SEANAD ÉIREANN

AN BILLE UM SHLÁINTE AGUS LEAS AINMHITHE, 2012
—AN COISTE

ANIMAL HEALTH AND WELFARE BILL 2012
—COMMITTEE STAGE

Leasuithe Breise agus Ionadacha
Additional and Substitute Amendments

[*Government amendments are denoted by an asterisk.]

SECTION 22

*23a. In page 22, lines 26 and 27, to delete subsection (1) and substitute the following:

“22.—(1) A person shall not—

(a) sell an animal to a person who is apparently under the age of 16 years, or

(b) give an animal as a prize to a person who is apparently under the age of 16 years, unless that person is accompanied by a person of full age to whom section 2(3) refers.”.

SECTION 23

*26. In page 22, lines 29 to 31, to delete subsection (1) and substitute the following:

“23.—(1) Subject to this section, a person shall not kill a protected animal or cause or permit another person to kill a protected animal, unless the person killing the animal is competent to kill it in accordance with animal health and welfare regulations (if any) and does so in such manner as to inflict as little suffering as possible in the circumstances.”.

[This amendment is in substitution for amendment No. 26 on the principal list of amendments dated 22nd May, 2012.]

*27a. In page 22, subsection (2), line 42, after “may” to insert the following:

“, without having to seek the consent of its owner or the person in control of it.”.

SECTION 36

*44a. In page 33, subsection (4)(b)(i), lines 28 and 29, to delete “a term of imprisonment” and substitute “imprisonment for a term”.

[No. 31 of 2012] [15 June, 2012]
SECTION 63

*52a. In page 54, before section 63, but in Part 11, to insert the following new section:

63.—(1) The Minister may establish and continue animal tracing systems (including a database) in which shall be entered data mentioned in subsection (2) in relation to protected animals.

(2) For the purposes of subsection (1), the Minister may by regulations provide for—

(a) the collection of data by such means, including electronically, as the Minister considers appropriate, on—

(i) land and premises where protected animals are kept,

(ii) births, movements and deaths of protected animals,

(iii) persons who move protected animals whether on their own behalf or on behalf of other persons,

(b) the persons or classes of persons required to submit or keep data,

(c) the type or breed of protected animal to which the collection of data applies,

(d) the period within which data is to be submitted and to whom,

(e) the form and content of data to be kept,

(f) the use of a database in connection with tracing and, in particular, the export, movement, sale or supply of a protected animal, or slaughter for human consumption of a farm animal, and

(g) provision for access to such databases, systems and data.

(3) In proceedings for an offence for a contravention of or failure to comply with regulations made under subsection (2) a certificate purporting to be signed by a person employed in connection with an animal tracing scheme stating the capacity in which the person is employed and stating that on a particular day or days, or during a particular period—

(a) data required to be submitted—

(i) was received and the information contained in that data, or

(ii) by a named person was not received,

and

(b) data specified in the certificate is a legible copy of the data stored in the system,

is, until the contrary is shown, sufficient evidence of the facts stated in the certificate.
(4) The Minister may for the purposes of animal tracing systems in regulations provide for the regulation, either generally or in specified circumstances, of the export, movement, sale or supply of protected animals or slaughter for human consumption of farm animals, to which the regulations apply.

(5) A person who contravenes or fails to comply with a provision of regulations made under this section which is stated in the regulations to be a penal provision—

(a) to which this paragraph applies, commits an offence and is liable, on summary conviction, to a class A fine, or

(b) to which this paragraph applies, commits an offence and is liable—

(i) on summary conviction, to a class A fine or to a term of imprisonment not exceeding 6 months, or to both, or

(ii) on conviction on indictment, to a fine not exceeding €250,000, or to imprisonment for a term not exceeding 5 years, or to both.

(6) Regulations made under this section are in addition to and not in substitution for animal health and welfare regulations.

(7) In this section “data” means information supplied or gathered and records kept for the purposes of tracing protected animals under protected animal tracing systems.”.

[Acceptance of this amendment involves the deletion of section 63 of the Bill.]

SECTION 69

*59a. In page 57, subsection (2)(b), line 42, to delete “of an animal mart” and substitute “, activity or event”.

*60. In page 57, subsection (3), line 45, after “mart” to insert “, activity or event”.

[This amendment is in substitution for amendment No. 60 on the principal list of amendments dated 22nd May, 2012.]

*60a. In page 57, subsection (3), line 47, after “mart” to insert “, activity or event”.

SECTION 71

*62a. In page 59, before section 71, to insert the following new section:

“Application (Part 12). 71.—This Part is in addition to, and not in substitution for, animal health and welfare regulations.”.

* Section proposed to be deleted.
[ SCHEDULE 1 ]

SCHEDULE 1

*63a. In page 63, between lines 27 and 28, to insert the following:

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 No. 16 of 1933  Musk Rats Act 1933  The whole Act
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*63b. In page 63, between lines 40 and 41, to insert the following:

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 No. 49 of 1947  Poultry Hatcheries Act 1947  The whole Act
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