinarily resides, or in a case in which an address for service has been furnished, at that address for service, or

(d) where the address at which the person ordinarily resides cannot be ascertained

by reasonable inquiry and notice is required to be served on, or given to, the person in respect of any place of work, by delivering it to a person who has attained the age of 16 years and who is resident in or employed at the place of work, or by affixing it in a conspicuous position on or near the place of work.

(2) A notice required or authorised under this Act to be served on or sent or given to a body, whether corporate or unincorporated, may be served on or sent or given to the body—

- (a) by leaving it at, or sending it by post in a prepaid registered letter to, the registered office, if any, of the body,
- (b) by leaving it at, or sending it by post in a prepaid registered letter to, any place at which the body conducts business,
- (c) by sending it by post in a prepaid registered letter to any person who is a director, manager, secretary or other officer of the body or is purporting to act in any such capacity, at the place where the person ordinarily resides, or by leaving it at that place, or
- (d) by delivering it to a person who has attained the age of 16 years and who is resident in or employed at the registered office, if any, of the body or place at which the body conducts business.

Authorised officers. **29.**—(1) The Minister may appoint such and so many persons as he or she considers necessary to be authorised officers for the purposes of any or all of the provisions of this Act.

(2) The chief executive officer of a health board established under the Health Act, 1970, may appoint such and so many persons as he or she considers necessary to be authorised officers for the purpose of the implementation of *section 6 (1)(d)* and (2).

(3) Every person who is appointed pursuant to this section shall be furnished with a certificate of his or her appointment and when exercising a power under this Act shall, if requested by any person thereby affected, produce the certificate.

Continuance of officers.

**30.**—(1) An officer of the Minister who is an authorised officer or a veterinary inspector, or a veterinary examiner or an inspector for the purposes of any of the following Acts or regulations:

- (a) Abattoirs Act, 1988;
- (b) Agricultural Produce (Fresh Meat) Acts, 1930 to 1988;
- (c) Animal Remedies Act, 1993;
- (d) Diseases of Animals Act, 1966;

- (e) European Communities (Fresh Meat) Regulations, 1997;
- (f) European Communities (Meat Products and Other Products of Animal Origin) Regulations, 1995;
- (g) European Communities (Minced Meat and Meat Preparations) Regulations, 1996;
- (h) Fertilisers, Feeding Stuffs and Mineral Mixtures Act, 1955;
- (i) Livestock Marts Act, 1967,

shall be deemed upon the commencement of this Act to have been appointed under this section for the purposes of this Act.

(2) A person appointed as a whole-time veterinary inspector by a local authority and authorised as an authorised officer under the Abattoirs Act, 1988 , shall be deemed upon the commencement of this Act to have been appointed under this section for the purposes of this Act.

Saving for other Acts, orders and regulations.

**31.**—This Act is in addition to and not in substitution for the Acts, orders and regulations listed in the *Second Schedule* and regulations made, continued in force or deemed to have been made under those Acts.

Revocation of licences under other Acts and regulations.

**32.**—(1) Where the Minister revokes, withdraws or refuses to grant an approval, licence or registration to a participant under—

- (a) sections 12(1), 15 and 16 of the Agricultural Produce (Fresh Meat) Act, 1930 ,
- (b) section 11 of the Abattoirs Act, 1988 ,
- (c) Regulation 4 or 6 of the European Communities (Fresh .Meat) Regulations, 1997,
- (d) Regulation 4 or 14 of the European Communities (Meat Products and Other Products of Animal Origin) Regulations, 1995,
- (e) Regulation 4 or 8 of the European Communities (Minced Meat and Meat Preparations) Regulations, 1996,
- (f) the European Communities (Approval and Registration of Establishments and Intermediaries operating in the Animal Feed Sector) Regulations, 1999 ( S.I. No. 88 of 1999 ).
- (g) section 3 of the Livestock Marts Act, 1967 , or

(h) Regulation 13 of the Fertilisers, Feeding Stuffs and Mineral Mixtures Regulations, 1957 ( S.I. No. 264 of 1957 ),

any certificate of approval granted to the participant under this Act is deemed to be revoked.

(2) *Sections 16 and 17* shall not apply to a deemed revocation under *subsection (1)* unless the Act or regulation under which the approval or licence was revoked or refused does not contain a right of appeal.

Orders and regulations.

**33.**—(1) The Minister may make regulations in relation to any or all of the following matters:

- (a) the management and supervision of holdings and premises;
- (b) the construction and maintenance of premises, equipment, facilities and amenities of holdings and premises;
- (c) the sanitation and operational hygiene of holdings, premises and equipment and the hygiene and health of staff;
- (d) the documentation of operational procedures relating to—
  - (i) sourcing, intake and storage of animals, carcasses, meat, feedingstuffs and raw materials,
  - (ii) production stages and controls,
  - (iii) manufacturing stages and controls,
  - (iv) storage and refrigeration,
  - (v) wrapping, packaging and distribution, and
  - (vi) product withdrawal.

(2) The Minister may by order amend the *Second Schedule* by making additions thereto or deletions therefrom.

(3) Regulations made by the Minister under this Act shall contain such incidental, supplemental and consequential provisions as the Minister considers necessary.

(4) A person who fails to comply with the regulations made under *subsection (1)* or under *section 7, 12 or 19* shall be guilty of an offence.

(5) Every regulation and order, other than an order under *section 1 (2)*, made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation or order is passed by either House within the next 21 days on which the House has sat after the order or regulation is laid before it, the order or regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

Expenses.

**34.**— The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

## PART V

### Related and Consequential Amendments.

Amendment of Diseases of Animals Act, 1966, and related Acts (increase of penalties).

**35.**—(1) The Diseases of Animals Act, 1966 , is hereby amended by the insertion of the following section after section 49:

“Penalties.

49A. —A person who is guilty of an offence under section 48(1) or 49(1) shall be liable—

(a) on summary conviction to a fine not exceeding £1,500 or imprisonment for a term not exceeding twelve months or both,

(b) on conviction on indictment—

(i) in case such person is so convicted by reason of such person having in contravention of an order of the Minister under the Diseases of Animals Act, 1966 , interfered with or removed an ear-tag, or

(ii) in case such person is otherwise so convicted,

to a fine not exceeding £100,000 or to imprisonment for a term not exceeding 5 years or both.”.

(2) Sections 48(2) and 49(2) of the Diseases of Animals Act, 1966 , are hereby repealed.

(3) Section 23 of the Bovine Diseases (Levies) Act, 1979 , is hereby repealed.

(4) Section 7 of the Bovine Diseases (Levies) (Amendment) Act, 1996 , is hereby repealed.

Amendment of  
Livestock Marts  
Act, 1967.

**36.**—The Livestock Marts Act, 1967, is hereby amended—

(a) in section 3 by the deletion of subsections (5) to (8),

(b) by the insertion of the following after section 3:

“Power of Minister to revoke or refuse licence. 3A. —(1) The Minister may, at any time, revoke or refuse a licence if the Minister is satisfied that—

(a) the holder of, or applicant for, a licence is guilty of any offence under this Act, or

(b) there has been a contravention (whether by commission or omission) of a regulation made under this Act or under the European Communities Act, 1972, (which applies to the business of a livestock mart) or of a condition attached to the licence.

(2) Before revoking or refusing a licence the Minister shall—

(a) notify, in writing, the holder of, or applicant for, the licence, of the intention to revoke or refuse the licence and of the reasons for the revocation or refusal,

(b) notify, in writing, the holder of, or applicant for, the licence that he or a person acting on his behalf, may make representations to the Minister in relation to the intended revocation or refusal within 14 days of the date of issue of the notification, and

(c) consider any representations made under paragraph (b) before deciding whether or not to proceed with the revocation or refusal.

(3) Where the Minister decides to proceed with the revocation or refusal of a licence under this section, the Minister shall, by notice in writing, notify the holder of, or applicant for, the licence—

(a) of the decision and of the reasons for that decision,

(b) of the time limit within which, and of the manner in which an appeal against the revocation or refusal may, pursuant to section 3B, be made, and

(c) if the holder of the licence may continue to carry on the business of a livestock mart.

Appeal against refusal or revocation of licence. 3B.—(1) If the Minister revokes or refuses to grant a licence, the holder of, or applicant for, the licence may, within 21 days after the date of the service of the notice of the revocation or refusal, appeal to

the Circuit Court against the refusal or revocation.

(2) If the Minister revokes a licence, the holder may, if the Minister is satisfied that there is no danger to public health, continue to carry on the business of a livestock mart—

(a) until the time for bringing an appeal has elapsed, or

(b) if an appeal is made, until such time as the appeal is determined in the Circuit Court, and thereafter the business of a livestock mart may be conducted only by leave of the Circuit Court.

(3) Where, in accordance with subsection (2), the holder of a licence continues to carry on the business of a livestock mart, notwithstanding the revocation, this Act shall continue to apply as if the licence with respect to that mart had not been revoked.

(4) On the hearing of an appeal under this section, the Circuit Court may—

(a) dismiss the appeal, or

(b) allow the appeal and direct the Minister to grant the licence or cancel the revocation,

and the decision of the Circuit Court shall be final save that, by leave of that Court, an appeal shall lie to the High Court on a point of law.

(5) On the hearing of an appeal under this section, the onus of establishing that the provisions of this Act in relation to the granting or continuing in force of a licence have been complied with shall lie on the person making the appeal.

(6) The jurisdiction conferred on the Circuit Court by this section shall be exercised by the judge for the time being assigned to the circuit where the person making the appeal resides or carries on business.”,

(c) in section 8 by the substitution of the following for subsection (3):

“(3) A person guilty of an offence under this Act shall be liable—

(a) on summary conviction, to a fine not exceeding £1,500 or imprisonment for a term not exceeding 12 months or both, or

(b) on conviction on indictment, to a fine not exceeding £100,000 or imprisonment for a term not exceeding 5 years or both.”,

(d) by the addition of the following after section 9:

“Prosecution of summary proceedings.

9A.—(1) Proceedings in relation to a summary offence under this Act may be brought and prosecuted by the Minister.

(2) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under this Act may be instituted within 2 years from the date of the offence.”.

Alteration of penalties and amendments relating to Slaughter of Animals Act, 1935.

37.—(1) A person convicted of an offence for which a penalty is provided in any section of the Slaughter of Animals Act, 1935, specified in *column (2)* of the *Third Schedule* to this Act at any reference number shall, in lieu of the penalty provided in any such section and specified in *column (3)* of that Schedule (as construed by reference to section 47(2) and the Second Schedule to the Abattoirs Act, 1988 ), be liable to the penalty specified in *column (4)* of that Schedule at that reference number, and that section shall be construed and have effect accordingly.

(2) Section 47(2) of the Abattoirs Act, 1988 , is hereby repealed.

(3) The Second Schedule to the Abattoirs Act, 1988 , is hereby repealed.

## FIRST SCHEDULE

### Participants

#### Section 5

1. The following classes of person are listed for the purposes of this Act:

(a) farmers;

(b) dealers or exporters of live animals.

2. The following classes of holdings or premises are listed for the purposes of this Act:

(a) abattoirs;

(b) assembly centres or marts;

(c) meat plants;

(d) establishments engaged in manufacturing or trading of feedingstuffs.

## SECOND SCHEDULE

### Standards

PART I

*Farmers*

Protection of Animals Acts, 1911 and 1965

Protection of Animals Kept for Farming Purposes Act, 1984

Bovine Tuberculosis (Attestation of the State and General Provisions) Order, 1989 ( S.I. No. 308 of 1989 )

Bovine Tuberculosis (Attestation of the State and General Provisions) (Amendment) Order, 1996 ( S.I. No. 85 of 1996 )

Bovine Tuberculosis (Attestation of the State and General Provisions) Order, 1996 ( S.I. No. 103 of 1996 )

Bovine Tuberculosis (Attestation of the State and General Provisions) Order, 1999 ( S.I. No. 277 of 1999 )

Brucellosis in Cattle (General Provisions) Order, 1991 ( S.I. No. 114 of 1991 )

Brucellosis in Cattle (General Provisions) (Amendment) Order, 1996 ( S.I. No. 86 of 1996 )

Brucellosis in Cattle (General Provisions) (Amendment) Order, 1998 ( S.I. No. 39 of 1998 )

Animal Remedies Act, 1993

Animal Remedies Regulations, 1996 ( S.I. No. 179 of 1996 )

Control of Animal Remedies and their Residues regulations, 1998 ( S.I. No. 507 of 1998 )

Diseases of Animals Act, 1966

Diseases of Animals (Bovine Spongiform Encephalopathy) Order, 1989 ( S.I. No. 61 of 1989 )

Diseases of Animals (Bovine Spongiform Encephalopathy) (Amendment) Order, 1990 (

S.I. No. 98 of 1990 )

Diseases of Animals (Bovine Spongiform Encephalopathy) (Amendment) (No. 2) Order, 1990 ( S.I. No. 195 of 1990 )

Diseases of Animals (Bovine Spongiform Encephalopathy) (Amendment) (No. 3) Order, 1990 ( S.I. No. 196 of 1990 )

Diseases of Animals (Bovine Spongiform Encephalopathy) (Amendment) Order, 1992 ( S.I. No. 289 of 1992 )

Diseases of Animals (Bovine Spongiform Encephalopathy) (Amendment) (No. 2) Order, 1996 ( S.I. No. 278 of 1996 )

Diseases of Animals (Bovine Spongiform Encephalopathy) (Amendment) (No. 3) Order, 1996 ( S.I. No. 415 of 1996 )

Diseases of Animals (Bovine Spongiform Encephalopathy) (Amendment) Order, 1997 ( S.I. No. 79 of 1997 )

Diseases of Animals (Protection of Animals during Transport) Orders, 1995 and 1997 (S.I. Nos. 98 of 1995 and 326 of 1997)

European Communities (Importation of Bovine Animals and Products obtained from Bovine Animals from the United Kingdom) Regulations, 1996 ( S.I. No. 87 of 1996 )

European Communities (Registration of Bovine Animals) Regulations, 1996 ( S.I. No. 104 of 1996 )

European Communities (Identification and Registration of Bovine Animals) Regulations, 1999 ( S.I. No. 276 of 1999 )

European Communities (Supply of Information on the Origin, Identification and Destination of Bovine Animals) Regulations, 1999 ( S.I. No. 258 of 1999 )

European Communities (Animal Remedies and Medicated Feedingstuffs) Regulations, 1994 ( S.I. No. 176 of 1994 )

European Communities (Welfare of Calves) Regulations, 1998 ( S.I. No. 138 of 1998 )

European Communities (Putting into Circulation of Feed Materials) Regulations, 1999 ( S.I. No. 390 of 1999 )

European Communities (Marketing of Compound Feedingstuffs) Regulations, 1999 ( S.I. No. 435 of 1999 )

European Communities (Protein Feedingstuffs) Regulations, 1986 to 1999 (S.I. Nos. 433 of 1986, 186 of 1996 and 334 of 1999)

European Communities (Additives in Feedingstuffs) Regulations, 1999 ( S.I. No. 398 of 1999 )

European Communities (Pesticide Residues) (Feedingstuffs) Regulations, 1992 ( S.I. No. 40 of 1992 )

European Communities (Disposal, Processing and Placing on the Market of Animal By-products) Regulations, 1994 ( S.I. No. 257 of 1994 )

European Communities (Feedingstuffs Intended for Particular Nutritional Purposes) Regulations, 1996 to 1999 (S.I. Nos. 59 of 1996 and 365 of 1999)

European Communities (Feedingstuffs) (Tolerances of Undesirable Substances and Products) Regulations, 1998 to 2000 (S.I. Nos. 283 of 1998 and 36 of 2000)

European Communities (Approval and Registration of Establishments and Intermediaries operating in the Animal Feed Sector) Regulations, 1999 ( S.I. No. 88 of 1999 )

European Communities (Approval and Registration of Establishments and Intermediaries operating in the Animal Feed Sector) (Amendment) Regulations, 1999 ( S.I. No. 335 of 1999 )

European Communities (Animal Nutrition Inspections) Regulations, 2000 ( S.I. No. 4 of 2000 )

Local Government (Water Pollution) Acts, 1977 and 1990

Waste Management Act, 1996

Environmental Protection Agency Act, 1992

## PART II

### *Dealers or Exporters of Live Animals*

Protection of Animals Acts, 1911 and 1965

Protection of Animals Kept for Farming Purposes Act, 1984

Bovine Tuberculosis (Attestation of the State and General Provisions) Order, 1989 ( S.I. No. 308 of 1989 )

Bovine Tuberculosis (Attestation of the State and General Provisions) (Amendment) Order, 1996 ( S.I. No. 85 of 1996 )

Bovine Tuberculosis (Attestation of the State and General Provisions) Order, 1996 ( S.I. No. 103 of 1996 )

Bovine Tuberculosis (Attestation of the State and General Provisions) Order, 1999 ( S.I. No. 277 of 1999 )

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European Communities (Registration of Bovine Animals) Regulations, 1996 ( S.I. No. 104 of 1996 )

European Communities (Identification and Registration of Bovine Animals) Regulations, 1999 ( S.I. No. 276 of 1999 )

European Communities (Supply of Information on the Origin, Identification and Destination of Bovine Animals) Regulations, 1999 ( S.I. No. 258 of 1999 )

European Communities (Trade in Bovine Animals and Swine) Regulations, 1997 ( S.I. No. 270 of 1997 )

European Communities (Trade in Bovine Animals and Swine) (Amendment) Regulations, 2000 ( S.I. No. 5 of 2000 )

European Communities (Welfare of Calves) Regulations, 1998 ( S.I. No. 138 of 1998 )

European Communities (Putting into Circulation of Feed Materials) Regulations, 1999 ( S.I. No. 390 of 1999 )

European Communities (Marketing of Compound Feedingstuffs) Regulations, 1999 ( S.I. No. 435 of 1999 )

European Communities (Protein Feedingstuffs) Regulations, 1986 to 1999 (S.I. Nos. 433 of 1986, 186 of 1996 and 334 of 1999)

European Communities (Additives in Feedingstuffs) Regulations, 1999 ( S.I. No. 398 of 1999 )

European Communities (Pesticide Residues) (Feedingstuffs) Regulations, 1992 ( S.I. No. 40 of 1992 )

European Communities (Animal Remedies and Medicated Feedingstuffs) Regulations, 1994 ( S.I. No. 176 of 1994 )

European Communities (Feedingstuffs Intended for Particular Nutritional Purposes) Regulations, 1996 to 1999 (S.I. Nos. 59 of 1996 and 365 of 1999)

European Communities (Feedingstuffs) (Tolerances of Undesirable Substances and Products) Regulations, 1998 to 2000 (S.I. Nos. 283 of 1998 and 36 of 2000)

European Communities (Approval and Registration of Establishments and Intermediaries operating in the Animal Feed Sector) Regulations, 1999 ( S.I. No. 88 of 1999 )

European Communities (Approval and Registration of Establishments and Intermediaries operating in the Animal Feed Sector) (Amendment) Regulations, 1999 ( S.I. No. 335 of 1999 )

European Communities (Animal Nutrition Inspections) Regulations, 2000 ( S.I. No. 4 of 2000 )

Council Directives Nos. 97/12/EC<sup>(1)</sup> , 98/46/EC<sup>(2)</sup> and 98/99/EC<sup>(3)</sup> amending Council Directive No. 64/432/EEC on intra-Community trade in bovine animals and swine

Local Government (Water Pollution) Acts, 1977 and 1990

Waste Management Act, 1996

Environmental Protection Agency Act, 1992

### PART III

*Manufacturers or Traders of Feedingstuffs*

Fertilisers, Feedingstuffs and Mineral Mixtures Act, 1955

Fertilisers, Feedingstuffs and Mineral Mixtures Regulations, 1957 ( S.I. No. 264 of 1957 )

Diseases of Animals (Bovine Spongiform Encephalopathy) (Amendment) (No.3) Order, 1990 ( S.I. No. 196 of 1990 )

Diseases of Animals (Bovine Spongiform Encephalopathy) (Amendment) (No. 2) Order, 1996 ( S.I. No. 278 of 1996 )

Diseases of Animals (Bovine Spongiform Encephalopathy) (Amendment) (No. 3) Order, 1996 ( S.I. No. 415 of 1996 )

Diseases of Animals (Bovine Spongiform Encephalopathy) (Amendment) Order, 1997 ( S.I. No. 79 of 1997 )

European Communities (Putting into Circulation of Feed Materials) Regulations, 1999 ( S.I. No. 390 of 1999 )

European Communities (Marketing of Compound Feedingstuffs) Regulations, 1999 ( S.I. No. 435 of 1999 )

European Communities (Protein Feedingstuffs) Regulations, 1986 to 1999 ( S.I. No. 433 of 1986 , 186 of 1996 and 334 of 1999)

European Communities (Additives in Feedingstuffs) Regulations, 1999 ( S.I. No. 398 of 1999 )

European Communities (Pesticide Residues) (Feedingstuffs) Regulations, 1992 ( S.I. No. 40 of 1992 )

European Communities (Animal Remedies and Medicated Feedingstuffs) Regulations, 1994 ( S.I. No. 176 of 1994 )

European Communities (Feedingstuffs Intended for Particular Nutritional Purposes) Regulations, 1996 to 1999 (S.I. Nos. 59 of 1996 and 365 of 1999)

European Communities (Feedingstuffs) (Tolerances of Undesirable Substances and Products) Regulations, 1998 to 2000 (S.I. Nos. 283 of 1998 and 36 of 2000)

European Communities (Approval and Registration of Establishments and Intermediaries operating in the Animal Feed Sector) Regulations, 1999 ( S.I. No. 88 of 1999 )

European Communities (Approval and Registration of Establishments and Intermediaries operating in the Animal Feed Sector) (Amendment) Regulations, 1999 ( S.I. No. 335 of 1999 )

European Communities (Feedingstuffs) (Methods of Sampling and Analysis) Regulations, 1999 ( S.I. No. 289 of 1999 )

European Communities (Guidelines for the Assessment of Additives in Animal Nutrition) Regulations, 1999 ( S.I. No. 370 of 1999 )

European Communities (Animal Nutrition Inspections) Regulations, 2000 ( S.I. No. 4 of 2000 )

Local Government (Water Pollution) Acts, 1977 and 1990

Waste Management Act, 1996

Environmental Protection Agency Act, 1992

#### PART IV

##### *Abattoirs*

Protection of Animals Acts, 1911 and 1965

Slaughter of Animals Acts, 1935 and 1988

Abattoirs Act, 1988

Abattoirs Act, 1988 (Abattoirs) Regulations, 1989 to 1999 ( S.I.No. 152 of 1989 , No. 12 of 1998 and No. 328 of 1999 )

Abattoirs Act, 1988 (Veterinary Examination) Regulations, 1992 to 1999 (S.I. Nos. 89 of 1992, 6 of 1998, 512 of 1998 and 327 of 1999)

Abattoirs Act, 1988 (Health Mark) Regulations, 1992 ( S.I. No. 90 of 1992 )

Abattoirs Act (Control of Designated Bovine Offal) Regulations, 1996 ( S.I. No. 106 of

1996 )

Animal Remedies Act, 1993

Animal Remedies Regulations, 1996 ( S.I. No. 179 of 1996 )

Control of Animal Remedies and their Residues Regulations, 1998 ( S.I. No. 507 of 1998 )

Diseases of Animals (Bovine Spongiform Encephalopathy) (Specified Risk Material) Order, 1997 ( S.I. No. 80 of 1997 )

Diseases of Animals (Bovine Spongiform Encephalopathy) (Specified Risk Material) Order, 1998 ( S.I. No. 144 of 1998 )

Diseases of Animals (Protection of Animals during Transport) Orders, 1995 and 1997 (S.I. Nos. 98 of 1995 and 326 of 1997)

Bovine Tuberculosis (Attestation of the State and General Provisions) Order, 1999 ( S.I. No. 277 of 1999 )

European Communities (Disposal, Processing and Placing on the Market of Animal By-products) Regulations, 1994 ( S.I. No. 257 of 1994 )

European Communities (Trade in Animals and Animal Products) Regulations, 1994 ( S.I. No. 289 of 1994 )

European Communities (Protection of Animals at time of Slaughter) Regulations, 1995 ( S.I. No. 114 of 1995 )

European Communities (Fresh Meat) Regulations, 1997 ( S.I. No. 434 of 1997 )

European Communities (Labelling of Beef and Beef Products) Regulations, 1998 ( S.I. No. 31 of 1998 )

European Communities (Identification and Registration of Bovine Animals) Regulations, 1999 ( S.I. No. 276 of 1999 )

European Communities (Supply of Information on the Origin, Identification and Destination of Bovine Animals) Regulations, 1999 ( S.I. No. 258 of 1999 )

Local Government (Water Pollution) Acts, 1977 and 1990

Waste Management Act, 1996

Environmental Protection Agency Act, 1992

PART V

*Assembly Centres or Marts*

Protection of Animals Acts, 1911 and 1965

Livestock Marts Act, 1967

Livestock Marts Regulations, 1968 ( S.I. No. 251 of 1968 )

Livestock Marts (Date of Test and Name and Address of Owner) Regulations, 1997 ( S.I. No. 33 of 1997 )

Protection of Animals (Marts etc.) Order, 1984 ( S.I. No. 70 of 1984 )

Animal Remedies Act, 1993

Animal Remedies Regulations, 1996 ( S.I. No. 179 of 1996 )

Control of Animal Remedies and their Residues Regulations, 1998 ( S.I. No. 507 of 1998 )

Diseases of Animals Act, 1966

Diseases of Animals (Protection of Animals during Transport) Orders, 1995 and 1997 (S.I. Nos. 98 of 1995 and 326 of 1997)

Bovine Tuberculosis (Attestation of the State and General Provisions) Order, 1999 ( S.I. No. 277 of 1999 )

European Communities (Disposal, Processing and Placing on the Market of Animal By-products) Regulations, 1994 ( S.I. No. 257 of 1994 )

European Communities (Identification and Registration of Bovine Animals) Regulations, 1999 ( S.I. No. 276 of 1999 )

European Communities (Supply of Information on the Origin, Identification and

Destination of Bovine Animals) Regulations, 1999 ( S.I. No. 258 of 1999 )

European Communities (Trade in Bovine Animals and Swine) Regulations, 1997 ( S.I. No. 270 of 1997 )

European Communities (Trade in Bovine Animals and Swine) (Amendment) Regulations, 2000 ( S.I. No. 5 of 2000 )

Council Directives Nos. 97/12/EC, 98/46/EC and 98/99/EC amending Council Directive No. 64/432/EEC on intra-Community trade in bovine animals and swine

Local Government (Water Pollution) Acts, 1977 and 1990

Waste Management Act, 1996

Environmental Protection Agency Act, 1992

## PART VI

### *Meat Plants*

Protection of Animals Acts, 1911 and 1965

Agricultural Produce (Fresh Meat) Acts, 1930 to 1988

Slaughter of Animals Acts, 1935 and 1988

Abattoirs Act, 1988

Abattoirs Act, 1988 (Veterinary Examination) Regulations, 1992 to 1999 (S.I. Nos. 89 of 1992, 6 of 1998, 512 of 1998 and 327 of 1999)

Abattoirs Act (Control of Designated Bovine Offal) Regulations, 1996 ( S.I. No. 106 of 1996 )

Animal Remedies Act, 1993

Animal Remedies Regulations, 1996 ( S.I. No. 179 of 1996 )

Control of Animal Remedies and their Residues Regulations, 1998 ( S.I. No. 507 of 1998 )

Diseases of Animals (Bovine Spongiform Encephalopathy) (Specified Risk Material) Order, 1997 ( S.I. No. 80 of 1997 )

Diseases of Animals (Bovine Spongiform Encephalopathy) (Specified Risk Material) (Amendment) Order, 1998 ( S.I. No. 144 of 1998 )

Diseases of Animals (Protection of Animals during Transport) Orders, 1995 and 1997 (S.I. Nos. 98 of 1995 and 326 of 1997)

Bovine Tuberculosis (Attestation of the State and General Provisions) Order, 1999 ( S.I. No. 277 of 1999 )

European Communities (Meat Products and Other Products of Animal Origin) Regulations, 1995 and 1997 (S.I. Nos. 126 of 1995 and 175 of 1997)

European Communities (Minced Meat and Meat Preparations) Regulations, 1996 ( S.I. No. 243 of 1996 )

European Communities (Fresh Meat) Regulations, 1997 ( S.I. No. 434 of 1997 )

European Communities (Disposal, Processing and Placing on the Market of Animal By-products) Regulations, 1994 ( S.I. No. 257 of 1994 )

European Communities (Trade in Animals and Animal Products) Regulations, 1994 ( S.I. No. 289 of 1994 )

European Communities (Protection of Animals at time of Slaughter) Regulations, 1995 ( S.I. No. 114 of 1995 )

European Communities (Labelling of Beef and Beef Products) Regulations, 1998 ( S.I. No. 31 of 1998 )

European Communities (Identification and Registration of Bovine Animals) Regulations, 1999 ( S.I. No. 276 of 1999 )

European Communities (Supply of Information on the Origin, Identification and Destination of Bovine Animals) Regulations, 1999 ( S.I. No. 258 of 1999 )

Local Government (Water Pollution) Acts, 1977 and 1990

Waste Management Act, 1996

## Environmental Protection Agency Act, 1992

## THIRD SCHEDULE

## Increase of Penalties

*Slaughter of Animals Act, 1935*

Ref. No.	Sections of Slaughter of Animals Act 1935	Penalty	Increased Penalty
(1)	(2)	(3)	(4)
1.	9(3)	a fine not exceeding £500.	a fine not exceeding £1,500.
2.	12(2), 13(2), 20(3)	a fine not exceeding £500.	a fine not exceeding £1,500.
3.	14(2), 15(3)	a fine not exceeding £500.	a fine not exceeding £1,500.
4.	19(2), 28(3) (d)	a fine not exceeding £500 or, at the discretion of the court, imprisonment for any term not exceeding three months.	a fine not exceeding £1,500 or, at the discretion of the court, imprisonment for any term not exceeding six months.
5.	29(2)	a fine not exceeding £500.	a fine not exceeding £1,500.
6.	30	a fine not exceeding £500 or, at the discretion of the court, imprisonment for any term not exceeding six months.	a fine not exceeding £1,500 or, at the discretion of the court, imprisonment for any term not exceeding twelve months.

(1) O.J. No. L235, 17.9.96.

(1) O.J. No. L121, 29.7.64.

(2) O.J. No. L26, 31.1.77.

(3) O.J. No. L368, 14.12.94.

(1) O.J. No. L109 of 25.4.1997.

(2) O.J. No. L198 of 15.7.1998.

(3) O.J. No. L358 of 21.12.1998.

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