

**POISONS (CONTROL OF RESIDUES IN FOODS OF ANIMAL ORIGIN) (AMENDMENT)
REGULATIONS 1986**

I, AUSTIN DEASY, Minister for Agriculture, in exercise of the powers conferred on me by sections 15 and 15A (inserted by the Misuse of Drugs Act, 1977 (No. 12 of 1977)) of the Poisons Act, 1961 (No. 12 of 1961), and after consultation with Comhairle na Nimheanna, hereby make the following Regulations:—

REG 1

1. (1) These Regulations may be cited as the Poisons (Control of Residues in Foods of Animal Origin) (Amendment) Regulations, 1986, and shall come into operation on the 7th day of July, 1986.
- (2) The Principal Regulations and these Regulations shall be construed as one and may be cited together as the Poisons (Control of Residues in Foods of Animal Origin) Regulations, 1985 and 1986.

REG 2

2. In these Regulations "the Principal Regulations" means the Poisons (Control of Residues in Foods of Animal Origin) Regulations, 1985 (S.I. No. 257 of 1985).

REG 3

3. (1) Regulation 6 (1) of the Principal Regulations shall not apply to the administration by a person of any substance set out in Part II or III of the First Schedule to those Regulations—
 - (a) which has been supplied by a veterinary surgeon to that person for the purpose of treating an animal under that veterinary surgeon's professional care and concerning which that person has consulted the veterinary surgeon in the course of his private professional practice, and
 - (b) which is clearly labelled with a notice stating or indicating—
 - (i) the manner and site of administration;
 - (ii) the dose rate and withdrawal period to be observed;
 - (iii) a description of the animal or animals to which the poison is to be administered;
 - (iv) the person or class of persons by whom the poison is to be administered;
 - (v) the name and address of the person to whom the poison has been supplied;
 - (vi) the name and address of the veterinary surgeon supplying the poisons; and
 - (vii) the date of supply.
- (2) In the case of a substance in relation to which it is impossible to give the particulars specified in subparagraph (1) of this Regulation it shall be sufficient compliance therewith if those particulars are attached to the substance by a means other than by a label and if the name and address of the veterinary surgeon supplying the substance, and the date of such supply are also specified on the label.

REG 4

4. Regulation 8 of the Principal Regulations is hereby amended by the insertion of the following paragraphs after paragraph (4):—

"(5) Paragraph (2) shall cease to apply—

(a) in relation to animals born on or after the 1st day of November, 1985, from the 7th day of July, 1986 and

(b) in relation to all other animals, from the 31st day of December, 1986.

(6) Paragraph (4) shall cease to have effect from the 31st day of December, 1987."

REG 5

5. Regulation 15 of the Principal Regulations is hereby amended by—

(a) the substitution of the following subparagraph for subparagraph of paragraph (3):—

"(a) the name of the product to be administered;"

(b) the substitution of the following subparagraphs for subparagraph (c) of paragraph (3):—

"(c) either a statement of the withdrawal period to be observed or a statement directing the person dispensing the prescription to label the poison or preparation with a statement of the withdrawal period to be observed;

(cc) the dose rate to be observed;"

(c) the insertion of the following paragraph after paragraph (3):—

"(4) (a) A person who has dispensed in part a prescription issued under this Regulation shall immediately record on the prescription in a conspicuous and indelible manner and quantity of each product supplied by him on foot of the prescription and the date on which each such supply was made.

(b) A person who has completed the dispensing of a prescription issued under this Regulation shall write on the prescription in a conspicuous and indelible manner the word "dispensed" and the date on which the dispensing was completed.

(c) Where a person has duly completed the dispensing of a prescription he shall return it to the person who presented it for dispensing."

REG 6

6. The Principal Regulations are hereby amended by the insertion of the following Regulation after Regulation 22:—

"22A (1) An authorised person may by a notice in writing given to the owner or to the person in apparent charge or control of any poison which has been seized and detained under Regulation 22—

(a) require any thing specified in the notice to be done in relation to such poison before it is released by an authorised person, and

(b) either—

(i) require the disposal of such poison by the person to whom the notice is given, in a manner specified in the notice and at the

expense of the owner, or

(ii) indicate the authorised person's intention of disposing of such poison at the expense of the owner, such disposal to be, in either case, such as will prevent the said poison from being administered to, or otherwise used in connection with, animals,

and where a notice under this paragraph requires a specified thing to be done in relation to such poison, the authorised person shall retain control of the poison to which the notice relates until the requirements of the notice have been duly complied with.

(2) Where a notice is given under this Regulation, a person shall not, without the consent of the authorised person by whom the notice was given, sell, move, dispose of or otherwise interfere with the poison in any way pending compliance with the requirements of the notice.

(3) Any person who is aggrieved by a notice under this Regulation which either requires the poison to which it relates to be disposed of or indicates an intention to dispose of such poison may, not later than the expiration of the period of seven days beginning on the date of the notice, appeal to the District Court against the notice.

(4) (a) Where an appeal is made to the District Court under paragraph (4) of this Regulation, that court, if it is satisfied that—

(i) the poison to which the relevant notice under this Regulation relates is one to which these Regulations apply, and

(ii) if such poison were released, it might be used in a manner or for purposes not authorised under these Regulations, and

(iii) there has been a failure to comply with the provisions of these Regulations—

shall order that the poison be disposed of in the manner specified in the notice, or in such other manner as may be directed by the court and which, in the opinion of the court, will prevent the poison from being administered to or otherwise used in connection with animals.

(b) Where an order made by the District Court under this paragraph requires the poison to which it relates to be disposed of by an authorised person, or where a notice has been given under paragraph 1(ii) requiring or indicating that the said poison be disposed of at the expense of the owner, the cost of such disposals shall be recoverable by the Minister as a simple contract debt in any court of competent jurisdiction from the person who was the owner of the poison at the time of its seizure and detention under this Regulation.

(5) A notice under this Regulation shall not come into force unless—

(a) in case an appeal is taken to the District Court against the notice, the appeal is withdrawn,

(b) in any other case, the period during which such an appeal may be taken has expired,

(6) In this Regulation and in Regulation 22 a reference to a poison shall be construed as including a reference to a preparation consisting of or containing a poison."

REG 7

7. (1) Regulation 28(3) of the Principal Regulations is hereby amended by the insertion of the following subparagraph after subparagraph:—

"(aa) supplied by a veterinary surgeon to the person having possession or control of the preparation in accordance with Regulation 3(1) of the Poisons (Control of Residues in Foods of Animal Origin) (Amendment) Regulations, 1986, and labelled in accordance with Regulation 3(1) or 3(2) of those Regulations, provided that sufficient evidence is produced, or demand by an authorised person, to show that the circumstances and manner of supply to the person having possession or control of the preparation was in compliance with the said Regulation 3(1), or".

(2) Regulation 28(4) of the Principal Regulations is hereby amended by the substitution of "the lawful sale" for "the sale".

GIVEN under my Official Seal, this 3rd day of July, 1986.

AUSTIN DEASY,
Minister for Agriculture.

EXPLANATORY NOTE.

These Regulations prohibit the administration of hormones for growth promotion purposes, prescribe procedures to be followed when veterinary surgeons supply or prescribe hormones or antibiotic substances, and provide for the disposal of seized poisons.