



STATUTORY INSTRUMENTS.

S.I. No. 307 of 2024



EUROPEAN UNION (MARKETING STANDARDS FOR POULTRY AND
HATCHING EGGS) REGULATIONS 2024

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I, CHARLIE MCCONALOGUE, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving effect to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013¹ as amended by Regulation (EU) No 1310/2013 of the European Parliament and of the Council of 17 December 2013², Regulation (EU) 2016/791 of the European Parliament and of the Council of 11 May 2016³, Commission Delegated Regulation (EU) 2016/1166 of 17 May 2016⁴, Commission Delegated Regulation (EU) 2016/1226 of 4 May 2016⁵, Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017⁶, Regulation (EU) 2020/2220 of the European Parliament and of the Council of 23 December 2020⁷, Regulation (EU) 2021/2117 of the European Parliament and of the Council of 2 December 2021⁸ (in so far as it relates to the marketing standards for eggs for hatching and farmyard poultry chicks) and Commission Regulation (EC) No 617/2008 of 27 June 2008⁹ as amended by Council Regulation (EU) No 557/2010 of 24 June 2010¹⁰, Commission Regulation (EU) No 939/2011 of 23 September 2011¹¹ and Commission Regulation (EU) No 519/2013 of 21 February 2013¹², hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Union (Marketing Standards for Poultry and Hatching Eggs) Regulations 2024.

Interpretation

2. (1) In these Regulations –

“authorised officer” means a person appointed under Regulation 12;

“Minister” means Minister for Agriculture, Food and the Marine;

“Commission Regulation” means Commission Regulation (EC) No 617/2008 of 27 June 2008 as amended by Council Regulation (EU) No 557/2010 of 24

¹ OJ L 347, 20.12.2013, p. 671

² OJ L 347, 20.12.2013, p. 865

³ OJ L 135, 24.5.2016, p. 1

⁴ OJ L 193, 19.7.2016, p. 17

⁵ OJ L 202, 28.7.2016, p. 5

⁶ OJ L 350, 29.12.2017, p. 15

⁷ OJ L 437, 28.12.2020, p. 1

⁸ OJ L 435, 6.12.2021, p. 262

⁹ OJ L 168, 28.6.2008, p. 5

¹⁰ OJ L 159, 25.6.2010, p. 13

¹¹ OJ L 248, 24.9.2011, p. 1

¹² OJ L 158, 10.6.2013, p. 74

June 2010, Commission Regulation (EU) No 939/2011 of 23 September 2011 and Commission Regulation (EU) No 519/2013 of 21 February 2013;

“Regulation 1308/2013“ means Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 as amended by Regulation (EU) No 1310/2013 Of The European Parliament And Of The Council of 17 December 2013, Regulation (EU) 2016/791 of the European Parliament and of the Council of 11 May 2016, Commission Delegated Regulation (EU) 2016/1166 of 17 May 2016, Commission Delegated Regulation (EU) 2016/1226 of 4 May 2016, Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017, Regulation (EU) 2020/2220 of the European Parliament and of the Council of 23 December 2020, Regulation (EU) 2021/2117 of the European Parliament and of the Council of 2 December 2021.

(2) A word or expression that is used in these Regulations and that is also used in Regulation 1308/2013 or the Commission Regulation has, unless the contrary intention appears, the same meaning in these Regulations that it has in Regulation 1308/2013 or the Commission Regulation.

Definitions, designations and sales descriptions: eggs and poultry

3. A person shall not contravene Regulation 1308/2013, in particular Article 78 in respect of the definitions, designations and sales descriptions for certain sectors and products.

Registration of establishments

4. (1) A person shall not contravene Article 2 of the Commission Regulation in respect of the registration of establishments.

(2) The Minister is the competent agency for the purposes of Article 2 of the Commission Regulation.

(3) Registration pursuant to the European Union (Animal Identification and Tracing) Regulations 2023 (S.I. No. 254 of 2023) shall be considered registration for the purposes of Article 2 of the Commission Regulation and such registration may be withdrawn from establishments which do not comply with the provisions of the Commission Regulation or Regulation 1308/2013.

Marking of eggs for hatching and their packaging

5. A person shall not contravene Article 3 of the Commission Regulation in respect of marking of eggs for hatching and their packaging.

Marking of packs containing chicks

6. A person shall not contravene Article 4 of the Commission Regulation in respect of marking of packs containing chicks.

Accompanying documents

7. A person shall not contravene Article 5 of the Commission Regulation in respect of accompanying documents.

Records

8. A person shall not contravene Article 6 of the Commission Regulation in respect of records.

Use of eggs removed from incubator

9. A person shall not contravene Article 7 of the Commission Regulation in respect of the use of eggs removed from the incubator.

Communications

10. A person shall not contravene Article 8 of the Commission Regulation in respect of communications to the competent agency.

Inspection Agencies

11. A person shall not contravene Article 9 of the Commission Regulation in respect of inspection agencies.

Appointment of authorised officer

12. (1) The Minister may appoint in writing such persons or classes of persons 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 these Regulations, as specified in the appointment.

(2) The Minister 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.

(3) An appointment as an authorised officer ceases—

- (a) if it is terminated pursuant to paragraph (2),
- (b) if it is for a fixed period, on the expiry 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 member of a class of person, upon the person ceasing to be such an officer or member.

(4) Nothing in paragraph (3) is to be construed so as to prevent the Minister from reappointing as an authorised officer a person to whom that paragraph relates.

(5) An authorised officer appointed under this Regulation shall be furnished with a warrant of his or her appointment and, when exercising a power conferred on him or her, the officer, an authorised officer within the meaning of the Act, an authorised officer within the meaning of the Food Safety Authority of Ireland Act 1998, an officer of the Revenue Commissioners or a member of the Garda Síochána shall, if requested by a person affected, produce the warrant or evidence that he or she is such an officer or member to the person.

Functions of authorised officer

13. (1) For the purposes of these Regulations, the Commission Regulation or Regulation 1308/2013, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any premises if he or she is carrying out an official control or other official activity for the purposes of these Regulations, the Commission Regulation or Regulation 1308/2013 or where he or she has reasonable grounds for believing that—
 - (i) poultry or hatching eggs, documentation of identification or other thing to which these Regulations, the Commission Regulation or Regulation 1308/2013 relates is, may be or has been present,
 - (ii) a record relating to poultry or hatching eggs, documentation of identification or other thing to which these Regulations, the Commission Regulation or Regulation 1308/2013 relates is, may be or has been present,
 - (iii) equipment, machinery, a vehicle, a vessel or other thing used in connection with poultry or hatching eggs, documentation of identification or other thing to which these Regulations, the Commission Regulation or Regulation 1308/2013 relates is, may be or has been present,
- (b) examine poultry or hatching eggs, documentation of identification, equipment, machinery or other thing used in connection with poultry or hatching eggs, documentation of identification or other thing to which these Regulations, the Commission Regulation or Regulation 1308/2013 relates,
- (c) require the name and address of the owner, or person in possession or control of poultry or hatching eggs, documentation of identification, equipment, machinery, a document, a vehicle or a vessel used in connection with poultry or hatching eggs, documentation of identification or other thing to which these Regulations, the Commission Regulation or Regulation 1308/2013 relates, or require details of place of departure, journey or destination,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery, a computerised information management system or other thing used in connection with

poultry or hatching eggs, documentation of identification or other thing to which these Regulations, the Commission Regulation or Regulation 1308/2013 relates and require the person in charge or control of such to refrain from moving it,

- (e) require the owner, person in possession or control of any premises, equipment, machinery, a computerised information management system, a vehicle, a vessel or other thing used in connection with poultry or hatching eggs, documentation of identification or other thing to which these Regulations, the Commission Regulation or Regulation 1308/2013 relates, 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) make a record, including by means of writing, sound recording, photograph, video or other means, or
- (h) take, without making a payment, samples from poultry or hatching eggs, documentation of identification or other thing to which these Regulations, the Commission Regulation or Regulation 1308/2013 relates, or any article, substance or liquid as he or she may reasonably require and carry out or cause to be carried out on the samples such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it.

(2) An authorised officer may require a person to give information regarding the ownership and identity of poultry or hatching eggs, documentation of identification, equipment, machinery, a vehicle, a vessel or other thing used in connection with poultry or hatching eggs, documentation of identification or other thing to which these Regulations, the Commission Regulation or Regulation 1308/2013 relates as is in the person's knowledge or procurement.

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

- (a) an offence is being or has been committed under these Regulations, or
- (b) evidence of an offence to which subparagraph (a) 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 paragraph (1):

- (i) search the land or premises;

- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery (including any computerised information management system);
- (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,
 - (II) give information regarding its place of departure, journey or destination, and
 - (III) where the equipment or machinery is part of a computerised information management system, provide assistance (including passwords) to enable access to such devices or systems;
- (iv) seize and detain poultry or hatching eggs, documentation of identification or other thing to which these Regulations, the Commission Regulation or Regulation 1308/2013 relates and mark or otherwise identify it;
- (v) detain a vehicle, vessel, aircraft, railway wagon, equipment, machinery (including any computerised information management system) or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
- (vi) remove any equipment, machinery (including any computerised information management system), books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations;
- (vii) give such direction to a person who has poultry or hatching eggs, documentation of identification or other thing to which these Regulations, the Commission Regulation or Regulation 1308/2013 relates, or who has equipment, machinery, vehicle or vessel or other thing used in connection with poultry or hatching eggs, documentation of identification or other thing to which these Regulations, the Commission Regulation or Regulation 1308/2013 relates in his or her possession or under his or her control or who has information relating to such, as the authorised officer may reasonably consider necessary for the purposes of these Regulations.

(4) 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 Regulation 13 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

Regulation 14 any evidence of an offence referred to in paragraph (3)(a) is being or is likely to be disposed of or destroyed.

(5) An authorised officer, when exercising a function under this Regulation, 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 function.

(6) An authorised officer may use reasonable force, if necessary, to exercise his or her functions under these Regulations.

(7) Where, in the course of exercising a function under these Regulations, 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 these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(8) An authorised officer is not liable in any proceedings for anything done in the purported exercise of his or her powers under these Regulations if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

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

(10) A person who has—

- (a) poultry or hatching eggs, documentation of identification or other thing to which these Regulations, the Commission Regulation or Regulation 1308/2013 relates, or
- (b) equipment, machinery, a vehicle, a vessel or other thing used in connection with poultry or hatching eggs, documentation of identification or other thing to which these Regulations, the Commission Regulation or Regulation 1308/2013 relates

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 these Regulations.

(11) The owner or person in charge of any premises used in connection with poultry or hatching eggs, documentation of identification or other thing to which these Regulations, the Commission Regulation or Regulation 1308/2013 relates shall, if required by an authorised officer, where it is practicable and possible, provide suitable equipment or facilities or a suitable part of the plant or establishment for the officer to carry out his or her functions under these Regulations.

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

- (a) whether or not the premises is used, either partly or wholly, for or in connection with poultry or hatching eggs, documentation of identification or other thing to which these Regulations, the Commission Regulation or Regulation 1308/2013 relates,
- (b) the name of the owner, occupier or person who is in charge of the premises, and
- (c) whether or not the premises is let and, if let, the name and address of the person to whom, and the period of time for which, it is let.

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

Search warrant

14. (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—

- (a) evidence of or relating to the commission or intended commission of an offence under these Regulations is to be found on a premises,
- (b) there is or was poultry or hatching eggs, documentation of identification, equipment or other thing made, used or adapted for use (including manufacture and transport) in connection with poultry or hatching eggs, documentation of identification or other thing to which these Regulations, the Commission Regulation or Regulation 1308/2013 relates, or
- (c) a document or other record related to a thing to which subparagraph (a) or (b) refers is or may be on the premises,

the judge may issue a search warrant.

(2) A search warrant under this Regulation 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 of issue of the warrant, on production if so requested of the warrant, to enter (if necessary by use of reasonable force) the premises, vehicle, vessel or aircraft named in the warrant.

(3) If a premises is entered under a warrant issued under this Regulation, an authorised officer so entering may exercise all or any of the powers conferred on an authorised officer under these Regulations.

Compliance notice

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

- (a) these Regulations, the Commission Regulation or Regulation 1308/2013 are not being or have not been complied with, or there are reasons to believe that these Regulations, the Commission Regulation or Regulation 1308/2013 will not be complied with,
- (b) it is necessary for the protection of human health, animal health or the environment including the prevention, control or eradication of a disease, or
- (c) it is necessary, ancillary or supplementary for the Commission Regulation or Regulation 1308/2013 to have full effect,

the officer may serve a notice (“compliance notice”) stating that opinion to the person—

- (i) who appears to be the owner, occupier, or person in charge of the premises, or
- (ii) who appears to be in possession or control of a poultry or hatching eggs, documentation of identification or other thing

to which the notice relates.

(2) A compliance notice shall—

- (a) require the person to whom it is served to take such action as specified in the notice,
- (b) inform the person to whom it is served that he or she may appeal the notice in the District Court under Regulation 15, and
- (c) state that if the person to 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 Regulation 19(2).

(3) A compliance notice may require that—

- (a) poultry or hatching eggs, documentation of identification or other thing to which these Regulations, the Commission Regulation or Regulation 1308/2013 relates be dealt with in a manner specified in the notice,
- (b) poultry or hatching eggs, documentation of identification or other thing to which these Regulations, the Commission Regulation or Regulation 1308/2013 relates be detained, disposed of or destroyed in such manner and at a place (if any) as the officer specifies in the notice,
- (c) a person give to an authorised officer any documents, records,
- (d) a specified activity cease on a premises,
- (e) a specified activity take place only in a manner specified in the notice,
- (f) entry onto a premises specified in the notice is prohibited or restricted,

- (g) movement or further movement of poultry or hatching eggs, documentation of identification or other thing to which these Regulations, the Commission Regulation or Regulation 1308/2013 relates is prohibited, either absolutely or unless such conditions as may be specified in the notice are complied with,
- (h) require a person to return poultry or hatching eggs or other thing to which these Regulations or the Commission Regulation, Regulation 1308/2013 relates, to the place of departure by a route which in the opinion of the authorised officer is the most direct or prudent,
- (i) a specified operation or activity may only be carried out under and in accordance with such terms and conditions as are specified in the notice, or

(4) A person to whom a compliance notice is served shall comply with the compliance notice until the notice expires, is withdrawn under paragraph (6) or is annulled under Regulation 16, and not cause or permit another person to contravene the terms of the notice.

(5) A compliance notice may specify a time limit within which it is to be complied with.

(6) A compliance notice may be modified or withdrawn in a further notice and the earlier notice has effect subject to the modification or withdrawal.

(7) A compliance notice may require the owner, occupier, operator or person in charge of any premises, poultry or hatching eggs, documentation of identification, vehicle, vessel, machinery (including any computerised information management system), equipment or other thing to which the Commission Regulation or Regulation 1308/2013 relates to choose between two or more of the requirements specified in the notice.

(8) A compliance notice shall include an address for service of an appeal under Regulation 16.

Appeal against compliance notice

16. (1) A person to whom a compliance notice is served may, within 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 poultry or hatching eggs, documentation of identification, premises, vehicle, machinery (including any computerised information management system), equipment, vessel or other thing to which the Commission Regulation or Regulation 1308/2013 relates which is 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 these Regulations, the Commission Regulation or Regulation 1308/2013.

(2) Notice of an appeal shall contain a statement of the grounds upon which it is alleged that the notice or any of the terms of the notice are unreasonable and shall be served on the authorised officer who served the compliance notice at the address included on the notice in accordance with Regulation 14 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 or appeal with the District Court Clerk concerned not later than 48 hours prior to the hearing of the appeal.

(4) On the hearing of an appeal a Judge of the District Court may confirm, modify or annul a notice.

(5) A person, including a person on whom a compliance notice has been served, who —

- (a) pending the determination of an appeal, shall not deal with poultry or hatching eggs, documentation of identification, premises, vehicle, vessel, machinery (including any computerised information management system), equipment or other thing to which the notice relates, other than in accordance with the terms of the compliance notice, or
- (b) if the notice is confirmed or modified on appeal, deal with poultry or hatching eggs, documentation of identification, any premises, vehicle, vessel, equipment, machinery (including any computerised information management system) or other thing to which the notice relates other than in accordance with the terms of the compliance notice as confirmed or modified.

(6) In this Regulation “appeal” means an appeal under paragraph (1).

Seizure and detention for non-compliance with a compliance notice

17. (1) Without prejudice to an appeal under Regulation 16, if—

- (a) a person in control of poultry or hatching eggs, documentation of identification or other thing to which a compliance notice relates, or in control of a premises, vessel, vehicle, equipment, machinery (including any computerised information management system) or other thing used in connection with poultry or hatching eggs, documentation of identification or other thing to which a compliance notice relates fails to comply with the terms of a compliance notice within the time specified,
- (b) an authorised officer has reasonable grounds for believing that the terms of a compliance notice, whether or not modified under Regulation 16(4), will not be complied with, or
- (c) a compliance notice has been confirmed with or without modification under Regulation 16(4) and the notice has not been complied with,

an authorised officer may at any time seize the poultry or hatching eggs, documentation of identification or other thing to which a compliance notice

relates, or seize the vessel, vehicle, equipment, machinery (including any computerised information management system) or other thing used in connection with the poultry or hatching eggs, documentation of identification or other thing to which a compliance notice relates.

(2) If the poultry or hatching eggs, documentation of identification or other thing to which a compliance notice relates, a vessel, vehicle, equipment, machinery (including any computerised information management system) or other thing used in connection with the poultry or hatching eggs, documentation of identification or other thing to which a compliance notice relates is seized in accordance with paragraph (1), an authorised officer may—

- (a) sell, destroy or dispose of the poultry or hatching eggs, documentation of identification or other thing to which a compliance notice relates or cause it to be sold, destroyed or be disposed of, or
- (b) take such other measures in relation to the poultry or hatching eggs, documentation of identification or other thing to which a compliance notice relates, or in relation to the vessel, vehicle, equipment, machinery (including any computerised information management system) or other thing used in connection with the poultry or hatching eggs, documentation of identification or other thing to which a compliance notice relates as the authorised officer considers appropriate in the circumstances.

(3) Any profits arising out of the sale, destruction or disposal of poultry or hatching eggs, or other thing to which a compliance notice relates in accordance with paragraph (2) shall be paid to the owner of the poultry or hatching eggs, or other thing to which a compliance notice relates less any expenses incurred in connection with the seizure, sale, destruction or disposal.

(4) The costs (including ancillary costs) of a measure taken under this Regulation are recoverable by the Minister—

- (a) as a simple contract debt in a court of competent jurisdiction from the person who was the owner of the poultry or hatching eggs, documentation of identification or other thing to which these Regulations, the Commission Regulation or Regulation 1308/2013 relates or from the person who was the owner of the means of transport at the time the measure was carried out, or
- (b) by deducting the costs from any sum payable from the Minister to a person on whom a notice has been served.

(5) The costs of any action required by a compliance notice shall be borne by the owner of a premises, poultry or hatching eggs, documentation of identification or other thing to which the notice relates.

Obstruction and false statements

18. (1) A person shall not—

- (a) obstruct, interfere with or impede an authorised officer, or any person who accompanies an authorised officer, in the course of

exercising a function conferred on the officer under these Regulations,

- (b) fail or refuse, without reasonable cause, to comply with a requirement of an authorised officer under Regulation 13,
- (c) fail, without reasonable cause, to give assistance or requested information to an authorised officer in accordance with Regulation 13,
- (d) in purporting to give information to an authorised officer for the exercise of the officer's functions under these Regulations—
 - (i) make a statement that he or she knows to be false or misleading in a material particular or recklessly make a statement which is false or misleading in a material particular, or
 - (ii) intentionally fail to disclose a material particular,
- (e) tamper or otherwise interfere with a sample taken under Regulation 13, or
- (f) aid or abet a contravention of these Regulations, the Commission Regulation or Regulation 1308/2013.

(2) A statement or admission made by a person pursuant to a requirement under Regulation 13(10)(ii) is not admissible in evidence in proceedings brought against the person for an offence (other than an offence under this Regulation for failing to give information or giving false information) under these Regulations.

Penalties and prosecutions

19. (1) A person who contravenes Regulations 3, 4(1), 5, 6, 7, 8, 9, 10, 11, 15(4), 16(5), 18(1), 22(3) commits an offence.

(2) A person who commits an offence under these Regulations is liable—

- (a) on summary conviction, to a class A fine, or
- (b) on conviction on indictment to a fine not exceeding €500,000, or to imprisonment for a term not exceeding 3 years, or to both.

(3) An offence under these Regulations may be prosecuted summarily by the Minister or the local authority in whose functional area the offence is alleged to have been committed.

(4) If an offence under these Regulations 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 purported 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 was guilty of the offence.

(5) If the affairs of a body corporate are managed by its members, paragraph (4) applies in relation to the acts and defaults of a member in connection with

the functions of management as if the member were a director or manager of the body corporate.

(6) In proceedings alleging a contravention of these Regulations, it is a defence for the defendant to show he or she acted in accordance with a lawful derogation or transitional measure laid down by an act of an institution of the European Union relevant to the subject of the offence it is alleged that he or she committed.

Costs

20. Where a person is convicted of an offence under these Regulations, 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.

Persons not of full age

21. A person, being of full age, who has actual care and control of a person who is—

- (a) under the age of 16 years, and
- (b) the apparent operator or person in possession or control of poultry or hatching eggs,

is, for the purposes of these Regulations, regarded as being the operator, or owning, possessing or being in control of the poultry or hatching eggs.

Service

22. (1) A compliance notice shall, subject to paragraph (2), be addressed to the person concerned by name and may be served on or given to the person—

- (a) by giving it to the person, his or her employee, servant or agent,
- (b) by leaving it at the address at which the person ordinarily resides, normally carries out business, or, if an address for service has been furnished, at that address,
- (c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, if an address for service has been furnished, at that address,
- (d) if the address at which the person ordinarily resides cannot be ascertained by reasonable enquiry and the compliance notice relates to a premises, by delivering it to the premises or by affixing it in a conspicuous position on or near the premises,

- (e) by sending it by means of electronic mail to a device or facility for the reception of electronic mail where such an electronic mail address has been furnished by the person, but only if the sender's facility for the reception of electronic mail generates a message confirming a receipt of the electronic mail confirming successful transmission of the notification, notice or document.

(2) If a compliance notice is to be served on or given to a person who is the owner or occupier of a 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 compliance notice is affixed under paragraph (1)(d), remove, damage or deface the compliance notice without lawful authority.

(4) For the purposes of this Regulation, a company within the meaning of the Companies Act 2014 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.

Evidence on certificate etc

23. (1) A certificate purporting to be signed by an officer of the Minister and to certify that on a specific day or days or during the whole of a specified period, a person or establishment was or was not registered under Regulation 4(3), is, without proof of the signature of the person purporting to sign the certificate or that he or she is an officer of the Minister, evidence, unless the contrary is shown, of the matters stated in the certificate.

(2) In proceedings for an offence under these Regulations the court may, if it considers that the interests of justice so require, direct that oral evidence of any matter stated in a certificate under paragraph (1) be given, and the court may for the purpose of receiving oral evidence adjourn the matter.

Fixed Payment Notice

24. (1) If an officer of the Minister, authorised by the Minister in that behalf, has reasonable grounds for suspecting that a person is committing or has committed an offence under these Regulations, 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,
- (b) the person may during the period of 28 days beginning on the date of the notice make to the Minister, at the address specified in the notice, a payment of €250 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 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 paragraph (1)—
- (a) the person to whom the notice applies may, during the period specified in the notice, make to the Minister, at the address specified in the notice, the payment specified in the notice accompanied by the notice,
 - (b) the Minister 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 these Regulations, the onus of proving that a payment pursuant to a notice under this Regulation has been made lies on the person on whom the fixed payment notice was served.

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



GIVEN under my Official Seal,
19 June, 2024.

CHARLIE MCCONALOGUE,
Minister for Agriculture, Food and the Marine.

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