DÁIL ÉIREANN

AN BILLE UM SHLÁINTE AGUS LEAS AINMHITHE, 2012
—ROGHCHOISTE

ANIMAL HEALTH AND WELFARE BILL 2012
—SELECT COMMITTEE

Leasuithe agus Iondacha Breise
Additional and Substitute Amendments

SECTION 16
31. In page 18, before section 16, to insert the following new section:

16.—(1) A person shall not carry out, or cause or permit another person to carry out, on an animal, an operation or procedure which involves interference with, or the removal of, the sensitive tissue or the bone structure of the animal—

(a) for a purpose other than veterinary treatment, unless the operation or procedure is carried out in accordance with—

(i) animal health and welfare regulations, or

(ii) regulations under section 54A (inserted by section 2 of the Veterinary Practice (Amendment) Act 2012) of the Veterinary Practice Act 2005,

(b) for cosmetic reasons, or

(c) in a manner that—

(i) obliterates or obscures any mark identifying the animal, or

(ii) renders the identification of the owner of the animal more difficult.

(2) A person shall not show an animal at an event to which members of the public have access, if an operation or procedure referred to in subsection (1) has been carried out on the animal other than in accordance with animal health and welfare regulations or regulations under section 54A of the Veterinary Practice Act 2005.

(3) A person who contravenes this section commits an offence.

(4) In this section “veterinary treatment” means treatment of an animal carried out by a veterinary practitioner or veterinary nurse (registered under the Veterinary Practice Act 2005), but does not include an operation or procedure—

(a) prohibited by subsection (1)(b) or (c) or animal health and welfare regulations, or

(b) the subject of animal health and welfare regulations, but carried out other than in accordance with those regulations.
SECTION 16

(5) Nothing in the Veterinary Practice Act 2005 renders lawful anything done in contravention of animal health and welfare regulations.”.
—An tAire Talmhaíochta, Bia agus Mara.

Acceptance of this amendment involves the deletion of section 16 of the Bill.

[Note: This amendment is in substitution for amendment No. 31 on the second additional list of amendments dated 16 November, 2012]

SECTION 18

In page 19, before section 18, to insert the following new section:

18.—(1) A person shall not—

(a) poison a protected animal, or

(b) lay poison by a method or in a manner that a protected animal has or would have access to the poison.

(2) The owner, occupier or person in charge of land shall not lay or cause to be laid a poison or a substance containing a poison on land unless, before laying the poison or substance, he or she erects or causes to be erected, and maintains, a notice or notices of the laying of poison upon the land so that at least one notice is clearly visible from every public place adjoining or being upon the land.

(3) The owner, occupier or person in charge of land on which a poison or a substance containing a poison is laid shall give at least 7 days’ notice in writing in advance of the laying of the substance to the local authority for the functional area in which the land is situated.

(4) In proceedings for an offence under this section consisting of a contravention of subsection (1), it is a defence for the accused to show that all reasonable precautions were taken to prevent access to the poison or substance by protected animals.

(5) A person who contravenes this section commits an offence and is liable on summary conviction to a class B fine.

(6) In this section—

“poison” does not include the administration of an animal remedy (within the meaning of the Animal Remedies Act 1993) to an animal;

“land” means land on which a protected animal is kept or to which a protected animal has access but does not include areas within the structure of a building or used for purposes ancillary to the use of the building.

(7) This section is in addition to and not in substitution for any enactment relating to the laying of poison.”.
—An tAire Talmhaíochta, Bia agus Mara.

Acceptance of this amendment involves the deletion of section 18 of the Bill.

[Note: This amendment is in substitution for amendment No. 35 on the principal list of amendments dated 7 November, 2012]