



STATUTORY INSTRUMENTS.

S.I. No. 675 of 2006

EUROPEAN COMMUNITIES (ANIMAL TRANSPORT
AND CONTROL POST) REGULATIONS 2006

(Prn. A6/2248)

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ARRANGEMENT OF REGULATIONS

1. Citation and Commencement
2. Interpretation
3. Animal Transport Authorisation
4. Certificate of Competence
5. Vehicle Approval
6. Livestock Vessel Approval
7. Control Post Approval
8. Compliance Notice
9. Fees
10. Appointment of Authorised Officer
11. Functions of Authorised Officer
12. Search Warrant
13. Fixed Payment Notice
14. Forgery
15. Obstruction
16. Offences
17. Publication
18. Proof of Documents
19. Revocations, Savers etc.

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EUROPEAN COMMUNITIES (ANIMAL TRANSPORT
AND CONTROL POST) REGULATIONS 2006

I, Mary Coughlan, Minister for Agriculture and Food, 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 full effect to Council Regulation (EC) No 1/2005 of 22 December 2004¹ and Council Regulation (EC) No 1255/97 of 25 June 1997², hereby make the following Regulations—

Citation and Commencement

1. These Regulations may be cited as the European Communities (Animal Transport and Control Post Regulations) Regulations 2006 and will come into operation on 5 January 2007.

Interpretation

2. (1) In these Regulations—

“Animal Transport Regulation” means Council Regulation (EC) No 1/2005 of 22 December 2004;

“approved disinfectant” means a disinfectant approved in accordance with the Diseases of Animals (Disinfectants) Order 1975 (S.I. No. 273 of 1975) as amended by the Diseases of Animals (Disinfectants) Order 1975 (Amendment) Order 1978 (S.I. No. 345 of 1978);

“authorised officer” means—

- (a) an authorised officer within the meaning of section 17A (inserted by the Diseases of Animals (Amendment) Act 2001 (No. 3 of 2001)) of the Diseases of Animals Act 1966 (No. 6 of 1966),
- (b) a member of the Garda Síochána,
- (c) an officer of Customs and Excise, or

¹O.J. No. L 3 of 5.1.2005, p. 1.

²O.J. No. L174 of 2.7.1997, p. 1.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 2nd January, 2007.

(d) a person appointed under Regulation 10;

“Control Post Regulation” means Council Regulation (EC) No 1255/97 of 25 June 1997 as amended by the Animal Transport Regulation;

“Minister” means the Minister for Agriculture and Food;

“premises” includes land (including land under water) with or without buildings, a private dwelling, an establishment, a vehicle (including a boat, ship, hovercraft, aircraft or off-shore installation (being an offshore installation within the meaning of the Safety, Health and Welfare (Offshore Installations) Act 1987 (No. 18 of 1987)), railway wagon, container or other thing used in connection with, or ancillary to, a thing aforesaid;

“vehicle” includes a trailer or other container used in conjunction with a means of transport.

(2) A word or expression that is used in these Regulations and that is also used in the Animal Transport Regulation and Control Post Regulation has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Animal Transport Regulation and the Control Post Regulation.

(3) These Regulations do not purport to create a criminal jurisdiction in relation to actions committed wholly outside the criminal jurisdiction of the State.

(4) Notwithstanding paragraph (3), where, whether within or outside the criminal jurisdiction of the State, any person fails to comply with any of the provisions of these Regulations, the Animal Transport Regulation or the Control Post Regulation, the Minister may have regard to failure in relation to the granting, revocation or suspension of the approval of a transporter, vehicle, vessel, control post or certificate of competence under these Regulations. However, where a person would, in complying with such provisions, contravene the criminal legislation of the state in which the failure occurred (proof of which shall lie on him or her), the provisions of this paragraph shall not apply.

Animal Transport Authorisation

3. (1) A person shall not transport an animal unless he or she is authorised—

- (a) for the purposes of Article 10(1), or
- (b) in the case of a long journey, for the purposes of Article 11(1), of the Animal Transport Regulation (“animal transport authorisation”).

(2) An application for an animal transport authorisation shall be in a form and contain any information that the Minister may require.

(3) The Minister may grant an animal transport authorisation, attach conditions to the authorisation, vary or revoke a condition, suspend or revoke the authorisation or refuse an application.

(4) The Minister shall not consider an application unless the application contains all the material and particulars sought by the Minister and is accompanied by the fee (if any) set in accordance with Regulation 9.

(5) Without prejudice to the generality of paragraph (3), the Minister may refuse an application or suspend or revoke an animal transport authorisation if in his or her opinion—

- (a) the applicant or person to whom the authorisation is granted has been convicted of, or committed, an offence, whether he or she has been convicted or not, under the Diseases of Animals Act 1966 (No. 6 of 1966) or Regulations made under the European Communities Act 1972 that relate to animal welfare,
- (b) the applicant or person to whom the authorisation is granted has failed to comply with a condition of an authorisation,
- (c) in relation to an application, information required has not been furnished or information that is false or misleading in a material respect has been furnished,
- (d) the applicant or person to whom the authorisation is granted is not a fit and proper person to be authorised,

- (e) the person to whom the authorisation is granted ceases to carry out the activity, to which the authorisation relates,
- (f) the applicant or person to whom the authorisation is granted, having been given 14 days to do so, fails to pay a fee under Regulation 9,
- (g) it is necessary for the protection of animal health or welfare or the environment including the prevention, control or eradication of a disease (within the meaning of the Diseases of Animals Act 1966 (No. 6 of 1966)), or
- (h) it is necessary, ancillary or supplementary for an act of the institutions of the European Community (including an act cited in the preamble of these Regulations) to have full effect.

(6) Other than in the case of paragraph (5)(g) or (h), if the Minister proposes to refuse an application or suspend or revoke an animal transport authorisation, he or she shall—

- (a) notify the applicant or person to whom the authorisation is granted of the proposal and the reasons for the proposal, and that he or she may make representations in relation to the proposal to the Minister within 14 days of notification,
- (b) consider a representation duly made before deciding whether to proceed with, modify or annul the proposal, and
- (c) notify the applicant or the person to whom the authorisation is granted of the decision and the reasons for the decision.

(7) If the Minister is of the opinion that—

- (a) it is necessary for the protection of human health, animal health or welfare or the environment including the prevention, control or eradication of a disease (within the meaning of the Diseases of Animals Act 1966 (No. 6 of 1966)),

- (b) it is necessary, ancillary or supplementary for an act of the institutions of the European Community to have full effect,

he or she may refuse an application or suspend or revoke an authorisation in accordance with paragraph (8).

(8) If the Minister refuses an application or suspends or revokes an animal transport authorisation in accordance with this paragraph, he or she shall—

- (a) notify the applicant or person to whom the authorisation is granted of the proposal and the reasons for the proposal, and that he or she may make representations in relation to the proposal to the Minister within 14 days of notification,
- (b) consider a representation made, and
- (c) confirm, modify or annul the decision and notify the applicant or person to whom the authorisation is granted of the decision and the reasons for the decision.

(9) If the Minister suspends an animal transport authorisation, the authorisation has no effect for the duration of the suspension.

(10) In this Regulation, “Minister” includes a person authorised in that behalf by the Minister to determine an application, grant, suspend or revoke an animal transport authorisation.

Certificate of Competence

4. (1) From 5 January 2008, a person shall not drive or act as an attendant on a vehicle transporting an equine, bovine, ovine, caprine, or porcine animal or poultry unless he or she holds a certificate of competence granted for the purposes of Article 17(2) of the Animal Transport Regulation.

(2) The Minister or a person referred to in paragraph (3) may grant a certificate of competence.

(3) A person shall not offer or operate a training course for the purposes of Articles 6(4) and 9(2)(a) of the Animal Transport Regulation or for determining an application for

a certificate unless the course is approved in a manner determined by the Minister.

(4) A person providing a course in accordance with paragraph (3) shall not grant a certificate of competence to a person unless that person complies with Annex IV to the Animal Transport Regulation.

(5) The Minister or a person acting on his or her behalf or a person providing a course in accordance with paragraph (3) may publish guides to good practice referred to in Article 29 of the Animal Transport Regulation.

(6) If an animal transport authorisation is revoked or suspended, a certificate of competence granted to the person to whom the animal transport authorisation formerly related is void and of no effect upon revocation, or for the duration of the suspension.

(7) A certificate of competence shall have no effect where—

(a) the person to whom the certificate of competence is granted has been convicted of, or has committed, an offence, whether he or she has been convicted or not, under the Diseases of Animals Act 1966 (No. 6 of 1966) or Regulations made under the European Communities Act 1972 that relate to animal welfare,

(b) the person to whom the certificate of competence has been granted lacks sufficient knowledge or awareness to transport an animal in compliance with the Animal Transport Regulation.

Vehicle Approval

5. (1) A person shall not use a vehicle for the carriage of an animal on a long journey unless the vehicle is approved for the purposes of Article 18(1) of the Animal Transport Regulation (“vehicle approval”).

(2) The Minister may grant a vehicle approval, attach conditions to the approval, vary or revoke a condition, suspend or revoke the vehicle approval.

(3) The Minister shall not consider an application for a vehicle approval unless the application contains all the

material and particulars sought by the Minister and is accompanied by the fee (if any) set in accordance with Regulation 9.

(4) The holder of a vehicle approval shall make such returns to the Minister as he or she may require.

(5) Without prejudice to the generality of paragraph (2), the Minister may refuse an application for a vehicle approval or suspend or revoke a vehicle approval if, in his or her opinion—

- (a) the applicant or person to whom the approval is granted has been convicted of, or committed, an offence, whether he or she has been convicted or not, under the Diseases of Animals Act 1966 (No. 6 of 1966) or Regulations made under the European Communities Act 1972 that relate to animal welfare,
- (b) the applicant or person to whom a vehicle approval is granted has failed to comply with a condition of the vehicle approval,
- (c) in relation to an application, information required has not been furnished or information that is false or misleading in a material respect has been furnished,
- (d) the vehicle, does not comply with Chapter II and Chapter VI of Annex I to the Animal Transport Regulation,
- (e) the vehicle ceases to carry out the activity, to which the approval relates,
- (f) the person to whom the approval has been granted ceases to carry out the activity, to which the approval relates,
- (g) the applicant or person to whom the approval has been granted, having been given 14 days to do so, fails to pay a fee under Regulation 9,
- (h) it is necessary for the protection of animal health or welfare or the environment including the prevention, control or eradication of a disease

(within the meaning of the Diseases of Animals Act 1966 (No. 6 of 1966)), or

- (i) it is necessary, ancillary or supplementary for an act of the institutions of the European Community to have full effect.

(6) Other than in the case of paragraph (5)(h) or (i), if the Minister proposes to refuse an application or suspend or revoke an approval, he or she shall—

- (a) notify the applicant or person to whom the approval has been granted of the proposal and the reasons for the proposal, and that he or she may make representations in relation to the proposal to the Minister within 14 days of notification,
- (b) consider a representation duly made before deciding whether to proceed with, or annul the proposal, and
- (c) notify the applicant or person to whom the approval has been granted of the decision and the reasons for the decision.

(7) If the Minister is of the opinion that—

- (a) it is necessary for the protection of human health, animal health or welfare or the environment including the prevention, control or eradication of a disease (within the meaning of the Diseases of Animals Act 1966 (No. 6 of 1966)),
- (b) it is necessary, ancillary or supplementary for an act of the institutions of the European Community to have full effect,

he or she may refuse an application or suspend or revoke a vehicle approval in accordance with paragraph (8).

(8) If the Minister refuses an application or suspends or revokes a vehicle approval in accordance with this paragraph, he or she shall—

- (a) notify the applicant or person to whom the approval is granted of the proposal and the

reasons for the proposal, and that he or she may make representations in relation to the proposal to the Minister within 14 days of notification,

- (b) consider a representation made, and
- (c) confirm, modify or annul the decision and notify the applicant or person to whom the approval is granted of the decision and the reasons for the decision.

(9) If the Minister suspends a vehicle approval, the approval has no effect for the duration of the suspension.

(10) In this Regulation, “Minister” includes a person authorised in that behalf by the Minister to determine an application, grant, suspend or revoke a vehicle approval.

Livestock Vessel Approval

6. (1) A person shall not use a livestock vessel for the carriage of an animal unless it is approved for the purposes of Article 19(1) of the Animal Transport Regulation (“livestock vessel approval”).

(2) The Minister may grant a livestock vessel approval, attach conditions to the approval, vary or revoke a condition, suspend or revoke the approval or refuse an application.

(3) The Minister shall not consider an application for a livestock vessel approval unless the application contains all the material and particulars sought by the Minister and is accompanied by the fee (if any) set in accordance with Regulation 9.

(4) The person to whom the livestock vessel approval has been granted shall make such returns to the Minister as he or she may require.

(5) Without prejudice to the generality of paragraph (2), the Minister may refuse an application for a livestock vessel approval or suspend or revoke an approval if, in his or her opinion—

- (a) the applicant or person to whom an approval is granted has been convicted of, or committed, an offence, whether he or she has been convicted or not, under the Diseases of Animals Act 1966

(No. 6 of 1966) or Regulations made under the European Communities Act 1972 that relate to animal welfare,

- (b) the applicant or person to whom the approval is granted has failed to comply with a condition of approval,
- (c) information required has not been furnished or information that is false or misleading in a material respect has been furnished,
- (d) the livestock vessel does not comply with the requirements of Section 1 of Chapter IV of Annex I to the Animal Transport Regulation,
- (e) the vessel has, in the opinion of the Minister, ceased to carry out the activity to which the approval relates,
- (f) the person to whom the approval is granted, ceases to carry out the activity to which the approval relates,
- (g) the applicant or person to whom the approval is granted, having been given 14 days to do so, fails to pay a fee under Regulation 9,
- (h) it is necessary for the protection of animal health or welfare or the environment including the prevention, control or eradication of a disease (within the meaning of the Diseases of Animals Act 1966 (No. 6 of 1966)), or
- (i) it is necessary, ancillary or supplementary for an act of the institutions of the European Community to have full effect.

(6) Other than in the case of paragraph (5)(h) or (i), if the Minister proposes to refuse an application or suspend or revoke a livestock vessel approval, he or she shall—

- (a) notify the applicant or person to whom the approval is granted of the proposal and the reasons for the proposal, and that he or she may make representations in relation to the proposal to the Minister within 14 days of notification,

- (b) consider a representation duly made before deciding whether to proceed with, modify or annul the proposal, and
- (c) notify the applicant or the person to whom the approval is granted of the decision and the reasons for the decision.

(7) If the Minister is of the opinion that—

- (a) it is necessary for the protection of human health, animal health or welfare or the environment including the prevention, control or eradication of a disease (within the meaning of the Diseases of Animals Act 1966 (No. 6 of 1966)),
- (b) it is necessary, ancillary or supplementary for an act of the institutions of the European Community to have full effect,

he or she may refuse an application or suspend or revoke a livestock vessel approval in accordance with paragraph (8).

(8) If the Minister refuses an application or suspends or revokes a livestock vessel approval in accordance with this paragraph, he or she shall—

- (a) notify the applicant or person to whom the approval is granted of the proposal and the reasons for the proposal, and that he or she may make representations in relation to the proposal to the Minister within 14 days of notification,
- (b) consider a representation made, and
- (c) confirm, modify or annul the decision and notify the applicant or person to whom the approval is granted of the decision and the reasons for the decision.

(9) If the Minister suspends a livestock vessel approval, the entry relating to the vessel suspended has no effect for the duration of the suspension.

(10) In this Regulation, “Minister” includes a person authorised in that behalf by the Minister to determine an

application, grant, suspend or revoke a livestock vessel approval.

Control Post Approval

7. (1) A person shall not operate or use a premises as a control post unless it is approved for the purposes of Article 3 of the Control Post Regulation (“control post approval”).

(2) An application for a control post approval shall be in a form and contain any information that the Minister may require.

(3) The Minister may grant a control post approval, attach conditions to the approval, vary or revoke a condition, suspend or revoke the approval or refuse an application.

(4) The Minister shall not consider an application unless the application contains all the material and particulars sought by the Minister and is accompanied by the fee (if any) set in accordance with Regulation 9.

(5) Without prejudice to the generality of paragraph (3), the Minister may refuse an application or suspend or revoke a control post approval if in his or her opinion—

- (a) the applicant or person to whom the approval is granted has been convicted of, or committed, an offence, whether he or she has been convicted or not, under the Diseases of Animals Act 1966 (No. 6 of 1966) or Regulations made under the European Communities Act 1972 that relate to animal welfare,
- (b) the applicant or person to whom the approval has been granted has failed to comply with a condition of the approval,
- (c) in relation to an application, information required has not been furnished or information that is false or misleading in a material respect has been furnished,
- (d) the applicant or person to whom the approval has been granted is not a fit and proper person to be authorised,

- (e) the person to whom the approval has been granted ceases to carry out the activity, to which the authorisation relates,
- (f) the premises' does not comply with Annex I of the Control Post Regulation.
- (g) the applicant or person to whom the approval has been granted, having been given 14 days to do so, fails to pay a fee under Regulation 9,
- (h) it is necessary for the protection of animal health or welfare or the environment including the prevention, control or eradication of a disease (within the meaning of the Diseases of Animals Act 1966 (No. 6 of 1966)), or
- (i) it is necessary, ancillary or supplementary for an act of the institutions of the European Community (including an act cited in the preamble of these Regulations) to have full effect.

(6) Other than in the case of paragraph (5)(h) or (i), if the Minister proposes to refuse an application or suspend or revoke a control post approval, he or she shall—

- (a) notify the applicant or person to whom the approval has been granted of the proposal and the reasons for the proposal, and that he or she may make representations in relation to the proposal to the Minister within 14 days of notification,
- (b) consider a representation duly made before deciding whether to proceed with, modify or annul the proposal, and
- (c) notify the applicant or the person to whom the approval has been granted of the decision and the reasons for the decision.

(7) If the Minister is of the opinion that—

- (a) it is necessary for the protection of human health, animal health or welfare or the environment including the prevention, control or eradication

of a disease (within the meaning of the Diseases of Animals Act 1966 (No. 6 of 1966)),

- (b) it is necessary, ancillary or supplementary for an act of the institutions of the European Community to have full effect, he or she may refuse an application or suspend or revoke an authorisation in accordance with paragraph (8).

(8) If the Minister refuses an application or suspends or revokes a control post approval in accordance with this paragraph, he or she shall—

- (a) notify the applicant or person to whom the approval has been granted of the proposal and the reasons for the proposal, and that he or she may make representations in relation to the proposal to the Minister within 14 days of notification,
- (b) consider a representation made, and
- (c) confirm, modify or annul the decision and notify the applicant or person to whom the approval has been granted of the decision and the reasons for the decision.

(9) If the Minister suspends a control post approval, the approval has no effect for the duration of the suspension.

(10) In this Regulation, “Minister” includes a person authorised in that behalf by the Minister to determine an application, grant, suspend or revoke a control post approval.

Compliance Notice

8. (1) Without prejudice to Regulation 11, if an authorised officer is of the opinion that—

- (a) the Animal Transport Regulation, the Control Post Regulation or these Regulations are not being or have not been complied with or there are reasons to believe that these Regulations will not be complied with,
- (b) it is necessary for the protection of human health, animal health or welfare or the environment

including the prevention, control or eradication of a disease (within the meaning of the Diseases of Animals Act 1966 (No. 6 of 1966)), or

- (c) it is necessary, ancillary or supplementary for an act of the institutions of the European Community to have full effect,

he or she may serve or cause to be served on the owner or person who appears to be in charge, possession or control of a vehicle, livestock vessel or other thing a notice (“compliance notice”) stating that opinion and directing that—

- (i) an animal, vehicle, livestock vessel or other thing be dealt with in a manner specified in the notice,
- (ii) such alterations be made to a premises or operations at a premises as the officer specifies in the notice,
- (iii) an animal, vehicle, livestock vessel or other thing be disposed of in such manner as the officer specifies in the notice,
- (iv) a specified operation or activity cease on a premises,
- (v) a specified operation or activity, take place only in a manner specified in the notice,
- (vi) a specified type or level of sampling and analysis be undertaken for a period specified in the notice,
- (vii) a specified operation or activity may only be carried out under and in accordance with such terms and conditions as are specified in the compliance notice.

(2) A person shall comply with a compliance notice or a requirement of a compliance notice unless and until the notice is annulled under paragraph (9).

(3) A requirement contained in a compliance notice may specify a time limit within which the notice is to be complied with.

(4) A requirement specified in a compliance notice (in this paragraph referred to as “the earlier compliance notice”) may be amended or withdrawn by a further notice in writing and the earlier compliance notice has effect subject to such amendment or withdrawal.

(5) A compliance notice, whether amended under paragraph (4) or not, may require the owner or person in charge of an animal, vehicle, livestock vessel or other thing to choose between one or more of the requirements specified in the compliance notice and that person shall comply with the alternative requirement that he or she chooses.

(6) A person affected by a compliance notice may, within 7 days of service of the compliance notice, apply to the Judge of the District Court having jurisdiction in the District Court District where the transport business is situated or to the Judge of the District Court having jurisdiction in the District Court District where the person ordinarily resides on the grounds that the compliance notice or any term of the compliance notice are not reasonable, having regard to the Animal Transport Regulation or these Regulations (in this Regulation referred to as “an appeal”).

(7) An appeal may be heard at any sitting of the District Court within the appropriate District Court Area.

(8) Notice of an appeal, which shall contain a statement of the grounds upon which it is alleged that the compliance notice or any term of the compliance notice is unreasonable having regard to the Animal Transport Regulation or these Regulations, shall be served on the Minister at least 48 hours prior to the hearing of the appeal and a copy thereof shall be lodged with the appropriate District Court Clerk.

(9) On the hearing of an appeal, a Judge of the District Court may confirm, with or without modification, or annul a compliance notice.

(10) A person, including a person on whom a compliance notice is served, shall not—

- (a) pending the determination of an appeal, deal with the transport of an animal or any other thing to which a compliance notice relates other than under and in accordance with the notice, or

- (b) after the appeal, deal with the transport of an animal or any other thing to which a compliance notice relates other than under and in accordance with the compliance notice or compliance notice as modified.

(11) If—

- (a) a person, by act or omission, fails to comply, whether within the time specified therein or otherwise, with a compliance notice (including a compliance notice modified in accordance with paragraph (9)), or
- (b) an authorised officer has reasonable cause to suspect—
 - (i) that a compliance notice (including a compliance notice modified in accordance with paragraph (9)) is not or will not be complied with, or
 - (ii) pending the determination of an appeal, a premises, an animal, vehicle, livestock vessel or other thing to which the compliance notice relates is or will not be dealt with other than in accordance with paragraph (11),

an authorised officer may seize and detain an animal, a vehicle, a livestock vessel or other thing in such manner as he or she thinks fit and sell or dispose of the animal, a vehicle, livestock vessel or any other thing in a manner (including slaughter) as the authorised officer considers appropriate.

(12) Subject to paragraph (14), the proceeds of the sale or disposal of an animal, vehicle, livestock vessel or other thing under paragraph (11) shall be paid to the owner of the animal, vehicle, livestock vessel or any other thing as soon as may be after such sale or disposal and after a person has satisfied the Minister that he or she is the owner or otherwise entitled to the proceeds of the sale or disposal of the animal, vehicle, livestock vessel or other thing.

(13) The cost, including the ancillary cost of seizure, sale or disposal of an animal, vehicle, livestock vessel or other thing under this Regulation is recoverable by the Minister—

- (a) as a simple contract debt in a court of competent jurisdiction, or
- (b) by deducting the costs from any sum due by the Minister to a person on whom a notice has been served.

(14) The costs of any action required by a compliance notice shall be borne by the owner of the premises, animal, vehicle, livestock vessel or other thing to which the notice relates.

Fees

9. (1) The Minister may set a charge or a fee in respect of an application for—

- (a) an animal transport authorisation, or
- (b) a vehicle approval, or
- (c) a livestock vessel approval, or
- (d) a control post approval, or
- (e) the provision by him or her of any other service for the purposes of the Animal Transport Regulation or the Control Post Regulation.

(2) A person referred to in Regulation 4(3), may set or charge a fee in respect of an application for a training course.

(3) The Minister or a person referred to in Regulation 4(3) shall not consider an application unless it is accompanied by the appropriate fee.

(4) Moneys received by the Minister under this Regulation or Regulation 13 shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the Minister for Finance.

(5) The Public Offices Fees Act 1879 (42 & 43 Vict. Cap 58) does not apply to a fee charged pursuant to this Regulation.

Appointment of Authorised Officer

10. (1) The Minister may, by instrument in writing, appoint such and so many persons as he or she thinks fit to

be authorised officers for the purposes of some or all of these Regulations as may be specified in the instrument.

(2) The Minister may terminate the appointment of an authorised officer appointed by him or her, whether or not the appointment was for a fixed period.

(3) An appointment as an authorised officer ceases—

(a) if it is terminated pursuant to paragraph (2),

(b) if it is for a fixed period, on the expiry of that period, or

(c) if the person appointed is an officer of the Minister upon the person ceasing to be such an officer.

(4) Nothing in paragraph (3) is to be construed so as to prevent the Minister from reappointing as an authorised officer a person to whom that paragraph relates.

(5) An authorised officer, when exercising any power conferred on him or her by these Regulations, if so requested by any person affected, produce evidence in writing of his or her appointment as an authorised officer.

(6) A member of the Garda Síochána, or an officer of Customs and Excise, not in uniform, when exercising any power, shall, if so requested by a person affected, produce evidence in writing that he or she is a member or officer.

Functions of Authorised Officer

11. (1) If an authorised officer has reasonable grounds to suspect that—

(a) an animal is present, has been present or may be present on a premises,

(b) an animal may be, is being or has been transported on a vehicle or a livestock vessel,

(c) a vehicle approved under Regulation 5 or a livestock vessel approved under Regulation 6, is the subject of an application for approval or is required to be approved,

- (d) a document relating to an animal, vehicle, livestock vessel or other thing referred to in subparagraph (a), (b) or (c) is present, was present or may be present on a premises, and
- (e) an offence is being or has been committed under these Regulations,

the authorised officer may—

- (i) enter the premises,
- (ii) search the premises,
- (iii) stop a person, vehicle, livestock vessel, container or any other thing,
- (iv) board and search a vehicle, livestock vessel, container or any other thing,
- (v) examine or inspect an animal or any other thing that he or she may find,
- (vi) take, without payment, samples from an animal, including samples of blood, urine, faeces, hair, saliva or of any article, substance or liquid as he or she may reasonably require and carry out or have carried out on the samples such analyses, examinations, checks and inspections as he or she considers necessary or expedient,
- (vii) seize and detain (for so long as is necessary) any animal, vehicle, livestock vessel, container or any other thing,
- (viii) require the production of a document or thing relating to the animal, vehicle, livestock vessel or container,
- (ix) retain a document or thing (for so long as is necessary),
- (x) dispose of or require the owner or person in charge of or in possession of the animal to dispose of it in a manner that the authorised officer sees fit,

- (xi) give a direction to, or request information of, a person regarding an animal, vehicle, livestock vessel or a premises as he or she considers necessary,
- (xii) require the name and address of a person and the name and address of any other relevant person to whom the animal is being delivered to or who is causing it to be delivered,
- (xiii) there or at any other place, carry out or have carried out such examinations, checks and inspections of the vehicle, livestock vessel, premises or place,
- (xiv) require any person at the vehicle, livestock vessel, container, premises or place to give him or her such information and to produce to him or her such books, certificates, documents or other records within the power or procurement of the person as he or she may reasonably require for the purposes of such functions,
- (xv) examine and take copies of, or extracts from, any records,
- (xvi) seize and detain anything found there which he or she reasonably believes to be evidence of an offence under these Regulations.

(2) An authorised officer shall not enter, other than with the consent of the occupier, a private dwelling, unless he or she has obtained a search warrant under Regulation 12.

(3) An authorised officer may use reasonable force, if necessary, in exercise of his or her powers under this Regulation.

(4) An authorised officer, when exercising a power under this Regulation may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(5) An authorised officer is not liable in any proceedings for anything done in the purported exercise of his or her powers under these Regulations if the court is satisfied that

the act was done in good faith and that there were reasonable grounds for doing it.

(6) Without prejudice to the generality of paragraph (1), a direction or requirement of an authorised officer may include conditions prohibiting, restricting or otherwise the movement of an animal, as may be specified by the authorised officer.

(7) If a member of the Garda Síochána has reasonable grounds to suspect that a person has committed an offence under these Regulations, the member may without warrant arrest the person.

(8) Nothing in these Regulations operates to prejudice any power to search or to seize or detain property which may, apart from these Regulations, be exercised by a member of the Garda Síochána or an officer of Customs and Excise.

Search Warrant

12. (1) If a judge of the District Court is satisfied by information on oath of an authorised officer that there are reasonable grounds for suspecting—

- (a) evidence of or relating to the commission or intended commission of an offence under these Regulations is to be found on a premises,
- (b) a document or other record related to a thing to which subparagraph (a) refers is or may be on the premises,

the judge may issue a search warrant.

(2) A search warrant under this Regulation shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers or other persons as the named authorised officer thinks necessary, at any time, within one month from the date of issue of the warrant, on production if so requested of the warrant, to enter (if necessary by use of reasonable force) the premises, vehicle, vessel, container or aircraft named in the warrant.

(3) If a premises is entered pursuant to a warrant issued under this Regulation, an authorised officer so entering may exercise all or any of the powers conferred on an authorised officer under these Regulations.

Fixed Payment Notice

13. (1) If an authorised officer has reasonable grounds for suspecting that a person is committing or has committed an offence under these Regulations, he or she may serve a notice in writing on that person stating that—

- (a) the person is alleged to have committed the offence,
- (b) the person may during the period of 28 days on the date of the notice make to the Minister a payment of €250 accompanied by the notice, and
- (c) a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

(2) If notice is given under paragraph (1) —

- (a) a person to whom the notice applies may, during the period specified in the notice, make to the Minister at the address specified in the notice the payment specified in the notice accompanied by the notice,
- (b) the Minister may receive the payment, issue a receipt for it and retain the money so paid, and any payment so received shall not be recoverable in any circumstances by the person who made it, and
- (c) a prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and if the payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

(3) In a prosecution for an offence under these Regulations, the onus of proving that a payment pursuant to a notice under this Regulation has been made lies on the defendant.

Forgery

14. (1) A person shall not forge or utter knowing it to be forged—

- (a) a document or record referred to in Article 4(1) of the Animal Transport Regulation,
- (b) a document or record referred to in Article 5(4), 8(2) and Annex II of the Animal Transport Regulation,
- (c) a document or authorisation referred to in Article 10(2), 13(2), 13(3) and Chapter I of Annex III of the Animal Transport Regulation,
- (d) a document or authorisation referred to in Article 11(3), 13(2), 13(3) and Chapter II of Annex III of the Animal Transport Regulation,
- (e) a document or certificate referred to in Article 17(2) and Chapter III of Annex III of the Animal Transport Regulation,
- (f) a document or certificate referred to in Article 18(2) and Chapter IV of Annex III of the Animal Transport Regulation,
- (g) a document or certificate referred to in Article 19(2) of the Animal Transport Regulation,
- (h) a document issued under these Regulations, or
- (i) a record referred to in the Control Post Regulation.

(hereafter in this Regulation referred to as “a forged document”).

(2) A person shall not alter with intent to defraud or deceive, or to utter knowing it to be so altered—

- (a) a document or record referred to in Article 4(1) of the Animal Transport Regulation,
- (b) a document or record referred to in Article 5(4), 8(2) and Annex II of the Animal Transport Regulation,

- (c) a document or authorisation referred to in Article 10(2), 13(2), 13(3) and Chapter I of Annex III of the Animal Transport Regulation,
- (d) a document or authorisation referred to in Article 11(3), 13(2), 13(3) and Chapter II of Annex III of the Animal Transport Regulation,
- (e) a document or certificate referred to in Article 17(2) and Chapter III of Annex III of the Animal Transport Regulation,
- (f) a document or certificate referred to in Article 18(2) and Chapter IV of Annex III of the Animal Transport Regulation,
- (g) a document or certificate referred to in Article 19(2) of the Animal Transport Regulation,
- (h) a document issued under these Regulations, or
- (i) a record referred to in the Control Post Regulation.

(hereafter in this Regulation referred to as “an altered document”).

(3) A person shall not, without lawful authority, have in his or her possession or under his or her control a forged document or an altered document.

Obstruction etc.

15. A person shall not—

- (a) obstruct or impede an authorised officer in the exercise of his or her powers under Regulation 11,
- (b) fail, without reasonable cause, to comply with a requirement or direction of an authorised officer under Regulation 11,
- (c) in making an application for an animal transport authorisation, a vehicle approval or a livestock

vessel approval or in purporting to give information to an authorised officer for the performance of the officer's powers under Regulation 11—

- (i) make a statement that he or she knows to be false in a material particular or recklessly make a statement which is false in a material particular, or
- (ii) fail to disclose a material particular,
- (d) aid or abet a contravention of the Animal Transport Regulation, the Control Post Regulations or these Regulations.

Offences

16. (1) A person who contravenes—

- (a) Articles 3, 4, 5, 6, 7, 8(2), 9, 11(2)(a), 11(2)(b) or 12 of the Animal Transport Regulation, or
- (b) Article 4 or 5 of the Control Post Regulation, or
- (c) Regulation 3(1), 4(1), 5(1), 6(1), 7(1), 8(2), 14 and 15, or
- (d) a condition of a transport authorisation, a vehicle approval, a livestock vessel approval or a control post approval,

commits an offence and is liable on conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or to both.

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

(3) If an offence under these Regulations is committed by a body corporate and is proven to have been so committed with the consent, connivance or approval of or to have been attributable to the wilful neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate or a person who was purported to act in any such capacity, that person, as well as the body corporate, commits offence and is liable to be proceeded against and punished as if he or she was guilty of the offence.

(4) If the affairs of a body corporate are managed by its members, paragraph (3) applies in relation to the acts and defaults of a member in connection with the functions of management as if the member were a director or manager of the body corporate.

Publication

17. (1) The Minister may publish, in a manner he or she considers appropriate, a list of—

- (a) animal transport authorisations,
- (b) vehicle approvals,
- (c) livestock vessel approvals, and
- (d) control post approvals.

(2) A person to whom Regulation 4(3) refers shall furnish the Minister with information that he or she may reasonably require.

(3) A person to whom Regulation 4(3) refers may publish in a manner it considers appropriate a list of certificates of competence.

(4) A list referred to in paragraph (1) or (2) shall contain such information as the Minister or person to whom Regulation 4(3) refers considers necessary.

(5) The Minister may direct the form in which a person shall publish a list referred to in paragraph (2).

Proof of Documents

18. (1) In proceedings for an offence under these Regulations, it is not necessary for the prosecution to prove that a particular document is a forged document or an altered document.

(2) If, in proceedings for an offence to which paragraph (1) refers, the prosecution intends to rely on paragraph (1), the prosecution must give notice of that intention to the defendant at least four weeks before the matter is scheduled for hearing.

(3) In proceedings for an offence, evidence of an act of the institutions of the European Community may be given

by production of a copy of an act or the rules cited in Annex V or VI to the Animal Transport Regulation certified by an officer of the Minister to be a copy of the act or rules, and it is not necessary to prove the signature of the officer or that he or she is an officer of the Minister.

(4) Paragraph (3) is in addition to and not in substitution for the European Communities (Judicial Notice and Documentary Evidence) Regulations 1972 (S.I. No. 341 of 1972).

Revocations, Savers etc

20. (1) The following are revoked—

- (a) Animals (Transit and General) Order of 1913,
- (b) Transit of Horses, Asses and Mules (Ireland) Order of 1913,
- (c) Conveyance of live poultry (Ireland) Order of 1919,
- (d) Exportation of Animals (Irish Free State Order of 1923) (S.R. & O. No. 10 of 1923),
- (e) Animals (Transit and General) Order of 1913 (Amendment) (Irish Free State) Order 1923 (S.R. & O. No. 11 of 1923),
- (f) Exportation of Animals (Food and Water) Order 1924 (S.R. & O. No. 23 of 1924),
- (g) Transit of Animals Order 1927 (S.R. & O. No. 39 of 1927),
- (h) Exportation of Animals Order 1931 (S.R. & O. No. 63 of 1931),
- (i) Transit of Animals Order 1933 (S. R. & O. No. 42 of 1933),
- (j) Exportation of Animals Order 1938 (S.R. & O. No. 110 of 1938),
- (k) Transit of Animals (Amendment) Order 1973 (S.I. No. 11 of 1973), and

(l) European Communities (Protection of Animals during Transport) Regulations 2006 (S.I. No. 267 of 2006).

(2) A notice served under an instrument revoked by paragraph (1) that is in force immediately before the making of these Regulations continues in force and may be dealt with as if served under these Regulations.

(3) A reference is an enactment to the Regulations revoked by paragraph 1(1) is construed and has effect as if it is a reference to these Regulations or the corresponding provisions of these Regulations.



GIVEN under my Official Seal,
20 December 2006

MARY COUGHLAN
Minister for Agriculture and Food

EXPLANATORY NOTE.

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

These Regulations give effect to Council Regulation (EC) 1/2005 and Council Regulation (EC) No 1255/97 and concern the transport of live animals and related operations, insofar as they relate to the Department of Agriculture and Food.

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TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA
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Wt. (B25029). 535. 01/07. Cahill. Gr. 30-15.