

S.I. No. 37 of 2002

European Communities (Trade in Certain Cattle and Pigs) Regulations 2002

I, Joe Walsh, Minister for Agriculture, Food and Rural Development, 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 Articles 3.2(c) and 7 of Council Directive No. 97/12/EC of 17 March 1997¹, hereby make the following regulations:-

1. These Regulations may be cited as the European Communities (Trade in Certain Cattle and Pigs) Regulations 2002.
- 2.(1) In these Regulations –

“animal” means an animal to which the Council Directive applies;

“Council Directive” means Council Directive No. 97/12/EC of 17 March 1997¹ as supplemented by Council Regulation (EC) No. 1760/2000².
- (2) A word or expression that is used in these Regulations and that is also used in Council Directive has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Council Directive.
- (3) In these Regulations, unless the contrary intention appears, a reference to a Regulation is to a reference in these Regulations and a reference to a paragraph or sub-paragraph is to the paragraph or sub-paragraph of the provision in which the reference occurs.
- 3(1) A person shall not, without lawful authority, sell, supply or slaughter an animal unless the animal is identified in accordance with Article 3.2(c) of the Council Directive.
- (2) A person shall not, without lawful authority, have an animal in his or her possession or under his or her control unless the animal is identified in accordance with Article 3.2(c) of the Council Directive.
- 4(1) An animal for slaughter that has been brought into the State shall be slaughtered no later than 72 hours after it enters the State.
- (2) A person shall not, without lawful authority, have a live animal to which paragraph (1) refers in his or her possession or under his or her control later than 72 hours after it entered the State.
- 5(1) These Regulations are in addition to and not in substitution for the European Communities (Protection of Animal at Time of Slaughter) Regulations 1995

¹ O.J. No. L 109 of 25.4.1997, p.1

² O.J. No. L204 of 11.8.2000, p.1.

(S.I. No. 114 of 1995) and the European Communities (Fresh Meat) Regulations 1997 (S.I. No. 434 of 1997).

- (2) An authorised officer within the meaning of the Regulations referred to in paragraph (1), for the purpose of giving effect to these Regulations, may exercise any or all of the powers conferred on him or her by those Regulations.
- 6(1) A person who, by act or omission, contravenes Regulation 3 or 4 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding € 2,500 or to a term of imprisonment not exceeding 12 months, or to both such fine and such imprisonment.
- (2) (2) An offence under these Regulations may be prosecuted by the Minister.
 - (3) (3) Where an offence under these Regulations has been committed by a body corporate and it is proved to have been so committed with the consent or connivance 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 a person 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 guilty of the first-mentioned offence.
 - (4) Where the affairs of a body corporate are managed by its members, paragraph (3) shall apply in relation to the acts and defaults of a member in connection with the functions of management as if such a member were a director or manager of the body corporate.

GIVEN under my Official Seal,
13th February 2002

Joe Walsh
Minister for Agriculture, Food and
Rural Development.

EXPLANATORY NOTE

(this note is not part of the instrument and does not purport to be a legal interpretation)

These Regulations give effect within the State to certain provisions of Council Directive 97/12 of 17 March 1997.

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