

Control of Bulls for Breeding Act, 1985.

- LONG TITLE

An Act to make provision for the regulation and control of bulls used for breeding and to provide for the repeal of the live stock breeding act, 1925. [16th July, 1985]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1.—In this Act— "approved organisation" means a breeders' organisation or an association which maintains a herd book and which is recognised by the Minister as an organisation which complies with the criteria established by Commission Decision No. 84/247/EEC of the 27th day of April, 1984 (1)OJ No. L125 of 12.5.1984, p. 58.(1); "bull" means an entire male of the bovine species over the age of nine months; "certificate" in relation to a bull means a certificate issued by an approved organisation certifying that the bull has been entered in a herd book of that organisation or, if the bull is under the age of fifteen months, is eligible to be entered in that herd book; "herd book" means any book, register or file— (a) which is maintained by an approved organisation, and (b) in which pure-bred breeding bulls are entered or registered with mention of their ancestors; "inspector" means any person authorised by the Minister to exercise all or any of the powers conferred, or to perform all or any of the duties imposed, on an inspector under this Act; "Minister" means the Minister for Agriculture; "permit" means a permit granted under section 3 of this Act; "prescribed" means prescribed by regulations made under section 11 of this Act; "registered bull" means a bull which is entered or if under the age of fifteen months is eligible to be entered in a herd book of a breed and "unregistered bull" shall be construed accordingly.

Restriction on having possession of bulls.

2.—On and after the commencement of this Act, it shall not be lawful for any person to have in his possession an unregistered bull unless such possession is authorised by a permit under section 3 of this Act.

Permit to have possession of unregistered bull.

3.—(1) The Minister may, in prescribed circumstances and on payment of the prescribed fee, grant to a person a permit authorising the person to have in his possession an unregistered bull subject to and in accordance with such conditions as may be specified in the permit. (2) If the holder of a permit dies before the end of the period for which the permit is expressed to be in force, the personal representative of the holder may have the bull to which the permit relates in his possession for a period not exceeding three months from the date of death of the holder or until the date of expiry of the permit, whichever is the sooner, and nothing in this Act shall require the personal representative, during that period, to obtain a permit in his own name to have the bull in his possession and the permit shall, during that period, be deemed to have been granted to the personal representative. (3) The Minister may revoke or suspend a permit granted under this section.

Production of certificate or permit for inspection.

4.—(1) It shall be the duty of every holder of a certificate or permit to produce, or cause to be produced, the certificate or permit, as the case may be, for inspection whenever the holder is required so to do by— (a) an inspector, or (b) a member of the Garda Síochána. (2) A demand for the production of a certificate or, as the case may be, a permit shall be deemed, for the purposes of this section, to have been made to the holder of the certificate or permit if the demand is made verbally at the place where the bull to which the certificate or permit relates is kept to any person in the employment of the holder of the certificate or

permit who, for the time being, has the care, charge or custody of the bull. (3) It shall be the duty of— (a) any person having custody of a bull, and (b) the owner, or any person having the charge or management, of any lands or premises on which a bull is found, if required by an inspector or by a member of the Garda Síochána to give, in so far as it is known to him, to the inspector or, as the case may be, the member of the Garda Síochána, the name and address of the owner of the bull and of the person by whom the bull is kept.

Inspection of bulls.

5.—(1) An inspector or member of the Garda Síochána may, at all reasonable times, for the purpose of exercising his powers under this Act enter any land on which he reasonably believes a bull to be kept. (2) Whenever an inspector or a member of the Garda Síochána enters any land pursuant to sub section (1) of this section, he may inspect and examine any bull he finds there for the purpose of ascertaining whether the bull is a registered bull or an unregistered bull and may whilst on the land examine any certificate or permit, as the case may be, or any other documents relating to the bull.

Power of Minister to order castration or slaughter of bull.

6.—(1) Whenever the Minister believes that there is on any land an unregistered bull or a bull in relation to which there is not a valid permit, the Minister may serve on the owner, any person reputed to be the owner or any person having possession, of the bull a notice pursuant to this section requiring the person to whom the notice is addressed within the time (being not less than 28 days) specified in the notice to do one of the following things, as the case may require, that is to say— (a) to have the bull castrated or slaughtered, or (b) if the bull is an unregistered bull, to apply for a permit under this Act in respect of the bull. (2) Whenever the person to whom a notice served pursuant to this section does not, within the time specified in the notice, comply with the terms of the notice, the Minister may direct that the bull to which the notice relates be, at the expense of its owner, castrated or, as the case may require, slaughtered. (3) Whenever the Minister proposes to direct, pursuant to sub section (2) of this section that a bull be castrated or slaughtered, he shall serve notice of the proposal on every person on whom a notice under sub section (1) of this section was served, and shall, if any representations are made in writing by or on behalf of any such person within fourteen days, consider the representations. (4) Whenever the Minister directs, pursuant to sub section (2) of this section, that a bull be castrated or slaughtered, any person authorised in that behalf by the Minister may enter any premises in which the bull may be or may reasonably be believed to be and whilst he is on the premises he may castrate or, as the case may be, slaughter the bull, or remove the bull to have it slaughtered in accordance with the directions of the Minister. (5) A person who is authorised by the Minister pursuant to sub section (4) of this section to enter any premises and to castrate or slaughter any bull or to remove the bull for slaughter shall be furnished with a copy of his authorisation and shall, when exercising any powers conferred on him by this Act, if so requested by any person affected, produce the copy for the inspection of that person. (6) Any expenses incurred by the Minister in the castration or slaughtering of a bull pursuant to this section shall be paid by the owner of the bull to the Minister on demand, and may be recovered by the Minister as a simple contract debt in any court of competent jurisdiction.

Service of notices.

7.—(1) A notice under section 6 of this Act addressed to a person upon whom it may be served pursuant to sub section (1) or (3) of that section may be served on that person in one of the following ways— (a) where it is addressed to a person by name, by delivering it to that person, or by leaving it at the address where the person to whom it is addressed is normally resident; (b) by delivering it to a person over the age of sixteen years on the lands or premises in or on which the bull to which it relates is then kept; (c) by sending it by prepaid post to the person to whom it is addressed at his last known place of abode or at the place at which the bull to which it relates was last known to be kept. (2) If the name of the owner of a bull to which a notice under section 6 of this Act relates is not known and the name of such owner cannot

be readily ascertained by reasonable enquiry, the notice may be addressed to the owner of the bull without naming him and may be served— (a) by sending it by post to the lands on which the bull to which the notice relates is normally kept, or (b) by delivering it to a person over the age of sixteen years on the lands on which the bull to which the notice relates is normally kept.

Offences.

8.—(1) A person who has in his possession an unregistered bull contrary to section 2 of this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £600. (2) Every holder of a certificate or a permit who fails to produce or cause to be produced the certificate or permit, as the case may be, on any occasion when he is required pursuant to section 4 of this Act so to do shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £250. (3) Every person who, knowing the name and address of the owner of a bull or of the person by whom a bull is kept refuses, when required pursuant to section 4 (3) of this Act by an inspector or a member of the Garda Síochána so to do, to give to such inspector or such member, as the case may be, the name and address required shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £250. (4) A person who obstructs or impedes an inspector or a member of the Garda Síochána in the exercise of the powers conferred on such inspector or such member by section 5 of this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500. (5) A person who obstructs or impedes a person exercising the powers conferred on him by virtue of section 6 of this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

Fraudulent use of certificate or permit.

9.—(1) A person who fraudulently alters, or uses, or who permits the fraudulent alteration or use of, any certificate or permit granted under this Act, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000 or, at the discretion of the court, to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment. (2) Whenever a person to whom a permit has been granted under section 3 of this Act is convicted of an offence under sub section (1) of this section, he shall thereupon surrender the permit to the Minister and the permit shall, from the date of the conviction, be void and of no effect.

Prosecution of offences.

10.—(1) Every offence under this Act may be prosecuted by the Minister. (2) For the purposes of a prosecution for a contravention of section 2 of this Act, a bull shall be deemed to be in the possession of the following persons, that is to say, a person— (a) who is the owner of the bull; (b) to whom the bull has been lent, hired or leased; (c) who is the owner of, or the person having the charge or management of, the lands in which the bull is kept and who does not establish that the bull was on the land without his knowledge or consent. (3) In a prosecution for an offence under this Act, it shall be presumed, until the contrary is proved, that an entire male of the bovine species in respect of which a prosecution is brought is a bull to which this Act applies. (4) In a prosecution for an offence under this Act, a document issued by an authorised officer of an approved organisation attesting that a bull is not entered or is not eligible to be entered in a herd book of that breed shall, without proof of the signature of the person purporting to sign the document or that that person was the proper person so to sign, be evidence of the matters attested in the document, until the contrary is shown.

Regulations.

11.—(1) The Minister may make regulations in relation to any thing referred to in this Act as prescribed or to be prescribed. (2) Regulations made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after they are made and, if a resolution is passed by either such

House within the subsequent twenty-one days on which that House has sat annulling the regulations, the regulations shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

Repeal.

12.—The Live Stock Breeding Act, 1925, is hereby repealed.

Expenses.

13.—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.

Short title and commencement.

14.—(1) This Act may be cited as the Control of Bulls for Breeding Act, 1985. (2) This Act shall come into operation on such day as the Minister shall fix by order.