

EUROPEAN COMMUNITIES (CONTROL OF INFECTIOUS ANIMAL DISEASES) REGULATIONS 1995

I, IVAN YATES, Minister for Agriculture, Food and Forestry, 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 Council Directive No. 92/119/EEC(1) of 17 December 1992 as far as Rinderpest and Sheep pox are concerned, hereby make the following Regulations:

REG 1

1. (1) These Regulations may be cited as the European Communities (Control of Infectious Animal Diseases) Regulations, 1995.
- (2) These Regulations shall come into operation on the 20th day of October, 1995.
- (3) The European Communities (Control of Infectious Animal Diseases) Regulations, 1994, and these Regulations may be cited together as the European Communities (Control of Infectious Animal Diseases) Regulations, 1994 and 1995.

REG 2

2. (1) In these Regulations, "the Council Directive" means Council Directive No. 92/119/EEC of 17 December 1992.
- (2) A word or expression that is used in these Regulations and is also used in the Council Directive has, unless the contrary intention appears, the meaning in these Regulations that it has in the Council Directive.

REG 3

3. The European Communities (Control of Infectious Animal Diseases) Regulations, 1994 (S.I. No. 317 of 1994) are hereby amended—
 - (a) by the insertion of the following diseases in the definition of "disease" in Regulation 2:
"Rinderpest
Sheep pox";
(1)O.J. No. L62 of 15.3.1993, p. 69.
 - (b) by the addition of the following paragraphs to Regulation 20:
"(4) A person who obstructs or impedes an authorised officer or member of the Garda Síochána in the execution of these Regulations shall be guilty of an offence.
(5) A person who—
 - (a) does anything for which a permit is requisite under these Regulations without having obtained such a permit; or
 - (b) for the purpose of obtaining a permit under these Regulations, makes a declaration or statement false in any material particular, unless he shows to the satisfaction of the court that

he did not know of that falsity and that he could not with reasonable diligence have obtained knowledge thereof; or
(c) by means of fraud or false pretence obtains or attempts to obtain compensation from the Minister under these Regulations; shall be guilty of an offence.",

(c) by the addition of the following Regulations:

"Evidence and form and service of instruments.

22. (1) In any proceedings under these Regulations, no proof shall be required of the appointment or handwriting of an authorised officer.

(2) Every notice or permit issued under these Regulations—

(a) must be in writing;

(b) may be served on the person to be affected thereby, either by delivering it to him personally, or by leaving it for him at his last known place of abode or business, or by sending it through the post in a prepaid envelope addressed to him there;

(c) where it is to be served on the owner or person in charge of any premises, may, except when sent by post, be addressed to him by the designation of the owner or person in charge of that premises without further naming or describing him.

General provisions as to procedure.

23. (1) Where the owner or person in charge of an animal, carcase, semen, embryo or article is charged with an offence under these Regulations in relation to a disease to which these Regulations apply, he shall be presumed to have known of the existence of the disease unless he shows to the satisfaction of the court that he had not, and could not with reasonable diligence have obtained, such knowledge.

(2) Where a person is charged with an offence under these Regulations in not having duly cleansed or disinfected premises or an article, vehicle, machinery or equipment in accordance with these Regulations, and a presumption against him on the part of the prosecution is raised, it shall lie on him to prove the due cleansing and disinfection thereof.

(3) Every offence under these Regulations shall be deemed to have been committed, and every cause of complaint or matter for proceeding under these Regulations shall be deemed to have arisen, either in any place where it actually was committed or arose, or in any place where the person charged or complained of or proceeded against happens to be at the time of the institution or commencement of the charge, complaint or proceeding.

(4) A certificate of an inspector to the effect that an animal, carcase, semen, embryo or article is or was diseased or exposed to disease shall, for the purposes of these Regulations, be conclusive evidence of the matter certified.

Powers and duties of the Garda Síochána.

24. (1) The Garda Síochána shall execute and enforce these Regulations and, for this purpose, shall have all the powers of an authorised officer under these Regulations.

(2) Where a person is seen or found committing, or is reasonably

suspected of being engaged in committing, an offence under these Regulations, a member of the Garda Síochána may without warrant stop and detain him; and, if his name and address are not known to that member, and that person fails to give them to the satisfaction of the member, the member may without warrant arrest him; and the member may, whether so stopping or detaining or apprehending the person or not, stop, detain and examine any animal, carcase, semen, embryo, article, vehicle, machinery or equipment to which the offence or suspected offence relates, and require it to be forthwith taken back to or into any place or district from which it was unlawfully removed, and execute and enforce that requisition."

REG 4

4. The Cattle Plague (Ireland) Order of 1900 (Order of the Department of Agriculture and Technical Instruction for Ireland No. 3) and the Sheep-Pox (Ireland) Order of 1900 (Order of the Department of Agriculture and Technical Instruction for Ireland No. 6) are hereby revoked.

GIVEN under my Official Seal, this 12th day of October, 1995.
IVAN YATES,
Minister for Agriculture, Food and Forestry.

EXPLANATORY NOTE.

These Regulations implement Council Directive No. 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animal diseases as far as Rinderpest and Sheep pox are concerned by including them in the list of diseases to which the European Communities (Control of Infectious Animal Diseases) Regulations, 1994 (S.I. No. 317 of 1994) apply and also add certain further provisions to those Regulations.