



Number 5 of 1996

BOVINE DISEASES (LEVIES) (AMENDMENT) ACT, 1996

AN ACT TO AMEND AND EXTEND THE BOVINE DISEASES (LEVIES) ACT, 1979, AND TO AMEND THE PENALTIES RELATING TO OFFENCES UNDER SECTIONS 48 AND 49 OF THE DISEASES OF ANIMALS ACT, 1966.

[16th March, 1996]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Definitions.

“the Act of 1966” means the Diseases of Animals Act, 1966;

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

“the Principal Act” means the Bovine Diseases (Levies) Act, 1979.

2.—Section 3 of the Principal Act is hereby amended by the substitution of the following subsection for subsection (1):

Amendment of section 3 (export of certain animals prohibited) of Principal Act.

“(1) (a) Subject to paragraph (b) of this subsection, the exportation live from the State of an animal shall be prohibited unless, before exportation and subject to such conditions as the Minister may impose, the amount of the levy is paid to the Minister or such security as is, in the opinion of the Minister, adequate for its payment is given to the Minister.

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

3.—(1) Section 4 of the Principal Act is hereby amended—

Amendment of section 4 (levy due and payable) of Principal Act.

(a) by the substitution in subsection (5) of “the Minister” for “the Revenue Commissioners, as agents of the Minister,”, and

S.3 (b) by the deletion of subsection (6),

and the said subsection (5), as so amended, is set out in the Table to this section.

TABLE

(5) Levy as respects an animal which is exported live from the State shall be paid to the Minister by the person by whom or on whose behalf the animal is being exported.

Amendment of section 12 (duty to keep records) of Principal Act.

4.—Section 12 of the Principal Act is hereby amended—

(a) by the substitution of the following subsection for subsection (1):

“(1) Every accountable person shall, in accordance with such direction (if any) as may be given by the Minister, keep full and true records of all transactions which affect his liability to levy, and, where it is appropriate, his obligations to make reductions under section 9 of this Act.”, and

(b) by the insertion of the following paragraph in subsection (3) after paragraph (a):

“(aa) any person by whom or on whose behalf an animal is being exported live from the State.”.

Amendment of section 13 (inspection and removal of records) of Principal Act.

5.—Section 13 of the Principal Act is hereby amended by the substitution of the following subsection for subsection (1):

“(1) An inspector or an authorised officer may, for the purpose of making an enquiry which he reasonably considers to be necessary either in relation to liability to levy, or an obligation to make reductions under section 9 of this Act, of any person, enter at any reasonable time any premises in which the inspector or officer has reason to believe that such person is carrying on business and the inspector or officer may request the production of, search for and inspect any records, books or other documents whatsoever relating to milk or animals and may remove and retain any such records, books or other documents for such period as may be reasonable for their examination or for the purpose of any proceedings for the recovery of levy payable under or by virtue of this Act or for an offence under this Act.”.

Amendment of section 15 (offences) of Principal Act.

6.—(1) Section 15 of the Principal Act is hereby amended by the substitution of “£1,500” for “£500” in each place in which it occurs in subsections (1), (2), (4) and (5) and the said subsections, as so amended, are set out in the Table to this section.

(2) This section shall come into operation on such day as may be fixed therefor by order of the Minister.

TABLE

(1) A person who fails to comply with the requirements of section 4 (2) or section 12 (1) of this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500.

(2) Any person who pays an amount in contravention of section 9 (b) of this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500, or, at the discretion of the court, to imprisonment for a term not exceeding six months or to both such fine and such term of imprisonment. S.6

(4) A person to whom a notice is given under section 11 of this Act or of whom a requisition is made under section 10 of this Act and who either fails to comply with the requirement of the notice or the requisition, as may be appropriate, or in purported compliance with the said requirement or requisition, gives any information which he knows to be false in a material particular or recklessly gives information which is so false, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500, or, at the discretion of the court, to imprisonment for a term not exceeding six months or to both such fine and such term of imprisonment.

(5) Any person who contravenes section 13 (3) of this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500, or, at the discretion of the court, to imprisonment for a term not exceeding six months or to both such fine and such term of imprisonment.

7.—(1) A person convicted of an offence under the Act of 1966 for which a penalty is provided for in section 23 of the Principal Act shall, in lieu of that penalty—

Alteration of penalties relating to offences under sections 48 and 49 of the Act of 1966.

(a) on summary conviction be liable to a fine not exceeding £1,500, or, at the discretion of the court, to imprisonment for a term not exceeding six months or to both such fine and such term of imprisonment,

(b) on conviction on indictment, be liable—

(i) in case such person is so convicted by reason of his having—

(I) in contravention of an order of the Minister under the Act of 1966, interfered with or removed an ear-tag, or

(II) altered or falsely made or ante-dated or counterfeited, or offered or uttered, knowing it to have been altered or falsely made or ante-dated or counterfeited, a licence, declaration, certificate or instrument described in section 49 (1) (d) of the Act of 1966,

to a fine not exceeding £10,000, or, at the discretion of the court, to imprisonment for a term not exceeding two years or to both such fine and such term of imprisonment,

(ii) in case such person is otherwise so convicted, to a fine not exceeding £5,000, or, at the discretion of the court, to imprisonment for a term not exceeding one year or to both such fine and such term of imprisonment.

(2) This section shall come into operation on such day as may be fixed therefor by order of the Minister.

8.—(1) This Act may be cited as the Bovine Diseases (Levies) (Amendment) Act, 1996.

Short title, collective citation and construction.

(2) (a) The Bovine Diseases (Levies) Acts, 1979 and 1988, other than sections 18 (in so far as it relates to the Act of 1966),

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23 and 25 of the Principal Act, and this Act, other than *section 7* of this Act, and *paragraph (b)* of this subsection, may be cited together as the Bovine Diseases (Levies) Acts, 1979 to 1996, and shall be construed together as one Act.

(b) The Diseases of Animals Acts, 1966 and 1979, this paragraph and *section 7* of this Act may be cited together as the Diseases of Animals Acts, 1966 to 1996.

ACTS REFERRED TO

Bovine Diseases (Levies) Act, 1979	1979, No. 26
Bovine Diseases (Levies) Acts, 1979 and 1988	
Diseases of Animals Act, 1966	1966, No. 6