



AN BILLE UM LEIGHEASANNA AINMHITHE, 1993
ANIMAL REMEDIES BILL, 1993

Mar a ritheadh ag Dáil Éireann
As passed by Dáil Éireann

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SCHEDULE

ACTS REFERRED TO

Animal Remedies Act, 1956	1956, No. 41
Criminal Justice Act, 1951	1951, No. 2
Diseases of Animals Act, 1966	1966, No. 6
European Communities Act, 1972	1972, No. 27
European Communities (Amendment) Act, 1973	1973, No. 20
Merchandise Marks Acts, 1887 to 1978	
Misuse of Drugs Act, 1977	1977, No. 12
Petty Sessions (Ireland) Act, 1851	14 & 15 Vict. c. 93
Pharmacopoeia Act, 1931	1931, No. 22
Pharmacy Act (Ireland), 1875	38 & 39 Vict. c. 57
Pharmacy Act (Ireland), 1875, Amendment Act, 1890	53 & 54 Vict. c. 48
Pharmacy Act, 1951	1951, No. 30
Poisons Act, 1961	1961, No. 12
Police (Property) Act, 1897	59 & 60 Vict. c. 30
Public Offices Fees Act, 1879	42 & 43 Vict. c. 58
Safety, Health and Welfare (Offshore Installations) Act, 1987	1987, No. 18
Therapeutic Substances Act, 1932	1932, No. 25
Veterinary Surgeons Act, 1931	1931, No. 36



AN BILLE UM LEIGHEASANNA AINMHITHE, 1993
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BILL

entitled

5 AN ACT TO REVISE THE LAW RELATING TO THE REGU-
LATION OF ANIMAL REMEDIES BY REPEALING AND
RE-ENACTING WITH AMENDMENTS THE PROVISIONS
OF THE ANIMAL REMEDIES ACT, 1956, AND BY
10 OTHERWISE EXTENDING THOSE PROVISIONS, TO
PROVIDE FOR THE GIVING OF EFFECT TO ACTS OF
THE EUROPEAN COMMUNITIES RELATING TO
ANIMAL REMEDIES, TO PROVIDE FOR THE REPEAL
OF THE THERAPEUTIC SUBSTANCES ACT, 1932, TO
15 PROVIDE FOR IDENTITY DOCUMENTS FOR CERTAIN
OFFICERS OF THE MINISTER AND OTHER PERSONS IN
RESPECT OF CERTAIN STATUTORY FUNCTIONS
EXERCISABLE BY SUCH OFFICERS AND OTHER PER-
SONS AND TO PROVIDE FOR OTHER MATTERS CON-
NECTED WITH THE MATTERS AFORESAID.

20 BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) In this Act, unless the context otherwise requires—

Interpretation.

“administration”, in relation to an animal remedy, means admin-
istration or application to an animal, whether internally or externally,
and includes oral, parenteral, and topical administration or appli-
25 cation, and the administration or application—

(a) by inhalation,

(b) by incorporation in food or water, or

(c) by means of automatic machines or processes,

and cognate words shall be construed accordingly;

30 “advertisement or other promotion” includes any form of advertising
or other promotion by means of—

(a) radio, television, computer monitor, telephone or other like
means of communication,

(b) a recording, whether mechanical or electronic, and

- (c) a notice, poster, pamphlet, circular, label, wrapper or other like document;

“animal”, except in the definition of “substance” and *section 11 (1) (e)*, means any animal in relation to which this Act applies by virtue of *section 2*;

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“animal remedy” means any substance or combination of substances which—

- (a) is intended for administration to animals,
- (b) may be administered to animals, or
- (c) is, whether expressly or by implication, presented for administration to animals,

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for the purpose of—

- (i) treating, preventing or modifying disease in animals,
- (ii) making a medical or surgical diagnosis in animals,
- (iii) restoring, correcting or modifying physiological functions in animals, or
- (iv) except for a substance or combination of substances being a feedingstuff commonly known and solely used as such, otherwise improving the health or condition of animals;

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“authorised officer”, subject to *section 18*, means a person authorised in writing by the Minister under *section 10* to be an authorised officer for the purposes of some or all of the provisions of this Act or deemed to have been appointed an authorised officer by virtue of, and for the purposes set out in, *section 31 (2)*;

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“carcase” includes part of a carcase, whether edible or not, including blood and offal;

“the Consultative Committee” means the committee referred to in *section 3*;

“disease” includes any injury, ailment or defect;

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“document” includes any book and any other record, whether legible or in a machine readable form;

“European Communities” has the meaning assigned to it by *section 1 (1)* of the European Communities Act, 1972;

“functions” includes powers and duties;

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“human consumption” includes intended for incorporation in, or manufacture into, a food intended for human consumption;

“land”, where the context admits, includes land covered by water, and references to in, on, under or from any land shall be construed accordingly;

40

“manufacture” means total or partial manufacture and includes processing, compounding, formulating, filling, dividing up, packing,

labelling and presentation and cognate words shall be construed accordingly;

"the Minister" means the Minister for Agriculture, Food and Forestry;

5 "prohibited animal remedy" means any animal remedy or ingredient for an animal remedy in respect of which—

10 (a) by virtue of regulations made under *section 8* or, where appropriate, deemed to have been so made or continued in force by virtue of *section 8 (8)* or *31 (1)*, a licence, authorisation or direction is required to have been issued for the purpose of its administration to an animal or for its use for other purposes, and

(b) either—

(i) such licence, authorisation or direction has not been so issued, or

15 (ii) where such licence, authorisation or direction has been so issued, any condition or other requirement to which it is subject to has not been complied with or is no longer complied with;

20 "sell" includes offer, expose or keep for sale, invite an offer to buy, or distribute for reward and cognate words shall be construed accordingly;

"supply" includes giving without payment;

"substance" means any matter irrespective of origin, whether such matter is of—

25 (a) human origin (including human blood and human blood products),

(b) animal origin (including micro-organisms, whole or parts of animals, parts of organs and animal secretions, toxins, antitoxins, sera, antisera, extracts and blood products),

30 (c) vegetable origin (including micro-organisms, plants, parts of plants and vegetable secretions or extracts),

(d) chemical origin (including elements, naturally occurring chemical materials and chemical products obtained by chemical change or synthesis),

35 (e) any other substance within the meaning of paragraph 3 of Article 1 of Council Directive No. 65/65/EEC of 26 January 1965^(a), or

(f) any combination of the foregoing;

40 "vehicle" includes a ship, hovercraft, aircraft and offshore installation (being an offshore installation within the meaning assigned to it by section 2 (1) of the Safety, Health and Welfare (Offshore Installations) Act, 1987).

(2) A word or phrase that is used in this Act in respect of a matter which gives effect to an act of the European Communities relating to

^(a) O.J. S. Edn. 1965-66, page 20.

animal remedies and which is also used in the said act of the European Communities has, except where the context otherwise requires, the same meaning as it has in the said act of the European Communities.

(3) (a) A reference in this Act to a section is a reference to a section of this Act unless it is indicated that a reference to some other Act is intended. 5

(b) A reference in this Act to a subsection or to a paragraph is to the subsection or paragraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended. 10

Animals to which this Act applies.

2.—(1) This Act applies in relation to the following animals, that is to say, mammals (other than humans), birds, fish, reptiles, molluscs, crustaceans and honey bees (*Apis mellifera*) and any other animal kept for human consumption or any of whose produce is intended for human consumption. 15

(2) (a) The Minister may by order apply this Act or any provision of this Act, including any regulations made thereunder, to any other kind of animal, being—

(i) a domestic animal,

(ii) a wild animal in captivity, or 20

(iii) any other wild animal.

(b) The Minister may by order amend or revoke an order under this subsection, including an order under this paragraph.

Animal Remedies Consultative Committee.

3.—(1) Notwithstanding the repeal of the Animal Remedies Act, 1956, the Animal Remedies Consultative Committee established by virtue of section 4 of that Act shall continue in being for the purpose of advising and assisting the Minister in the making of regulations under this Act and shall continue to be known as the Animal Remedies Consultative Committee. 25

(2) (a) The Consultative Committee shall consist of 9 members appointed from time to time by the Minister, of whom two shall be directly appointed by the Minister and, subject to paragraph (b), one each shall be appointed by the Minister on the nomination of— 30

(i) the Minister for Health, 35

(ii) the Pharmaceutical Society of Ireland,

(iii) the Veterinary Council established under the Veterinary Surgeons Act, 1931,

(iv) one or more organisations prescribed, for the time being, for the purpose of this subparagraph which, in the opinion of the Minister, are representative of persons whose profession or occupation relates to the manufacture, distribution, sale or supply of animal remedies, 40

(v) one or more organisations prescribed, for the time being, for the purpose of this subparagraph which, in 45

the opinion of the Minister, are representative of persons whose profession or occupation relates to livestock farming or the keeping or rearing of animals to which this Act applies or to the use of animal remedies,

5

(vi) one or more organisations prescribed, for the time being, for the purpose of this subparagraph which, in the opinion of the Minister, are concerned with the production of food of animal origin or the promotion or development of the food industry, and

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(vii) one or more organisations prescribed, for the time being, for the purpose of this subparagraph which, in the opinion of the Minister, are concerned with consumer interests.

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(b) Where an organisation or organisations duly prescribed under *subparagraph (iv), (v), (vi) or (vii) of paragraph (a)* for the purpose of nominating a person to be appointed as a member of the Consultative Committee fail to duly nominate a person, the Minister may, in the place of such a person, appoint to the Committee a person who, in the opinion of the Minister and having regard to the interests involved, would be an appropriate person to have been nominated as such a member for those interests.

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(c) In this subsection "prescribed" means prescribed by regulations made by the Minister for the purpose of this subsection.

(3) Every member of the Consultative Committee shall, unless such member previously dies or resigns, hold office for—

(a) a period of four years from the date of appointment, or

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(b) such other period, being a period not greater than two years, which is determinable by the occurrence of any event specified in writing at the time of appointment by the Minister,

35 whichever is the shorter, and any member or former member shall be eligible for re-appointment.

(4) There may be paid to members of the Consultative Committee such expenses of travel and subsistence as the Minister, with the consent of the Minister for Finance, may determine.

40 (5) The Consultative Committee shall meet whenever summoned by the Minister.

(6) The Consultative Committee may regulate its own procedure for the purpose of considering matters referred to it by the Minister.

45 (7) The Minister shall, as soon as is practicable after the commencement of this section, appoint in accordance with *subsection (2)* so many persons to be members of the Consultative Committee as are necessary to bring the number of such members up to nine.

(8) Subject to the foregoing provisions of this section, the Minister may, by rules made under this section, regulate the times of appointment of members of the Consultative Committee, the time and mode

of filling casual vacancies in the Consultative Committee, and the period of office of persons appointed to fill such casual vacancies.

Disclosure of
composition of
animal remedies.

4.—(1) Subject to the provisions of this section, no person shall sell or import an animal remedy unless the container in which it is sold or imported and any outer wrapper bear a notice clearly indicating— 5

(a) (i) the appropriate commercial common name of the remedy or, if it contains more than one ingredient, of each ingredient and the proportion thereof in the remedy, 10

(ii) if the remedy or any ingredient has not an appropriate commercial common name, the appropriate scientific name of such remedy or ingredient, or

(iii) if the remedy consists solely of a therapeutic substance in respect of which a licence or permit granted under the Therapeutic Substances Act, 1932, is in force, the name of the substance as stated in the licence or permit and the number of the licence or permit, 15

(b) the specific remedial property or properties claimed for the remedy, 20

(c) (i) in a case where the remedy is imported in bulk and packed in the State, the name and address of the importer and packer of the remedy,

(ii) in a case where the remedy is manufactured in the State for and under the control of a person who manufactures the same remedy or causes it to be manufactured outside the State, the name and address of that person and that the remedy is manufactured in the State for and under the control of that person and, where appropriate, the name and address of the packer or, where the remedy is not distributed by the manufacturer or packer, of the distributor of the remedy, or 25 30

(iii) in any other case, the name and address of the manufacturer and (where different) the packer of the remedy, 35

and

(d) such other particulars as may be prescribed from time to time by regulations made by the Minister after consultation with the Consultative Committee. 40

(2) Subject to the provisions of this section, no person shall publish or cause to be published an advertisement or other promotion for an animal remedy unless such advertisement or other promotion contains the particulars specified in *subsection (1)* or the particulars provided in lieu of such of those so specified as are provided for by virtue of regulations made under *subsection (7)*. 45

(3) *Subsection (1)* shall not apply to the importation in bulk of an animal remedy otherwise than in the container or outer wrapper in which it is intended to be put on sale.

5 (4) *Subsection (2)* shall not apply to an advertisement or other promotion published or caused to be published by the Minister or to scientific information published or caused to be published by a university or other third level educational institution or by a professional or scientific institution or association.

(5) (a) Subject to *paragraph (b)*, *subsections (1)* and *(2)* shall not apply to an animal remedy which—

10 (i) is supplied by a registered veterinary surgeon to a person for the treatment of an animal which is owned by or ordinarily in the custody of that person and concerning which that person has consulted the veterinary surgeon in the course of that veterinary surgeon's private and professional practice, or

15 (ii) is supplied, in accordance with an individual prescription of a registered veterinary surgeon, and is sold by a registered pharmaceutical chemist, a registered druggist or a registered dispensing chemist and druggist to the person named in the prescription, or

20 (iii) is a medical preparation intended for humans and in respect of which the Minister for Health has granted or renewed a product authorisation under the provisions of the Medical Preparations (Licensing, Advertisement and Sale) Regulations, 1984 and 1989, and the Medical Preparations (Licensing, Advertisement and Sale) (Amendment) Regulations, 1993 (S.I. No. 70 of 1993).

30 (b) As respects a veterinary medicinal product (being a veterinary medicinal product to which the European Communities (Veterinary Medicinal Products) Regulations, 1986 (S.I. No. 22 of 1986), relate) for which there is a subsisting product authorisation under those Regulations—

(i) the provisions of *paragraphs (a)*, *(b)* and *(c)* of *subsection (1)* shall not apply,

35 (ii) the reference in *subsection (2)* to the particulars specified in *subsection (1)* shall be construed as a reference to the labelling requirements of Chapter VII of Council Directive No. 81/851/EEC of 28 September 1981^(b), and

40 (iii) the provisions of *subparagraphs (i)* and *(ii)* of *paragraph (a)* shall not have effect.

(6) The Minister may require—

45 (a) any person who sells an animal remedy to satisfy the Minister of the accuracy of any statement on the container or outer wrapper of such remedy or of any other information provided with the intention of being supplied with the remedy,

(b) any person who causes to be published an advertisement or other promotion for an animal remedy to satisfy the

^(b) O.J. No. L 317 of 6 November 1981, page 1.

Minister of the accuracy of any statement contained in the advertisement or other promotion,

and any such requirement shall be complied with.

(7) In the application of *subsection (1)* to animal remedies or to any class or classes of animal remedy, the Minister may, in respect of remedies or such class or classes and after consultation with the Consultative Committee, by regulations— 5

(a) provide for other particulars in lieu of those provided for in *paragraphs (a), (b) and (c) of subsection (1)*, or in lieu of any of them, but only if— 10

(i) in addition to such other particulars (if any) as the Minister considers appropriate to so provide, the regulations provide that the active ingredients of such class or classes and the indications for use of an animal remedy on such class or classes are indicated, or 15

(ii) the animal remedies or class or classes of animal remedies to which the regulations relate are for export and the person concerned has been duly licensed so to export,

and 20

(b) extend such application, or so provide for other particulars in lieu thereof, in respect of any class or classes of remedy which is supplied or sold in accordance with *subparagraph (i) or (ii) of paragraph (a) of subsection (5)*.

(8) Upon the commencement of this section, the regulations then in force under *section 8*, or continued in force or deemed to have been made under that section by virtue of *section 8 (8) or 31 (1)*, shall apply to an animal remedy which is sold or imported from an official veterinary research laboratory recognised by the Minister or which is exported from the State. 25 30

(9) Without prejudice to the provisions of *section 8*, the Minister may, after consultation with the Consultative Committee, make regulations providing for the disclosure of the composition, whether by labelling or by any other means, of—

(a) animal remedies to which *subsection (1)* does not apply by virtue of *subsection (3)*, or 35

(b) ingredients for animal remedies.

(10) In this section—

“appropriate scientific name” means—

(a) in a case where the remedy or ingredient is one in respect of which regulations made under *section 14* of the Poisons Act, 1961, declare it to be a poison and for the time being require it to be named in a particular way, the name with which the container of such poison is required to be so labelled, 40 45

(b) in a case where the remedy or ingredient is not a poison to which *paragraph (a)* of this definition applies but is described in any of the monographs contained in the

edition of the Irish Pharmacopoeia which was last published before the date on which such remedy or the remedy containing such ingredient was manufactured or imported, the description set out at the head of that monograph,

- 5 (c) in a case where neither *paragraph (a)* or *(b)* of this definition is applicable but the remedy or ingredient is described in any of the monographs contained in the European Pharmacopoeia which was last published before the date on which such remedy or remedy containing such ingredient was manufactured or imported, the description set out at the head of that monograph, or

(d) in any other case, the accepted scientific name or other name descriptive of the true nature of the remedy or ingredient;

- 15 "European Pharmacopoeia" means the Pharmacopoeia elaborated under the auspices of the Council of Europe in pursuance of the Convention in that behalf done at Strasbourg on the 22nd day of July, 1964;

"Irish Pharmacopoeia" means the Pharmacopoeia provided for by the Pharmacopoeia Act, 1931;

- 20 "registered dispensing chemist and druggist" means a person registered in the register of dispensing chemists and druggists established under the Pharmacy Act, 1951;

- 25 "registered druggist" means a person registered in the register of registered druggists in Ireland established under the Pharmacy Act (Ireland), 1875, Amendment Act, 1890;

"registered pharmaceutical chemist" means a person registered in the register of pharmaceutical chemists for Ireland established under the Pharmacy Act (Ireland), 1875;

- 30 "registered veterinary surgeon" means a person registered in the register established under the Veterinary Surgeons Act, 1931.

- 5.—(1) The particulars required by or under this Act to be given in connection with any sale, importation or advertisement or other promotion of any animal remedy and any other particulars (including the brand name or trade name of such remedy) given in connection with such sale, importation or advertisement or other promotion shall not be so given by any person as to convey or be likely to convey a false or misleading indication or impression of the composition, remedial value or effectiveness of such remedy.

Prohibition of false or misleading particulars.

- 40 (2) Nothing in this section shall be construed as limiting the operation of the Merchandise Marks Acts, 1887 to 1978.

6.—(1) A person shall not have in his possession or under his control—

Possession of animal remedy, etc.

- 45 (a) any animal remedy or any ingredient for an animal remedy for the purpose of selling or otherwise supplying it to another person in contravention of this Act or any regulations made or continued in force or deemed to have been made thereunder,

(b) an animal, knowing it to be an animal to which an animal

remedy or an ingredient for such a remedy has been administered, and has possession or control for the purposes of—

(i) selling or otherwise supplying any produce for human consumption which is derived in whole or in part from the animal, 5

(ii) slaughtering the animal for human consumption, or

(iii) selling or otherwise supplying the animal to another person,

where such slaughter, sale or supply would be in contravention of this Act, or any regulations made or continued in force or deemed to have been made thereunder, or 10

(c) (i) an animal to which an animal remedy or an ingredient for an animal remedy has been administered, or 15

(ii) the carcase of such an animal,

where such possession or control or the manner of such possession or control by the person is prohibited by regulations made under or continued in force or deemed to have been made under this Act. 20

(2) (a) Where a person has possession or control of an animal, being an animal to which an animal remedy or an ingredient for such a remedy has been administered, for the purpose of—

(i) slaughtering the animal, or 25

(ii) selling or otherwise supplying the animal to another person for the purpose of slaughtering it,

it shall be presumed, until the contrary is shown, that—

(I) the animal would have been slaughtered for the purpose of human consumption, and 30

(II) the person knew it to be an animal to which an animal remedy or an ingredient for such a remedy has been administered.

(b) Where a person has possession or control of an animal, being an animal to which an animal remedy or an ingredient for such a remedy has been administered, for the purpose of selling or otherwise supplying any produce for human consumption which is derived in whole or in part from the animal, it shall be presumed, until the contrary is shown, that— 35 40

(i) the animal was at all material times in the person's possession or control for the purpose of selling or otherwise supplying such produce for human consumption, and

(ii) the person knew it to be an animal to which an animal remedy or an ingredient for such a remedy has been administered. 45

(3) Where in any proceedings for an offence under this Act it is proved that a person was in possession of an animal remedy or an ingredient for an animal remedy and the court concerned, having regard to the quantity of the remedy or the ingredient which the person possessed or such other matter as the court considers relevant, is satisfied that it is reasonable to assume that the remedy or ingredient was possessed for the purpose of supplying it to another person otherwise than in accordance with this Act or of any regulations made, or continued in force or deemed to have been made, thereunder, it shall be presumed until the contrary is shown that the remedy or ingredient was so possessed.

7.—(1) In every contract of sale there shall be an implied condition on the part of the seller that all reasonable precautions have been taken and all due diligence has been exercised to ensure—

Implied condition
in certain contracts
of sale.

(a) in the case of the sale of an animal, that the animal was not treated with any animal remedy and, in the case of an agreement to sell an animal, the animal was not so treated and will not be so treated prior to the time when the property is to pass, and

(b) in the case of the sale of, or an agreement to sell, the carcase of any animal or food derived from any animal, that the animal had not been treated with any animal remedy,

otherwise than in accordance with this Act or of any regulations made, or continued in force or deemed to have been made, thereunder.

(2) (a) Subject to paragraph (b), any term of a contract implied by virtue of subsection (1) may be negated or varied, by an express term in the contract, in so far as the first-mentioned term relates to an animal remedy—

(i) which has been administered to an animal before being imported into the State, and

(ii) in respect of which the Minister has granted an exemption from destruction under subsection (7) of section 8,

but only if the express term is fair and reasonable and has been specifically brought to the attention of the buyer.

(b) Paragraph (a) shall not apply to an animal imported into the State where the sale of the animal would not be in accordance with a condition imposed by the Minister on the exemption.

(3) Any term of a contract implied by virtue of subsection (1) may not be negated or varied in so far as it relates to an animal remedy other than in respect of an animal remedy to which subsection (2) relates.

8.—(1) (a) Subject to subsection (6), the Minister may, after consultation with the Consultative Committee, make regulations relating to—

Regulations as to
animal remedies,
etc.

(i) animal remedies,

- (ii) ingredients for animal remedies,
 - (iii) machinery, instruments and other things used, or with reasonable cause suspected of being or having been used, in the manufacture, importation, preparation, handling, storage, transport, exportation, distribution, sale, supply or use of animal remedies, 5
 - (iv) the advertisement or other promotion of animal remedies or ingredients of animal remedies,
 - (v) animals treated with animal remedies, or with reasonable cause suspected of having been so treated, 10
 - (vi) food derived or to be derived from animals treated with animal remedies or from the carcasses of such animals, or with reasonable cause suspected of having been, being or to be so derived, 15
 - (vii) the levels or amount (including a zero level or amount) of any specified substance or class of substance, being an animal remedy or ingredient for an animal remedy, which if exceeded in any animal, carcass of any animal or food derived from any animal would render it unsuitable for human consumption or unsuitable for animal consumption, and 20
 - (viii) either or both the identification and marking of animals. 25
- (b) Regulations under this section may—
- (i) provide that if an animal remedy is a therapeutic substance to which the Therapeutic Substances Act, 1932, applies, that Act shall cease to apply, either wholly or to a specified extent to the remedy, 30
 - (ii) be made in respect of all or any one or more of the matters set out in *paragraph (a)* or in respect of any class or classes of such matters, 35
 - (iii) provide for—
 - (I) the granting of licences, the issuing of authorisations or the giving of directions by the Minister, or
 - (II) the granting of licences, the issuing of authorisations, the giving of directions or the provision of services by such other person or persons, or such other class or classes of persons, as may be specified, 40
- in respect of any matter to which regulations under this Act relate, and 45
- (iv) contain such incidental, supplementary and consequential provisions as appear to the Minister

to be necessary or expedient for the purpose of implementing regulations under this section.

- 5 (2) (a) In this subsection "control" includes the prohibition or restriction, or the prohibition or restriction save under licence of or under the authority (by way of authorisation) or direction of the Minister or such other person or class of persons as may be specified in regulations made under subsection (1).
- 10 (b) Without prejudice to the generality of subsection (1) or section 9, regulations made under that subsection may provide for—
- (i) the control of—
- 15 (I) the manufacture, importation, preparation, handling, storage, transport, exportation, distribution, advertisement or other promotion, sale, supply or possession of any animal remedy or any ingredient for an animal remedy,
- 20 (II) the administration of an animal remedy or ingredient for an animal remedy to an animal or the use of such animal remedy or ingredient for any other purpose,
- 25 (III) the movement to or from any place of any animal to which any animal remedy or ingredient for an animal remedy has been administered or with reasonable cause is suspected of having been so administered,
- 30 (IV) the importation, exportation, slaughter, distribution, sale, supply or possession of any animal to which any animal remedy or ingredient for an animal remedy has been administered or with reasonable cause is suspected of having been so administered,
- 35 (V) the movement to or from any place of any animal which is not or has not been identified or marked otherwise than in accordance with this Act and the regulations made thereunder (including regulations deemed to have been made or continued in force by virtue of section 8 (8) or 31 (1)),
- 40 (ii) the control (including the marking, detention and seizure) of any animal or carcase of any animal in respect of which any animal remedy or ingredient for an animal remedy—
- 45 (I) is with reasonable cause suspected of having been administered or used, otherwise than in accordance with this Act and the regulations made thereunder (including regulations deemed to have been so made or continued in force by virtue of section 8 (8) or 31 (1)), until it, or a sample therefrom, has been duly inspected, examined, tested or analysed, or
- 50 (II) has been administered or used otherwise than in accordance with this Act and the regulations

made thereunder (including regulations deemed to have been so made or continued in force by virtue of *section 8 (8) or 31 (1)*),

(iii) subject to *subsection (7)*, the destruction of any animal or carcase of any animal, or of any kind of animal or carcase of such animal, in respect of which any animal remedy or ingredient for an animal remedy has been administered or used, being an animal remedy or ingredient for an animal remedy which is for the time being, or was at the time of such administration or use, prohibited by this Act or the regulations made thereunder (including regulations deemed to have been so made or continued in force by virtue of *section 8 (8) or 31 (1)*) from such administration or use,

(iv) (I) the control (including the marking, labelling, detention, seizure, disposal and destruction) of any animal remedy or ingredient for an animal remedy, or

(II) the detention of anything which, with reasonable cause, is suspected of being an animal remedy or ingredient for an animal remedy until it, or a sample thereof, has been duly inspected, examined, tested or analysed,

which is being or has been manufactured, imported, prepared, handled, stored, transported, exported, distributed, sold, supplied, used or possessed otherwise than in accordance with this Act and the regulations made thereunder (including regulations deemed to have been so made or continued in force by virtue of *section 8 (8) or 31 (1)*),

(v) the control (including the marking and labelling) on—

(I) the transfer, sale or use or the detention of any food until it, or a sample thereof, has been duly inspected, examined, tested or analysed, or

(II) the disposal of such food,

which food is with reasonable cause suspected of having been derived from an animal (including food derived from its carcase), in respect of which—

(A) an animal remedy or ingredient for an animal remedy was suspected of having been administered or used otherwise than in accordance with this Act and the regulations made thereunder (including regulations deemed to have been so made or continued in force by virtue of *section 8 (8) or 31 (1)*), or

(B) the levels or amount of any specified substance or class of substance exceeds that provided for by virtue of regulations made under *subsection (1) (a) (vii)*,

(vi) the control (including the marking, labelling, detention, seizure, disposal and destruction) of any food

derived from an animal (including food derived from its carcase) in respect of which—

- 5 (I) an animal remedy or ingredient for an animal remedy was administered or used otherwise than in accordance with this Act and the regulations made thereunder (including regulations deemed to have been so made or continued in force by virtue of *section 8 (8)* or *31 (1)*), or
- 10 (II) the levels or amount of any specified substance or class of substance exceeds that provided for by virtue of regulations made under *subsection (1) (a) (vii)*,
- (vii) the inspection, examination or carrying out of tests and analyses—
- 15 (I) on any animal, animal carcase or food derived from, or with reasonable cause suspected of having derived from, an animal or an animal carcase, or on any specimen from such animal or animal carcase or sample from such food,
- 20 (II) on any substance to establish whether or not such substance is an animal remedy or an ingredient for an animal remedy, or
- (III) on any thing to which *subsection (1) (a) (iii)* relates,
- 25 and for the charging of fees or levies on or in respect of either or both such tests and analyses and for the manner of proving in any proceedings of documents certifying the results of any such inspection or examination or of any test or analysis so carried out,
- 30 (viii) the specification of methods, processes, safeguards or precautions which are to be observed in respect of any control referred to in this subsection,
- (ix) the manner of proving in any proceedings of any document, being a licence, authorisation or direction of the Minister or such other person or class of persons as may be specified by regulations made under *subsection (1)*, and
- 35 (x) the purpose of giving effect or further effect to existing or future acts of the institutions of the European Communities which relate to—
- 40 (I) veterinary medicinal products, or
- (II) residues of veterinary medicinal products in animals or foodstuffs, or
- 45 (III) any other matter in respect of which the Minister may make regulations in respect of any other provision specified in this subsection or in *subsection (1)*.

(3) Where the Minister makes regulations under this section which

include or are for the purpose of giving effect to an act of one of the institutions of the European Communities then—

(a) that fact, together with the institution and act concerned, shall be specified by the Minister when making those regulations, and 5

(b) the provisions of section 4 (inserted by the European Communities (Amendment) Act, 1973) of the Act of 1972 shall apply to those regulations as if they had been made under section 3 of the Act of 1972.

(4) Subject to *subsection (6)*, the Minister may, after consultation with the Consultative Committee, by regulations specify that some or all of the particulars— 10

(a) set out in *subsection (1)* or (5) (b) (ii) of *section 4*, or

(b) specified in regulations made under *subsection (7)* of *section 4*, 15

need not be published in relation to certain types of animal remedies or to certain forms of advertisement or other promotion where the Minister is satisfied that, having regard to the type of animal remedy or to the form of advertisement or other promotion, it would not be reasonable or practicable to require such publication. 20

(5) The Minister may—

(a) in the case of regulations made under section 14 (as amended by the Misuse of Drugs Act, 1977) of the Poisons Act, 1961, after consultation with the Consultative Committee, Comhairle na Nimheanna, and the Minister for Health, 25

(b) in the case of regulations made under section 15 of the Poisons Act, 1961, after consultation with the Consultative Committee and Comhairle na Nimheanna,

provide by regulations that some or all of the provisions required by regulations made under section 14 (as so amended) or 15 of the Poisons Act, 1961, shall not apply to— 30

(i) animal remedies or ingredients of animal remedies,

(ii) a specified class or classes of animal remedies or ingredients of animal remedies, or

(iii) a specified animal remedy or ingredient for an animal remedy. 35

(6) (a) Subject to *paragraph (b)*, regulations under this section which, if made, would have the effect of prohibiting the supply or sale, in any of the circumstances set out in *subparagraph (i)* or (ii) of *paragraph (a)* of *subsection (5)* of *section 4*, of all animal remedies or of animal remedies of a particular class or description shall not be made unless— 40

(i) Dáil Éireann has by resolution consented to such prohibition, or 45

(ii) the prohibition is necessary for the purpose of enabling section 2 of the Act of 1972 to have full effect.

(b) This subsection shall not apply to any regulation which prohibits generally the sale or supply—

(i) of an animal remedy or an ingredient for an animal remedy, or

5 (ii) of any class of animal remedy, or any class of ingredient for an animal remedy, or

(iii) except under licence, authorisation or direction, of all or any class of animal remedy or all or any class of ingredient for an animal remedy.

10 (7) Where regulations to which *subsection (2) (b) (iii)* relate have been made in respect of animals or any kind of animal whose destruction is provided for under those regulations, the Minister may, subject to such conditions (if any) as the Minister considers appropriate in the circumstances to impose, exempt from such destruction any animal
15 so provided for which is imported into the State and to or in respect of which an animal remedy or ingredient for an animal remedy has been lawfully administered or used outside the State.

(8) (a) The regulations made under the Act of 1972 which are set out in *paragraph (b)* and the regulations made under the Poisons Act, 1961, which are set out in *paragraph (c)*
20 shall, subject to *sections 20 (2)* and *32 (2)* of, and the Schedule to, this Act be deemed to have been made under this section and, in the case of the regulations set out in *paragraph (b)*, the provisions of *subsection (3)* shall be
25 deemed to have been complied with.

(b) The following are the regulations made under the Act of 1972 to which *paragraph (a)* relates, that is to say:

(i) the European Communities (Veterinary Medicinal Products) Regulations, 1986;

30 (ii) the European Communities (Control of Oestrogenic, Androgenic, Gestagenic and Thyrostatic Substances) Regulations, 1988 (S.I. No. 218 of 1988);

(iii) the European Communities (Control of Veterinary Medicinal Products and Their Residues) Regulations,
35 1990 (S.I. No. 171 of 1990).

(c) The following are the regulations made under the Poisons Act, 1961, to which *paragraph (a)* relates, that is to say:

(i) the Poisons (Control of Residues in Foods of Animal Origin) Regulations, 1985 (S.I. No. 257 of 1985);

40 (ii) the Poisons (Control of Residues in Foods of Animal Origin) (Amendment) Regulations, 1986 (S.I. No. 236 of 1986).

(9) In this section—

“the Act of 1972” means the European Communities Act, 1972;

45 “European Communities” has the same meaning as it has in the Act of 1972.

9.—(1) (a) For the purpose of establishing whether or not any substance or combination of substances consists of or contains an animal remedy or an ingredient for an animal remedy, the Minister may—

(i) prescribe one or more than one particular method of test or analysis for the purpose of detecting specified substances, each which method shall be known as an approved method of test or analysis, 5

(ii) prescribe any person or body (whether corporate or unincorporate) for the said purpose as an approved person or body (in this section referred to as “an approved person or body”) for the carrying out, either generally or for any specified method of test or analysis (whether or not an approved method of test or analysis). 10 15

(b) In prescribing any particular method of test or analysis as an approved method of test or analysis, the Minister shall specify the level at which (in this section referred to as the “specified level”), or the result by which (in this section referred to as the “specified result”), the method shall be considered to have identified the presence of the substance or combination of substances concerned. 20

(2) As soon as is practicable after receipt of a substance or combination of substances by an approved person or body from or on behalf of— 25

(a) an authorised officer,

(b) a member of the Garda Síochána,

(c) an officer of Customs and Excise, or

(d) such other class or classes of persons as may be prescribed by regulations made by the Minister for the purposes of this provision, 30

that person or body shall analyse the substance or combination of substances, or a sample thereof, to detect whether or not it consists of or contains a specific substance or specific substances. 35

(3) Where an approved method of test or analysis is used and the outcome of the test or analysis is that the specified level or the specified result, as the case may be, was obtained, any person who could be affected by that outcome by way of the institution of criminal proceedings or by seizure of any thing may be served in the prescribed manner with a notice of the outcome, and that person may, within the time limit prescribed for that method of test or analysis, challenge the outcome. 40

(4) Where a person has challenged the outcome of the test or analysis (hereinafter in this section referred to as “the first method of test or analysis”) to which subsection (3) relates of a substance or combination of substances, or a sample thereof, then in each case the substance or a sample thereof may be submitted, in a prescribed manner (if any), to a different method of either test or analysis (hereinafter in this section referred to as “the second method of test or analysis”) which may or may not be a prescribed method of test or analysis by an approved person or body. 45 50

(5) Where, subsequent to a person (hereinafter in this subsection referred to as "the first-mentioned person") challenging in accordance with subsection (4) the outcome of the first method of test or analysis—

5 (a) (i) the first-mentioned person is convicted of an offence in respect of which the outcome of the first method of test or analysis was relevant, or

(ii) the court concerned orders the seizure, disposal or destruction of any thing which relates to the substance detected by the first method of test or analysis,

10 then the court shall, unless it is satisfied that there are substantial and special reasons for not so doing, order that there be paid, in respect of the costs incurred by or on behalf of the State, or paid or to be paid by the Minister or prescribed person (if any) to a person or body, for the
15 second method of test or analysis, the amount of those costs by the first-mentioned person to the Minister or prescribed person, as the case may be, or

(b) the first-mentioned person does not contest within such time limit as is specified in regulations made under section 8
20 the seizure, in accordance with regulations so made, of any thing which relates to the substance detected by the first method of test or analysis, then, in respect of the costs incurred by or on behalf of the State, or paid or to be paid by the Minister or prescribed person (if any) to a
25 person or body, for the second method of test or analysis, there shall be paid by the first-mentioned person the amount of those costs to the Minister or prescribed person, as the case may be, which amount may be recoverable as a simple contract debt in any court of competent jurisdiction.
30

(6) (a) Any document purporting to be made by or under the authority of an approved person or body, and signed by such a person or by a person with the authority of such a body or sealed with the seal of such a body where the
35 body is a body corporate, which certifies—

(i) that an approved method of test or analysis specified therein has been carried out for the purpose of detecting any substance so specified, and

(ii) that—

40 (I) the specified level has been reached or the specified result has occurred, as the case may be, for the said approved method of test or analysis, or

(II) the presence of that substance has been detected,

shall, subject to paragraph (b)—

45 (A) be sufficient evidence in any proceedings of the matters so certified and that the substance has been detected by that method of test or analysis, unless the contrary is shown, and

50 (B) be sufficient evidence in any proceedings without proof of the signature of any person who so signed or, where such a body is a body corporate

and its seal has been affixed to such a document, without proof of the seal and of the signature of any person purporting to be present when the seal was affixed, unless the contrary is shown.

- (b) Where both a first method of test or analysis and a second method of test or analysis have been carried out on the same substance or a sample thereof, *paragraph (a)* shall not apply unless a document to which that paragraph relates has been tendered in evidence in the proceedings concerned in respect of each test or analysis.

(7) Nothing in this section shall be construed so as to prevent from being admissible in evidence the outcome of a method of test or analysis which is not a test or analysis to which *subsection (6)* relates.

(8) Without prejudice to the provisions of *section 8*, the Minister may prescribe such matters, including incidental and consequential matters, as appear to the Minister to be necessary or expedient for the purpose of implementing the provisions of this section.

(9) In this section "prescribed" means prescribed by regulations made by the Minister.

Authorised officers.

10.—(1) There may be appointed in writing such and so many of the Minister's officers or other persons as the Minister thinks fit to be authorised officers for the purposes of some or all of the provisions of this Act as shall be specified therein.

(2) A warrant of appointment as an authorised officer shall be issued to every person appointed under this section and when exercising any function conferred on the person as an authorised officer such person shall, if requested by a person affected, produce the warrant to that person.

(3) The Minister may at any time terminate an appointment as an authorised officer, whether or not the appointment was for a fixed period.

(4) An appointment as an authorised officer shall cease—

- (a) where the Minister terminates it pursuant to *subsection (3)*,
(b) where it is for a fixed period, on the expiry of that period,
(c) where the person appointed is an officer of the Minister, upon his ceasing to be such an officer.

(5) Nothing in *subsection (4)* shall be construed so as to prevent the Minister from reappointing as an authorised officer a person to whom that paragraph relates.

Inspection by authorised officers, etc.

11.—(1) Where an authorised officer or member of the Garda Síochána or an officer of Customs and Excise has reasonable cause to suspect that—

- (a) the manufacture, importation, preparation, handling, storage, transport, exportation, distribution, sale, supply or use of an animal remedy or any ingredient for an animal remedy is taking place or has taken place in, on, under or from any land, premises or in, on or from any vehicle,

- (b) an offence is being or has been committed under this Act in, on, under or from any land, premises or in, on or from any vehicle,
- 5 (c) any land or premises is used for or in connection with the breeding, rearing, fattening, keeping, exhibiting, selling or transporting of animals,
- (d) any land or premises is a slaughterhouse or is used for or in connection with the slaughter of animals,
- 10 (e) in, on, under or from any land or premises or in, on or from any vehicle, there is or was any animal of any species to which an animal remedy is being or has been administered or there is or was any food derived from such an animal or any carcase of such an animal, or
- 15 (f) in, on, under or from any land or premises or in, on or from any vehicle, there is or was any animal remedy, or any ingredients for animal remedies, or any machinery, instruments or other thing used in the manufacture, preparation, handling, storage, transport, exportation, distribution, sale, supply or use of animal remedies or ingredients for
- 20 animal remedies,

such authorised officer or member of the Garda Síochána or officer of Customs and Excise (in this section referred to as "the relevant person") may, subject to *subsection (2)*, stop any such vehicle or enter (if necessary by force) any such land or premises, or land or premises

25 used in connection with such land or premises, or any such vehicle, and there, or at any other place, and with such authorised officers, members of the Garda Síochána and officers of Customs and Excise (if any) as the relevant person considers appropriate—

- 30 (i) search for and examine, inspect or test any animals, food derived from animals or carcases of animals or anything believed to be an animal remedy or an ingredient for an animal remedy or anything to which *paragraph (f)* relates,
- 35 (ii) take such specimens (including blood, urine, faeces, tissue or remains of implants) from any animals, food derived from animals or carcases of animals, and may for that purpose perform or cause to be performed any procedure (including surgery) as is considered necessary on such animals, food or carcases,
- 40 (iii) take such reasonable samples of or from any substances or of or from a thing which may be considered appropriate for the purposes of this Act,
- 45 (iv) seize and detain anything to which *paragraph (f)* relates or anything which is believed to be or to contain an animal remedy or an ingredient for an animal remedy kept, used or intended to be used in contravention of the provisions of this Act,
- (v) search for and examine any document and take extracts from and copies of any such document,
- 50 (vi) seize and detain an animal—

(I) in respect of which it is, with reasonable grounds,

believed by the relevant person that a prohibited animal remedy or ingredient for an animal remedy has been administered to it in contravention of this Act or of regulations made or continued in force or deemed to have been made under this Act, and 5

(II) in relation to which either or both—

(A) the relevant person is aware that an application has been made or will be made for the destruction of the animal, and 10

(B) the relevant person has reasonable grounds for believing that the animal has been or may be moved in contravention of any notice duly served,

in accordance with regulations made or continued in force or deemed to have been made under this Act and which are for the time being in force, 15

(vii) require any person who is suspected to be, or to have been engaged in the manufacture, preparation, handling, storage, transport, exportation, distribution, sale, supply or use of, or any person who is suspected to have possession or control of or to have kept or to keep, any animal remedy, ingredient for an animal remedy, animal, food derived from animals, carcasses of animals or anything to which *paragraph (f)* relates, or any person who is suspected to be, or to have been, engaged in the breeding, rearing, fattening, keeping, exhibiting, selling or transporting or in the possession or control of any animal— 20 25 30

(I) in the case of any documents in the possession or control of that person or any such remedy, ingredient, animal, food, carcase or thing, to produce them to the relevant person or any authorised officer, member of the Garda Síochána or officer of Customs and Excise, 35

(II) in the case of any information in relation to such document, remedy, animal, food, carcase or thing which may be required (including the source of that document, remedy, animal, food, carcase or thing), to furnish them to the relevant person or any authorised officer, member of the Garda Síochána or officer of Customs and Excise, 40 45

(viii) require any person, being the owner or the person in charge of animals, or the owner or occupier of, or employed in or on, lands or premises so entered to give assistance, to carry out such instructions and to give such information as may be reasonably necessary for the purposes of *paragraphs (i) to (vii)*, and 50

(ix) require any person who is for the time being in charge or control of any vehicle so stopped or entered—

(I) to refrain from moving it, and

(II) to give assistance, to carry out such instructions and to give such information as may be reasonably necessary for the purposes of paragraphs (i) to (vii).

5

(2) The functions of a relevant person under this section may only be exercised in respect of a dwelling or so much of a vehicle or premises as constitutes a dwelling where the relevant person has reasonable cause to suspect that, before a search warrant could be sought in relation to the dwelling under section 12, anything to which the said subsection (1) relates—

10

(a) is being destroyed or disposed, or

(b) is likely to be destroyed or disposed.

(3) An authorised officer, member of the Garda Síochána or officer of Customs and Excise accompanying the relevant person may exercise all the functions conferred on the relevant person by virtue of subsection (1) or (2).

15

12.—(1) If a judge of the District Court is satisfied by information on oath of an authorised officer, member of the Garda Síochána or an officer of Customs and Excise that there is reasonable cause for suspecting that—

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Search warrants for land or premises, etc.

(a) evidence of or relating to the commission or intended commission of an offence under this Act is to be found in, on or under any land or premises or in or on any vehicle and that such land, premises or vehicle or any part thereof consists of a dwelling, or

25

(b) there is or was or is intended to be in, on or under any land or premises, in or on any vehicle and that such land, premises or vehicle or any part thereof consists of a dwelling, any animal remedy or ingredient for an animal remedy in relation to which a contravention of this Act, or any regulation made thereunder or continued in force or deemed to have been made thereunder, is being or has been or is intended to be committed, or

30

(c) a document directly or indirectly relating to, or connected with, a transaction or dealing which was, or an intended transaction or dealing which would if carried out be, an offence under this Act, is in the possession or under the control of a person in, on or under any land or premises or in or on any vehicle and that such land, premises or vehicle or any part thereof consists of a dwelling,

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40

such judge may issue a search warrant under this section.

(2) A search warrant issued under this section shall be expressed and operate to authorise a named authorised officer, named member of the Garda Síochána or named officer of Customs and Excise, accompanied by such authorised officers, members of the Garda Síochána and officers of Customs and Excise as the named officer or member thinks necessary, at any time or times within one month from the date of issue of the warrant, on production if so requested of the warrant to enter (if necessary by force) the land, premises or vehicle named in the warrant.

50

(3) Where any premises, land or vehicle is entered pursuant to a warrant issued under this section, an authorised officer, a member of the Garda Síochána or an officer of Customs and Excise so entering may—

(a) stop and detain any person found in, on or under such land or premises, or in or on such vehicle, for the purpose of searching that person and to search or cause to be searched that person, and 5

(b) exercise all or any of the powers referred to in *section 11*.

Search of suspects,
etc.

13.—(1) Where with reasonable cause a member of the Garda Síochána or an officer of Customs and Excise suspects that a person is in possession in contravention of this Act of an animal remedy or an ingredient for an animal remedy, the member or officer may without warrant— 10

(a) search or cause to be searched by such a member or officer the person and, if the member or officer considers it necessary for that purpose, detain the person for such time as is reasonably necessary to carry out the search, 15

(b) search or cause to be searched by such a member or officer any vehicle in which the member or officer suspects that such substance may be found and for the purpose of carrying out the search, if any such member or officer thinks fit, require the person who is, for the time being, in charge or control of the vehicle to bring it to a stop and when stopped to refrain from moving it or, in case the vehicle is already stationary, to refrain from moving it, or 20 25

(c) seize and detain, or cause to be seized and detained by such a member or officer, anything found in the course of a search under this section which any such member or officer reasonably suspects to be something which might be required as evidence in proceedings for an offence under this Act. 30

(2) Where a member of the Garda Síochána or an officer of Customs and Excise (as the case may be) decides to search or cause to be searched a person under this section the member or officer may require the person to accompany that member or officer to either a Garda Síochána station or a customs office for the purpose of being so searched at that station or office. 35

(3) A person who fails to comply with a requirement under this section shall be guilty of an offence. 40

Power of arrest.

14.—(1) Where with reasonable cause a member of the Garda Síochána suspects that—

(a) an offence under *section 13 (3)* or *section 20* (other than an offence under *paragraph (b)* or *(c)* of *subsection (1)* of that section or an offence under *subsection (2)* of that section which relates to an offence under the said *paragraph (b)* or *(c)*) has been committed and so suspects a person of having committed the offence, or 45

5 (b) a person is committing or has committed an offence under this Act in relation to the manufacture, importation, preparation, handling, storage, transport, exportation, distribution, sale, supply or use of any animal remedy or any ingredient for an animal remedy, the possession of which by such a person would be prohibited by regulations made or continued in force or deemed to have been made under this Act,

the member may arrest the person without warrant.

10 (2) Where with reasonable cause a member of the Garda Síochána—

15 (a) suspects that an offence under *paragraph (b) or (c) of subsection (1) of section 20*, or under *subsection (2) of that section which relates to an offence under the said paragraph (b) or (c)*, has been committed or attempted, and

(b) suspects a person of having committed the offence or having made the attempt,

then the member may arrest the person without warrant if—

20 (i) with reasonable cause the member suspects that the person, unless arrested, either will abscond for the purposes of evading justice or will obstruct the course of justice, or

25 (ii) having enquired of the person, the member has reasonable doubts as to the person's identity or place of abode, or

(iii) having enquired of the person, the member knows that the person does not ordinarily reside in the State, or has reasonable doubts as to whether the person so resides.

30 (3) Nothing in *paragraphs (i), (ii) and (iii) of subsection (2)* shall apply where a person is required to accompany a member of the Garda Síochána or an officer of Customs and Excise to a Garda Síochána station or a customs office for the purpose of *section 13 (2)* and who fails to comply with the requirement.

35 15.—Nothing in this Act shall operate to prejudice any power to search, or to seize or detain property, which may, apart from this Act, be exercised by a member of the Garda Síochána or an officer of Customs and Excise.

Savings for certain powers.

40 16.—A person shall not obstruct or impede an authorised officer, member of the Garda Síochána or officer of Customs and Excise in the due exercise of any of the functions conferred or exercisable by the authorised officer, member of the Garda Síochána or officer of Customs and Excise under this Act.

Obstruction.

45 17.—(1) The Minister may issue or cause to be issued to a person an identity document in respect of one or more than one function conferred on that person by the Minister under this Act or any other enactment (whether or not with the approval, consent or otherwise

Composite identity cards.

of another Minister of the Government) and each such document shall indicate—

- (a) that it is an identity document by reference to it being an identity card, warrant card, authorisation card or such other cognate expression as the Minister considers appropriate; 5
- (b) the name of the person to whom it is issued;
- (c) that it is issued pursuant to *section 17* of the *Animal Remedies Act, 1993*;
- (d) a reference to the provisions of every enactment in respect of which functions have been conferred by the Minister together with any designatory title (if any) for each of those functions; 10

and shall include a photograph of the person to whom it is issued and, either generally in respect of all such documents or in respect of a class or classes of such documents, such other matters as the Minister considers appropriate. 15

(2) A relevant statutory requirement shall be satisfied if, in lieu of the document to which that requirement relates being produced by the person authorised or otherwise appointed, there is produced by the person so authorised or otherwise appointed an identity document issued pursuant to *subsection (1)*, and the relevant statutory requirement shall be construed accordingly. 20

(3) In this section—

“conferred”, in relation to a function, means any form of assignment of the function to a person whether by means of a warrant of appointment or otherwise; 25

“photograph” means a full-face photograph of the person concerned and includes any other full-face image of the person concerned which is in the nature of a photograph, whether produced electronically or otherwise; 30

“relevant statutory requirement” means a requirement, however expressed, in any provision of an enactment that a person authorised or otherwise appointed under the enactment to exercise any function shall, when exercising that function, produce if requested by any person affected a specific document to that person. 35

Impersonation of authorised officer, etc. and possession of certain identity documents.

18.—(1) A person who, with the intention to deceive—

- (a) purports to be, or
- (b) acts in a manner that would lead another person to believe that he is, 40

a person duly appointed as an authorised person, officer, inspector, examiner or other officer of the Minister or a person otherwise duly appointed by or with the authority of the Minister or of any other purported member of the Government exercising any functions of the Minister either— 45

- (i) generally, or

- (ii) for the purposes of this Act or any other enactment or purported enactment,

shall be guilty of an offence.

- 5 (2) A person who, without lawful excuse, has in his possession any document which—

(a) has been,

(b) purports to be, or

(c) could lead another person to believe that it has been,

- 10 duly issued for the purpose of identifying the person in possession of the document as a person duly authorised by, or a duly authorised officer, inspector, examiner or other officer of, the Minister or otherwise duly appointed by or with the authority of the Minister or, in the case of *paragraph (b) or (c)*, of any other purported member of the Government exercising any functions of the Minister either—

- 15 (i) generally, or

(ii) for the purposes of this Act or any other enactment including, in the case of *paragraph (b) or (c)*, any purported enactment,

shall be guilty of an offence.

- 20 (3) In this section references to the Minister include the Department of Agriculture, Food and Forestry and any Minister of State at that Department and references to a purported member of the Government include any purported Department of State and any Minister of State at such Department.

- 25 19.—In any proceedings for an offence under this Act in which it is alleged that a contravention of the Act or of any regulations made, or continued in force or deemed to have been made, thereunder has occurred in relation to a class of animal remedy or a class of ingredient for an animal remedy, it shall not be necessary to show that the
30 contravention relates to a particular animal remedy or ingredient for an animal remedy where it can be shown that it relates to a thing which is a member of such a class of animal remedy or class of ingredient for an animal remedy.

Evidence of class of animal remedies to which a contravention relates.

- 35 20.—(1) A person shall be guilty of an offence under this section where the person contravenes (whether by act or omission)—

Offences.

(a) *section 6 or 16*, or does or omits anything, the doing or omission of which is provided for by regulations made under this Act to be an offence to which this paragraph relates,

- 40 (b) any provision of this Act other than a provision to which *paragraph (a)* relates, or does or omits anything, the doing or omission of which is provided for by—

(i) this Act,

- 45 (ii) regulations continued in force or deemed to have been made under this Act, or

(iii) regulations made under this Act,

not to be lawful or to be an offence (being an offence which is not an offence to which *paragraph (a)* relates), or

(c) a term or condition of any licence or authorisation or any direction. 5

(2) The European Communities (Control of Veterinary Medicinal Products and Their Residues) Regulations, 1990, are hereby amended by the substitution of the following for Regulation 11:

“11. A person who contravenes a provision of these Regulations or a condition of a licence under these Regulations shall be guilty of an offence.”. 10

Offences by bodies corporate, etc.

21.—(1) Where an offence under this Act has been committed by a body corporate and it is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any person who, when the offence was committed, was a director, manager, secretary or other officer of the body corporate, or a person 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 and punished as if guilty of the first-mentioned offence. 15 20

(2) Where the affairs of a body corporate are managed by its members, *subsection (1)* shall apply in relation to the acts and defaults of a member in connection with the functions of management as if such a member were a director or manager of the body corporate. 25

Prosecution of summary proceedings.

22.—(1) Proceedings in relation to a summary offence under this Act may be brought and prosecuted by the Minister.

(2) Notwithstanding section 10 (4) of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under this Act may be instituted within 2 years from the date of the offence. 30

Penalties.

23.—(1) A person who commits an offence under *section 20 (1) (a)* shall be liable—

(a) on summary conviction, to a fine not exceeding £1,000, or to imprisonment for a term not exceeding one year, or to both, 35

(b) on conviction on indictment—

(i) in the case of a first offence under this section, to a fine not exceeding £100,000, or to imprisonment for a term not exceeding 10 years, or to both,

(ii) in the case of a second or subsequent offence under this section to a fine not exceeding £250,000, or to imprisonment for a term not exceeding 10 years, or to both. 40

(2) A person who commits an offence under *section 13 (3)* or *subsection (1)* or (2) of *section 18* or *paragraph (b)* or (c) of *subsection (1)* of *section 20* shall be liable— 45

(a) on summary conviction, to a fine not exceeding £1,000, or to imprisonment for a term not exceeding six months, or to both,

(b) on conviction on indictment—

5 (i) in the case of a first offence under this section, to a fine not exceeding £25,000, or to imprisonment for a term not exceeding 5 years, or to both,

10 (ii) in the case of a second or subsequent offence under this section to a fine not exceeding £50,000, or to imprisonment for a term not exceeding 5 years, or to both.

24.—(1) Any person who is convicted on indictment of an offence under this Act may, in addition to the penalty imposed thereunder— Disqualification from keeping animals, animal remedies, etc.

15 (a) be disqualified from keeping, dealing in or having charge or control, directly or indirectly, of either or both—

(i) any animal or class or classes of animal, and

(ii) any animal remedy or class or classes of animal remedy or any ingredient thereof,

20 (b) be disqualified from working in or having charge or control of any one or more of the following, that is to say, the manufacture, importation, preparation, handling, storage, transport, exportation, distribution, sale or supply of either or both food intended for human consumption and food intended for animal consumption or of any class or classes of either or both such foods,

25 for such period, including where appropriate for the life of the person, as the court thinks fit.

(2) In this section “control” includes, in relation to a body corporate, the power of the person concerned to secure, by means of holding shares or the possession of voting power in or in relation to that or any other body corporate, or by virtue of powers conferred by articles of association or other document regulating that or any other body corporate, that the affairs of the first-mentioned body corporate are conducted in accordance with the wishes of that person.

35 25.—(1) Where—

Forfeiture of animal, animal remedy, etc.

(a) an animal remedy, or

(b) an ingredient for an animal remedy, or

(c) an animal to which an animal remedy has been administered, or

40 (d) any thing used in connection with a prohibited animal remedy or any thing directly used in connection with any other animal remedy, or

(e) any thing used in connection with an animal to which a prohibited animal remedy has been administered or any

thing directly used in connection with an animal to which any other animal remedy has been administered,

has come into the possession of an authorised officer in respect of which an offence is with reasonable cause suspected by the officer of having been committed under this Act, or where an offence has been committed or is alleged to have been committed under this Act in respect of any of the matters referred to in *paragraph (a), (b), (c), (d) or (e)*, and on the application before a court of— 5

(i) the Minister, or

(ii) where criminal proceedings have been instituted, the person who instituted those proceedings, 10

the appropriate court may, at its discretion and where it is satisfied that an offence has been committed (whether or not any person has been convicted of the offence) order the forfeiture of any such animal, animal remedy, ingredient for an animal remedy, or other thing, as the case may be. 15

(2) Any thing ordered by the appropriate court to be forfeited under this section shall be disposed of as the Minister thinks fit or as may be provided for by regulations made under *section 8*, and any moneys arising from such disposal shall, without prejudice to it being taken into account (where appropriate) for the purposes of *section 27*, be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance shall direct. 20

(3) (a) In this section—

“appropriate court” means— 25

(i) in case the estimated value of the animal, animal remedy, ingredient for an animal remedy or other thing to be forfeited does not exceed £5,000, the District Court,

(ii) in case the estimated value aforesaid does not exceed £30,000, the Circuit Court, 30

(iii) in any case, the High Court;

“estimated value”, in relation to the thing sought to be forfeited, means the estimated amount of money which, in the opinion of the court, a willing purchaser would pay to a willing seller when such a thing could be sold legally and after deduction for— 35

(i) the estimated costs incidental to such a sale, and

(ii) the estimated amount of any tax or duty owing to the State in respect of that thing,

and when it cannot be sold legally then such estimated value, if any, as the court considers appropriate. 40

(b) (i) If, in relation to an application under this section to the District Court, that court becomes of opinion during the hearing of the application that—

(I) the estimated value aforesaid will exceed £5,000, 45
or

(II) that for any reason it should decline jurisdiction,

it may, if it so thinks fit, transfer the application to the Circuit Court or the High Court, whichever it considers appropriate having regard to the estimated value aforesaid or to such other matters that it considers appropriate.

(ii) If, in relation to an application under this section to the Circuit Court, that court becomes of opinion during the hearing of the application that—

(I) the estimated value aforesaid will exceed £30,000, or

(II) that for any reason it should decline jurisdiction,

it may, if it so thinks fit, by order transfer the application to the High Court.

(c) An application under this section shall be brought in a summary manner.

(4) (a) An order shall not be made by a court under this section unless the court is satisfied that in the circumstances all practicable steps have been taken to notify any person of the proceedings relating to the application for the order and who, in the opinion of the court, should be given the opportunity of being heard by it on that application.

(b) The court concerned may make such order as to the costs of the parties to or heard by the court in proceedings relating to an application for an order under this section as it considers appropriate.

26.—(1) Where in the course of exercising any powers under this Act a person, being an authorised officer, a member of the Garda Síochána or an officer of Customs and Excise, finds or comes into possession of any thing which such a person believes to be evidence of any offence or suspected offence under this Act, it may be seized and retained for use in evidence in any criminal proceedings, for such period from the date of seizure as is reasonable or, if proceedings are commenced in which the thing so seized is required for use in evidence, until the conclusion of the proceedings, and thereafter the Police (Property) Act, 1897, and where appropriate, section 25 of the Criminal Justice Act, 1951, shall apply to the thing so seized in the same manner as that Act and the said section 25 apply to property which has come into the possession of the Garda Síochána in the circumstances mentioned in that Act.

Disposal of things seized.

(2) The provisions of *subsection (1)* shall be without prejudice—

(a) to the provisions of *section 25* of this Act,

(b) to the application to the thing so seized of regulations made, or continued in force or deemed to have been made, under this Act.

27.—Where any thing which is seized from or forfeited by a person under this Act is duly disposed of by or on behalf of the State, the costs of such disposal, less any moneys arising from such disposal,

Recoupment of costs of certain disposals.

shall (except where such costs have been waived in writing) be recoverable from such person as a simple contract debt in any court of competent jurisdiction.

Laying of orders and regulations before Houses of the Oireachtas.

28.—Every order (other than an order made under *section 32 (1) (b) (ii)* or *33 (2)*) or regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order or regulation is passed by either such House within the next 21 days on which that House has sat after the order or regulation has been laid before it, the order or regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Fees and levies, etc.

29.—(1) There shall be paid—

(a) on an application for the grant of any licence, or for an authorisation, pursuant to regulations made under *section 8*, such fee (if any), and

(b) in respect of any fee or levy to which regulations made under *section 8 (2) (b) (vii)* relate, such fee or levy,

as may be fixed by the Minister with the consent of the Minister for Finance.

(2) Different fees may be fixed in respect of different classes of licences or authorisations and different levies may be fixed in respect of different classes of matters (being matters provided for by regulations made under *section 8 (2) (b) (vii)*).

(3) (a) All fees and levies payable under this Act shall be collected and taken in such manner as the Minister for Finance shall from time to time direct and shall, subject to *paragraph (b)*, be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the said Minister.

(b) Where—

(i) fees payable in respect of the granting of licences, the issuing of authorisations, the giving of directions or the provision of services by such person or persons, or such other class or classes of persons, as may be specified in regulations made under *section 8 (1) (b) (iii) (II)*, or

(ii) levies payable to such person or persons, or such other class or classes of persons, as may be so specified,

have been collected, those fees or levies shall be paid or disposed of in accordance with the directions of the Minister for Finance.

(4) Where, but for this subsection, the provisions of the Public Offices Fees Act, 1879, would apply in respect of any money payable under this Act, that Act shall not so apply.

Expenses.

30.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

31.—(1) All instruments (including regulations made under section 5 (1) (d) or 7 of the Act of 1956) and documents made or issued under the Act of 1956 and in force immediately before the repeal of the provision of the Act of 1956 concerned shall continue in force upon such repeal as if made or issued under this Act. Continuance of instruments, officers and documents.

(2) A person who, immediately before the commencement of section 10 (1), was an authorised officer for the purposes of the Act of 1956 shall be deemed upon such commencement to have been appointed under this section for all the purposes of this Act, other than sections 11 (2) and 12.

(3) In this section "the Act of 1956" means the Animal Remedies Act, 1956.

32.—(1) (a) The Animal Remedies Act, 1956, and section 21 of the Diseases of Animals Act, 1966, are hereby repealed. Repeals and revocations.

(b) (i) The Therapeutic Substances Act, 1932, is hereby repealed.

(ii) *Subparagraph (i)* shall come into operation on such day as may be fixed therefor by order of the Minister for Health after consultation with the Minister.

(iii) Upon the coming into operation of the order under *subparagraph (ii)*, section 8 (1) (b) (i) shall cease to have effect.

(2) The regulations set out in the *second column* of the *Schedule* to this Act opposite the reference number in the *first column* thereof are hereby revoked to the extent indicated in the *third column* opposite that reference number.

33.—(1) This Act may be cited as the Animal Remedies Act, 1993. Short title and commencement.

(2) This Act shall come into operation on such day or days as, by order or orders made by the Minister under this section, may be fixed therefor either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions.

Reference No.	Title of Statutory Instrument	Extent of revocation
1.	Poisons (Control of Residues in Foods of Animal Origin) Regulations, 1985 (S.I. No. 257 of 1985)	Paragraph (a) to (d) of Regulation 22, and Regulations 23 and 25.
2.	European Communities (Veterinary Medicinal Products) Regulations, 1986 (S.I. No. 22 of 1986)	Articles 12, 15 and 16.
3.	European Communities (Control of Oestrogenic, Androgenic, Gestagenic and Thyrostatic Substances) Regulations, 1988 (S.I. No. 218 of 1988)	Regulations 15 to 18, Regulations 29 to 31, and paragraphs (6) and (7) of Regulation 32.
4.	European Communities (Control of Veterinary Medicinal Products and Their Residues) Regulations, 1990 (S.I. No. 171 of 1990)	Paragraph (3) of Regulation 3.
5.	European Communities (Control of Oestrogenic, Androgenic, Gestagenic and Thyrostatic Substances) (Amendment) Regulations, 1991 (S.I. No. 198 of 1991)	The whole Regulations.
6.	European Communities (Control of Oestrogenic, Androgenic, Gestagenic and Thyrostatic Substances) (Amendment) Regulations, 1992 (S.I. No. 427 of 1992)	The whole Regulations.

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dá ngairtear

Acht d'athleasú an dlí i ndáil le leigheasanna ainmhithe a rialáil trí fhorálacha an Achta um Leigheasanna Ainmhithe, 1956, a aisghairm agus trína n-athachtú maille le leasuithe, agus trí na forálacha sin a leathnú ar shlí eile, do dhéanamh socrú chun éifeacht a thabhairt do ghníomhartha na gComhphobal Eorpach i ndáil le leigheasanna ainmhithe, do dhéanamh socrú chun an tAcht Substaintí Ice, 1932, a aisghairm, do dhéanamh socrú le haghaidh doiciméad aitheantais d'oifigh áirithe don Aire agus do dhaoine eile maidir le feidhmeanna reachtúla áirithe is infheidhmhithe ag na hoifigigh agus ag na daoine eile sin agus do dhéanamh socrú i dtaobh nithe eile a bhaineann leis na nithe réamhráite.

An tAire Talmhaíochta, Bia agus Foraoiseachta a thíolaic

*Ritheadh ag Dáil Éireann,
22 Meitheamh, 1993*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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entitled

An Act to revise the law relating to the regulation of animal remedies by repealing and re-enacting with amendments the provisions of the Animal Remedies Act, 1956, and by otherwise extending those provisions, to provide for the giving of effect to acts of the European Communities relating to animal remedies, to provide for the repeal of the Therapeutic Substances Act, 1932, to provide for identity documents for certain officers of the Minister and other persons in respect of certain statutory functions exercisable by such officers and other persons and to provide for other matters connected with the matters aforesaid.

Presented by the Minister for Agriculture, Food and Forestry

*Passed by Dáil Éireann,
22nd June, 1993*

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