DÁIL ÉIREANN

AN BILLE UM SHLÁINTE AGUS LEAS AINMHITHE, 2012
ANIMAL HEALTH AND WELFARE BILL 2012

LEASUITHE TUARASCÁLA
REPORT AMENDMENTS

[No. 31b of 2012] [26 March, 2013]
Leasuithe 
Amendments 

1. In page 7, line 14, after “AMEND” to insert “THE DOG BREEDING ESTABLISHMENTS ACT 2010,”. 
   —An tAire Talmhaíochta, Bia agus Mara.

2. In page 7, line 15, after “1993” to insert “AND THE WELFARE OF GREYHOUNDS ACT 2011”. 
   —An tAire Talmhaíochta, Bia agus Mara.

3. In page 9, line 17, to delete “on the island of Ireland” and substitute “in the State”.  
   —An tAire Talmhaíochta, Bia agus Mara.

4. In page 9, line 26, after “a” to insert the following: 
   “licence, identity document or passport issued in respect of an animal,”. 
   —An tAire Talmhaíochta, Bia agus Mara.

5. In page 11, to delete lines 14 to 23 and substitute the following: 
   “(b) all buildings, gates, fences, hedges, boundary walls and other structures used to contain the animal are constructed and maintained in a manner that minimises— 
   (i) the risk that the animal will stray, 
   (ii) the risk, or spread, of disease onto or from the land or premises on which the animal is kept, and 
   (iii) the risk that the animal will damage the flora and fauna of the surrounding environment where the animal is contained, having regard to shared boundaries or commonage.”. 
   —An tAire Talmhaíochta, Bia agus Mara.

6. In page 12, to delete lines 26 to 28 and substitute the following: 
   “(5) This section does not apply to anything done under or in accordance with— 
   (a) the Animal Remedies Act 1993, 
   (b) the Irish Medicines Board Act 1995, or 
   (c) the European Union (Protection of Animals used for Scientific Purposes) Regulations 2012 (S.I. No. 543 of 2012).”. 
   —An tAire Talmhaíochta, Bia agus Mara.
7. In page 13, to delete lines 8 to 28 and substitute the following:

“11.—(1) A person who has a protected animal in his or her possession or under his or her control shall, having regard to the animal’s nature, type, species, breed, development, adaptation, domestication, physiological and behavioural needs and environment, and in accordance with established experience and scientific knowledge, take all necessary steps to ensure that—

(a) the animal is kept and treated in a manner that—

(i) safeguards the health and welfare of the animal, and

(ii) does not threaten the health or welfare of the animal or another animal,

and

(b) all buildings, gates, fences, hedges, boundary walls and other structures used to contain the animal are constructed and maintained in a manner so that they do not cause injury or unnecessary suffering to the animal.”.

—An tAire Talmhaíochta, Bia agus Mara.

8. In page 13, line 9, to delete “necessary” and substitute “reasonable”.

—Éamon Ó Cuív.

9. In page 14, between lines 2 and 3, to insert the following:

“(2) A person shall be guilty of an offence if he keeps animals solely or primarily—

(a) for slaughter (whether by himself or another) for the value of their fur, or

(b) for breeding progeny for such slaughter including keeping animals or (as the case may be) breeding them for sale for slaughter for the value of their fur.

(3) This Act requires:

(a) the mandatory registration of current fur farmers, owners of farms used for fur farming,

(b) the Minister to appoint an official to make mandatory inspections on a regular basis of fur farming establishments to inspect the conditions of fur farms and ensure that humane practices are used according to the killing and eradication of animals,

(c) that only certified chemicals and processes be used to kill and eradicate animals used for the purposes of fur and ones which are environmentally friendly and do not risk contamination, pollution or adverse effects on the surrounding natural environment.”.

—Maureen O’Sullivan.

10. In page 14, to delete lines 3 to 10.

—Éamon Ó Cuív.

11. In page 14, line 34, before “that” to insert the following:

“, having recorded and taken into account the explanation given by the person responsible for the animal.”.

—Éamon Ó Cuív.
12. In page 15, to delete lines 8 and 9 and substitute the following:

“(11) This section does not apply to—

(a) the destruction of an animal in an appropriate and humane manner, or

(b) anything done under and in accordance with any of the enactments or Regulations mentioned in section 10(5)*.

—An tAire Talmhaíochta, Bia agus Mara.

[*Note: This is a reference to the subsection proposed to be inserted by amendment 6.*]

13. In page 15, to delete lines 15 to 17.

—Clare Daly, Maureen O'Sullivan.

14. In page 17, between lines 9 and 10, to insert the following:

“(a) the use of hares,

(b) the use of canines for the hunting of any animal or the use of canines to extract wild animals that have gone to ground,

(c) the digging out of any wild animal gone to ground,

(d) the use of ferrets for the hunting of an animal,

(e) the culling of badgers,

(f) the use of wild animals in circus performances.”.

—Clare Daly, Maureen O'Sullivan.

15. In page 18, between lines 38 and 39, to insert the following:

“(12) The restriction contained in subsection (1)(e) does not prevent the training of an animal, for the purpose of domesticating the animal and making it safe to manage by persons competent to train that animal, provided that—

(a) unnecessary suffering is not thereby caused to the animal, and

(b) any activity involved in the training of the animal is not prohibited by animal health and welfare regulations.”.

—An tAire Talmhaíochta, Bia agus Mara.

16. In page 20, to delete lines 11 to 14 and substitute the following:

“(3) The owner, occupier or person in charge of land on which a poison or a substance containing a poison is laid shall give—

(a) at least 7 days’ notice in writing in advance of the laying of the poison or substance, or

(b) if the poison or substance is being laid as part of a programme for the control of vermin in crops, at least 7 days’ notice in writing in advance of the commencement of the programme accompanied by details of when it is proposed to lay the poison or substance,

to the local authority for the functional area in which the land is situated.”.

—An tAire Talmhaíochta, Bia agus Mara.
17. In page 24, between lines 39 and 40, to insert the following:

“(5) Where a local authority or the Minister proposes to recover the costs of anything done under this section, the authority or Minister, as the case may be, shall—

(a) inform by notice the person concerned of the costs (including, but not limited to, salaries, subsistence, hiring of vehicles, machinery or equipment, feeding and veterinary fees), the reason for the costs and that the person may make representations in relation to the proposal not later than 14 days from the date of the notice,

(b) consider any representations duly made, and

(c) make a decision and inform by notice the person concerned, stating the decision and the reasons for the decision.”.

—An tAire Talmhaíochta, Bia agus Mara.

18. In page 25, between lines 21 and 22, to insert the following:

“(i) safeguarding animals exposed to hazards in testing and research laboratories.”.

—Clare Daly, Maureen O'Sullivan.

19. In page 26, line 44, after “House” to insert the following:

“having been discussed by the relevant committee of the House”.

—Éamon Ó Cuív.

20. In page 27, to delete lines 4 to 18 and substitute the following:

27.—(1) A person shall not export or attempt to export an animal live from the State unless he or she—

(a) has paid to the Minister the amount of any outstanding animal health levy, or

(b) is acting in accordance with regulations under this section relating to the payment to the Minister of animal health levy.

(2) The Minister may by regulations provide for matters relating to the payment of animal health levy and such regulations may in particular provide for—

(a) the periodic issue of invoices, including by means of electronic communication,

(b) the prohibition on the export of an animal except under specified conditions,

(c) the receipt of animal health levy including by electronic means,

(d) the arrangements for the collection and payment of animal health levy on behalf of persons from whom it is due and payable by persons of a particular class or description,

(e) the keeping of records and the making of returns (including electronic records and returns) for the purposes of this Part,
(f) the persons or a class of persons by whom such records are to be maintained or returns made,

(g) the period for which such records are to be maintained,

(h) the production of such records to such persons as are specified in the regulations,

(i) the use of systems whether maintained under Part 11 or otherwise for the purposes of assessing and verifying the amount of animal health levy due and payable, and

(j) such incidental, supplementary and consequential provisions as appear to the Minister to be necessary for the purposes of the payment of animal health levy.

(3) Regulations made under subsection (2) may provide for different arrangements for the payment of animal health levy due and payable in respect of an animal exported live from the State, in respect of a slaughtered animal or in respect of milk.

(4) A person who contravenes subsection (1) or a provision of regulations made under subsection (2) which is stated in the regulations to be a penal provision commits an offence.

(5) The Customs Acts apply to an animal the export of which is prohibited by this section or regulations made under subsection (2).”.

21. In page 27, line 22, to delete “prior to” and substitute “of”.

22. In page 27, line 31, after “shall” to insert the following:

“, unless otherwise provided for in regulations under section 27(2)*”.

23. In page 28, line 3, after “subsection (2)” to insert “or regulations made under section 27(2)*”.

24. In page 28, line 5, after “subsection (2)” to insert the following:

“or, as the case may be, regulations made under section 27(2)*”.

25. In page 29, between lines 32 and 33, to insert the following:

“(4) Where the Minister proposes to recover costs under subsection (3), the Minister shall—
(a) inform by notice the person concerned of the costs (including, but not limited to, salaries, subsistence, hiring of vehicles, machinery or equipment, feeding and veterinary fees) the reason for the costs and that he or she may make representations in relation to the proposal not later than 14 days from the date of the notice,

(b) consider any representations duly made, and

(c) make a decision and inform by notice the person concerned, stating the decision and the reasons for the decision.”.

—An tAire Talmhaíochta, Bia agus Mara.

26. In page 31, to delete lines 43 to 45.

—Éamon Ó Cuív.

27. In page 35, between lines 9 and 10, to insert the following:

“(5) Section 16 of the Dog Breeding Establishments Act 2010 does not apply to a dog in a dog breeding establishment where—

(a) the dog is implanted with a microchip, or

(b) the dog is removed, caused to be removed or its removal has been permitted to another premises,

in accordance with animal health and welfare regulations.

(6) Animal health and welfare regulations may provide for the extent (if any) to which—

(a) regulations under section 28 of the Control of Horses Act 1996 relating to the identification of horses, or

(b) regulations under section 9(2) of the Welfare of Greyhounds Act 2011 regarding the identification and traceability of greyhounds, do not apply.”.

—An tAire Talmhaíochta, Bia agus Mara.

28. In page 35, between lines 9 and 10, to insert the following:

“(5) All such regulations will be brought before the relevant committee of the House for discussion before being approved by the House.”.

—Éamon Ó Cuív.

29. In page 35, line 12, after “Minister” to insert “or an authorised officer of the Department”.

—Éamon Ó Cuív.

30. In page 35, between lines 16 and 17, to insert the following:

“(2) The Minister will be obliged to have regard for experience and qualification when appointing authorised officers.”.

—Clare Daly, Maureen O'Sullivan.

31. In page 35, line 18, after “Act” to insert the following:

“in the functional area of the authority, or other authority in accordance with subsection (5)(b),”.
32. In page 35, line 21, after “Act” to insert the following:

“in the functional area of the authority, or other authority in accordance with subsection 5(b)”.

33. In page 35, between lines 27 and 28, to insert the following:

“(4) An authorised officer appointed under subsection (3) shall not exercise a function conferred on an authorised officer in relation to—

(a) an animal of the bovine, ovine, porcine or caprine species which is kept on a farm for the commercial production of food for human consumption, or

(b) a horse kept on such a farm.”.

34. In page 35, between lines 27 and 28, to insert the following:

“(4) Persons may only be appointed authorised officers under subsection (1), (2) and (3) where they have satisfied the Minister or appointing authority that they have the experience, technical competence, and other qualifications to undertake the functions of an authorised officer.”.

35. In page 37, line 9, before “regarding” to insert “or produce for inspection any record”.

36. In page 38, between lines 10 and 11, to insert the following:

“(5) The power conferred on an authorised officer under subsection (4)(a) and (b) may only be exercised by an inspector of the Minister.”.

37. In page 38, to delete lines 38 to 40 and substitute the following:

“(2) Where a person is arrested by a member of the Garda Síochána under subsection (1), the person shall be taken by the member to a Garda Síochána station and may be detained there or arrested and detained there in accordance with section 4 of the Criminal Justice Act 1984 and, accordingly, the reference in subsection (2) (inserted by section 9 of the Criminal Justice Act 2006) of that Act to “an offence to which this section applies” is to be read as including a reference to an offence referred in section 36(4)(b) or 52(2).”.

38. In page 40, line 8, to delete “authorised officer” and substitute the following:

“inspector, or an authorised officer on the advice of a veterinary practitioner”.

39. In page 44, between lines 39 and 40, to insert the following:

“(5) Where a local authority, the Minister or a person who appointed an authorised officer proposes to recover the costs of anything done under this section, the authority, Minister or person shall—
inform by notice the person concerned of the costs (including, but not limited to, salaries, subsistence, hiring of vehicles, machinery or equipment, feeding and veterinary fees) the reason for the costs and that he or she may make representations in relation to the proposal not later than 14 days from the date of the notice,

(b) consider any representations duly made, and

(c) make a decision and inform by notice the person concerned, stating the decision and the reasons for the decision.”.

—An tAire Talmháíochta, Bia agus Mara.

40. In page 46, to delete lines 18 to 24 and substitute the following:

“49.—(1) Where an authorised officer has reasonable grounds for believing that a person is committing or has committed an offence under section 18, 51(4) or 36(4) (a), an offence referred to in section 52(1) or an offence under section 64(4), he or she shall report this to, as the case may be, another officer of the Minister authorised by the Minister or another officer of the local authority concerned, authorised by the manager of that local authority, in that behalf.

(2) An officer who receives a report under subsection (1), if he or she considers it appropriate, may serve on the person a notice in writing (“fixed payment notice”) stating that—”.

—An tAire Talmháíochta, Bia agus Mara.

41. In page 46, line 20, after “believing” to insert the following:

“, having recorded and taken into account the explanation given by the person responsible for the animal.”.

—Éamon Ó Cuív.

42. In page 52, line 4, to delete “section 18(7)” and substitute “section 18(5)”.

—An tAire Talmháíochta, Bia agus Mara.

43. In page 55, to delete lines 35 to 49 and substitute the following:

62.—(1) Without prejudice to the Criminal Evidence Act 1992, a copy of a record which has endorsed on it a certificate purporting to be signed by a person (authorised by the Minister in that behalf) stating that the copy is a true copy of the record may, without proof of signature (including an electronic signature) of that person, be produced in every court and in all legal proceedings and is evidence, unless the contrary is shown, of the record.

(2) A copy of an animal health and welfare notice, a fixed payment notice, a direction or requirement in writing of an authorised officer or a licence, permit, approval or authorisation under animal health and welfare regulations shall be authenticated by the signature of the person issuing it. An electronic signature (within the meaning of section 2 of the Electronic Commerce Act 2000) may be used for such authentication.”.

—An tAire Talmháíochta, Bia agus Mara.

44. In page 56, between lines 13 and 14, to insert the following:

“(iv) feral cat populations,

(v) animals sold as pets,
(vi) canines used for breeding purposes.”.

—Clare Daly, Maureen O’Sullivan.

45. In page 57, line 25, after “description” to insert “including feral animals”.

—Maureen O’Sullivan.

46. In page 57, to delete line 40 and substitute the following:
“within such period, being not less than 14 days, specified in the notice from the service of the notice and in such manner as specified in the notice.”.

—An tAire Talmhaíochta, Bia agus Mara.

47. In page 63, line 5, after “7,” to insert “9,”.

—An tAire Talmhaíochta, Bia agus Mara.

48. In page 63, line 5, after “26(2),” to insert “36(1) regarding the making of regulations,”.

—An tAire Talmhaíochta, Bia agus Mara.

49. In page 63, line 6, to delete “, 7”.

—An tAire Talmhaíochta, Bia agus Mara.

50. In page 64, after line 29, to insert the following:


77.—The Dog Breeding Establishments Act 2010 is amended, in section 17(b), by the insertion after “Act of 1986” of “or regulations made under section 36 of the Animal Health and Welfare Act 2013”.

—An tAire Talmhaíochta, Bia agus Mara.

51. In page 64, after line 29, to insert the following:


78.—The Welfare of Greyhounds Act 2011 is amended—
(a) in section 12(7)(b), by substituting for subparagraph (iii) the following:

“(iii) Part 2 or 3 or regulations made under section 36 of the Animal Health and Welfare Act 2013,”,

and

(b) in section 15(8)—

(i) in paragraph (a), by substituting for subparagraph (iii) the following:

“(iii) an offence under the Animal Health and Welfare Act 2013 relating to a contravention of Part 2 or 3 or regulations made under section 36 of that Act,”,

and

(ii) in paragraph (b), by substituting for subparagraph (iii) the following:

“(iii) an offence under the Animal Health and Welfare Act 2013 relating to a contravention of Part 2 or 3 or regulations made under section 36 of that Act,”.

—An tAire Talmhaíochta, Bia agus Mara.

52. In page 66, between lines 10 and 11, to insert the following:
[A Printer error has resulted in incorrect line references in page 66 of the Bill. The line references in this amendment refer to the actual number of lines of text in page 66 of the Bill.]

53. In page 74, to delete lines 11 to 14, and substitute the following:

“37. The provision of controls either generally or in relation to a particular area in respect of animal populations for the purposes of promoting, maintaining or improving animal health and welfare, including—”.

—An tAire Talmhaíochta, Bia agus Mara.

54. In page 74, lines 38 and 39, to delete “paragraph 39” and substitute “paragraph 40”.

—An tAire Talmhaíochta, Bia agus Mara.

55. In page 77, to delete lines 12 to 14.

—An tAire Talmhaíochta, Bia agus Mara.

56. In page 77, between lines 28 and 29 to insert the following:

40. Brucellosis in Cattle (General Provisions) (Amendment) Order 2007 (S.I. No. 666 of 2007)

—An tAire Talmhaíochta, Bia agus Mara.

57. In page 77, after line 57, to insert the following:

54. Brucellosis in Cattle (General Provisions) (Amendment) Order 2012 (S.I. No. 554 of 2012)


—An tAire Talmhaíochta, Bia agus Mara.