

**EUROPEAN COMMUNITIES (DISEASES OF ANIMALS ACTS, 1966 AND 1979  
ORDERS)  
(GENERAL AUTHORISATIONS FOR IMPORTS) REGULATIONS 1985**

I, AUSTIN DEASY, Minister for Agriculture, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), and having regard to the provisions of the Treaty establishing the European Economic Community and in particular Articles 30 and 36 thereof, and for the purpose of giving effect to Articles 19 and 22 of Council Regulation No. 804/68/EEC(1), Articles 20 and 22 of Council Regulation No. 805/68/EEC(2), Article 17 of Council Regulation No. 2759/75/EEC(3), Article 11 of Council Regulation No. 2771/75/EEC(4), Article 11 of Council Regulation No. 2777/75/EEC(5), Article 20 of Council Regulation No. 1837/80/EEC(6), Articles 1 and 21 of Council Regulation No. 288/82/EEC(7), Articles 1 and 16 of Council Regulation No. 1765/82/EEC(8), Articles 1 and 16 of Council Regulation No. 1766/82/EEC(9) and Articles 1 and 11 of Council Regulation No. 2603/69/EEC(10), hereby make the following Regulations:—

- (1)O.J. No. L148 of 28.6.1968, p. 13.
- (2)O.J. No. L148 of 28.6.1968, p. 24.
- (3)O.J. No. L282 of 1.11.1975, p. 1.
- (4)O.J. No. L282 of 1.11.1975, p. 49.
- (5)O.J. No. L282 of 1.11.1975, p. 77.
- (6)O.J. No. L483 of 1.11.1980, p. 1.
- (7)O.J. No. L35 of 16.7.1982, p.1.
- (8)O.J. No. L195 of 9.2.1982, p. 21.
- (9)O.J. No. L195 of 5.7.1982, p. 21.
- (10)O.J. No. L324 of 27.12.1969, p. 25.

REG 1

1. (1) These Regulations may be cited as the European Communities (Diseases of Animals Acts, 1966 and 1979, Orders) (General Authorisations for Imports) Regulations, 1985.
- (2) These Regulations shall come into operation on the 14th day of November, 1985.

REG 2

2. (1) In these Regulations—  
"the Act" means the Diseases of Animals Act, 1966 (No. 6 of 1966);  
"authorised person" means a person who stands for the time being appointed under Regulation 8 (1) of these Regulations;  
"ministerial direction" means a direction under Regulation 7 of these Regulations;  
"General Authorisation" has the meaning assigned to it by Regulation 3 of these Regulations;  
"goods" means animals or poultry or any specified kind of animal or

poultry or of carcases, eggs, animal or poultry products (including products made from or containing animal or poultry products, carcases or eggs), fodder, litter, dung or other thing;

"portal supervisor" means a person who stands for the time being appointed under Regulation 8 (2) of these Regulations;

"the Treaty" means the treaty establishing the European Economic Community.

(2) A word or expression, other than a word the expression to which a particular meaning is assigned by paragraph (1) of this Regulation, that is used in these Regulations and is also used in the Act has the same meaning in these Regulations, apart from Regulation 4 (5), as it has in the Act.

(3) Any reference in these Regulations to an Order made under the Act includes a reference to an Order continued in force by section 10 of the Act.

### REG 3

3. (1) Where there is for the time being in force any order made under the Act which prohibits, except under licence, the importation, or the landing in or otherwise bringing into the State of goods, the Minister may issue an authorisation under this Regulation (which authorisation is referred to elsewhere in these Regulations as a "General Authorisation") applying to the goods to which the order relates.

(2) The Minister may attach conditions to any General Authorisation issued by him, vary such conditions or revoke the authorisation.

(3) Without prejudice to the generality of paragraph (2) of this Regulation, a condition attached to a General Authorisation may—

(a) require that, certificates or declarations (including statutory declarations) specified in the condition shall be presented in the manner described in Regulation 6 (2) (e) of these Regulations on the importation or the landing in or otherwise bringing into the State of goods to which the Authorisation applies;

(b) require that any certificate or declaration specified in the conditions shall be in a form so specified;

(c) require that any such certificate or declaration shall contain particulars so specified;

(d) specify the country or countries, territory or territories or part or parts of any such country or countries, territory or territories, from which, or having passed through which, goods to which the authorisation applies may, and may only, be imported or landed in or otherwise brought into the State.

#### REG 4

4. (1) The Minister shall, as soon as may be after a General Authorisation is issued, varied or revoked, cause to be published in the Iris Oifigiúil notice of such issue, variation or revocation, together with a statement indicating where copies of the Authorisation, variation or revocation may be obtained.

(2) A General Authorisation (or a variation or revocation thereof), shall not come into effect until the date of publication of the issue of the Iris Oifigiúil in which the relevant notice is published.

(3) A General Authorisation shall specify the Order or Orders under the Act to which it relates together with the goods to which it applies.

(4) The Minister shall assign to each General Authorisation issued by him and to each variation thereof a number as of the year in which it is so issued or varied.

(5) Where the Minister revokes a General Authorisation because he is satisfied that, by reason of an outbreak of disease (being a disease specified in Part III of the First Schedule to the Act or any other disease) in any territory or country outside the State, such revocation is necessary for the protection of animal health within the State, paragraph (2) of this Regulation shall not apply in relation to such revocation.

(6) In any proceedings a document, purporting to be a copy of a General Authorisation or a variation or revocation thereof, and purporting to have been issued by the Department of Agriculture, shall, when produced in evidence by an officer or the Minister for Agriculture, the prima facie evidence of the issue, variation or revocation of the Authorisation (as the case may be) and of the terms thereof and, in the case of such issue or variation, that the Authorisation (as varied, where appropriate) is still in force.

#### REG 5

5. A General Authorisation may—

(a) relate to more than one of the Orders under the Act being Orders each which is of the class described in Regulation 3 of these Regulations,

(b) apply either to all goods to which the Order or Orders under the Act relate or to any particular class or description of such goods,

(c) designate the ports and aerodromes or other places through, at or from, and only, through, at or from, which goods to which the authorisation applies may be imported, landed in or otherwise brought into the State,

(d) require advance notice of any such import, landing in or otherwise bringing into the State to be given, in a form and

within a period so specified, to persons and at places so specified.

## REG 6

6. (1) Where goods to which a General Authorisation applies are imported, landed in or otherwise brought into the State and, as regards such import, landing in or otherwise bringing into the State (as the case may be), each of the requirements specified in paragraph (2) of this Regulation is complied with, the following provisions shall apply:

(a) the import, landing in or otherwise bringing into the State shall be deemed to have been effected pursuant to and in accordance with a licence granted in that behalf under section 5 of the Act, and

(b) any order under the Act to which the authorisation relates which, but for this Regulation, would prohibit or regulate such import, landing in or otherwise bringing into the State shall be construed as neither so prohibiting nor so regulating.

(2) The requirements referred to in paragraph (1) of this Regulation are the following:

(a) the goods concerned shall comply with each of the conditions (if any) applicable thereto and attached for the time being to the relevant General Authorisation;

(b) where such General Authorisation designates, pursuant to Regulation 5 (c) of these Regulations, a port, aerodrome or other place, such goods shall be imported, landed or otherwise brought into the State, from, through or in such port, aerodrome or other place;

(c) where such General Authorisation makes a requirement mentioned in Regulation 5 (d) of these Regulations, the requirement shall be complied with;

(d) the person who, at the time they are imported, landed in or otherwise brought into the State, is in charge of such goods shall show—

(i) to the satisfaction of the portal supervisor, and

(ii) if requested, to the satisfaction of the Revenue Commissioners, that such goods comply with such of the foregoing requirements of this paragraph as apply to them, and such person shall, if requested by an officer of Customs and Excise, an inspector or an authorised person, complete such forms or other documents as that officer or inspector shall specify, being forms or other documents which are for the time being forms or other documents to which a direction given by the Minister under Regulation 7 of these Regulations for the time being applies;

(e) in case there is attached to such General Authorisation a condition making a requirement referred to in Regulation 3 (3) (a) of these Regulations, such person shall—

(i) present to the portal supervisor, and

(ii) if so requested, present to the proper officer of Customs and

Excise,  
the certificate or declaration, as may be appropriate, specified in the condition.

(3) A person shall not, for or in connection with the import, landing in or otherwise bringing into the State of goods, falsely hold out the goods or any of them as being goods to which a General Authorisation applies unless (proof of which shall lie on him) he does not know of that falsity and could not with reasonable diligence have obtained knowledge thereof.

(4) In any proceedings for an offence under the Diseases of Animals Acts, 1966 and 1979, or under the Customs Acts in which it is alleged that in importing, or landing in or otherwise bringing goods into the State there was a contravention of any of the aforesaid Acts or of any order under the Act, it shall not be necessary for the prosecution to negative the application of paragraph (a) or (b) of Regulation 6 (1) of these Regulations to the relevant importation, landing in or otherwise bringing into the State, as the case may be, but in any such proceedings in which it is alleged that the defendant contravened any provision of the Act or any order under the Act in relation to such importation, landing in or otherwise bringing into the State, it shall be a good defence for the defendant to show that subparagraphs (a) and (b) of the said Regulation 6 (1) apply.

(5) A person who contravenes paragraph (3) of this Regulation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

## REG 7

7. (1) The Minister may direct that, where goods to which a General Authorisation applies are being imported, landed in or otherwise brought into the State, a form or other document, or each of the forms or other documents, specified in the direction shall, before the goods are imported, landed in or otherwise brought into the State, be completed by the person who, at the time they are imported, landed in or otherwise brought into the State, is in charge of the goods.

(2) A form or other document referred to in paragraph (1) of this Regulation may contain such questions as the Minister considers necessary for the protection of animal health (whether within the State or otherwise) or for the prevention of unnecessary suffering by animals.

## REG 8

8. (1) The Minister may appoint in writing such and so many of his officers or other persons as he thinks fit to be authorised persons for the purposes of these Regulations.

(2) The Minister may appoint in writing such and so many of his inspectors as he thinks fit to be portal supervisors for the

purposes of these Regulations.

(3) A person appointed under this Regulation shall be furnished with a warrant of his appointment as an authorised person or port inspector, as may be appropriate, and when exercising any power conferred on an authorised person or a port inspector by these Regulations shall, if requested by any person affected, produce the warrant to that person.

#### REG 9

9. In case a person makes a declaration referred to in Regulation 3 (3) (a) of these Regulations which is false in any material particular, or in a form or other document referred to in Regulation 6 of these Regulations gives an answer which is so false, 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, he shall be guilty of an offence and shall be liable on summary conviction be liable to a fine not exceeding £500.

GIVEN under my Official Seal, this 7th day of November, 1985.  
AUSTIN DEASY,

Minister for Agriculture.

#### EXPLANATORY NOTE.

The Regulations make provision for the issue of general authorisations for the importation of livestock, meat and other agricultural produce.