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

Mar a leasaíodh sa Roghchoiste um Thalmhaíocht, Bia agus an Muir

As amended in the Select Committee on Agriculture, Food and Marine

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

BILL

entitled

AN ACT TO REVISE THE LAW RELATING TO THE HEALTH AND WELFARE OF ANIMALS AND THEIR PROTECTION AND IDENTIFICATION; TO PROVIDE FOR THE REGULATION OF CERTAIN ACTIVITIES RELATING TO ANIMALS; TO PREVENT CRUELTY TO ANIMALS; TO MAKE PROVISION FOR THE LICENSING OF ANIMAL MARTS AND FOR LEVIES FOR THE PURPOSES OF ANIMAL HEALTH AND THE CONTROL OF ANIMAL DISEASES; TO REPEAL VARIOUS ENACTMENTS RELATING TO ANIMALS; TO AMEND THE ANIMAL REMEDIES ACT 1993 AND TO PROVIDE FOR RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

Preliminary and General

Short title and commencement.

1.—(1) This Act may be cited as the Animal Health and Welfare Act 2012.

(2) This Act comes into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to a particular purpose or provision and different days may be so appointed for different purposes and different provisions.

(3) An order under this section may as respects a repeal effected by *section 4* appoint different days for the repeal of different enactments or provisions of enactments mentioned in *Schedule 1*.

Interpretation.

2.—(1) In this Act—

"aircraft" and "airport" have, respectively, the same meanings as they have in the Air Navigation and Transport (Amendment) Act 1998;

"animal" means a member of the kingdom *animalae* other than a human being;

"animal health levy" has the meaning assigned to it in *section 26*;

"animal health and welfare notice" has the meaning assigned to it in *section 42*; 5

"animal health and welfare regulations" means regulations made under *section 36* and orders or regulations continued in force under *section 75*;

"animal product" means—

(*a*) the carcass, meat or other food derived from an animal or anything that contains a food derived from an animal, 10

(*b*) the semen, egg, ovum, embryo or foetus of an animal,

(*c*) an animal by-product or anything containing an animal by-product,

(*d*) a sample derived from an animal, or 15

(*e*) any thing derived from an animal or that consists of or contains an animal product;

"arbitrator" means a person appointed under *section 33*;

"authorised officer" means—

(*a*) a member of the Garda Síochána, 20

(*b*) an officer of Customs and Excise, or

(*c*) a person appointed under *section 37* during the period of his or her appointment;

"biosecurity" means the application of measures to reduce the risk of transmission of a disease or disease agent; 25

"code of practice" means a code of practice established or adopted under *section 25*;

"compensation" means compensation which may be paid under *section 31*;

"disease" means a disease including a zoonotic disease, specified in *Schedule 2* or in an order made under *section 7*; 30

"disease agent" means any vector, prion, virus, rickettsia, bacterium, protozoan, fungus, helminth, arthropod, insect or other pathogen or organism that is capable of spreading a disease to, or causing a disease in, an animal or human being, but does not include an animal remedy (within the meaning of section 1 of the Animal Remedies Act 1993) that is lawfully administered to the animal; 35

"disqualification order" means an order under *section 58(1)*;

"EU measure" means regulations made under the European Communities Act 1972, after the commencement of *Part 7*, relating to animals, animal products, animal feed, animal health and welfare or disease; 40

"farm animal" means an animal—

(*a*) bred or kept for the production of food, wool, skin, fur or feathers, or

(*b*) for use in, or for the purposes of, breeding, sport or the farming of land,

and includes (but is not limited to) bovine, ovine, porcine and caprine animals, cervidae, equidae, bees and poultry (including domesticated game birds);

"land" includes land covered by water;

"local authority" means a local authority for the purposes of the Local Government Act 2001;

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

"premises" includes a building, a dwelling or other structure (whether temporary or permanent) on or under land or in water;

"protected animal" means an animal—

(*a*) kept for farming, recreational, domestic or sporting purposes on the island of Ireland,

(*b*) when it is in the possession or under the control of a human being whether permanently or on a temporary basis, or

(*c*) that is not living in a wild state;

"public place" means a street, road or other place to which the public have access whether as of right or by permission and whether subject to or free of charge;

"purchase" means to acquire whether or not for consideration;

"record" includes a memorandum, book, plan, map, drawing, diagram, pictorial or graphic work or other document, a photograph, film or recording (whether of sound or images or both), any form in which data (within the meaning of the Data Protection Acts 1988 and 2003) are held, any other form (including machine-readable form) or thing in which information is held or stored manually, mechanically, electronically or optically and anything that is a part or a copy, in any form, of any of the foregoing or is a combination of 2 or more of the foregoing;

"sell" includes offer, expose or keep for sale, invite an offer to buy, distribute, barter or exchange;

"supply" includes giving without payment;

"unnecessary suffering" means, in relation to an animal, pain, distress or suffering (whether physical or mental) that in its kind or degree, or in its object, or in the circumstances in which it occurs, is unreasonable or unnecessary;

"valuer" means a person appointed under *section 32*;

"vehicle" includes a trailer, designed for use or used with a vehicle, or container designed or used for carriage on a vehicle, whether either is attached to or detached from a vehicle;

"vessel" includes a hovercraft;

"veterinary practitioner" means a person registered under Part 4 of the Veterinary Practice Act 2005. 5

(2) A reference, however expressed, to an act adopted by an institution of the European Union includes an act adopted before 1 November 2009 by an institution of the European Communities.

(3) The person, being of full age, who has actual care and control of a person who is— 10

(*a*) under the age of 16 years, and

(*b*) the apparent owner or person in possession or control of a protected animal,

is, for the purposes of this Act, regarded as owning, possessing or being in control of the animal. 15

(4) This Act is in addition to and not in substitution for—

(*a*) the Control of Dogs Acts 1986 to 2010,

(*b*) the Control of Horses Act 1996,

(*c*) the Dog Breeding Establishments Act 2010, and 20

(*d*) the Welfare of Greyhounds Act 2011.

Laying of regulations and orders.

3.—Every regulation and order made under this Act, other than an order made under *section 1(2)* or a regulation made under *section 26*, shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation or order is passed by either such House within the next 21 days on which that House sits after the regulation or order is laid before it, the regulation or order is annulled, but without prejudice to the validity of anything previously done thereunder. 25

Repeals.

4.—Each enactment mentioned in *column (2)* of *Schedule 1* is repealed to the extent specified in *column (3)* of that Schedule opposite that mention. 30

Expenses.

5.—The expenses incurred by the Minister in the administration of this Act shall, to the extent sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas. 35

Disposal of moneys received by Minister.

6.—Moneys received by the Minister under this Act shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Public Expenditure and Reform directs.

Application of Act to disease.

7.—(1) This Act applies to a disease specified in *Schedule 2* and to an agent of such a disease.

(2) The Minister may, by order, apply any or all of the provisions of this Act to a disease or a disease agent, which is not specified in *Schedule 2*.

Prohibition on farm animals straying.

8.—(1) A person who has in his or her possession or under his or her control a farm animal shall, having regard to the animal's nature, type, species, breed, development and environment, take all reasonable measures to ensure that—

(*a*) the animal is unable to stray from the land or premises where it is kept, and

(*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, and

(ii) the risk, or spread, of disease onto or from the land or premises on which the animal is kept,

(iii) the risk that the animal will damage the surrounding population of indigenous wild animals or the natural flora and fauna of the surrounding environment,

having regard to shared boundaries or commonage.

(2) A person shall not, without lawful excuse, damage or interfere with a building, gate, fence, hedge, boundary wall or other structure used to contain a farm animal.

(3) A person who fails to comply with *subsection (1)* or contravenes *subsection (2)* commits an offence.

(4) Where a person having possession or control of a farm animal fails to comply with *subsection (1)* and that person is not the owner of the farm animal, then the owner of the animal shall also have committed an offence under *subsection (3)*, unless the owner shows that he or she took all reasonable steps to ensure that all necessary measures in the circumstances were taken to comply with *subsection (1)*.

Disease eradication areas.

9.—The Minister may by order declare the State, or part of the State, to be a disease eradication area, where the Minister considers—

(*a*) it is at risk of, or suspected of, being affected with disease, or

(*b*) that disease is present there.

Prohibition on spreading disease.

10.—(1) A person shall not wilfully, recklessly or negligently—

(*a*) transmit a disease or introduce a disease agent, or

(*b*) cause or permit another person to transmit a disease or introduce a disease agent,

to an animal or onto land or premises.

(2) A person shall not—

(*a*) carry out any process, or cause or permit any other person to carry out a process, on, or

(*b*) administer, or cause or permit another person to administer, a substance to,

an animal, that may interfere with a test, cause symptoms that may be confused with, or mask the symptoms of, a disease or a disease agent.

(3) A person shall not, except in accordance with a permit issued by an authorised officer, have in his or her possession or under his or her control, purchase, sell, supply, move, export or import an animal, animal product or animal feed to which—

(*a*) a disease or a disease agent has been transmitted, or

(*b*) a substance has been administered that may interfere with a test, cause symptoms that may be confused with symptoms of a disease or mask the symptoms of a disease,

in contravention of *subsection (1)* or *(2)*.

(4) An authorised officer may for the purposes of *subsection (3)* issue a permit and may attach such terms and conditions to it as he or she considers appropriate.

(5) This section and *section 12* do not apply to anything done in accordance with the Cruelty to Animals Act 1876, the Animal Remedies Act 1993 or the Irish Medicines Board Act 1995.

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

(7) In proceedings for an offence under this section it is a defence for the accused to show that he or she took all reasonable precautions and measures (including any precautions or measures prescribed under animal health and welfare regulations) to prevent the introduction of, or minimise the spread of, the disease concerned.

(8) If an animal, land or premises is affected with a disease or a disease agent, the Minister may, if he or she considers it appropriate to do so, publish that fact, and—

(*a*) the location of the land or premises and the identity of the owner or person having possession or control of the animal,

(*b*) the address and identity of the owner or person in charge of the land or premises,

(*c*) any biosecurity measures that apply to the animal, land or premises,

(*d*) any restriction on the use of the animal, land or premises, and

(*e*) any other information that he or she considers is in the public interest,

in a manner that the Minister considers appropriate.

PART 3

Animal Welfare

Duty to protect animal welfare.

11.—(1) A person who has in his or her possession or under his or her control a protected animal shall take all necessary steps to—

(*a*) ensure that the animal is—

(i) 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

(ii) bred or kept, having regard to the species and the degree of development, adaptation and domestication of the animal and to its physiological and behavioural needs,

in accordance with established experience and scientific knowledge, and

(*b*) having regard to the animal's nature, type, species, breed, development and environment, ensure that all buildings, gates, fences, hedges, boundary walls and other structures used to contain the animal are constructed and maintained in a manner that the animal is not caused injury or unnecessary suffering.

(2) A person who fails to comply with this section commits an offence.

(3) Where a person having possession or control of a protected animal fails to comply with *subsection (1)* and the person is not the owner of the protected animal, then the owner of the animal shall also have committed an offence under *subsection (2)*, unless the owner shows that he or she took all reasonable steps to ensure that all necessary measures in the circumstances were taken to comply with *subsection (1)*.

Prohibition on animal cruelty.

12.—(1) A person shall not—

(*a*) do, or fail to do, anything or cause or permit anything to be done to an animal that causes unnecessary suffering to, or endanger the health or welfare of, an animal, or

(*b*) neglect, or be reckless, regarding the health or welfare of an animal.

(2) Without prejudice to *subsection (1)*, a person shall not—

(*a*) convey or carry, or permit to be conveyed or carried, an animal in such manner or position as to cause that animal any unnecessary suffering, or

(*b*) cruelly treat or beat, kick, ill-treat, over-work, over-drive, over-load, over-burden, torture, mutilate, infuriate or terrify an animal, or cause, procure or permit an animal to be so treated, infuriated or terrified.

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

(4) Where a person has been convicted of an offence under this section, the court may, in addition to any penalty it imposes, order the person to make such contribution, as it considers appropriate, towards veterinary or other expenses incurred in respect of the animal or its upkeep.

(5) The considerations to which regard may be had when determining, for the purposes of this section, whether suffering is unnecessary may, amongst any other considerations, include—

(*a*) whether the suffering could reasonably have been avoided, terminated or reduced,

(*b*) whether the conduct which caused the suffering was in compliance with this Act, another enactment, animal health and welfare regulations or a code of practice,

(*c*) whether the conduct which caused the suffering was for a legitimate purpose, such as—

(i) benefiting the health and welfare of the animal, or

(ii) protecting a person, property or another animal,

(*d*) whether the suffering was proportionate to the purpose of the conduct concerned, and

(*e*) whether the conduct concerned was in all the circumstances that of a competent and humane person.

(6) An authorised officer who has reasonable grounds for believing that a person is offending against this section, in relation to an animal, may require the person to immediately desist from so offending, and, if necessary, to take such action as the officer may require in the interests of the health and welfare of the animal.

(7) A person who, without reasonable excuse, fails to comply with a requirement under *subsection (6)* commits an offence.

(8) Where an authorised officer has reasonable grounds for believing that an offence under *subsection (7)* is being or has been or will be committed, he or she may seize and detain the animal concerned (and any dependant offspring of the animal) and remove it or arrange to have it removed to a place of safety or such other place as the officer thinks fit.

(9) The costs of anything done under this section may be recovered by the authorised officer concerned, the local authority concerned or the Minister in a court of competent jurisdiction or by deducting the sum from any moneys due or becoming due and payable by the Minister to the person.

(10) *Subsection (6)* and *(8)* are in addition to and not in substitution for *sections 42* and *44*, respectively.

(11) Nothing in this section applies to the destruction of an animal in an appropriate and humane manner.

(12) Nothing in this section applies in relation to anything which occurs in the ordinary course of—

(*a*) fishing,

(*b*) lawfully hunting an animal, unless the animal is released in an injured, mutilated or exhausted condition, or

(*c*) lawfully coursing a hare, unless the hare is hunted or coursed in a space from which it does not have a reasonable chance of escape.

Feeding of animals.

13.—(1) A person who has a protected animal in his or her possession or under his or her control or transports such an animal shall provide and supply to the animal—

(*a*) a sufficient quantity of wholesome and uncontaminated drinking water or other suitable liquid appropriate to its physiological or behavioural needs which satisfies the animal's fluid intake requirements,

(*b*) a quantity of suitable and wholesome food sufficient to satisfy the reasonable requirements of the animal, and

(*c*) such other nourishment having regard to its nature, type, species, breed, development, adaptation, domestication and state of health and to the animal's physiological or behavioural needs,

in accordance with established experience and scientific knowledge.

(2) A person shall not provide, or cause to be provided, to an animal, food or liquid—

(*a*) that does not satisfy the reasonable requirements of the animal, or

(*b*) which—

(i) is of a nature that may itself cause the animal injury, disease or unnecessary suffering, or

(ii) contains a substance which may cause the animal injury, disease or unnecessary suffering.

(3) In proceedings in which a contravention of this section is alleged, it is a defence for the accused to show that he or she could not reasonably have—

(*a*) known either that the manner in which the food or liquid was provided, or that the food or liquid itself or a substance contained in the food or liquid, would be likely to cause an injury or unnecessary suffering to which the alleged offence relates, or

(*b*) prevented the animal consuming the food or liquid.

(4) Where a person having possession or control of a protected animal fails to comply with *subsection (1)* or *(2)* and the person is not the owner of the protected animal, then the owner of the animal shall also have committed an offence under *subsection (5)*, unless the owner shows that he or she took all reasonable steps to ensure that all necessary measures in the circumstances were taken to comply with *subsection (1)* or *(2)*, as the case may be.

(5) A person who fails to comply with *subsection (1)* or contravenes *subsection (2)* commits an offence.

Prohibition on abandonment of animals.

14.—(1) A person who has in his or her possession or under his or her control a protected animal shall not abandon the animal and if he or she does abandon the animal he or she is not relieved of responsibility for the animal.

(2) A person who has in his or her possession or under his or her control a protected animal shall not, without reasonable excuse, leave the animal unattended unless he or she makes adequate provision for its welfare.

(3) The considerations to which regard may be had in determining, for the purposes of *subsection (2)*, whether adequate provision has been made may, amongst any other considerations, include—

(*a*) the kind of animal concerned, its age and state of health,

(*b*) the length of time for which it is, or has been, left unattended, and

(*c*) what it reasonably requires by way of—

(i) suitable, wholesome and uncontaminated food, water or other suitable liquid,

(ii) shelter and warmth,

(iii) adequate light and ventilation, and

(iv) adequate exercise.

(4) A person who contravenes *subsection (1)* or *(2)* commits an offence.

(5) Where a person having possession or control of a protected animal contravenes *subsection (1)* or *(2)* and that person is not the owner, then the owner of the animal shall also have committed an offence under *subsection (4)*, unless the owner shows that he or she took all reasonable steps to ensure compliance with *subsection (1)* or *(2)*, as the case may be.

(6) In this section abandonment does not include—

(*a*) release into the wild of an animal—

(i) normally found in a wild state in Ireland, or

(ii) formerly found in a wild state in Ireland, as part of a programme to reintroduce animals of that species,

or

5 (*b*) stocking land with game birds,

if the animal, having regard to its type, species, breed and development is able to survive and to fulfil its normal needs.

Prohibition on animal fighting, etc.

15.—(1) A person shall not organise or cause or permit to take place any performance involving—

10 (*a*) wrestling, fighting or struggling with an animal,

(*b*) dog-fighting,

(*c*) cock-fighting,

(*d*) animal baiting,

(*e*) throwing or casting with ropes or other appliances any
15 unbroken horse or untrained bovine,

(*f*) riding or attempting to ride an animal which, by the use of any appliance or treatment, is or has been stimulated with the intention of making it buck, or

(*g*) any other activity that may cause unnecessary suffering to
20 an animal and is prohibited by animal health and welfare regulations.

(2) A person shall not take part in, or be present (whether as a spectator or otherwise) at, an animal fight or performance or, an activity to which *section 16* refers except for an investigative purpose,
25 the proof of which lies with that person.

(3) A person shall not keep or train or cause or permit another person to keep or train an animal for the purpose of an animal fight or performance.

(4) A person shall not—

30 (*a*) publicise or promote a proposed animal fight or performance,

(*b*) provide information about an animal fight or performance to another with the intention of enabling or encouraging attendance at the fight or performance, or

35 (*c*) receive money or other consideration for admission to an animal fight or performance.

(5) A person shall not—

(*a*) have in his or her possession or under his or her control, sell or supply an animal for an animal fight or perform-
40 ance, or

(*b*) keep, use, manage, permit or assist in the keeping, use or management of, any land or premises for an animal fight or performance.

(6) A person shall not—

(*a*) make or accept a bet on the outcome of an animal fight or performance or on the likelihood of anything occurring in the course of an animal fight or performance, or

(*b*) take part in an animal fight or performance.

(7) A person shall not, save for an investigative purpose or without lawful authority or reasonable excuse, record an animal fight or performance by photograph, video or any other means or to supply, display, show or publish such.

(8) A person shall not have spurs, equipment or another appendage made, used or adapted for use in an animal fight or performance in his or her possession or under his or her control on land or premises on which an animal is kept or in a vehicle, vessel, aircraft, railway wagon or container in which an animal is being transported.

(9) In proceedings for an offence under this section in respect of the use of an appliance or treatment referred to in *subsection (1)(f)*, it is a defence for the accused to show that he or she did not know and could not reasonably have been expected to know that the appliance or treatment was to be or was used for the intention referred to in that paragraph.

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

(11) The considerations to which regard may be had when determining, for the purposes of this section, whether an animal has been involved in an animal fight or performance or that an animal fight or performance has occurred may, amongst any other considerations, include—

(*a*) any pattern of injuries or scars on the animal that are likely to have been inflicted in a fight or performance,

(*b*) equipment or drugs commonly used in an animal fight or performance on the land or premises concerned,

(*c*) the breed, type and nature of the animal,

(*d*) any blood, torn tissue or fur on the land or premises concerned, or

(*e*) records of animal fighting or performances (including betting slips) on the premises.

(12) In this section—

"animal fight or performance" means fighting or an activity referred to in *subsection (1)*;

"investigative purpose" means investigating an animal fight or performance and includes a criminal investigation or the taking of any photograph, video or filming for inclusion in a television programme service (within the meaning of section 2 of the Broadcasting Act 2009).

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—

Prohibited operations and procedures.

5 (*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,

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(*b*) for cosmetic reasons, or

(*c*) in a manner that—

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

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(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 20 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 25 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

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

(5) Nothing in the Veterinary Practice Act 2005 renders lawful anything done in contravention of animal health and welfare 35 regulations.

17.—(1) A person shall not, except in accordance with animal health and welfare regulations, perform an operation or procedure (with or without the use of instruments) involving interference with the sensitive tissue or bone structure of an animal without the use of 40 an appropriate anaesthetic or analgesic administered so as to prevent or relieve any pain during or arising from the operation or procedure.

Use of anaesthetics, etc.

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

Protection of animals from poison.

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.

Inspection of protected animals and equipment.

19.—(1) A person who has in his or her possession or under his or her control a protected animal shall take all necessary measures to ensure that the animal is regularly inspected and—

(*a*) in case the animal is being kept in an intensive unit, not less than once a day—

(i) thoroughly inspect the animal's condition and state of health or cause the condition and state of health of the animal to be so inspected, and

(ii) for the purpose of ensuring that the automatic or other technical equipment used in the unit is free from defects, either—

(I) if he or she is competent to do so, thoroughly inspect the equipment, or

(II) cause the equipment to be thoroughly inspected by a competent person,

or

(*b*) in case the animal is not kept in an intensive unit, at intervals sufficient to avoid the animal being caused injury or unnecessary suffering, thoroughly inspect, or cause to be inspected, the condition and state of health of the animal.

5 (2) Where a protected animal is found on inspection (whether the inspection is made for the purposes of this section or otherwise) not to be in a state of well-being, the person in possession or control of the animal shall immediately take all necessary measures to prevent the animal being caused injury or unnecessary suffering (including 10 seeking appropriate treatment from a veterinary practitioner or other appropriate person).

(3) Where on an inspection of an intensive unit (whether the inspection is made for the purposes of this section or otherwise) a defect in equipment is discovered, the owner or the person in charge 15 of the unit shall immediately remedy, or cause to be remedied, the defect or, if this is impracticable, the owner or person shall immediately take or cause to be taken all necessary measures required to safeguard the welfare of a protected animal kept in the unit.

(4) Where measures referred to in *subsection (3)* are taken, the 20 owner or person in charge of the unit shall ensure that the measures are maintained until the defect is remedied.

(5) In any proceedings in which it is shown that an inspection referred to in *subsection (2)* or *(3)* was carried out and that on such inspection either an animal was found not to be in a state of well-25 being or a defect described in *subsection (3)* was discovered, it is a defence for the accused to show both that he or she was unaware that the inspection had been carried out and that in the circumstances of the case his or her being so unaware was not unreasonable.

(6) A person who fails to comply with this section commits an 30 offence.

(7) Where a person having possession or control of a protected animal fails to comply with this section or *section 20* and that person is not the owner of the animal, then the owner of the animal shall also have committed an offence under this section in respect of the 35 subsection concerned, unless he or she shows that he or she took all reasonable steps to ensure the subsection concerned was complied with.

(8) In this section "intensive unit" means a premises on which protected animals are kept under a husbandry system relying, for 40 the purpose of providing for the care of the animals, on automatic equipment to such an extent that a failure of that equipment would, if it were not rectified or if some alternative arrangements were not made for the care of the animals contained therein, cause the animals unnecessary suffering.

Records as regards intensive units.

45 **20**.—(1) Where an inspection is made under *section 19(1)(a)*, the person in charge of the intensive unit to which the inspection relates shall make or cause to be made in relation to the inspection a record of—

(*a*) the date and time of the inspection,

50 (*b*) the name of the person carrying out the inspection,

(*c*) the condition of the animals inspected,

(*d*) particulars of any defect in the unit which was discovered during the inspection,

(*e*) particulars of any steps taken to remedy the defect, and

(*f*) such other particulars as may be prescribed by animal health and welfare regulations.

(2) A person referred to in *subsection (1)* shall retain the record for a period of 3 years after its recording and produce it for inspection, on request, by an authorised officer.

(3) A record required to be maintained under this section may be maintained in non-legible form if it is capable of being reproduced in legible form if so requested by an authorised officer.

(4) A person who fails to comply with this section commits an offence.

(5) In this section "intensive unit" has the meaning assigned to it in *section 19(8)*.

Welfare of animals during sale.

21.—(1) A person who has in his or her possession or under his or her control a protected animal for sale or supply shall ensure that—

(*a*) the animal is kept at all times in accommodation that is suitable as respects the size, temperature, lighting, ventilation, cleanliness of the accommodation,

(*b*) the animal is supplied with, and has ready access to, a sufficient quantity of suitable food and drink in accordance with *section 13*,

(*c*) the animal is not sold or supplied where, having regard to—

(i) the age of the animal, and

(ii) the animal's nature, type, species, breed and degree of development, its adaptation and domestication and its physiological and behavioural needs in accordance with established experience and scientific knowledge,

the sale or supply of the animal at that age causes or is likely to cause avoidable or unnecessary suffering to the animal,

(*d*) all reasonable precautions are taken to prevent the spread of disease or a disease agent among animals or to human beings, and

(*e*) the animal is safeguarded against fire, environmental or other hazards.

(2) A person who fails to comply with *subsection (1)* commits an offence.

(3) Where a person having possession or control of a protected animal fails to comply with *subsection (1)* and the person is not the owner of the protected animal, then the owner of the animal shall also have committed an offence under *subsection (2)*, unless the

owner shows that he or she took all reasonable steps to ensure that all necessary measures in the circumstances were taken to comply with *subsection (1)*.

Regulation of sale of animals to minors.

22.—(1) A person shall not—

5 (*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.

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

Humane destruction of animal.

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 accord-
15 ance 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.

(2) If an authorised officer, a veterinary practitioner acting as such or a person specified in animal health and welfare regulations
20 is of the opinion that—

(*a*) an animal is fatally injured,

(*b*) an animal is so severely injured or diseased or in such pain or distress that, for the alleviation of its suffering, it should be killed,

25 (*c*) to prevent further suffering to an animal, it is necessary or expedient, or

(*d*) an animal is a danger to life or property,

he or she may, without having to seek the consent of its owner or the person in control of it, kill the animal or cause the animal to be
30 killed or destroyed in such manner as to inflict as little suffering as possible in the circumstances and may destroy or dispose of the carcass or cause the destruction or disposal of the carcass.

(3) An authorised officer or person specified in animal health and welfare regulations (who is not a veterinary practitioner) shall not
35 do anything under *subsection (2)(a)*, *(b)* or *(c)* unless he or she has consulted with, or made a reasonable attempt in the circumstances to consult with, a veterinary practitioner in that regard.

(4) If an authorised officer in performance of the functions conferred on the officer under *section 38(4)(v)*, seizes and detains an
40 animal, the officer may, if he or she considers it reasonable to do so, kill the animal or cause the animal to be killed in such manner as to inflict as little suffering as possible in the circumstances and may destroy or dispose of the carcass or cause the destruction or disposal of the carcass.

45 (5) Nothing in this section prevents the occasional killing by or on behalf of the owner of an individual protected animal that is

injured if the killing is to prevent unnecessary, avoidable or excessive suffering to the animal.

(6) In forming an opinion for the purposes of *subsection (2)*, an authorised officer may, among other considerations, have regard to— 5

(*a*) veterinary or other reputable opinion or advice which may be of general application or, in a particular instance, be obtained remotely, or

(*b*) a code of practice.

(7) A person who contravenes *subsection (1)* commits an offence. 10

Measures relating to animals in distress.

24.—(1) If an authorised officer has reasonable grounds for believing that a protected animal is injured or suffering or is in a state of acute neglect or distress, the officer may take, or arrange for the taking of, such steps as appear to him or her to be immediately necessary to alleviate the animal's suffering, including— 15

(*a*) requiring a person apparently in possession or control of the animal to—

(i) obtain any necessary veterinary attention from a veterinary practitioner for the animal, or

(ii) provide appropriate shelter, food and drinkable water for the animal suitable to its needs, 20

or

(*b*) seizing and detaining the animal and any dependent offspring of the animal under *section 38(4)(v)*.

(2) Where an animal is seized and detained for the purposes of *subsection (1)*, an authorised officer may remove it, or arrange for it to be removed, to a place of safety, or such other place as the officer thinks fit. 25

(3) Where an authorised officer exercises a power under this section, otherwise than with the knowledge of a person who is responsible for the animal concerned, that officer must, as soon as reasonably practicable after exercising the power, take such steps as are reasonable in the circumstances to bring the exercise of the power to the notice of that person. 30

(4) The costs of anything done under this section may be recovered by the authorised officer concerned, the local authority concerned or the Minister in a court of competent jurisdiction or by deducting the sum from any moneys due or becoming due and payable by the Minister to the person. 35

(5) This section is in addition to and not a substitution for the emergency measures under *section 44*. 40

(6) A person who fails to comply with *subsection (1)(a)* commits an offence.

PART 4

Codes of Practice

Codes of practice.

25.—(1) The Minister may—

(*a*) establish a code of practice, or

(*b*) adopt, in whole or in part, a code of practice published by another person (whether within the State or otherwise),

for the purpose of providing practical guidance relating to any of the purposes in this Act.

(2) A code of practice established or adopted under *subsection (1)* may provide, amongst other matters, for—

(*a*) the care of animals,

(*b*) the good governance and operation of persons or bodies concerned with animal welfare, the prevention of cruelty to, rescue of, or provision of sanctuary to, animals,

(*c*) biosecurity measures,

(*d*) breeding and rearing of animals,

(*e*) the provision of food and liquid for animals,

(*f*) the provision of housing and shelter for animals,

(*g*) allowing animals to exhibit their natural and normal behaviour, or

(*h*) safeguarding animals from environmental hazards.

(3) A code of practice shall be published by the Minister—

(*a*) on the website of his or her Department of State in such a form or manner as the Minister thinks appropriate, and

(*b*) in printed form available on request on payment of such fee (if any) as the Minister decides,

and the code published shall specify the date from which it or any amendment to it has effect.

(4) A person who has in his or her possession or under his or her control an animal of a particular class or description shall have due regard to a code of practice that applies in relation to an animal of that class or description.

(5) Before establishing or adopting a code of practice, the Minister—

(*a*) shall publish on the website of his or her Department of State a draft of the proposed code and allow persons 30 days from the date of publication to make written representations to him or her in relation to the draft code or draft amendment, and

(*b*) may, having considered any representations received, establish or adopt the draft code, with or without modification.

(6) In proceedings for an offence under this Act relating to an animal where there was a code of practice in effect at the time of the commission of the alleged offence, *subsection (7)* applies.

(7) Where it is shown in any proceedings that an act or omission of the accused constituted an element of an offence and such act or omission was—

(*a*) a failure to observe a code of practice referred to in *subsection (6)*, or

(*b*) in compliance with that code of practice,

the failure or compliance is admissible in evidence.

(8) A copy of a code of practice which has endorsed on it a certificate purporting to be signed by an officer of the Minister, authorised by the Minister in that behalf, stating that the copy is a true copy of the code of practice may, without proof of the signature of the person signing the certificate or that he or she is authorised to sign the certificate, be produced in every court and in all proceedings under this Act and is evidence, unless the contrary is shown, of the code of practice.

PART 5

Animal Health Levies

Animal health levies.

26.—(1) The Minister may, subject to *subsection (3)*, for the purposes of disease prevention, disease control, disease eradication and matters ancillary to those purposes, charge a levy ("animal health levy") of the amount prescribed in regulations made by the Minister to be paid to the Minister in accordance with *section 28* as respects—

(*a*) milk received for processing,

(*b*) an animal slaughtered in an establishment, registered or approved or required to be registered or approved for the purposes of an act adopted by an institution of the European Union, used for the slaughter of animals, or

(*c*) an animal exported live from the State.

(2) The species or type of animal to which animal health levy applies and the amount of animal health levy payable may be prescribed, from time to time, by regulations made by the Minister for the purposes of this section and different rates of animal health levy may be prescribed in respect of milk, animals generally or animals of different species.

(3) Where the Minister proposes to make regulations under this section, a draft of the regulations shall be laid before each House of the Oireachtas and the regulations shall not be made until a resolution approving of the draft has been passed by each House.

(4) Levy due and payable immediately before the repeal of the Bovine Diseases (Levies) Act 1979 may be collected, on or after such repeal takes effect, as if due under this Part.

Duty to pay levy before export of live animals.

27.—(1) A person shall not, subject to *subsection (2)*, export an animal live from the State unless, before export—

(*a*) he or she pays the amount of outstanding animal health levy payable to the Minister, or

(*b*) he or she gives such security as is, in the opinion of the Minister, adequate for the payment of outstanding animal health levy,

in respect of the animal.

(2) The Minister may, subject to such conditions as the Minister may impose (including conditions in relation to the giving of security for payment of animal health levy), permit payment of animal health levy to be deferred for such period as the Minister may determine.

(3) The Customs Acts apply to an animal the export of which is prohibited by this section.

(4) A person who contravenes *subsection (1)* commits an offence.

Animal health levy due and payable.

28.—(1) Animal health levy is due and payable to the Minister—

(*a*) in case it is payable in respect of an animal exported live, by the person by whom or on whose behalf the animal is being exported, on the day prior to its export, or

(*b*) in case it is payable in respect of an animal being slaughtered, by the holder of the registration, authorisation or approval for the establishment where it is slaughtered granted for the purposes of an act adopted by an institution of the European Union, on the day on which the animal is slaughtered, or

(*c*) in case it is payable in respect of milk, by the person who receives it, on the day on which the milk is received.

(2) A person by whom animal health levy is payable shall, not later than 30 days commencing on the expiration of the calendar month in which a day referred to in *subsection (1)* occurs, furnish to the Minister a true and correct return (including, in particular, the quantity of milk or the number of animals, as may be appropriate) in a manner and form that the Minister may determine, of the amount of animal health levy which became payable by the person during that calendar month and shall at the same time remit to the Minister the amount of animal health levy, payable by him or her in respect of that calendar month.

(3) A sum payable by a person for or on account of animal health levy may be recovered by the Minister in a court of competent jurisdiction or by deducting the sum from any moneys due, or becoming due, and payable by the Minister to that person.

(4) In any proceedings to which this Part applies, a certificate purporting to be signed by an officer of the Minister and stating that—

(*a*) a specified amount in respect of animal health levy is due and payable by a named person to the Minister, or

(*b*) a return referred to in *subsection (2)* was not furnished to the Minister by a named person or was not so furnished within the period specified in *subsection (2)*, 5

is evidence, unless the contrary is shown, of the facts specified in the certificate and that the certificate was signed by an officer of the Minister.

Duty to keep records.

29.—(1) A person by whom animal health levy is payable shall, in accordance with the instructions (if any) given by the Minister, 10 keep full and true records of all transactions which affect his or her liability to pay animal health levy.

(2) A person who keeps a record for the purposes of *subsection (1)* shall retain the record for a period of 3 years from the date of the latest transaction to which the record relates. 15

(3) *Subsection (2)* does not apply—

(*a*) where the Minister notifies a person who keeps a record for the purposes of *subsection (1)* that retention of records is not required, or

(*b*) to the books and papers of a company which have been 20 disposed of in accordance with section 305(1) of the Companies Act 1963.

(4) A person who fails to comply with this section commits an offence.

PART 6 25

Destruction, Disposal, etc., of Animals

Destruction and disposal.

30.—(1) The Minister may direct that an animal be killed or that a carcass, animal product, animal feed or other thing be destroyed or disposed of where, in the opinion of the Minister—

(*a*) it is affected with a disease or a disease agent, 30

(*b*) it may be or is suspected of being affected with a disease or a disease agent,

(*c*) it is at risk of being affected with a disease or a disease agent,

(*d*) it is a disease agent, 35

(*e*) it is because of its genetic makeup particularly susceptible to disease or a disease agent,

(*f*) it is, has been or may be in contact with or may have been in contact with or exposed to an animal, an animal product, animal feed or other thing to which *paragraph (a)*, 40 *(b)*, *(c)*, *(d)* or *(e)* relates,

(*g*) its killing or destruction is necessary, ancillary or supplementary to—

(i) preventing the risk or spread of disease or a disease agent, or

5 (ii) diagnosis or control (including eradication) of a disease or a disease agent,

(*h*) it is not identified in accordance with animal health and welfare regulations, regulations made under the European Communities Act 1972 or an act adopted by an
10 institution of the European Union,

(*i*) it is being or has been brought unlawfully into the State,

(*j*) it is being or has been exported unlawfully,

(*k*) it is required under animal health and welfare regulations, regulations made under the European Communities Act
15 1972 or an act adopted by an institution of the European Union to be accompanied by a licence, permit, certificate or other record and is not accompanied by such, or

(*l*) its killing, destruction or disposal is necessary to safeguard or enhance animal welfare or protect public safety.

20 (2) If the Minister directs the killing of an animal or the destruction or disposal of an animal product, animal feed or other thing in accordance with *subsection (1)*, he or she shall cause the animal, animal product, animal feed or other thing to be destroyed or disposed of in a manner that he or she considers appropriate.

25 (3) The costs (including ancillary costs) of the killing of an animal or destroying or disposing of an animal product, animal feed or other activity referred to in *subsection (1)(h)*, *(i)*, *(j)*, *(k)* or *(l)* may be recovered by the Minister as a simple contract debt in a court of competent jurisdiction or by deducting the sum from any moneys
30 due or becoming due from the Minister to the owner or person in possession or control of the animal, animal product, animal feed or other thing.

(4) Notwithstanding *subsection (1)*, the Minister may reserve for observation, research, treatment or testing, an animal, animal prod-
35 uct, animal feed or other thing (or a sample or part of them) liable to be killed or destroyed under this section.

Compensation.

31.—(1) The Minister may, subject to this Part, pay compensation, the amount of which is to be determined by way of an assessment carried out by a valuer or an arbitrator, in accordance with any
40 guidelines under *section 32(6)*, to the owner of—

(*a*) a farm animal (including an animal that dies before being killed) other than an animal—

(i) affected with rabies,

(ii) that is killed or destroyed in the circumstance referred
45 to in *section 30(1)(h), (i), (j), (k)* or *(l)*, or

(iii) to which *section 30(1)(h), (i), (j), (k)* or *(l)* relates that dies before being killed,

or

(*b*) an animal product, animal feed or other thing relating to a farm animal, (other than the product of a farm animal mentioned in *paragraph (a)*),

if the farm animal, animal product, animal feed or other thing is affected with a disease or a disease agent and is killed or destroyed under *section 30(1)* to alleviate the risk of disease, to prevent the spread of disease or to diagnose, control or eradicate disease.

(2) Compensation shall not exceed the open market value of an animal, animal product, animal feed or other thing before its killing or natural death or destruction (less any salvage value or payment under a policy of insurance in respect of it) as if the disease did not exist.

(3) Compensation shall not be applied for or payable, if an applicant has already applied for or received payment for the same farm animal, animal product, animal feed or other thing relating to a farm animal under another enactment or regulations made under the European Communities Act 1972.

(4) An application for compensation shall be in such form and contain such information as the Minister may determine.

Valuation.

32.—(1) The Minister may appoint, for the purposes of assessing an amount of compensation for farm animals, animal products, animal feed or other thing relating to farm animals, such persons as valuers, if the Minister is satisfied that a person appointed has—

(*a*) the requisite experience in valuing, or

(*b*) knowledge of the value of,

farm animals, animal products, animal feed or other thing relating to farm animals having regard to criteria laid down in regulations under *subsection (8)* (if any).

(2) A valuer shall be furnished with a warrant of his or her appointment and, if requested by a person affected, the valuer shall produce the warrant, or other evidence that he or she is so appointed, for inspection.

(3) The owner or person in possession or control of a farm animal, animal product, animal feed or other thing relating to a farm animal, the subject of a claim for compensation and his or her employees, servants or agents shall give all assistance required and co-operate with a valuer or a person accompanying a valuer, during the valuation.

(4) Subject to *subsection (6)* or regulations under *subsection (8)*, a valuer is independent in the performance of his or her functions.

(5) A second valuation shall be carried out by another valuer chosen in accordance with regulations under *subsection (8)*.

(6) The Minister may issue guidelines relating to the valuation of a farm animal, animal product, animal feed or other thing relating to a farm animal and a valuer, or an arbitrator appointed under *section 34*, shall have regard to those guidelines (if any) when carrying out valuations.

(7) The killing, destruction or disposal of an animal, animal product, animal feed or other thing relating to a farm animal shall, in the interests of—

(*a*) disease control,

(*b*) minimising the risk of disease, or

(*c*) curtailing the spread of disease or a disease agent,

proceed, without delay, under the direction of an authorised officer notwithstanding that there might subsequently be a question of the determination of ownership or value of the animal, animal product, animal feed or thing or an issue relating to valuation and compensation in respect of it.

(8) The Minister may by regulations provide for any or all of the following:

(*a*) the method of assessing the value, subject to any limitation provided for under *section 34*, of a farm animal, animal product, animal feed or other thing relating to a farm animal;

(*b*) historical reference periods on which to base the valuation of farm animals, animal products, animal feed or other things relating to farm animals, and different reference periods may be provided for farm animals, animal products, animal feeds or other things relating to farm animals generally or of farm animals, animal products, animal feed or other things relating to farm animals of a particular class or description;

(*c*) the manner of assessment of compensation;

(*d*) criteria to be taken into account in the assessment of compensation;

(*e*) the determination of compensation by agreement between the applicant and the Minister;

(*f*) the manner in which a valuer or arbitrator is chosen to act in a particular case whether agreement, by appointment by the applicant or the Minister, by lot, or by any other method that the Minister may prescribe in the regulations;

(*g*) the periods within which—

(i) an application for compensation must be made,

(ii) a valuation, or part of a valuation, process must be completed, and

(iii) a request for arbitration must be made;

(*h*) the consequences of failure to comply with a period set out in accordance with *paragraph (g)*.

(9) Regulations under *subsection (8)* may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary for the purposes of the regulations.

Arbitration.

33.—If the Minister or the owner of a farm animal, animal product, animal feed or other thing relating to a farm animal is dissatisfied with a second valuation he or she may, not later than 14 days from the date of that valuer's report, request that the matter be settled by arbitration by one or more persons appointed in accordance with regulations under *section 32* to act as arbitrator, in accordance with the Arbitration Act 2010.

Limitation on compensation.

34.—In relation to a farm animal, animal product, animal feed or other thing relating to a farm animal killed or destroyed under *section 30* or that dies before being killed, if the Minister is of the opinion that—

(*a*) a balance should be struck between the public good and the requirement to pay compensation,

(*b*) it would be unreasonable or unfair for the taxpayer to be liable for the payment of an amount of compensation, or

(*c*) the value of an animal, animal product, animal feed or other thing relating to a farm animal killed or destroyed under *section 30* or that dies before being killed is based on factors other than its food producing capacity,

he or she may by regulations provide—

(i) that compensation or a portion of it is not payable—

(I) in respect of animals of a particular breed, species, class or type, animal product, animal feed or other thing,

(II) where the killing or destruction related to a particular disease or diseases,

(III) for particular activities, including dealing in animals or agistment, or

(IV) for particular methods of husbandry specified in the regulations,

or

(ii) for the limitation of the eligibility of a person for compensation in whole or in part in respect of an animal, animal product, animal feed or other thing relating to a farm animal to which the regulations relate.

Abatement of compensation.

35.—(1) The Minister may reduce or refuse to pay an amount of compensation to an owner in respect of a farm animal, animal product, animal feed or other thing relating to a farm animal, if in his or her opinion, the owner—

(*a*) failed to take reasonable measures to alleviate the risk, or spread, of disease or a disease agent,

(*b*) failed to take appropriate biosecurity measures or such measures (if any) prescribed in animal health and welfare regulations,

(*c*) failed to comply, in a material way, with a relevant code of practice,

(*d*) obstructed or impeded, or failed to give assistance to an authorised officer or a valuer in the exercise of his or her functions under this Act,

(*e*) in making an application for compensation or in a previous application for a licence, permit, authorisation, registration or approval under this Act failed to give information required or gave information that is false or misleading in a material respect,

(*f*) has contravened—

(i) this Act,

(ii) the Animal Remedies Act 1993,

(iii) regulations made under the European Communities Act 1972 relating to an animal, animal product or animal feed, or

(iv) an act adopted by an institution of the European Union relating to an animal, animal product or animal feed,

or

(*g*) imported, sold, supplied, moved or otherwise dealt with the farm animal, animal product, animal feed or other thing to which the application for compensation relates in contravention of an enactment to which *paragraph (f)* refers.

(2) Where a person is convicted of an offence under this Act, the Animal Remedies Act 1993 or regulations made under the European Communities Act 1972 relating to an animal, animal product, animal feed or other thing killed, destroyed or disposed of under *section 30* or that dies before being killed, he or she is not entitled to compensation in respect of the animal, animal product, animal feed or other thing to which the conviction relates.

(3) Where the Minister proposes to reduce or refuse to pay an amount of compensation otherwise payable to an owner referred to in *subsection (1)*, he or she shall—

(*a*) inform in writing the owner, stating the proposal and giving reasons for the proposal, and informing the owner that he or she may make representations in relation to the proposal within 14 days of the date of the notice,

(*b*) consider any representations duly made, and

(*c*) make a decision and inform in writing the owner, stating the decision and the reasons for the decision.

Animal health and welfare regulations.

36.—(1) The Minister may make regulations ("animal health and welfare regulations") for the purpose of—

(*a*) preventing or minimising the risk, or spread, of disease or of a disease agent,

(*b*) controlling or eradicating disease or a disease agent,

(*c*) protecting or enhancing animal health and welfare,

(*d*) controlling or prohibiting—

(i) specified uses or activities involving or relating to animals, animal products, animal feed or animal husbandry, or

(ii) the keeping, movement, transportation, sale or supply, of an animal, animal product or animal feed in the interests of animal health and animal welfare,

or

(*e*) providing for any or all of the matters set out in *Schedule 3*.

(2) Animal health and welfare regulations may apply to—

(*a*) the State or parts of the State (including disease eradication areas),

(*b*) animals, animal products or animal feed generally, or to animals, animal products or animal feed of a particular class or description,

(*c*) diseases generally or to diseases or disease agents of a particular class or description,

(*d*) land or premises generally or to land or premises of a particular class or description,

(*e*) vehicles, vessels, aircraft, machinery or equipment, generally or of a particular class or description, and

(*f*) persons generally or to persons of a particular class or description.

(3) Animal health and welfare regulations may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary for the purposes of the regulations.

(4) A person who contravenes or fails to comply with a provision of animal health and welfare regulations 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 or is an instrument to which *section 75* refers, commits an offence and is liable—

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

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

PART 8

Enforcement

Appointment of authorised officer.

37.—(1) The Minister may for the purposes of enforcing this Act or an EU measure, appoint in writing, such persons or classes of person as he or she considers appropriate to be authorised officers for the exercise of all or any of the functions conferred on an authorised officer under this Act specified in the appointment.

(2) The manager of a local authority for the purposes of enforcing this Act may, appoint in writing, such officers of the authority as he or she considers appropriate to be authorised officers for the exercise of all or any of the functions conferred on an authorised officer under this Act, specified in the appointment.

(3) A person with whom the Minister enters into a service agreement under *section 74* may for the purposes of enforcing this Act, appoint in writing, with the consent of the Minister, such persons as he or she considers appropriate to be authorised officers for the purpose of all or any of the functions that the person may exercise under the service agreement.

(4) The Minister, the manager of the local authority or a person referred to in *subsection (3)* may terminate the appointment of an authorised officer appointed by him or her, whether or not the appointment was for a fixed period or specified purpose.

(5) An authorised officer, appointed under *subsection (2)*, may exercise any of the functions conferred on the authorised officer—

(*a*) within the functional area of the local authority which appointed the authorised officer, and

(*b*) in the functional area of another local authority with which an agreement exists for the exercise by authorised officers of the first-mentioned authority in the functional area of that other authority of the functions of an authorised officer.

(6) An appointment as an authorised officer ceases—

(*a*) if it is terminated in accordance with *subsection (4)*,

(*b*) if it is for a fixed period, on the expiration of that period,

(*c*) if it is for a specified purpose, on the completion of that purpose, or

(*d*) if the person appointed is an officer of the Minister or local authority or a person appointed under *subsection (3)*, upon the person ceasing to be such an officer or class of person.

(7) Nothing in *subsection (6)* is to be construed so as to prevent the Minister, the manager of a local authority or a person who has entered into a service agreement under *section 74* from reappointing as an authorised officer a person to whom *subsection (6)* relates.

(8) An authorised officer appointed under this section shall be furnished with a warrant of his or her appointment and, when exercising a function conferred on him or her as an authorised officer, the officer shall, if requested by a person affected, produce the warrant, or other evidence (including an identity document relating to the officer under section 17 of the Animal Remedies Act 1993) that he or she is such an officer, for inspection.

Functions of authorised officer.

38.—(1) For the purposes of this Act or an EU measure an authorised officer may—

(*a*) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—

(i) an animal, animal product or animal feed is, may be or has been present,

(ii) a record relating to an animal, animal product or animal feed is, may be or has been present, or

(iii) equipment, machinery or other thing used in connection with an animal, animal product or animal feed is, may be or has been present,

(*b*) examine an animal, animal product, animal feed, equipment, machinery or other thing,

(*c*) require the name and address of the person in possession or control of an animal, animal product, animal feed, equipment, machinery or other thing,

(*d*) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with an animal, animal product or animal feed and require a person in charge or control of such to refrain from moving it,

(*e*) require the owner, occupier or person in charge of land or premises or an animal, animal product or animal feed or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person's possession or procurement, or under the person's control, as the officer may reasonably require,

(*f*) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,

(*g*) set equipment to capture or restrain an animal, or

(*h*) carry out surveys or programmes relating to animal welfare, animal health or disease surveillance.

(2) For the purposes of his or her functions under this Act, an authorised officer may require a person in possession or control of an animal in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(3) An authorised officer may require a person to give information regarding the ownership and identity of an animal, animal product or animal feed, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to an animal as is in the person's knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

(*a*) there is a risk of disease,

(*b*) a disease or disease agent is or may be present on any land or premises,

(*c*) an offence is being or has been committed under this Act, or

(*d*) evidence of a disease or a disease agent, or an offence to which *paragraph (c)* relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under *subsection (1)*:

(i) search the land or premises;

(ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;

(iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—

(I) refrain from moving it, or move it to a location where it may be searched, and

(II) give information regarding its place of departure, journey or destination;

(iv) take, without making a payment, samples from an animal, animal product, animal feed, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to an animal, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it;

(v) seize and detain an animal, animal product or animal feed and mark or otherwise identify it;

(vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this section either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;

(vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under this Act.

(5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under *section 45* other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under *section 45*, any evidence of an offence referred to in *subsection (4)(c)* is being or is likely to be disposed of or destroyed.

(6) An authorised officer, when exercising a power under this section, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under this Act.

(8) Where, in the course of exercising a power under this Act, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under this Act, the officer may seize and retain it for use in evidence in proceedings for an offence under this Act.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by this Act.

Power of member of Garda Síochána to arrest without warrant.

39.—(1) Where a person is seen or found committing, or is reasonably suspected of being engaged in committing or having committed, an offence referred to in *section 36(4)(b)* or *52(2)*, a member of the Garda Síochána may arrest the person without warrant.

(2) Section 4 of the Criminal Justice Act 1984 applies to a person arrested under this section as if he or she were detained under that provision.

Search of suspects and stopping vehicles.

40.—(1) Where a member of the Garda Síochána or an officer of Customs and Excise has reasonable grounds for believing that there is evidence on a person of an offence committed under this Act the member or officer may without warrant—

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

(*b*) search or cause to be searched a vehicle in which the member or officer suspects that evidence in relation to

an offence committed under this Act may be found and for the purpose of carrying out the search, if the member or officer thinks fit, require the person who is 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

(*c*) seize and detain under *section 38(4)(v)*, or cause to be seized and detained 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 such an offence.

(2) Where a member of the Garda Síochána or an officer of Customs and Excise decides to search or cause to be searched a person under *subsection (1)* 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.

(3) A member of the Garda Síochána may stop a vehicle, vessel or aircraft for the purposes of this Act and may require it to be moved for inspection to such place as he or she directs.

(4) Nothing in this Act operates to prejudice any power to search or to stop, 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.

Assistance to authorised officer.

41.—(1) A person who has—

(*a*) an animal, animal product or animal feed, or

(*b*) a vehicle, vessel, aircraft, container, equipment, machinery or other thing used in connection with an animal, animal product or animal feed,

in his or her possession or under his or her control, or information or a record relating to any of them, shall give such—

(i) assistance to an authorised officer, or person who accompanies the officer, and

(ii) information to an authorised officer on request being made in that behalf by the officer,

as the officer may reasonably require for the exercise of his or her functions under this Act.

(2) The owner, occupier or person in charge of land or premises used in connection with an animal, animal product or animal feed shall, if required by an authorised officer, where it is practicable and possible, provide suitable equipment or facilities or a suitable part of the land or premises or both for the officer to carry out his or her functions under this Act.

(3) An authorised officer may require a person to give to the officer such information as is in the person's power or procurement or as regards any land specified by the officer including—

(*a*) whether or not the land is used, either partly or wholly, for or in connection with the grazing or keeping of animals,

(*b*) the name of the person who is in occupation of the land, and

(*c*) whether or not the land is let and, if let, the name and address of the person to whom, and the period of time for which, it is let.

Animal health and welfare notice.

42.—(1) Where an authorised officer is of the opinion that—

(*a*) a contravention of this Act, an EU measure or animal health and welfare regulations may have taken place or may be taking place,

(*b*) an animal, animal product or animal feed, land or premises is, or may be, affected with disease or a disease agent,

(*c*) a person is not, or is not capable of, taking care of a protected animal, or

(*d*) the conditions (including the method of husbandry and the number of protected animals on land or premises) under which a protected animal is kept or otherwise used may—

(i) give rise to injury or unnecessary suffering or other risk to the welfare of the animal or another animal,

(ii) pose or are likely to pose a threat to the health or welfare of the animal or another animal,

(iii) give rise to risk of disease, to the presence of a disease agent or the outbreak or the spread of disease, or

(iv) impede efforts to control or eradicate a disease or a disease agent,

the officer may serve a notice ("animal health and welfare notice") stating that opinion on the person—

(I) who appears to be the owner, occupier or person in charge of the land or premises, or

(II) in possession or control of an animal, animal product, animal feed or other thing to which the notice relates.

(2) An animal health and welfare notice shall—

(*a*) require the person on whom it is served to take such action as specified in the notice,

(*b*) inform the person on whom it is served that he or she may appeal the notice to the District Court under *section 43*, and

(*c*) state that if the person on whom it is served fails to comply with the notice, he or she commits an offence and is liable to a penalty set out in *section 52(2)*.

(3) An animal health and welfare notice may—

(*a*) require that a protected animal which is ill, injured or enduring unnecessary suffering be cared for in the manner specified in the notice,

(*b*) require that veterinary or other appropriate advice or treatment be obtained in respect of a protected animal,

(*c*) require that a protected animal be supplied with animal feed appropriate to its age and type, species, breed, development and environment and in such quantity that will maintain it in good health,

(*d*) require that a protected animal be given access to a supply of wholesome and uncontaminated drinking water or other suitable liquid as will enable it to fulfil its fluid intake needs,

(*e*) require that a protected animal, animal product, animal feed or other thing be moved to, or not be moved from, and kept at a place specified in the notice,

(*f*) require that such alterations be made to the manner in which a protected animal is kept as may be specified in the notice,

(*g*) require that no more than a specified number (which may be zero) of protected animals or protected animals of a particular class or description are kept on any land or premises,

(*h*) require that an animal, animal product, animal feed or other thing be killed, disposed of or destroyed in a manner and at a place (if any) specified in the notice,

(*i*) prohibit or regulate an activity specified in the notice, including prohibiting or restricting entry onto land or premises specified in the notice,

(*j*) require that the owner or person in charge of any land or premises dispose of an animal, animal product or animal feed in a manner specified in the notice,

(*k*) prohibit the transport or the further transport of an animal, animal product, animal feed, or other thing either absolutely or unless such conditions as may be specified in the notice are complied with,

(*l*) require a person to return an animal, animal product, animal feed or other thing to its place of departure (whether within the State or otherwise) by a route which in the opinion of the authorised officer is the most direct or prudent,

(*m*) require that such alterations or additions be made to land or premises, means of transport, machinery or equipment used in connection with an animal, animal product, animal feed or other thing as may be specified in the notice,

(*n*) require a person to secure, isolate or segregate an animal, animal product, animal feed or other thing in a manner (if any) as may be specified in the notice,

(*o*) require that a person have carried out such examinations, tests or analyses as may be specified in the notice in a manner specified in the notice,

(*p*) require a person to clean or disinfect land or premises or a vehicle, vessel, aircraft, railway wagon, container, equipment or machinery used in connection with an animal, animal product, animal feed or other thing, or part of any of them, in a manner as may be specified in the notice, or

(*q*) require a person in charge of a premises where disease is suspected or present to affix notices prohibiting or restricting entry to the land or premises in accordance with the notice.

(4) A person on whom an animal health and welfare notice is served shall—

(*a*) comply with it until the notice expires or is annulled under *section 43*, and

(*b*) not cause or permit another person to contravene the terms of the notice.

(5) An animal health and welfare notice may specify a time limit within which it is to be complied with.

(6) An animal health and welfare notice may be modified or withdrawn by a further notice and the earlier notice has effect subject to the modification or withdrawal.

(7) An animal health and welfare notice may require the owner, occupier or person in charge of land or premises or the owner or person in possession or control of an animal, animal product, animal feed or other thing to which the notice relates to choose between 2 or more of the requirements specified in the notice.

(8) An animal health and welfare notice shall include an address for service of an appeal under *section 43*.

(9) A person on whom an animal health and welfare notice is served who fails to comply with, or causes or permits another person to contravene, the notice commits an offence.

(10) A person (other than an authorised officer or person accompanying an authorised officer) shall not enter or go onto any land or premises in contravention of a notice affixed in accordance with an animal health and welfare notice.

(11) A person who contravenes *subsection (10)* commits an offence.

Appeal against animal health and welfare notice.

43.—(1) A person on whom an animal health and welfare notice is served may, not later than 7 days from the date of service of the notice, appeal the notice to the judge of the District Court having jurisdiction in the District Court district—

(*a*) where a protected animal, animal product, animal feed or other thing relating to an animal, the subject of the notice, is situated, or

(*b*) where the person bringing the appeal ordinarily resides or carries on business,

on the grounds that the notice is unreasonable having regard to this Act.

5 (2) Notice of an appeal shall contain a statement of the grounds upon which it is alleged that the animal health and welfare notice is unreasonable having regard to this Act and shall be served, if the authorised officer who served the animal health and welfare notice—

(*a*) is appointed by the Minister, is a member of the Garda
10 Síochána or an officer of Customs and Excise, on the Minister,

(*b*) is appointed by the manager of a local authority, on that local authority, or

(*c*) is appointed under *section 37(3)*, on the person who
15 appointed the officer,

at the address included on the notice in accordance with *section 42(8)* not later than 48 hours prior to the hearing of the appeal.

(3) A person bringing an appeal shall lodge a copy of the notice of appeal with the District Court Clerk concerned not later than 48
20 hours prior to the hearing of the appeal.

(4) An animal health and welfare notice in respect of which an appeal is brought under this section shall have effect pending the making of an order under *subsection (5)*.

(5) On the hearing of an appeal the judge of the District Court
25 may confirm, modify or annul an animal health and welfare notice.

(6) A person, including a person on whom an animal health and welfare notice has been served, shall not—

(*a*) pending the determination of the appeal of the notice, deal with a protected animal, animal product, animal feed,
30 land or premises, means of transport or other thing to which the notice relates, other than in accordance with the terms of the animal health and welfare notice, or

(*b*) if the notice is confirmed or modified on appeal, deal with a protected animal, animal product, animal feed, land or
35 premises, means of transport or other thing to which the notice relates other than in accordance with the terms of the animal health and welfare notice as confirmed or modified.

(7) A person who fails to comply with *subsection (6)* commits an
40 offence.

(8) In this section "appeal" means an appeal under *subsection (1)*.

Seizure and detention for non-compliance with notice.

44.—(1) Without prejudice to an appeal under *section 43*, if—

(*a*) the owner, occupier or person in charge of land or prem-
45 ises, or the owner or person in possession or control of a protected animal, an animal product, animal feed or

other thing fails to comply with an animal health and welfare notice within the time specified in the notice,

(*b*) an authorised officer has reasonable grounds for believing that an animal health and welfare notice, whether or not modified under *section 43(5)*, will not be complied with, or

(*c*) an animal health and welfare notice has been confirmed with or without modification under *section 43(5)* and the notice has not been complied with,

then the authorised officer may seize and detain the animal, animal product or animal feed and any means of transport or other thing used in connection with such.

(2) Where an animal, animal product, animal feed, means of transport or other thing is seized and detained under *subsection (1)*, an authorised officer may—

(*a*) sell, destroy or dispose of the animal, animal product, animal feed or other thing or cause it to be sold, destroyed or disposed of, or

(*b*) take such other measures in relation to the animal, animal product, animal feed, means of transport or other thing as the authorised officer considers appropriate, in the circumstances.

(3) The profits, if any, arising out of the sale, destruction or disposal of an animal, animal product, animal feed, means of transport or other thing seized and detained under *subsection (1)* shall be paid to the owner of the animal, animal product, animal feed or other thing less any expenses (including ancillary expenses) incurred in connection with the seizure, detention, sale, destruction or disposal.

(4) The costs (including ancillary costs) of a measure taken under this section may be recovered by the Minister, the local authority concerned or the person who appointed the authorised officer—

(*a*) as a simple contract debt in a court of competent jurisdiction from the person who was the owner of the animal, animal product, animal feed, or means of transport or other thing at the time the measure was carried out, or

(*b*) by deducting the costs from any moneys due, or becoming due, and payable by the Minister to the person on whom the animal health and welfare notice concerned was served.

Search warrant.

45.—(1) If a judge of the District Court is satisfied by information on oath of an authorised officer that there are reasonable grounds for believing that—

(*a*) evidence of or relating to the commission or intended commission of an offence under this Act relating to an animal, animal product or animal feed is to be found on land or premises,

(*b*) there is or was an animal, animal product, animal feed, machinery, equipment or other thing made, used or adapted for use (including manufacture and transport) in

connection with an animal, animal product or animal feed on land or premises,

(*c*) a record related to a thing to which *paragraph (a)* or *(b)* refers is or may be on the land or premises,

5 then the judge may issue a search warrant.

(2) A search warrant under this section shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers or other persons as the named authorised officer thinks necessary, at any time, within one month from the date 10 of issue of the warrant, on production, if so requested, of the warrant, to enter the land or premises named in the warrant and to exercise all or any of the functions conferred on an authorised officer under this Act.

Obstruction and false statements.

46.—(1) A person who—

15 (*a*) obstructs, interferes with or impedes an authorised officer, or any person who accompanies an authorised officer, in the course of exercising a function conferred on the officer under this Act,

(*b*) fails or refuses, without reasonable cause, to comply with a 20 requirement or prohibition of an authorised officer under *section 38*,

(*c*) fails, without reasonable cause, to give assistance or requested information to an authorised officer in accordance with *section 41(1)* or *(3)* or to comply with a require- 25 ment of an authorised officer under *section 41(2)*, or

(*d*) in—

(i) making an application for registration, a licence, a permit, an approval, an authorisation, a certificate or other thing required by animal health and welfare 30 regulations, or

(ii) purporting to give information to an authorised officer for the exercise of the officer's functions under *section 38* or *41*—

(I) makes a statement that he or she knows to be 35 false or misleading in a material particular or recklessly makes a statement which is false or misleading in a material particular, or

(II) intentionally fails to disclose a material particular,

40 commits an offence.

(2) A statement or admission made by a person pursuant to a requirement under *section 41(1)* is not admissible as evidence in proceedings brought against that person for an offence (other than an offence under this section for failing to give information or giving 45 false information) under this Act.

PART 9

Local Authorities

Functions of local authorities.

47.—A local authority shall, within its functional area (within the meaning of the Local Government Act 2001) enforce this Act insofar as it is to be enforced by a local authority. 5

Default of local authority.

48.—(1) Where a local authority fails to perform a function of a local authority under this Act, the Minister may direct the manager of that local authority to perform the function which the local authority has failed to perform.

(2) The manager of a local authority shall comply with a direction under *subsection (1)*. 10

(3) All expenses incurred in relation to the performance of a function to which *subsection (1)* refers shall, unless a direction under that subsection provides otherwise, be paid out of moneys at the disposal of the local authority. 15

PART 10

Proceedings and Sanctions

Fixed payment notice.

49.—(1) Where an officer of the Minister, authorised by the Minister in that behalf or a local authority, authorised by the manager of the authority in that behalf, has reasonable grounds for believing 20 that a person is committing or has committed an offence under *section 36(4)(a)* or referred to in *section 52(1)* or under *section 18*, *51(4)* or *64(4)*, he or she may serve a notice in writing ("fixed payment notice") on that person stating that—

(*a*) the person is alleged to have committed the offence, 25

(*b*) the person may during the period of 28 days beginning on the date of the notice make to the Minister or a local authority, at the address specified in the notice, a payment of €250 (or such other amount, being an amount not exceeding €1,000, as stands specified by order made, 30 from time to time, by the Minister and different amounts may be specified in respect of different offences) accompanied by the notice,

(*c*) the person is not obliged to make the payment, and

(*d*) a prosecution in respect of the alleged offence will not be 35 instituted during the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

(2) Where a fixed payment notice is served under *subsection (1)*— 40

(*a*) the person to whom the notice applies may, during the period specified in the notice, make to the Minister or the relevant local authority at the address specified in the notice the payment specified in the notice accompanied by the notice, 45

(*b*) the Minister or the relevant local authority may receive the payment, issue a receipt for it and retain the money so paid, and any payment so received shall not be recoverable in any circumstances by the person who made it, and

(*c*) a prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and if the payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

(3) In proceedings for an offence under this Act, the onus of proving that a payment in accordance with a fixed payment notice has been made lies on the person on whom the fixed payment notice was served.

(4) In proceedings for an offence referred to in *subsection (1)* it is a defence for the accused to show that he or she has made a payment in accordance with this section pursuant to a fixed payment notice issued in respect of that offence.

(5) In this section "relevant local authority" means, in relation to the commission of the alleged offence, the local authority in whose functional area the offence is alleged to have been committed.

Evidence of laboratory analysis on certificate, etc.

50.—(1) In proceedings for an offence under this Act, a certificate purporting to be signed by a person employed at a laboratory where a sample taken under *section 38(4)(iv)* was analysed stating the capacity in which the person is employed and stating that—

(*a*) the person received the sample,

(*b*) for the period specified in the certificate, the person had the sample in his or her possession, and

(*c*) the person—

(i) gave the sample to another person named in the certificate, or

(ii) carried out a procedure for the purpose of detecting in the sample evidence of disease or a disease agent, a substance or contamination, or that the sample contained evidence of disease, a disease agent, a substance, or was contaminated in a manner, as is specified in the certificate,

is (without proof of the signature of the person or that he or she is or was employed at the laboratory), unless the contrary is shown, evidence of the matters stated in the certificate.

(2) In proceedings for an offence under this Act the court may, if it considers that it is in the interests of justice, direct that oral evidence of the matters stated in a certificate referred to in *subsection (1)* be given and the court may for the purpose of receiving oral evidence adjourn the proceedings.

(3) In proceedings under this Act, evidence of an act adopted by an institution of the European Union may be given by production of a copy of the act certified by an officer of the Minister to be a true copy. It is not necessary to prove, unless the contrary is shown, the

signature of the officer or that he or she is or was an officer of the Minister.

(4) *Subsection (3)* is in addition to and not in substitution for the European Communities (Judicial Notice and Documentary Evidence) Regulations 1972 (S.I. No. 341 of 1972). 5

(5) In proceedings under this Act, evidence of information contained in a record may be given by producing a copy in legible form of that record, whether that record is maintained in legible or non-legible form and the copy is, until the contrary is shown, sufficient evidence of the information contained in the record. 10

Service of notice, etc.

51.—(1) A notice (except a fixed payment notice) or requirement under this Act or issued under animal health and welfare regulations (if in writing) shall, subject to *subsection (2)*, be addressed to the person concerned by name and may be served on or given to the person— 15

(*a*) by giving a copy to the person, his or her employee, servant or agent, or in the case of a partnership, by delivery of a copy to any of the partners,

(*b*) by leaving a copy at the address at which the person ordinarily resides, where he or she carries on business, or, where an address for service of notices, directions or requirements has been furnished by the person to the Minister, at that address, 20

(*c*) by sending a copy by post in a prepaid registered envelope to the address at which the person ordinarily resides or carries on business and, in the case of a body corporate or unincorporated body at the registered office of the body or, where an address for service has been furnished by the person to the Minister, at that address, 25

(*d*) if the address at which the person ordinarily resides cannot be ascertained by reasonable enquiry and the notice, direction or requirement relates to land or premises, by delivering a copy to the land or premises or by affixing a copy in a conspicuous position on or near the land or premises, or 30 35

(*e*) by sending a copy by means of electronic mail or a facsimile machine, to a device or facility for the reception of electronic mail or facsimiles located at the address at which the person ordinarily resides or carries on business or, if an electronic address or facsimile number address for the service of a notice, direction or requirement has been furnished by the person to the Minister, that electronic address or facsimile machine, but only if— 40

(i) the recipient's facility for the reception of electronic mail generates a message confirming the successful receipt of the electronic mail, or 45

(ii) the sender's facsimile machine generates a message confirming the successful transmission of the total number of pages of the direction, requirement or notice. 50

(2) Where a requirement under *section 41(2)* (if in writing) or an animal health and welfare notice is to be served on or given to a person who is the owner, occupier or person in charge of land or premises and the name of the person cannot be ascertained by reasonable enquiry, it may be addressed to the person by using the words "the owner" or "the occupier".

(3) A person shall not, at any time within 6 months after a copy is affixed under *subsection (1)(d)*, remove, damage or deface the copy without lawful authority.

(4) A person who contravenes *subsection (3)* commits an offence and is liable on summary conviction to a class B fine.

(5) For the purposes of this section, a company within the meaning of the Companies Acts is considered to be ordinarily resident at its registered office and every other body corporate or unincorporated body is considered to be ordinarily resident at its principal office or place of business.

Penalties.

52.—(1) A person who commits an offence under *section 8(3)*, *12(7)*, *20(4)*, *22(2)*, *24(6)*, *27(4)*, *29(4)* or *42(11)* is liable, on summary conviction, to a class A fine.

(2) A person who commits an offence under *section 10(6)*, *11(2)*, *12(3)*, *13(5)*, *14(4)*, *15(10)*, *16(3)*, *17(2)*, *19(6)*, *21(2)*, *23(7)*, *42(9)*, *43(7)*, *46*, *58(8)* or *72(4)*—

(*a*) is liable, on summary conviction, to a class A fine or imprisonment for a term not exceeding 6 months, or to both, or

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

(3) A fine imposed on conviction for an offence under this Act shall be paid to the prosecutor, other than a member of the Garda Síochána, and, subject to *section 6*, disposed of in a manner that the prosecutor determines.

Costs of prosecution.

53.—Where a person is convicted of an offence under this Act, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the prosecutor the costs and expenses, measured by the court, incurred by the prosecutor or other person in relation to the investigation, detection and prosecution of the offence, including costs and expenses incurred in the taking of samples and the carrying out of tests, examinations and analyses.

Offence — body corporate.

54.—(1) Where an offence under this Act is committed by a body corporate and is proven to have been so committed with the consent, connivance or approval of or to have been attributable to the wilful neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, commits an offence and is liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

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

Summary proceedings.

55.—(1) An offence under this Act that may be prosecuted summarily by— 5

(*a*) the Minister, other than in respect of an offence under *section 18* or *section 22*,

(*b*) the local authority in whose functional area the offence is alleged to have been committed, or 10

(*c*) a member of the Garda Síochána, in accordance with section 8 of the Garda Síochána Act 2005.

(2) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence under this Act may be instituted within 12 months of the commission of the offence. 15

Presumption of ownership in relation to animals.

56.—In proceedings for an offence under this Act an animal, animal product, animal feed or other thing is presumed, unless the contrary is shown, to be owned by the occupier or person in charge of the land or premises on which it was found.

Forfeiture — equipment, animal product, etc.

57.—(1) Where an authorised officer has reasonable grounds for 20 believing that an offence under this Act has been or is being committed, any animal product or animal feed or any vehicle, vessel, aircraft, equipment or machinery used in connection with an animal, animal product or animal feed, which has come into the possession of the officer in respect of the offence, and on the application before the 25 appropriate court of—

(*a*) the Minister,

(*b*) the local authority in whose functional area the offence is alleged to have been or is being committed, or

(*c*) where criminal proceedings for an offence under this Act 30 have been instituted, the person who instituted the proceedings,

the court may, at its discretion if it is satisfied that an offence has been committed (whether or not any person has been convicted of the offence) order the forfeiture to the Minister of the animal prod- 35 uct, animal feed, vessel, vehicle, aircraft, equipment or machinery, as the case may be.

(2) Where, in relation to an application under this section to the District Court, that court becomes of the opinion during the hearing of the application that— 40

(*a*) the estimated value of the animal product, animal feed, vessel, vehicle, aircraft, equipment or machinery to be forfeited will exceed €10,000, or

(*b*) for any reason it should decline jurisdiction,

it may transfer the application to the Circuit Court or the High Court, whichever it considers appropriate having regard to the estimated value of the animal product, animal feed, equipment or machinery subject to the application or to such other matters that it considers appropriate.

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

(*a*) the estimated value of the animal product, animal feed, vessel, vehicle, aircraft, equipment or machinery to be forfeited will exceed €50,000, or

(*b*) for any reason it should decline jurisdiction,

it may transfer the application to the High Court.

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

(5) A court shall not make an order under this section unless the court is satisfied that in the circumstances all practicable measures 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.

(6) A court may make an order under this section 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.

(7) Anything ordered to be forfeited under *subsection (1)* shall be disposed of as the Minister, local authority or other person concerned considers appropriate.

(8) In this section—

"appropriate court" means the High Court and, in relation to a forfeiture or proposed forfeiture—

(*a*) where the estimated value of animal product, animal feed, vessel, vehicle, aircraft, equipment or machinery to be forfeited does not exceed €10,000, the District Court, in the District Court District, or

(*b*) where the estimated value of animal product, animal feed, vessel, vehicle, aircraft, equipment or machinery to be forfeited does not exceed €50,000, the Circuit Court, in the Circuit Court area,

in which the offence is alleged to have been committed;

"estimated value", in relation to a 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 if the thing could be sold legally less deductions for—

(*a*) the estimated costs incidental to the sale, and

(*b*) 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 the value, if any, that the court considers appropriate.

Disqualification.

58.—(1) On conviction for an offence under this Act, except in respect of an offence under *section 18(7)*, *36(4)(a)*, *51(4)* or *64(4)* or referred to in *section 52(1)* which is a first offence under any of those provisions committed within the previous 3 years, the court may order that the person convicted of the offence may, in addition to the penalty imposed, by order of the court ("disqualification order")—

(*a*) be disqualified from owning, having any interest in, keeping, dealing in or having charge or control, directly or indirectly, of an animal, animal product or animal feed or a class or classes of animal, animal product or animal feed, and

(*b*) be disqualified from working with animals or having charge or control of the slaughter, manufacture, importation, preparation, handling, storage, transport, exportation, distribution, sale or supply of an animal, animal product or animal feed or of any class or classes of animal, animal product or animal feed,

for a period, including, where appropriate, for the life of the person, as the court considers appropriate.

(2) If any time after the expiration of 3 months from the date of a disqualification order or such further period as the court may determine, the person in respect of whom the order is made may apply to the court on notice for an order to vary or discharge the original order and the court may vary or discharge the order if satisfied that there is good reason to do so.

(3) If an application under *subsection (2)* is refused, a further application shall not be made within 3 months of the date of that refusal.

(4) A disqualification order may contain such ancillary, supplementary and incidental measures as the judge making the order considers necessary for the order to have full effect.

(5) A person shall not own, or purport to own, have any interest in, keep, deal in or have control, directly or indirectly, of an animal, animal product or animal feed or a class or classes of animal, animal product or animal feed with the purpose of evading a disqualification order.

(6) Where the prosecutor has reasonable grounds to believe that—

(*a*) a person to whom a disqualification order relates, or

(*b*) another person,

is evading, or attempting to evade a disqualification order, or is conspiring in such evasion, he or she may, on notice, apply to the court for such directions as it may consider appropriate to give for the purpose of preventing such evasion.

(7) Where a person is subject to a disqualification order, an approval, authorisation, licence, permit or registration held by the person to whom the order relates under any other enactment or act

adopted by an institution of the European Union relating to an animal, animal product or animal feed or class or classes of animal, animal product or animal feed to which the order relates, is suspended for the period the order is in force.

5 (8) A person who breaches a disqualification order or contravenes *subsection (5)* commits an offence.

(9) A disqualification order takes effect, except by leave of the court, upon its making.

Seizure of animals in connection with disqualification.

59.—(1) Where—

10 (*a*) a court makes a disqualification order, and

(*b*) it appears to the court that the person to whom the order applies owns or has possession or control of an animal contrary to the order,

it may order that all animals that the person owns or has possession 15 or control of contrary to the disqualification order be delivered up or seized and detained in accordance with the order.

(2) Where a person is convicted of an offence under *section 58(8)* because of owning or keeping an animal in breach of a disqualification order, the court by or before which that person is convicted 20 may order that any or all animals that that person owns or keeps in breach of the order be delivered up or seized and detained, sold, disposed of or destroyed in accordance with the order.

(3) The profits arising from any sale, disposal or destruction under *subsection (2)* shall be paid to the prosecutor.

25 (4) A court shall not make an order under this section unless the court is satisfied that in the circumstances all practicable measures 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 30 application.

(5) Where the court makes an order under this section, it may order the person disqualified to reimburse the expenses incurred in carrying out the order.

(6) An order under this section takes effect, except by leave of 35 the court, on its making.

Forfeiture of animal.

60.—(1) On conviction for an offence under *section 36(4)(b)(ii)* or referred to in *section 52(2)* the court may on application to it order the forfeiture to the prosecutor of any animal to which the offence relates and which is owned by the person convicted or, where the 40 court is satisfied that the owner is unknown or cannot be found, where it considers it appropriate having regard to the welfare and interests of the animal and the fitness of the person convicted to own or have possession or control of an animal.

(2) Whenever an order is made under this section, an authorised 45 officer, may for the purpose of giving it effect—

(*a*) seize and detain the animal, and

(*b*) do such other things as are authorised by the order or are necessary for the purpose aforesaid.

(3) A prosecutor referred to in *subsection (1)* may deal with, sell or dispose of (including its destruction) any animal so forfeited as he or she sees fit. 5

(4) A court shall not make an order under this section unless the court is satisfied that in the circumstances all practicable measures have been taken to notify any person affected 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 10 that application.

(5) Where the court makes an order under this section, it may order the person convicted to reimburse the expenses incurred in carrying out the order.

(6) An order under this section takes effect, except by leave of 15 the court, upon its making.

Person incapable of taking care of animals.

61.—(1) A judge of the District Court, after hearing an application under this section by—

(*a*) the Minister,

(*b*) a local authority, 20

(*c*) the Health Service Executive,

(*d*) a member of the Garda Síochána, or

(*e*) a parent, relative, spouse (all within the meaning of the Mental Health Act 2001) or civil partner (within the meaning of the Civil Partnership and Certain Rights and 25 Obligations of Cohabitants Act 2010) (other than a spouse or civil partner who is living separately and apart from the person or in respect of whom an order has been made under the Domestic Violence Act 1996) of a person, 30

or, in proceedings under this Act, on his or her own motion if he or she is satisfied that, having regard, amongst other considerations, to medical evidence presented to him or her, that a person, because of, physical or mental infirmity, addiction to drugs or intoxicants, or a personality disorder is incapable of taking care of an animal or an 35 animal of a particular class or description or is incapable of carrying out a duty under this Act, may order—

(i) that an animal in the possession of the person or of which the person has control be sold or otherwise disposed of,

(ii) that the number of animals generally or of a particular 40 class or description in the person's possession or under his or her control be reduced to a number (which may be zero) specified in the order,

(iii) that the person refrain from purchasing or having in his or her possession or under his or her control animals gener- 45 ally or animals of a particular class or description,

(iv) that the person refrain from a particular activity in relation to animals,

(v) that food and liquid specified in the order be made available to animals in the possession of the person or of which the person has control,

(vi) that care specified in the order, including veterinary treatment, be made available to animals in the possession of the person or of which the person has control,

(vii) that biosecurity measures specified in the order be put in place in respect of—

(I) land or premises specified in the order, or

(II) animals in the possession of the person or of which the person has control,

(viii) that another person nominated by the judge manage the land or premises owned or occupied by the person and animals located there, or

(ix) any other measure that the judge considers appropriate having regard to the need to protect the health and welfare of the animal, to avoid injury or unnecessary suffering to the animal or to prevent the risk of, or spread of, disease or of a disease agent.

(2) An application under this section may be heard otherwise than in public.

(3) An order under *subsection (1)* may contain such ancillary, supplementary and incidental measures as the judge making the order considers necessary for the order to have full effect.

(4) The costs of complying with an order under *subsection (1)* shall, unless the court is satisfied that there are special or substantial reasons for not so doing, be paid to the Minister by the person who has possession or control of an animal to which the application relates and may be recovered by the Minister as a simple contract debt in a court of competent jurisdiction or by deducting the sum from any monies due, or becoming due, and payable by the Minster to the person.

Proof and authentication of certain documents.

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

(2) A copy of a document shall be authenticated by the signature of the person issuing it. An electronic signature (within the meaning of section 1 of the Electronic Commerce Act 2000) may be used for such authentication.

(3) In this section "document" means an animal health and welfare notice, a requirement in writing of an authorised officer or a licence, permit, approval or authorisation under animal health and welfare regulations.

Animal Tracing Systems

Animal tracing systems.

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. 5

(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, 10

(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, 15

(*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, 20

(*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. 25

(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 30 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, 35

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. 40

(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.

Census of animals.

64.—(1) The Minister may conduct a census of animals or of animals of a particular class or description for the purpose of confirming the location, category and ownership of animals in the State or for any other purpose.

(2) The Minister may make regulations requiring persons to provide information under this Act, specifying, in particular—

(*a*) the general nature of the information required,

(*b*) the frequency with which it is to be provided, and

(*c*) the persons required to provide it.

(3) The Minister may, under regulations made under *subsection (2)*, direct a person by notice in writing—

(*a*) to complete and return a form, questionnaire or other record in accordance with any instructions set out in the notice or otherwise communicated to the person,

(*b*) to answer questions asked of the person, or

(*c*) to supply any record, copy or extract from any record,

by a specified date, within a specified period or in a specified manner.

(4) A person who fails to provide information in accordance with a requirement under regulations made under this section commits an offence and is liable on summary conviction to a class B fine.

PART 12

Animal Marts

Definitions.

65.—In this Part—

"business of an animal mart" means the business of selling animals by auction or providing for the holding of sales of animals by auction at a place adapted for the sale of animals by auction;

"licence" means a licence under *section 67*;

"livestock" means cattle, sheep or pigs;

"other activity or event" means an activity or event involving the sale of animals, which is not the business of an animal mart, prescribed under *section 66(1)(b)*.

Prohibition of unlicensed animal marts, etc.

66.—(1) A person shall not carry on—

(*a*) the business of an animal mart, or

(*b*) such other activity or event involving the sale of animals as the Minister may prescribe by order, subject to any conditions contained in the order,

in respect of—

(i) livestock, or

(ii) such other breed, species, type or class of animal as the Minister may prescribe by order,

at any place unless there is for the time being a licence in force in respect of that place.

(2) A person who contravenes *subsection (1)* commits an offence and is liable on summary conviction to a class A fine or imprisonment for a term not exceeding 3 months, or to both.

Grant of licences for animal marts, etc.

67.—(1) On the application of or on behalf of a person who proposes to carry on the business of an animal mart or other activity or event at a specified place in such form and containing such particulars as the Minister may direct, the Minister may, at his or her discretion, grant for such duration as he or she sees fit, a licence authorising the carrying on of that business, activity or event at that place.

(2) The Minister may attach such terms or conditions, as he or she considers appropriate to the licence.

(3) The Minister may, if he or she so thinks fit, amend or revoke a condition attached to a licence.

(4) If the holder of a licence breaches a condition attached to the licence or causes another to breach a condition of it he or she commits an offence and is liable on summary conviction to a class A fine.

(5) If a holder of a licence breaches a term or condition attached to the licence or causes another to breach a condition of it, the Minister may suspend the licence for such period or periods as the Minister considers necessary for the licence holder to remedy the breach.

5 (6) A licence granted under section 3 of the Livestock Marts Act 1967 which is in force immediately before the commencement of this section continues in force as if granted under this section.

Power of Minister to revoke or refuse licence.

68.—(1) The Minister may, at any time, revoke or refuse to grant a licence if the Minister is satisfied that—

10 (*a*) the holder of, or applicant for, a licence is guilty of any offence under this Act, or

(*b*) there has been a contravention (whether by commission or omission) of a regulation made under this Act or under the European Communities Act 1972 (which
15 applies to the business of an animal mart or other activity or event) or of a condition attached to the licence.

(2) Before revoking or refusing a licence the Minister shall—

(*a*) notify, in writing, the holder of, or applicant for, the licence of the intention to revoke or refuse the licence
20 and of the reasons for the revocation or refusal,

(*b*) notify, in writing, the holder of, or applicant for, the licence that he or she or a person acting on his or her behalf, may make representations to the Minister in relation to the intended revocation or refusal not later
25 than 14 days from the date of issue of the notification, and

(*c*) consider any representations made under *paragraph (b)* before deciding whether or not to proceed with the revocation or refusal.

30 (3) Where the Minister decides to proceed with the revocation or refusal of a licence under this section, the Minister shall, by notice in writing, notify the holder of, or applicant for, the licence—

(*a*) of the decision and of the reasons for that decision,

(*b*) of the time limit within which, and of the manner in which
35 an appeal against the revocation or refusal may, pursuant to *section 69*, be made, and

(*c*) if the holder of the licence may continue to carry on the business of an animal mart or other activity or event.

Appeal against refusal or revocation of licence.

69.—(1) If the Minister revokes or refuses to grant a licence, the
40 holder of, or applicant for, the licence may, not later than 21 days after the date of the service of the notice of the revocation or refusal, appeal to the District Court against the refusal or revocation.

(2) If the Minister revokes a licence, the holder may, if the Minister is satisfied that there is no danger to public health, continue to
45 carry on the business of an animal mart or other activity or event—

(*a*) until the time for bringing an appeal has elapsed, or

(*b*) if an appeal is made, until such time as the appeal is determined in the District Court, and thereafter the business, activity or event may be conducted only by leave of the District Court.

(3) Where, in accordance with *subsection (2)* the holder of a licence continues to carry on the business of an animal mart, activity or event, notwithstanding the revocation, this Part continues to apply as if the licence with respect to that mart, activity or event had not been revoked.

(4) On the hearing of an appeal under this section, the District Court may—

(*a*) dismiss the appeal, or

(*b*) allow the appeal and direct the Minister to grant the licence or cancel the revocation,

and the decision of the District Court shall be final save that, by leave of that Court, an appeal shall lie to the High Court on a point of law.

(5) On the hearing of an appeal under this section, the onus of establishing that the provisions of this Part in relation to the granting or continuing in force of a licence have been complied with shall lie on the person making the appeal.

(6) The jurisdiction conferred on the District Court by this section shall be exercised by the judge for the time being assigned to the District Court District where the person making the appeal resides or carries on business.

Regulations in relation to animal marts.

70.—(1) The Minister may, for the purpose of ensuring—

(*a*) the proper conduct of—

(i) places where the business of an animal mart or other activity or event is carried on, and

(ii) such business or persons at such marts or other activities or events,

(*b*) the adequate and suitable hygienic and veterinary standards in relation to such places and auctions or sales of animals at such places, and

(*c*) the provision of adequate and suitable accommodation and facilities for such auctions or sales and for persons and animals at such auctions or sales,

make such regulations as he or she thinks appropriate in relation to such places and such businesses.

(2) Without prejudice to the generality of *subsection (1)*, regulations under this section may—

(*a*) prescribe the manner in which entries for auctions of animals or sales at such places shall be received,

(*b*) provide that entries for such auctions or sales shall not be refused except in circumstances prescribed in the regulations,

(*c*) prescribe the manner in which such auctions or sales shall be conducted,

(*d*) provide that the receipt of entries for and the conduct of such auctions or sales shall be carried out in accordance with conditions of sale drawn up by the owner of each such place and approved of by the Minister and that the conditions of sale relating to any such place shall be displayed in a prominent position which is accessible to the public at that place,

(*e*) prescribe requirements as to the size, design, maintenance, repair, cleansing, cleanliness, ventilation, heating and lighting of any buildings (including animal holding areas) in which such auctions or sales are held,

(*f*) prescribe requirements as to the accommodation (including washing facilities and sanitary conveniences) provided at such places,

(*g*) prescribe requirements as to, and provide for, the veterinary examination of animals at such auctions, the veterinary inspection of animal marts or the places where such other activities or events are held and the veterinary supervision of such auctions or sales,

(*h*) provide for the inspection of such places and the supervision of such auctions or sales by health authorities and their officers,

(*i*) prescribe hygienic and veterinary requirements and standards for such places and such auctions or sales,

(*j*) prescribe the information to be provided in relation to each lot being sold.

(3) A person who contravenes a provision of regulations under this section commits an offence and is liable on summary conviction to a class A fine.

Application (*Part 12*).

71.—This Part is in addition to, and not in substitution for, animal health and welfare regulations.

PART 13

Miscellaneous

Forgery.

72.—(1) A person shall not forge or utter knowing it to be forged—

(*a*) a record, a licence, a permit, a registration, an approval, an authorisation, a certificate, a document or other thing required by this Act,

(*b*) a form of identification relating to an animal,

(*c*) a requirement of an authorised officer under *section 41*, if the requirement is in writing,

(*d*) an animal health and welfare notice, or

(*e*) a notice erected under animal health and welfare regulations or an animal health and welfare notice. 5

(2) A person shall not alter with intent to defraud or deceive, or utter knowing it to be so altered—

(*a*) a record, a licence, a permit, a registration, an approval, an authorisation, a certificate, a document or other thing required by this Act, 10

(*b*) a form of identification relating to an animal,

(*c*) a requirement of an authorised officer under *section 41*, if the requirement is in writing,

(*d*) an animal health and welfare notice, or

(*e*) a notice erected under animal health and welfare regulations or an animal health and welfare notice. 15

(3) A person shall not have, without lawful authority (the proof of which lies on him or her), in his or her possession or under his or her control a document that has been forged, uttered or altered in contravention of *subsection (1)* or *(2)*. 20

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

Fees.

73.—(1) A person shall pay—

(*a*) on application for a registration, licence, permit, approval, authorisation or certificate of the Minister or other person under animal health and welfare regulations, 25

(*b*) in respect of an inspection required before consideration of an application mentioned in *paragraph (a)*,

(*c*) in respect of the provision of any examination, test or analyses of an animal, animal product, animal feed or other thing or sample, or 30

(*d*) in respect of any treatment of an animal by the Minister,

such fee (if any) as may be fixed from time to time by the Minister.

(2) Different fees may be fixed in respect of applications for different classes of the matters referred to in *subsection (1)* but may not exceed the cost of providing the service, estimated by the Minister, to which the fee relates. 35

(3) The Minister or other person referred to in *subsection (1)* shall not consider an application unless it is accompanied by the appropriate fee (if any).

(4) The Minister may publish in such manner as he or she decides fees fixed under this section. 40

74.—(1) The Minister may, from time to time, enter in writing into an agreement or other arrangement ("service agreement") subject to such terms or conditions as the Minister decides, with another person for the performance of a function under this Act (other than a function under *sections 1(2)*, *7*, *26(2)*, *49*, *55*, *61*, *63* and *64(2)* and under *Parts 6*, *7* and *9*). Service agreements.

(2) The Minister may at any time withdraw or alter the terms of a service agreement.

(3) A service agreement operates, so long as it continues in operation, to confer on and vest in the person with whom the agreement is made, the function specified in, and subject to any conditions set out in, the agreement.

(4) Notice of a service agreement or its withdrawal or alteration, shall be published in the *Iris Oifigiúil* and in such other manner (if any) as the Minister decides.

75.—The statutory instruments mentioned in *Schedule 4*, are continued in force and are considered to be animal health and welfare regulations and may be amended or revoked under *section 36*. Continuance of certain instruments.

PART 14

Amendment of Animal Remedies Act 1993

76.—(1) The Animal Remedies Act 1993 is amended— Amendment of Animal Remedies Act 1993.

(*a*) in section 8, by substituting for subsection (1)(*b*)(iv) the following:

"(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 including, if the regulations are for the purpose of giving effect or further effect to existing or future acts of an institution of the European Union, provisions repealing, amending or applying, with or without modifications, other law.",

(*b*) in section 22, by substituting for subsection (1) the following:

"(1) An offence under this Act that may be prosecuted summarily may be so prosecuted by the Minister.",

and

(*c*) in section 23—

(i) in subsection (1), by substituting for paragraph (*a*) (as amended by section 41(1)(*b*)(i) of the Act of 2006) the following:

"(*a*) on summary conviction, to a class A fine, or to imprisonment for a term not exceeding 6 months, or to both,",

and

(ii) in subsection (2), by substituting for paragraph (*a*) (as amended by section 41(1)(*b*)(ii) of the Act of 2006) the following:

"(*a*) on summary conviction, to a class A fine, or to imprisonment for a term not exceeding 6 months, or to both,",

(*d*) in section 29, by substituting for subsection (1) (inserted by section 41(1)(*c*) of the Act of 2006) the following:

"(1) There shall be paid—

(*a*) on an application for the grant of a licence, the issue of an authorisation or a certificate or the provision of a service under regulations made under section 8 or a renewal or amendment of any of them, such fee (if any),

(*b*) in respect of a licence, authorisation, or certificate under regulations made under section 8 which is in force for a definite or indefinite period of more than 12 months, such annual fee (if any), and

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

as the Minister may determine.".

(2) In this section "Act of 2006" means Irish Medicines Board (Miscellaneous Provisions) Act 2006.

SCHEDULE 1

Section 4.

Enactments Repealed

Session and Chapter or Number and Year (1)	Short Title or Subject (2)	Extent of Repeal (3)
5 & 6 Vict., c. 24	Dublin Police Act 1842	Sections 8 and 17(5)
10 & 11 Vict., c. 89	Town Police Clauses Act 1847	Sections 28 and 36
17 & 18 Vict., c. 103	Towns Improvement (Ireland) Act 1854	Sections 72 and 75
41 & 42 Vict., c. 52	Public Health (Ireland) Act 1878	Section 57(1)
50 & 51 Vict., c. 27	Markets and Fairs (Weighing of Cattle) Act 1887	The whole Act
54 & 55 Vict., c. 70	Markets and Fairs (Weighing of Cattle) Act 1891	The whole Act
8 Edw. 7, c. 34	Bee Pest Prevention (Ireland) Act 1908	The whole Act
1 & 2 Geo. 5, c. 27	Protection of Animals Act 1911	The whole Act
11 & 12 Geo. 5, c. 13	Captive Birds Shooting (Prohibition) Act 1921	The whole Act
11 & 12 Geo. 5, c. 16	Importation of Plumage (Prohibition) Act 1921	The whole Act
No. 16 of 1933	Musk Rats Act 1933	The whole Act
No. 42 of 1934	Slaughter of Cattle and Sheep Act 1934	The whole Act
No. 37 of 1935	Slaughter of Cattle and Sheep (Amendment) Act 1935	The whole Act
No. 45 of 1935	Slaughter of Animals Act 1935	The whole Act
No. 20 of 1936	Flax Act 1936	The whole Act
No. 33 of 1936	Slaughter of Cattle and Sheep (Amendment) Act 1936	The whole Act
No. 14 of 1938	Agricultural Products (Regulation of Import) Act 1938	The whole Act
No. 18 of 1947	Agricultural and Fishery Products (Regulation of Export) Act 1947	The whole Act
No. 27 of 1947	Clean Wool Act 1947	The whole Act
No. 49 of 1947	Poultry Hatcheries Act 1947	The whole Act
No. 9 of 1950	Flax Act 1936 (Suspension) Act 1950	The whole Act
No. 10 of 1965	Protection of Animals (Amendment) Act 1965	The whole Act
No. 6 of 1966	Diseases of Animals Act 1966	The whole Act
No. 20 of 1967	Livestock Marts Act 1967	The whole Act
No. 26 of 1968	Wool Marketing Act 1968	The whole Act
No. 26 of 1979	Bovine Diseases (Levies) Act 1979	The whole Act

Session and Chapter or Number and Year (1)	Short Title or Subject (2)	Extent of Repeal (3)
No. 11 of 1984	Wool Marketing Act 1984	The whole Act
No. 13 of 1984	Protection of Animals Kept for Farming Purposes Act 1984	The whole Act
No. 13 of 1985	Control of Bulls for Breeding Act 1985	The whole Act
No. 5 of 1996	Bovine Diseases (Levies) (Amendment) Act 1996	The whole Act
No. 37 of 1996	Control of Horses Act 1996	Sections 43, 44 and 48
No. 2 of 2000	National Beef Assurance Scheme Act 2000	The whole Act
No. 3 of 2001	Diseases of Animals (Amendment) Act 2001	The whole Act
No. 29 of 2001	Agriculture Appeals Act 2001	Sections 12 and 13

SCHEDULE 2

Sections 2 and *7*.

Diseases to which Act applies

1. Acariasis

2. African horse sickness

3. African swine fever

4. American Foulbrood

5. Anthrax

6. Arizona disease in poultry (*Salmonella arizoniae*)

7. Aujeszky's disease

8. Avian chlamydiosis (psittacosis)

9. Avian infectious laryngotracheitis

10. Avian influenza (including highly pathogenic avian influenza and low pathogenic avian influenza)

11. Avian mycoplasmosis (caused by or involving *Mycoplasma gallisepticum*, *Mycoplasma meleagridis* or *Mycoplasma synovia*)

12. Avian paramyxovirus (including Newcastle disease and paramyxovirus of pigeons)

13. Bacterial Kidney Disease (BKD)

14. Bluetongue

15. Bovine viral diarrhoea

16. Brucellosis in ruminants and swine

17. Caprine arthritis/encephalitis

18. Classical swine fever

19. Contagious agalactia

20. Contagious bovine pleuropneumonia

21. Contagious caprine pleuropneumonia

22. Contagious equine metritis

23. Crimean Congo haemorrhagic fever

24. Dourine

25. Echinococcosis (caused by *Echinococcus multilocularis*)

26. Enzootic abortion of ewes

27. Enzootic bovine leukosis

28. Epizootic haemorrhagic disease

29. Epizootic haematopoietic necrosis

30. Epizootic ulcerative syndrome

31. Equine encephalomyelitis (including Western Equine Encephalomyelitis and Eastern Equine Encephalomyelitis)

32. Equine infectious anaemia

33. Epizootic lymphangitis in equidae

34. Equine piroplasmosis

35. Equine viral arteritis

36. European foulbrood

37. Foot-and-Mouth disease

38. Fowl typhoid (*Salmonella gallinarum*)

39. Glanders (farcy) in *equidae*

40. Goat pox

41. Hendra virus

42. Infectious bovine rhinotracheitis/ infectious pustular vulvovaginitis

43. Infection with *Bonamia exitiosa*

44. Infection with *Bonamia ostreae*

45. Infection with *Gyrodactylus salaris*

46. Infection with *Marteilia refringens*

47. Infection with *Microcytos mackini*

48. Infection with Ostreid Herpes virus - µvar

49. Infection with *Perkinsus marinus*

50. Infectious haematopoietic necrosis (IHN)

51. Infectious salmon anaemia (ISA)

52. Japanese encephalitis

53. Koi herpes virus (KHV)

54. Lumpy skin disease

55. Maedi Visna

56. Monkey pox virus

57. Nosema ceranae

58. Ovine pulmonary adenomatosis (Jaagsiekte)

59. Parasitic mange

60. Peste des petits ruminants

61. Paratuberculosis in ruminating animals (Johnes disease)

62. Porcine epidemic diarrhoea

63. Porcine reproductive and respiratory syndrome (PRRS or blue ear)

64. Pullorum disease (*Salmonella pullorum*)

65. Q fever

66. Rabies

67. Rift Valley fever

68. Rinderpest (cattle plague)

69. Salmonellosis (caused by or involving *Salmonella enteriditis* or *Salmonella typhimurium*)

70. Salmonellosis in poultry (caused by or involving *Salmonella hadar*, *Salmonella infantis* or *Salmonella virchow*)

71. Sheep pox

72. Sheep scab

73. Small hive beetle (*Aethina tumidae*)

74. Spring viraemia of carp (SVC)

75. Surra (*Trypsanoma evansi*)

76. Swine influenza

77. Swine vesicular disease

78. Taura syndrome

79. Teschovirus encephalomyelitis

80. Transmissible gastro-enteritis (porcine respiratory corona virus)

81. Transmissible spongiform encephalopathies, including bovine spongiform encephalopathy and scrapie

82. Trichinellosis

83. Tropilaelops mite (*Tropilaelops spp.*)

84. Tuberculosis in ruminants

85. Varroasis in bees

86. Venezuelan Equine Encephalomyelitis

87. Vesicular stomatitis

88. Viral haemorrhagic septicaemia (VHS)

89. Warble fly infestation

90. White Spot disease

91. West Nile fever

92. Yellowhead disease

SCHEDULE 3

Section 36(1).

Matters in respect of which Animal Health and Welfare Regulations may be made

Housing and Husbandry of animals

1. To provide for proper husbandry and management of animals, for proper farming practice and for appropriate welfare standards for animals at all stages of their lives, including during sale, transport or, in the case of farm animals, lairaging or at slaughter.

2. The provision of a proper supply of food and liquid to an animal.

3. To provide that an animal has adequate space for movement, exercise, socialisation and other needs.

4. The provision, maintenance, specifications and equipment of containment in relation to an animal, including the—

(*a*) dimensions and layout of housing,

(*b*) materials to be used in constructing housing, and

(*c*) lighting, heating, cooling and ventilation of housing.

5. The operation, management and supervision of land or premises on which an animal is kept.

6. The standards and maintenance of land or premises on which an animal is kept or that is otherwise used in connection with an animal.

7. The provision and maintenance of drainage, water supply or other facilities for an animal, including the sanitation of land or premises on which an animal is kept or otherwise used.

8. The protection of animals from adverse weather or other environmental conditions.

Disease control and veterinary

9. The notification of the existence or suspected existence of disease.

10. The provision of treatment by a veterinary practitioner or other appropriate person.

11. The isolation, segregation, treatment (including disinfecting, cleaning and treatment with an insecticide or other substance), storage or disposal of an animal, animal product, animal feed, vehicle, vessel, aircraft, machinery, equipment, land or premises or other thing used in connection with an animal, animal product or animal feed.

12. The submission of animals, animal products, animal feed and other things for testing or for the taking of samples.

13. Requiring that animals, animal products, animal feed or other things (or samples from animals, animal products, animal feed

or other things) be tested for the purposes of preventing the risk of disease, disease control or surveillance and are subjected to examination, test or analyses in a manner specified.

Identification of animals

14. The identification (by means of tags, microchips, documents, genetic or electronic means, or otherwise) of an animal, including notification of the birth, death, sale, movement or other event relating to an animal.

15. The manufacture, import, distribution, sale, supply, possession, control, use or disposal of means of identification or other thing (including a record) relating to the identification of an animal.

16. The prohibition of tampering with, removal, forgery or alteration of, and the regulation of the means of, identification or other thing (including a document) relating to the identification of an animal.

Measures to be taken regarding animals

17. The destruction, burial or disposal of an animal, animal product, animal feed, litter, vehicle, vessel, aircraft, container, equipment, machinery or other thing used in connection with an animal, animal product or animal feed.

18. The regulation (including prohibition) of examination, taking of samples or carrying out of tests and analyses on an animal, a sample taken from an animal, animal product, animal feed, litter, bedding, vehicle, vessel, aircraft, container, equipment, machinery or other thing used in connection with an animal.

19. The provision of biosecurity measures, including the use of personal protective equipment and the cleansing or disinfecting of clothing, equipment, machinery, land or premises.

20. The maintenance and repair of boundary fences, walls or other structures.

Transport or movement of animals

21. The regulation (including prohibition) of transport or movement of animals, animal products or animal feed, including notification of their transport or movement and related matters.

22. The transport or movement of an animal, animal product or animal feed, a vehicle or container, or vessel or aircraft, used in connection with the transport or movement of an animal or other thing referred to in this paragraph, including the—

    (*a*) standards required of equipment, a vessel, aircraft, vehicle, container or other thing used for, or ancillary to, the transport or movement of an animal, animal product or animal feed, and

    (*b*) care, including feeding, watering and rest periods of an animal during transport or movement.

23. The information to accompany an animal or to be provided before or after an animal is transported or moved including details of the person to whom, and manner in which, the information is to be provided.

24. The regulation or prohibition on the import into, or export from, the State of an animal, animal product, animal feed, litter, bedding, farm machinery, animal transport vehicles and other equipment used with or in connection with a thing to which this paragraph refers, including—

(*a*) notice to be given prior to the import or export,

(*b*) places of departure from, or entry into, the State,

(*c*) documentation to accompany an animal, animal product, animal feed, litter, farm machinery, animal transport vehicles or other equipment being imported or exported.

Regulation of activities relating to animals

25. The regulation or prohibition of—

(*a*) keeping, breeding, rearing or other use of an animal in such a manner as to avoid unnecessary suffering to the animal,

(*b*) breeding of animals (including zootechnical matters) to protect or enhance their health and welfare including—

(i) their possession and sale, and

(ii) the use of their semen, ova, eggs, embryos and foetuses.

26. The regulation of the possession, purchase, movement, agistment, sale or supply of an animal, animal product, animal feed, litter, bedding, farm machinery or farm equipment.

27. The regulation of land or premises on which animals, animal products or animal feed are kept or are sold or supplied or animals are shown, compete, or are used in connection with a sporting or cultural activity.

28. The regulation or prohibition on gatherings of animals or people (including at sporting events) in the interests of animal welfare to prevent the risk of, spread of, or the eradication of, disease.

29. The regulation or prohibition of the killing of animals, including the method and manner of such killing by specified persons trained for that purpose.

The regulation or prohibition of the movement of persons

30. The regulation or prohibition of the possession, acquisition, sale, supply, movement, transport or export of farm animals, including horned animals, which, in the opinion of the Minister, constitute a danger to other animals or human beings.

31. The erection of notices stating that disease is present on, or entry is prohibited to, any land or premises, and related matters.

Regulation of veterinary and other procedures

32. The regulation or prohibition of operations and procedures (including docking of the tails of animals).

33. The regulation of the use of anaesthetics or analgesics during operations and procedures on animals.

34. The prophylactic or therapeutic treatment of animals with animal remedies.

35. The regulation of laboratories used to examine, test and analyse samples having regard to equipment, procedures, sample integrity and personnel.

36. The regulation or prohibition of the use or possession of vaccines in the interest of animal health.

Animal health and welfare control programmes

37. The provision of controls, at the request of a local authority, for animal populations within the functional area of that authority for the purposes of promoting, maintaining or improving animal health and welfare, including—

(*a*) programmes for the identification (including microchipping), neutering, spaying or humane destruction of animals,

(*b*) regulation (including prohibition) of the sale or supply of an animal unless identified, neutered or spayed,

(*c*) identifying (including microchipping), neutering or spaying an animal detained under this or any other enactment prior to returning the animal or supplying it to any person, and

(*d*) the provision of sufficient security by a person to identify, neuter or spay an animal.

Administrative

38. To facilitate a census of animals at risk of, or affected or suspected of being affected with, disease in a particular area.

39. The carrying out of surveys or programmes to monitor, assess or enhance animal welfare or animal health, to monitor or assess disease, or disease surveillance.

40. The granting of licences, permits, approvals or authorisations, certificates or other documents in respect of any matter or activity referred to in this Act and the attachment of conditions to such and the limitation or restriction of them should any conditions not be met.

41. An application for any of the documents referred to in paragraph 39 and appeal procedures by an applicant refused such document and, in the case of the suspension or revocation of such, by its holder.

42. The extent to which animal health and welfare regulations are to be administered by local authorities.

43. The form, content, maintenance and production of records.

44. The registration of animals and premises where animals are kept, sold, processed, moved or otherwise dealt with.

45. The undertaking of training by persons or classes of persons and the provision of training by persons or classes of persons.

EU matters

46. Requiring compliance with, or prohibiting a contravention of, an act adopted by an institution of the European Union.

47. Any other matter relating to an animal, animal product, animal feed or disease or animal health and welfare the subject of an act adopted by an institution of the European Union.

SCHEDULE 4

Statutory Instruments considered to be Animal Health and Welfare Regulations

Orders under the Diseases of Animals Act 1966

1.	The Importation of Dogs and Cats Order 1929 (S.R. & O., No. 4 of 1929)
2.	Importation of Dogs and Cats (Amendment) (No. 2) Order 1970 (S.I. No. 203 of 1970)
3.	Rabies (Importation, Landing and Movement of Animals) Order 1972 (S.I. No. 16 of 1972)
4.	Warble Fly (Notification and Treatment) Order 1975 (S.I. No. 267 of 1975)
5.	Rabies Order 1976 (S.I. No. 94 of 1976)
6.	Rabies (Importation, Landing and Movement of Animals) (Amendment) Order 1976 (S.I. No. 95 of 1976)
7.	Warble Fly (Notification and Treatment) (Amendment) Order 1977 (S.I. No. 10 of 1977)
8.	Warble Fly Order 1981 (S.I. No. 338 of 1981)
9.	Diseases of Animals (Feeding and Use of Swill) Order 1985 (S.I. No. 153 of 1985)
10.	Bovine Tuberculosis (Attestation of the State and General Provisions) Order 1989 (S.I. No. 308 of 1989)
11.	Brucellosis in Cattle (General Provisions) Order 1991 (S.I. No. 114 of 1991)
12.	Diseases of Animals (Poultry Feed) Order 1991 (S.I. No. 364 of 1991)
13.	Diseases of Animals (Carriage of Cattle by Sea) Order 1996 (S.I. No. 17 of 1996)
14.	Bovine Tuberculosis (Attestation of the State and General Provisions) (Amendment) Order 1996 (S.I. No. 85 of 1996)
15.	Brucellosis in Cattle (General Provisions) (Amendment) Order 1996 (S.I. No. 86 of 1996)
16.	Importation of Pathogenic Agents Order 1997 (S.I. No. 373 of 1997)
17.	Brucellosis in Cattle (General Provisions) (Amendment) Order 1998 (S.I. No. 39 of 1998)
18.	Diseases of Animals (Carriage of Cattle by Sea) (Amendment) Order 1998 (S.I. No. 343 of 1998)
19.	Diseases of Animals (Carriage of Cattle by Sea) (Amendment) (No. 2) Order 1998 (S.I. No. 506 of 1998)
20.	Brucellosis in Cattle (General Provisions) (Amendment) Order 2000 (S.I. No. 57 of 2000)
21.	Bovine Tuberculosis (Attestation of the State and General Provisions) (Amendment) Order 2000 (S.I. No. 161 of 2000)
22.	Diseases of Animals (Transmissible Spongiform Encephalopathies in Sheep and Goats) Order 2001 (S.I. No. 450 of 2001)
23.	Diseases of Animals (Prohibition on the Use of Swill) Order 2001 (S.I. No. 597 of 2001)
24.	Diseases of Animals Act (Carriage of Cattle by Sea) Order 1996 (Extension to Sheep and Consequential Provisions) Order 2002 (S.I. No. 99 of 2002)
25.	Diseases of Animals Act 1966 (National Pig Identification and Tracing System) Order 2002 (S.I. No. 341 of 2002)

26.	Brucellosis in Cattle (General Provisions) (Amendment) Order 2002 (S.I. No. 415 of 2002)
27.	Diseases of Animals Act 1966 (Aujeszky's Disease) Order 2002 (S.I. No. 479 of 2002)
28.	Diseases of Animals Act 1966 (Control on Animal and Poultry Vaccines) Order 2002 (S.I. No. 528 of 2002)
29.	Bovine Tuberculosis (Attestation of State and General Provisions) (Amendment) Order 2003 (S.I. No. 32 of 2003)
30.	Diseases of Animals Act 1966 (Control on Animal and Poultry Vaccines) (Amendment) Order 2003 (S.I. No. 159 of 2003)
31.	Importation of Dogs and Cats Order 2003 (S.I. No. 192 of 2003)
32.	Diseases of Animals Act 1966 (Import of Cats and Dogs) (Control of Tapeworm (Echinococcus Multilocularis) and Ticks) Order 2003 (S.I. No. 193 of 2003)
33.	Diseases of Animals Act 1966 (Monkey Pox Virus) Order 2003 (S.I. No. 279 of 2003)
34.	Brucellosis in Cattle (General Provisions) (Amendment) Order 2003 (S.I. No. 700 of 2003)
35.	Diseases of Animals Act 1966 (Control on Animal and Poultry Vaccines) (Amendment) Order 2004 (S.I. No. 508 of 2004)
36.	Bovine Tuberculosis (Attestation of the State and General Provisions) (Amendment) Order 2005 (S.I. No. 7 of 2005)
37.	Diseases of Animals Act 1966 (Goat Identification) Order 2006 (S.I. No. 79 of 2006)
38.	Diseases of Animals Act 1966 (Foot and Mouth Disease) (Disinfection facilities) Order 2007 (S.I. No. 574 of 2007)
39.	Diseases of Animals (Animal Transport) (Roll-on Roll-off vessels) Order 2007 (S.I. No. 580 of 2007)
40.	Diseases of Animals Act 1966 (Control on Animal and Poultry Vaccines) (Amendment) Order 2007 (S.I. No. 765 of 2007)
41.	Diseases of Animals Act 1966 (Notification and Control of Animal Diseases) Order 2008 (S.I. No. 101 of 2008)
42.	Diseases of Animals Act 1966 (Transmissible Spongiform Encephalopathies) (Fertilisers and Soil Improvers) Order 2008 (S.I. No. 253 of 2008)
43.	Diseases of Animals Act 1966 (Prohibition on the Use of Swill) (Amendment) Order 2009 (S.I. No. 12 of 2009)
44.	Brucellosis in Cattle (General Provisions) (Amendment) Order 2009 (S.I. No. 357 of 2009)
45.	Rabies (Importation, Movement and Landing of Animals) Order 2009 (S.I. No. 261 of 2009)
46.	Diseases of Animals Act 1966 (Control on Animal and Poultry Vaccines) (Amendment) Order 2009 (S.I. No. 323 of 2009)
47.	Diseases of Animals Act 1966 (Control on salmonella in swine) Order 2009 (S.I. No. 522 of 2009)
48.	Diseases of Animals Act 1966 (Control on Animal and Poultry Vaccines) (Amendment) Order 2010 (S.I. No. 289 of 2010)
49.	Bovine Tuberculosis (Attestation of the State and General Provisions) (Amendment) Order 2010 (S.I. No. 307 of 2010)
50.	Diseases of Animals Act 1966 (National Pig Identification and Tracing System) (Amendment) Order 2010 (S.I. No. 364 of 2010)
51.	Diseases of Animals Act 1966 (Notification and Control of Animal Diseases) (Amendment) Order 2010 (S.I. No. 475 of 2010)
52.	Diseases of Animals Act 1966 (Control of Salmonella in Ducks) Order 2010 (S.I. No. 565 of 2010)
53.	Diseases of Animals Act 1966 (Notification and Control of Animal Diseases) (Amendment) Order 2011 (S.I. No. 277 of 2011)