

“Iris Oifigiúil” of 22nd October, 2010.

I, MARY HARNEY, Minister for Health and Children, 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 further effect to Regulation (EC) No. 852/2004 of the European Parliament and of the Council of 29 April 2004¹ on the hygiene of foodstuffs, as affected by the Corrigendum to Regulation (EC) No. 852/2004² and as amended by Regulation (EC) No. 1019/2008 of 17 October 2008³ amending Annex II to Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs, hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities (Hygiene of Foodstuffs) (Amendment) Regulations 2010.

(2) The Principal Regulations, the Regulations of 2009 and these Regulations may be cited together as the European Communities (Hygiene of Foodstuffs) Regulations 2006 to 2010.

2. In these Regulations—

“Principal Regulations” means the European Communities (Hygiene of Foodstuffs) Regulations 2006 (S.I. No. 369 of 2006), and

“Regulations of 2009” means the European Communities (Hygiene of Foodstuffs) (Amendment) Regulations 2009 (S.I. No. 380 of 2009).

3. Regulation 18 of the Principal Regulations is amended by inserting after paragraph (4) the following—

“(5) Where a person is convicted of an offence under these Regulations, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the Authority or the official agency, as the case may be, the costs and expenses, measured by the court, incurred by the Authority or official agency in relation to the investigation, detection and prosecution of the offence, including costs and expenses incurred in the taking of samples, the carrying out of tests, examinations and analyses and in respect of the remuneration and other expenses of employees, consultants and advisors engaged by the Authority or official agency.

(6) An order for costs and expenses under paragraph (5) is in addition to, and not instead of, any fine or penalty the court may impose under paragraph (4).”



GIVEN under my Official Seal,

18 October 2010.

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 contain enforcement provisions to give further effect to Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs as amended by Commission Regulation (EC) No. 1019/2008 of 17 October 2008 amending Annex II to Regulation (EC) No. 852/2004.

These Regulations amend the European Communities (Hygiene of Foodstuffs) Regulations 2006 (S.I. No. 369 of 2006) in the manner specified in these Regulations.

These Regulations may be cited as the European Communities (Hygiene of Foodstuffs) (Amendment) Regulations 2010.

1 OJ L 139, 30.4.2004, p. 1.

2 OJ L 226, 25.6.2004, p. 3.

3 OJ L 277, 18.10.2008, p. 7.

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