



STATUTORY INSTRUMENTS.

S.I. No. 530 of 2007

EUROPEAN COMMUNITIES (EQUINE STUD-BOOK AND
COMPETITION) (AMENDMENT) REGULATIONS 2007

(Prn. A7/1448)

EUROPEAN COMMUNITIES (EQUINE STUD-BOOK AND
COMPETITION) (AMENDMENT) REGULATIONS 2007

I, MARY COUGHLAN, Minister for Agriculture and Food, in exercise of powers conferred on me by Section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Council Directive 90/427/EEC of 26 June 1990¹, Council Directive No. 90/428/EEC of 26 June 1990², Commission Decision 92/216/EEC of 26 March 1992³, Commission Decision No. 92/353/EEC of 11 June 1992⁴, Commission Decision No. 92/354/EEC of 11 June 1992⁵, and effect to Commission Decision No. 93/623/EEC of 20 October 1993⁶, Commission Decision No. 96/78/EC of 10 January 1996⁷, Commission Decision No. 96/79/EC of 12 January 1996⁸ and Commission Decision No. 2000/68/EC of 22 December 1999⁹, hereby make the following Regulations—

1. These Regulations may be cited as the European Communities (Equine Stud-Book and Competition) Amendment Regulations 2007.

2. The European Communities (Equine Stud-Book and Competition) Regulations 2004 (S.I. No 399 of 2004) are amended—

(a) In Regulation 2(1) by—

(i) the substitution, for the definition of “authorised officer” of—

“ ‘authorised officer’ means—

- (a) an authorised officer within the meaning of section 17A (inserted by the Diseases of Animals (Amendment) Act 2001 (No. 3 of 2001)) of the Diseases of Animals Act 1966 (No. 6 of 1966),
- (b) a member of the Garda Síochána,
- (c) an officer of Customs and Excise, or
- (d) a person appointed under Regulation 12;”

¹OJ No. L224, 18.8.1990, p.55

²OJ. No.L224, 18.8.1990, p.60.

³OJ No. L104, 22.4.1992, p.77

⁴OJ No. L192, 11.7.1992, p. 63

⁵OJ No. L192, 11.7.1992, p. 66

⁶OJ No. L298, 3.12.1993, p. 45

⁷OJ No.L19,25.1.1996, p. 39

⁸OJ No.L19, 25.1.1996, p 41

⁹OJ No.L23,28.1.2000.p. 72

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 27th July, 2007.*

(ii) the insertion, after the definition of “move”, of—

“ ‘premises’ includes land (including land under water) with or without buildings, a vehicle (including a boat, ship, hovercraft, aircraft or offshore installation (being an offshore installation within the meaning of the Safety, Health and Welfare Offshore Installations) Act 1987 (No. 18 of 1987), railway wagon, container or other thing used in connection with, or ancillary to such a thing;”

(iii) the insertion, after the definition of “Regulation 3277/90”, of—

“ ‘sell’ includes offer, expose or keep for sale, invite an offer to buy, or distribute for reward or otherwise (whether directly or through another person);”

(iv) the insertion after the definition of “stud-book” of—

“ ‘supply’ means to give without reward;”

(b) by the substitution, for Regulation 6(1) and 6(2), of—

“6. (1) A person shall not move onto or from a premises, enter for a show, competition, race or other cultural event, sell, supply, acquire, export, present for slaughter or slaughter a horse—

(a) that is entered or registered in a stud-book unless the horse is accompanied by an identification document (issued by the approved body that maintains the stud-book or by an international association which manages competitions in accordance with Decision 93/623 or Decision 2000/68), or

(b) other than a horse to which sub-paragraph (a) applies, unless it is accompanied by an identification document referred in Article 3 of Decision 2000/68,

that relates to the horse.”

(c) by the substitution, for Regulation 12, of—

“12. (1) The Minister may, by instrument, in writing appoint such and so many persons as he or she thinks fit to be authorised officers for the purpose of some or of these Regulations as may be specified in the instrument.

(2) The Minister may terminate the appointment of an authorised officer appointed by him or her, whether or not the appointment was for a fixed period.

(3) An appointment as an authorised officer ceases—

(a) if it is terminated pursuant to paragraph (2).

(b) if it is for a fixed term, on expiry of that period, or

(c) if the person appointed is an officer of the Minister, upon the person ceasing to be such an officer.

(4) Nothing in paragraph (3) is to be construed so as to prevent the Minister from reappointing as an authorised officer a person to whom that paragraph applies.

(5) An officer of the Minister shall furnish an authorised officer with a warrant of his or her appointment as an authorised officer and, when exercising a power conferred on him or her, the officer, an officer of Customs and Excise or a member of the Garda Síochána shall, if requested by a person affected, produce the warrant of evidence that he or she is such an officer or member to the person affected.

12A. (1) An authorised officer may, if he or she has reasonable cause to suspect that—

(a) a horse has been, may be or is present on a premises,

(b) a horse has been or may be sold slaughtered or otherwise dealt with on a premises,

(c) a document or record relating to a horse was, is or may be on a premises, or

(d) an offence under these Regulations has been or is being committed on a premises,

the authorised officer may—

(i) search the premises,

(ii) stop a person, vehicle, vessel or container,

(iii) board and search a vehicle, vessel or container,

(iv) search a person, if the authorised officer considers it necessary,

(v) examine a horse,

(vi) take without payment, any samples that he or she may reasonably require and carry out or cause to be carried out on a sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient,

(vii) seize and detain a horse, vehicle, vessel or container,

- (viii) require the production of a document or thing relating to a horse, vehicle, vessel or container,
- (ix) retain a document or thing (for as long as is necessary),
- (x) require the owner or person in charge of or in possession of a horse to deal with or dispose of the horse in a manner that the authorised officer sees fit,
- (xi) give a direction to, or request information, of a person regarding a horse,
- (xii) require of a person the ownership, identity and origin of a horse, or
- (xiii) mark otherwise identify a horse or a sample taken under subparagraph (vi).

(2) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling, unless he or she has obtained a search warrant under paragraph (8) other than if he or she has reasonable cause to suspect that before a search warrant could be sought in relation to the dwelling anything to which paragraph (1) relates is being or is likely to be destroyed or disposed of.

(3) An authorised officer may use reasonable force, necessary, in exercise of his or her powers under this Regulation.

(4) An authorised officer, when exercising a power under this Regulation may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(5) An authorised officer is not liable in any proceedings for anything done in the purported exercise of his or her powers under these Regulations if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

(6) Without prejudice to the generality of paragraph (1), a direction or requirement of an authorised officer may include conditions prohibiting, restricting or otherwise controlling the use, processing movement of a horse as may be specified by the authorised officer.

(7) If a member of the Garda Síochána has reasonable grounds to suspect that a person has committed an offence under these Regulations, the member may without warrant arrest the person.

(8) If a judge of the District Court is satisfied by information on oath of an authorised officer that there are reasonable grounds for suspecting—

(a) evidence of or relating to the commission or intended commission of an offence under these Regulations is to be found on a premises,

(b) a horse was, is or may be on a premises, or

(c) a document or other record related to a horse is or may be on the premises,

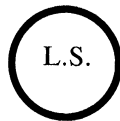
the judge may issue a search warrant.

(9) A search warrant under this Regulation shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers or other persons as the named authorised officer thinks necessary, at any time within one month from the date of issue of the warrant, to enter (if necessary by use of reasonable force) the premises, vehicle vessel or aircraft named in the warrant.

(10) If a premises is entered pursuant to a warrant issued under this Regulation, an authorised officer so entering may exercise all or any of the powers conferred on an authorised officer under these Regulations.”,

(d) by the insertion, after “Regulations”, in Regulation 14(1), of “or aids or abets a contravention of these Regulations”, and

(e) by the insertion, for “£3,000” in Regulation 14(2), of “€5,000 or to a term of imprisonment not exceeding 6 months or to both.”.



GIVEN under my Official Seal,
23 July 2007

MARY COUGHLAN
Minister for Agriculture and Food.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
51 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834/35/36/37; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2
or by mail order from
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,
51 ST. STEPHEN'S GREEN, DUBLIN 2
(Tel: 01-6476834/35/36/37; Fax: 01-6476843)
or through any bookseller.

€2.54

ISBN 1-4064-3228-8



9 781406 432282