



STATUTORY INSTRUMENTS.

S.I. No. 438 of 2010

EUROPEAN COMMUNITIES (APPROVAL AND REGISTRATION OF
DEALERS OF OVINE ANIMALS) (AMENDMENT) REGULATIONS
2010

(Prn. A10/1330)

EUROPEAN COMMUNITIES (APPROVAL AND REGISTRATION OF DEALERS OF OVINE ANIMALS) (AMENDMENT) REGULATIONS
2010

I, BRENDAN SMITH, Minister for Agriculture, Fisheries and Food, 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 further effect to Council Directive 91/68/EEC of 28 January 1991¹ and Council Directive 2003/50/EC of 11 June 2003² in so far as they relate to the activities of a dealer, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Approval and Registration of Dealers of Ovine Animals) (Amendment) Regulations 2010.

2. The European Communities (Approval and Registration of Dealers of Ovine Animals) Regulations 2008 (S.I. No. 100 of 2008) are amended by the substitution for—

(a) Regulation 6. of—

“6. (1) A person shall not operate as a dealer unless he or she has been approved, by the Minister, for registration in the dealers’ register under this Regulation.

(2) The Minister shall establish and maintain a register of dealers, “dealers’ register” which shall contain such information as the Minister considers appropriate.

(3) An application for registration shall be in a form and contain any information that the Minister may require.

(4) The Minister may grant registration in the dealers’ register, attach a condition to registration, vary a condition, suspend or revoke registration or refuse an application.

(5) A person who is entered in the dealers’s register shall make such returns to the Minister as the Minister may require.

(6) Without prejudice to the generality of paragraph (4) the Minister may refuse to grant an application or suspend or revoke a registration in accordance with Regulation 8 if he or she is satisfied that—

¹O.J. L046, 19.02.1991 p. 19

²O.J. L169, 08.07.2003 p. 51

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 14th September, 2010.*

- (a) a person has failed to comply with an act of an institution of the European Union or a Regulation made under the European Communities Act 1972 (No. 27 of 1972) in respect of animal health, identification, transport or welfare,
- (b) the applicant or registered person has committed an offence relating to animal health, identification, transport or welfare,
- (c) the applicant or registered person has failed to comply with a condition of registration,
- (d) in relation to an application for registration, information required under this Regulation has not been furnished or information that is false or misleading in a material respect has been furnished,
- (e) in relation to a person applying for registration or approval, the applicant fails to demonstrate to the Minister's satisfaction that
 - (i) he or she understands the limitations relating to dealers or
 - (ii) that he or she can comply with the responsibilities and obligations of being a dealer,
- (f) the premises to which the application or registration relates is not a fit and proper premises to be registered,
- (g) the applicant or registered person is not a fit and proper person to be registered,
- (h) the registered person has ceased to carry out activity to which the registration relates.”,

and

(b) Regulation 7. (11) of—

“7. (11) The Minister may refuse to grant an application or suspend or revoke a registration in accordance with Regulation 8 if he or she is satisfied that—

- (a) a person has failed to comply with an act of an institution of the European Union or a Regulation made under the European Communities Act 1972 (No. 27 of 1972) in respect of animal health, identification, transport or welfare,
- (b) the applicant or registered person has committed an offence relating to animal health, identification, transport or welfare,

- (c) the applicant or registered person has failed to comply with a condition of registration,
- (d) in relation to an application for registration, information required under this Regulation has not been furnished or information that is false or misleading in a material respect has been furnished,
- (e) in relation to a person applying for registration or approval, the applicant fails to demonstrate to the Minister's satisfaction that
 - (i) he or she understands the limitations relating to dealers or
 - (ii) that he or she can comply with the responsibilities of being a dealer,
- (f) the premises to which the application or registration relates is not a fit and proper premises to be registered,
- (g) the applicant or registered person is not a fit and proper person to be registered,
- (h) the registered person has ceased to carry out activity to which the registration relates.”.



GIVEN under my Official Seal,
9 September 2010.

BRENDAN SMITH,
Minister for Agriculture, Fisheries and Food.

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ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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