



STATUTORY INSTRUMENTS.

S.I. No. 439 of 2010

EUROPEAN COMMUNITIES (APPROVAL AND REGISTRATION OF
DEALERS OF BOVINE ANIMALS AND SWINE) (AMENDMENT)
REGULATIONS 2010

(Prn. A10/1331)

EUROPEAN COMMUNITIES (APPROVAL AND REGISTRATION OF DEALERS OF BOVINE ANIMALS AND SWINE) (AMENDMENT) REGULATIONS 2010

I, BRENDAN SMITH, Minister for Agriculture, Fisheries and Food, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) for the purpose of giving further effect to Council Directive 97/12/EC of 17 March 1997¹ amending and updating Council Directive 64/432/EEC of 29 July 1964² relating to dealers, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Approval and Registration of Dealers of Bovine Animals and Swine) (Amendment) Regulations 2010.

2. The European Communities (Approval and Registration of Dealers of Bovine Animals and Swine) Regulations 2007 (S.I. No. 151 of 2007) are amended by the substitution for—

(a) Regulation 6 of—

“6. (1) A person shall not operate as a dealer unless he or she has been approved by the Minister for registration in the dealers’ register under this Regulation.

(2) The Minister shall establish and maintain a register of dealers (“dealers’ register”) which shall contain such information as the Minister considers appropriate.

(3) An application for registration shall be in a form and contain any information that the Minister may require.

(4) The Minister may grant registration in the dealers’ register, attach a condition to registration, vary a condition, suspend or revoke registration or refuse an application.

(5) A person who is registered in the dealers’s register shall make such returns to the Minister as the Minister may require.

(6) Without prejudice to the generality of paragraph (4) the Minister may refuse an application or suspend or revoke registration in accordance with Regulation 8 if he or she is satisfied that—

¹O.J. L109, 25.04.1997, p. 1

²O.J. L121, 29.07.1964, p. 1977

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 14th September, 2010.

- (a) the applicant or registered person has failed to comply with an act of an institution of the European Union or a Regulation made under the European Communities Act 1972 (No. 27 of 1972) in respect of animal health, identification, transport or welfare,
- (b) the applicant or registered person has committed an offence relating to animal health, identification, animal transport or animal welfare,
- (c) the applicant or registered person has failed to comply with a condition of registration,
- (d) in relation to an application for registration, information required has not been furnished or information that is false or misleading in a material respect has been furnished,
- (e) the applicant fails to demonstrate to the Minister's satisfaction that
 - (i) he or she understands the limitations relating to dealers, or
 - (ii) that he or she can comply with the responsibilities and obligations of being a dealer,
- (f) the premises to which the application or registration relates is not a fit premises to be registered,
- (g) the applicant or registered person is not a fit person to be registered, or
- (h) the registered person has ceased to carry out activity to which the registration relates.

(7) The Minister may approve a dealer for a period of 3 years in accordance with Article 13 of the Council Directive which may be renewed on application by or on behalf of the dealer.”, and

(b) Regulation 7. (11) of—

“(11) The Minister may refuse to grant an application or suspend or revoke a registration in accordance with Regulation 8 if he or she is satisfied that-

- (a) the applicant or registered person has failed to comply with an act of an institution of the European Union or a Regulation made under the European Communities Act 1972 (No. 27 of 1972) in respect of animal health, identification, animal transport or animal welfare,

- (b) the applicant or registered person has committed an offence relating to animal health, identification, transport or welfare,
- (c) the applicant or registered person has failed to comply with a condition of registration,
- (d) in relation to an application for registration, information required has not been furnished or information that is false or misleading in a material respect has been furnished,
- (e) in relation to a person applying for registration or approval, the applicant fails to demonstrate to the Minister's satisfaction that
 - (i) he or she understands the limitations relating to dealers or
 - (ii) that he or she can comply with the responsibilities of being a dealer,
- (f) the premises to which the application or registration relates is not a fit premises to be registered,
- (g) the applicant or registered person is not a fit person to be registered, or
- (h) the registered person has ceased to carry out activity to which the registration relates.”.



GIVEN under my Official Seal,
9 September 2010.

BRENDAN SMITH,
Minister for Agriculture, Fisheries and Food.

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