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## **AN BILLE UM GHALAIR AINMHITHE (LEASÚ), 2001 DISEASES OF ANIMALS (AMENDMENT) BILL, 2001**

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### **EXPLANATORY AND FINANCIAL MEMORANDUM**

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#### *Background*

The purpose of the Bill is to enable significant powers to be exercised in circumstances where there is a risk of an outbreak of serious animal disease or during an outbreak. It includes provision of powers to authorised officers and the creation of new powers to regulate dealers and to control the resale of purchased animals. Certain penalties are increased, and provision is made for a court to ban a person from agriculture-related activities. The issue of illegal tampering, switching or removal of ear-tags is also addressed.

#### *Detailed Provisions*

*Section 1* provides for the definition of the words and phrases used in the Bill.

*Section 2* provides for the appointment of authorised officers and confers extensive powers on them. These include powers to stop persons and vehicles and enter any land or premises and detain and mark any animal, animal product, fodder or litter. The section also confers extensive powers of search, seizure and detention. A person may also be required to produce documents and give information. This section also provides that an authorised officer may dispose of any animal (including by slaughter), animal product, fodder or litter.

Obstruction of an officer is made an offence, for which a person may be arrested. On summary conviction, a person guilty of obstruction is liable to a fine of up to £1,500 and/or imprisonment for 6 months. On conviction on indictment, a person is liable to a fine of up to £100,000 and/or five years imprisonment.

*Section 3* empowers the Minister for Agriculture, Food and Rural Development to approve and register dealers and their premises and to regulate their activities by order. This section also provides that a person who purchases an animal may not sell or move that animal from his lands, save under permit, for a period of thirty days.

*Section 4* confirms by statute the basic legislation dealing with the control of foot and mouth disease. It also provides for increased penalties for breaches of the Orders concerned. They are brought into line with those mentioned in *section 2* above.

*Section 5* confirms by statute a number of Orders and Regulations made during the current foot and mouth crisis.

*Section 6* and the Schedule to the Act deal with miscellaneous amendments to the Diseases of Animals Act, 1966. The main thrust of these amendments is to extend the provisions of the Act, on areas and animals infected or suspected of being infected, to cover areas and animals at risk of infection.

*Section 7* provides that a court may order the forfeiture on indictment of vehicles, vessels or containers used in the commission of an offence.

*Section 8* of the Bill provides that a court may, in addition to any other penalty, ban a person or company from agriculture-related activities.

*Section 9* provides for an offence by a body corporate.

*Section 10* deals with illegal removal, switching or tampering of ear-tags in relevant proceedings.

*Section 11* provides for the short title, collective citation and construction of the Bill.

There are also a number of technical amendments in the Schedule.

#### *Financial Implications*

It is not expected that there will be any direct Exchequer costs from the measures being introduced under this legislation other than normal compensation provisions.

*An Roinn Talmhaíochta, Bia agus Forbartha Tuaithe,  
Márta, 2001.*