

STATUTORY INSTRUMENTS.

**S.I. No. 258 of 1999.**

**EUROPEAN COMMUNITIES (SUPPLY OF INFORMATION ON THE ORIGIN, IDENTIFICATION AND DESTINATION OF BOVINE ANIMALS) REGULATIONS, 1999.**

I, JOE WALSH, Minister for Agriculture and Food, 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 Article 7.3 of Council Regulation (EC) No. 820/97 of 21 April 1997<sup>1</sup>, hereby make the following Regulations:—

<sup>1</sup> O.J. No. L117 of 7.5.97

1. (1) These Regulations may be cited as the European Communities (Supply of Information on the Origin, Identification and Destination of Bovine Animals) Regulations, 1999.

(2) These Regulations shall enter into force on the 1st day of September, 1999.

2. (1) In these Regulations:—

"authorised person" means:—

(i) a person who stands appointed for the time being under Regulation 6 of the European Communities (Registration of Bovine Animals) Regulations, 1996 (S.I. No. 104 of 1996), or

(ii) an authorised person within the meaning of the Diseases of Animals Act, 1966 (No. 6 of 1966), including any person authorised to exercise the powers of an authorised person under section 25, paragraph (3) of that Act, or

(iii) a person appointed by the Minister under Regulation 7, paragraph (1);

"Council Regulation" means Council Regulation (EC) No. 820/97 of 20 April, 1997;

"Minister" means the Minister for Agriculture and Food.

(2) The competent authority in the State for the purposes of the Council Regulation shall be the Minister.

(3) A word or expression that is used in these Regulations and is also used in the Council Regulation has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Council Regulation.

(4) In these Regulations, a reference to a Council Regulation, Act or Statutory Instrument is, save where the context otherwise requires, a reference to that Regulation, Act or Instrument as amended prior to the coming into force of these Regulations.

(5) In these Regulations:—

(a) a reference to a Regulation is to a Regulation of these Regulations, unless it is indicated that reference to some other provision is intended;

(b) a reference to a paragraph or subparagraph is to a paragraph or subparagraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended.

3. A keeper shall supply the competent authority, upon request, with all information concerning the origin, identification and, where appropriate, destination of bovine animals which he or she has owned, kept, transported, marketed or slaughtered.

4. For the purposes of supplying the competent authority with the information referred to at Regulation 3, a keeper must be in possession of an official identification number, assigned by the Minister.

5. A person shall not, in purported compliance with Regulation 3, supply any information which he or she knows to be false or does not know to be true.

6. (1) A person who contravenes any provision of these Regulations shall be guilty of an offence.

(2) A person guilty of an offence under these Regulations shall be liable on summary conviction to a fine not exceeding £1,500 or to imprisonment for a term not exceeding six months or both.

(3) Where an offence has been committed by a body corporate and is proved to have been so committed with the consent or connivance of, or to be attributable to any neglect on the part of, a person, being a director, manager, secretary or other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against as if he or she were guilty of the first-mentioned offence.

7. (1) The Minister may appoint in writing such and so many persons as he thinks fit to be authorised persons for the purpose of these Regulations.

(2) An authorised person, when exercising any power conferred on him or her by these Regulations, shall, if so requested by any person affected, produce evidence in writing of his or her appointment as an authorised person under these Regulations.

8. (1) An authorised person may:—

(a) at all reasonable times, enter any premises in which he or she has reasonable grounds for believing that there are or have been any bovine animals or that any books documents or records relating to any business concerned with the origin, identification, movement or destination of bovine animals are kept;

(b) require any person found on the premises to produce to him or her any books, documents or records which are in the person's control, possession or procurement and which the officier has reasonable grounds for believing to be records, books or documents of the kind aforesaid and to give him or her such information as he or she may reasonably require in regard to any entries in any such records, books or documents, and

(c) inspect and copy or take extracts from any such records, books or documents.

(2) A person who fails to comply with a requirement under paragraph (1)(b) of this Regulation or who obstructs or interferes with an authorised person when he or she is exercising a power conferred by these Regulations shall be guilty of an offence.

9. An offence under these Regulations may be prosecuted by the Minister.

L.S.

GIVEN under my Official Seal, this 6th day of August 1999.

JOE WALSH,

Minister for Agriculture and Food

#### EXPLANATORY NOTE.

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations supplement the provisions of Article 7.3 of Council Regulation (EC) No. 820/97 by obliging keepers to supply the competent authority, upon request, with all information on the origin, identification and destination of bovine

animals, by providing the necessary powers for authorised persons and by prescribing penalties for offences.