

# **S.I. No. 307/2006 — Health (Country of Origin of Beef) Regulations 2006**

**S.I. No. 307 of 2006**

## **Health (Country of Origin of Beef) Regulations 2006**

I, Mary Harney, Minister for Health and Children, in exercise of the powers conferred on me by section 54 (inserted by section 25 of the Irish Medicines Board (Miscellaneous Provisions) Act 2006 (No. 3 of 2006)) of the Health Act 1947 (No. 28 of 1947) (as adapted by Health (Alteration of Name of Department and Title of Minister) Order 1997 ( S.I. No. 308 of 1997 )), after consulting with the Minister for Enterprise, Trade and Employment and the Minister for Agriculture and Food, hereby make the following regulations:

1. These Regulations may be cited as the Health (Country of Origin of Beef) Regulations 2006 and they come into operation on 3 July 2006.
2. (1) In these Regulations-

“Act of 1998” means the Food Safety Authority of Ireland Act 1998 (No. 29 of 1998);

“approved examiner” means a person or class of persons designated by the Minister pursuant to Regulation 11;

“authorised officer” means an officer appointed under Section 49 of the Act of 1998;

“Authority” means the Food Safety Authority of Ireland established under Section 9 of the Act of 1998;

“beef” shall have the same meaning as that assigned to it in Article 12 of the European Parliament and Council Regulation (EC) No. 1760/2000 of 17 July 2000<sup>1</sup> and is subject to the provisions of Commission Regulation (EC) No. 1825/2000 of 25 August 2000<sup>2</sup> and the European Communities (Labelling of Beef and Beef Products) Regulations 2000 ( S.I. No. 435 of 2000 );

“clear legible type” shall be construed as meaning in all cases that the information concerned is clearly legible and in the case of print the size of the lettering used must be at least print font size 12;

“country of origin” shall include all those countries in which the animal was born, reared or slaughtered as referred to in Article 13 of the European Parliament and Council Regulation (EC) No. 1760/2000 of 17 July 2000;

“Executive” means the Health Service Executive established under section 6 of the Health Act 2004 (No. 42 of 2004);

“food business operator” shall have the same meaning as that assigned to it in Article 3 of the European Parliament and Council Regulation (EC) No. 178/2002 of 28 January 2002<sup>3</sup> ;

“Minister” means the Minister for Health and Children;

“official laboratory” means a laboratory designated by the Minister pursuant to Regulation 11;

“prepared beef” means beef which has been cooked or otherwise prepared for human consumption.

- (2) (a) A reference in these Regulations to a regulation is to a regulation of these Regulations, unless it is indicated that reference to some other Regulations is intended.
- (b) A reference in these Regulations to a paragraph is to the paragraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.
- (c) A reference in these Regulations to a Schedule is to a Schedule to these Regulations, unless it is indicated that reference to some other Regulations is intended.

3. A food business operator providing prepared beef to consumers shall not-

- (a) advertise the beef for sale or supply,
- (b) present it for sale or supply, or
- (c) sell or supply it,

unless the country or countries of origin of the beef is indicated at the point of advertising, presenting, sale and supply in clear legible type on the advertisement, menu or other presentation used and such indication shall be in the Irish language or in the English language or in both languages.

- 4. A food business operator shall be required to keep for a period of not less than two years such records relating to regulation 3 that will properly validate the indications of country or countries of origin under that regulation and shall present those records to an authorised officer on request.
- 5. These Regulations shall be deemed to be food legislation for the purposes of the Act of 1998.
- 6. These Regulations shall be enforced by the Authority or by the Executive acting pursuant to a service contract with the Authority, or by both and the enforcement provisions contained in the Act of 1998 shall apply for the purposes of ensuring compliance with the requirements of these Regulations.
- 7. An authorised officer may exercise such other powers as may be reasonably necessary to ensure that these Regulations are being complied with.

8. For the purposes of these Regulations, sampling shall be carried out by an authorised officer and analysis shall be carried out by an approved examiner, or by a person acting under his or her direction, in an official laboratory.
9. (1) An authorised officer may, at all reasonable times, enter any premises at which he or she has reasonable grounds for believing that any prepared beef is being advertised, presented, sold or supplied or that records in relation to such advertisement, presentation, sale or supply of prepared beef are being held or kept.  
  
(2) 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 paragraph (3) authorising such entry.  
  
(3) If a judge of the District Court is satisfied on the sworn information of an authorised officer that there are reasonable grounds for suspecting that information required by an authorised officer under this section is held in any premises, the judge may issue a warrant authorising an authorised officer, accompanied if appropriate by other authorised officers or by a member of the Garda Síochana, 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 that premises, if needs be by reasonable force, and exercise all or any of the powers conferred on an authorised officer under this section.  
  
(4) An authorised officer may, for the purposes of enforcing these Regulations, purchase or take without payment a sample of beef or prepared beef or any other article or substance as the officer may reasonably require.  
  
(5) An authorised officer may, for the purpose of taking a sample of beef or prepared beef or of another relevant article or substance, open any receptacle.  
  
(6) Where an authorised officer purchases or takes without payment a sample of beef or prepared beef or of another relevant article or substance, with the intention of having it analysed, he or she shall after purchasing or taking the sample forthwith notify the food business operator of his or her intention to have the sample analysed.  
  
(7) Where a sample of beef or prepared beef or of another relevant article or substance is taken pursuant to these Regulations for the purpose of official analysis, and where the division of the sample is reasonably practicable, the authorised officer concerned may divide the sample into three approximately equal parts each of which he or she shall mark in such a way as to identify it as a part of the sample taken by the officer. The authorised officer shall mark, seal and fasten each part in such a manner as its nature will permit, forward one part to the approved examiner in an official laboratory for analysis, give or send one part to the food business operator and retain the third part.  
  
(8) An authorised officer may inspect and take copies of or extracts from any books, records or other documents or evidence which he or she finds in the course of his or her inspection, as he or she may consider appropriate for the purposes of these Regulations.
10. (1) The approved examiner or a person under his or her direction shall analyse as soon as practicable any sample of beef or prepared beef or of another relevant article or substance submitted to him or her in pursuance of these Regulations

and the approved examiner shall certify the result of such analysis. The form of certificate set out in Schedule 1 to these Regulations or certificate in like form shall be used.

(2) Any official certificate given in accordance with paragraph (1) of this regulation shall be *prima facie* evidence of the matters contained therein until the contrary is proved.

11. The Minister may, for the purposes of these Regulations designate, by notice in writing published in *Iris Oifigiúil*-

- (a) a laboratory as a laboratory at which samples taken under these Regulations may be analysed, and
- (b) a person as being a person who, or a class of persons the members of which, may, at a designated laboratory, engage in analysis for the purposes of these Regulations.

12. A person who-

- (a) obstructs or interferes with an authorised officer in the exercise of the officer's powers under these Regulations,
- (b) fails or refuses to state his or her name or address in compliance with a requirement under these Regulations,
- (c) fails to comply with a request from an authorised officer under these Regulations,
- (d) makes a statement to an authorised officer which the person knows is false or misleading, or
- (e) gives in purported compliance with a requirement under these Regulations a name, an address or corroborative evidence which is false or misleading

is guilty of an offence.

13. (1) Any person who forges, or utters knowing it to be forged, a certificate or other document purporting to be issued, granted or given under these Regulations (hereafter in this regulation referred to as “a forged document”), is guilty of an offence.
- (2) Any person who alters with intent to defraud or deceive, or who utters knowing it to be so altered, a certificate or other document issued, granted or given under these Regulations (hereafter in this regulation referred to as “an altered document”), is guilty of an offence.
- (3) Any person who, without lawful authority, has in his or her possession a forged document or an altered document is guilty of an offence.
- (4) Any person who, with intent to defraud or deceive-

- (a) tampers with any thing so as to procure that any sample taken pursuant to these Regulations does not correctly represent the substance sampled, or
- (b) tampers or interferes with any sample taken under these Regulations

is guilty of an offence.

- 14. Where an offence under these Regulations is committed by a body corporate or by a person acting on behalf of a body corporate and is proved to have been so committed with the consent, connivance or approval of, or to be attributed to any neglect or default on the part of, any director, manager, secretary or any other officer of such body, or a person who was purporting to act in any such capacity, such person is also guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.
- 15. An offence under these Regulations may be prosecuted by either the Authority or by the Executive or by both.

### **Schedule 1**

*Form of official certificate to be given by an approved examiner to an authorised officer.*

### **Health (Country of Origin of Beef) Regulations 2006**

#### **Certificate of Analysis**

To <sup>(1)</sup> .....

I, the undersigned <sup>(2)</sup> .....

being an Approved Examiner for the purpose of the above Regulations certify that on the .....day of ..... 20.....

a sample marked <sup>(3)</sup> .....

Date .....

Number .....

Weight or Measure <sup>(4)</sup> .....

was submitted to me by you and I certify that the sample was prepared and analysed/examined by me or under my direction and as a result I am of the opinion that

(5)

Observations:<sup>(6)</sup>

I further certify that the sample has undergone no change which would affect my opinion/observations expressed above.

Certified by me this ..... day of ..... 20.....

at <sup>(7)</sup> .....

Name in BLOCK LETTERS .....

Status .....

Signature .....

\_\_\_\_\_  
Official Stamp

**NOTES**

- (1) Insert the name and address of the person submitting the sample for analysis.
- (2) Insert description.
- (3) Insert particulars of marking (e.g. name, date etc.).
- (4) This may be left unanswered if the sample cannot be conveniently weighed or measured or the weight or measurement is not material to the result of analysis.
- (5) Here the approved examiner should specify the result of the analysis having regard to the provisions of relevant legislation.
- (6) Here the approved examiner may insert, at his or her discretion, his or her opinion whether the analysis indicates any addition, abstraction, deficiency or the presence of foreign matter or other defect and whether the composition or quality is thereby affected; any physical, chemical or other properties bearing on the composition or quality of the article; whether the article is injurious to health or unfit for human consumption; whether and in what respect a label and description relating to the sample is incorrect or misleading; and he or she may add any other observations as he or she may consider relevant.

- (7) Insert the name and address of the laboratory carrying out the analysis/examination.

GIVEN under my Official Seal this

13<sup>th</sup> day of June 2006.

Mary Harney

Minister for Health and Children

### **Explanatory Note**

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

These Regulations provide that a food business operator providing prepared beef to consumers shall not (a) advertise the beef for sale or supply, (b) present it for sale or supply, or (c) sell or supply it unless the country or countries of origin of the beef is indicated at the point of advertising, presenting, sale and supply in clear legible type on the advertisement, menu or other presentation used.

These Regulations may be cited as the Health (Country of Origin of Beef) Regulations 2006.

DEPARTMENT OF HEALTH AND CHILDREN.

June, 2006

<sup>1</sup> OJ L204, 11.8.2000, p.1.

<sup>2</sup> OJ L216, 26.8.2000, p.8.

<sup>3</sup> OJ L 31, 1.2.2002, p. 1.