



STATUTORY INSTRUMENTS.

S.I. No. 532 of 2015

EUROPEAN UNION (TRANSMISSIBLE SPONGIFORM
ENCEPHALOPATHIES) REGULATIONS 2015

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ENCEPHALOPATHIES) REGULATIONS 2015

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EUROPEAN UNION (TRANSMISSIBLE SPONGIFORM
ENCEPHALOPATHIES) REGULATIONS 2015

I, SIMON COVENEY, 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) and for the purpose of giving further effect to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001¹ as amended by Commission Regulation (EC) No 1234/2003 of 10 July 2003², Commission Regulation (EC) No 2245/2003 of 19 December 2003³, Commission Regulation (EC) No 36/2005 of 12 January 2005⁴, Regulation (EC) No 932/2005 of the European Parliament and of the Council of 8 June 2005⁵, Commission Regulation (EC) No 657/2006 of 10 April 2006⁶, Regulation (EC) No 1923/2006 of the European Parliament and of the Council of 18 December 2006⁷, Commission Regulation (EC) No. 722/2007 of 25 June 2007⁸, Commission Regulation (EC) No 727/2007 of 26 June 2007⁹, Commission Regulation (EC) No 1275/2007 of 29 October 2007¹⁰, Commission Regulation (EC) No 357/2008 of 22 April 2008¹¹, Commission Regulation (EC) No 571/2008 of 19 June 2008¹², Commission Regulation (EC) No.162/2009 of 26 February 2009¹³, Regulation (EC) No 220/2009 of the European Parliament and of the Council of 11 March 2009¹⁴, Commission Regulation (EU) No 56/2013 of 16 January 2013¹⁵, Commission Regulation (EU) No 630/2013 of 28 June 2013¹⁶, Commission Regulation (EU) No 1148/2014 of 28 October 2014¹⁷ and Commission Regulation (EU) No 2015/728 of 6 May 2015¹⁸ and Commission Decision 2007/453/EC of 29 June 2007¹⁹ as amended by Commission Implementing Decision 2014/732/EU of 20 October 2014²⁰ and Commission Decision 2009/719/EC of 28 September 2009²¹ as amended by Commission Implementing Decision 2011/358/EU of 17

¹OJ L 147, 31.5.2001, p. 1

²OJ L 173, 11.7.2003, p. 6

³OJ L 333, 20.12.2003, p. 28

⁴OJ L 10, 13.1.2005, p. 9

⁵OJ L 163, 23.6.2005, p. 1

⁶OJ L 116, 29.4.2006, p. 9

⁷OJ L 404, 30.12.2006, p. 1

⁸OJ L 164, 26.6.2007, p. 7

⁹OJ L 165, 27.6.2007, p. 8

¹⁰OJ L 284, 30.10.2007, p. 8

¹¹OJ L 111, 23.4.2008, p. 3

¹²OJ L 161, 20.6.2008, p. 4

¹³OJ L 55, 27.2.2009, p. 11

¹⁴OJ L 87, 31.3.2009, p. 155

¹⁵OJ L 21, 24.1.2013, p. 3

¹⁶OJ L 179, 29.6.2013, p. 60

¹⁷OJ L 308, 29.10.2014, p.66

¹⁸OJ L 116, 7.5.2015, p. 1

¹⁹OJ L 172, 30.6.2007, p. 84

²⁰OJ L 302, 22.10.2014, p. 58

²¹OJ L 256, 29.9.2009, p. 35

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 27th November, 2015.*

June 2011²² and Commission Implementing Decision 2013/76/EU of 4 February 2013²³ hereby make the following regulations:

Part 1

PRELIMINARY AND GENERAL

Citation

1. These Regulations may be cited as the European Union (Transmissible Spongiform Encephalopathies) Regulations 2015.

Interpretation

2. (1) In these Regulations—

“authorised officer” means—

- (a) a person appointed under Regulation 20,
- (b) an authorised officer appointed under section 37(1) of the Animal Health and Welfare Act 2013 (No. 15 of 2013),
- (c) an authorised officer within the meaning of the European Communities (Food and Feed Hygiene) Regulations 2009 (S.I. No. 432 of 2009),
- (d) a person who, immediately before the making of these Regulations was an authorised officer within the meaning of the European Communities (Transmissible Spongiform Encephalopathies and Animal By-products) Regulations 2008 (S.I. No. 252 of 2008),
- (e) an authorised officer appointed under Regulation 14 of the European Union (Animal By-Products) Regulations 2014 (S.I. No. 187 of 2014),
- (f) an authorised officer within the meaning of the Food Safety Authority of Ireland Act 1998 (No. 29 of 1998),
- (g) a member of the Garda Síochána, and
- (h) an officer of the Revenue Commissioners;

“body” includes the head, blood and all parts of an animal;

“Commission Decision 2007/411/EC” means Commission Decision 2007/411/EC of 14 June 2007²⁴ prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1 August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation (EC) No 999/2001 and repealing Decision 2005/598/EC;

²²OJ L 161, 21.6.2011, p. 29

²³OJ L 35, 6.2.2013, p. 6

²⁴OJ L 155, 15.6.2007, p. 74

“Commission Decision 2009/719/EC” means Commission Decision 2009/719/EC of 28 September 2009 as amended by Commission Implementing Decision 2011/358/EU of 17 June 2011 and Commission Implementing Decision 2013/76/EU of 4 February 2013;

“local authority” has the same meaning as in the Local Government Act 2001 (No. 37 of 2001) as amended by the Local Government Reform Act 2014 (No. 1 of 2014);

“manufacture” means total or partial manufacture and includes incorporating, processing, compounding, formulating, filling, dividing up, packaging, labelling and presentation;

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

“premises” includes land (including land under water) with or without buildings, an establishment, a vehicle used in connection with, or ancillary to such a thing;

“purchase” includes buy, take in exchange, accept as a gift or otherwise receive;

“sell” includes offer, expose or keep for sale, invite an offer to buy, or distribute for reward or otherwise (whether directly or through another person);

“supply” means to give without reward;

“TSE Regulation” means Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 as amended by Commission Regulation (EC) No 1234/2003 of 10 July 2003, Commission Regulation (EC) No 2245/2003 of 19 December 2003, Commission Regulation (EC) No 36/2005 of 12 January 2005, Regulation (EC) No 932/2005 of the European Parliament and of the Council of 8 June 2005, Commission Regulation (EC) No 657/2006 of 10 April 2006, Regulation (EC) No 1923/2006 of the European Parliament and of the Council of 18 December 2006, Commission Regulation (EC) No 722/2007 of 25 June 2007, Commission Regulation (EC) No 727/2007 of 26 June 2007, Commission Regulation (EC) No 1275/2007 of 29 October 2007, Commission Regulation (EC) No 357/2008 of 22 April 2008, Commission Regulation (EC) No 571/2008 of 19 June 2008, Commission Regulation (EC) No 162/2009 of 26 February 2009, Regulation (EC) No 220/2009 of the European Parliament and of the Council of 11 March 2009, Commission Regulation (EU) No 56/2013 of 16 January 2013, Commission Regulation (EU) No 630/2013 of 28 June 2013, Commission Regulation (EU) No 1148/2014 of 28 October 2014 and Commission Regulation (EU) No 2015/728 of 6 May 2015;

“vehicle” includes a trailer, a boat, ship, hovercraft, aircraft or offshore

installation (within the meaning of the Safety, Health and Welfare (Offshore Installations) Act 1987 (No. 18 of 1987)), railway wagon, container or other thing used in connection with a vehicle.

(2) A word or expression that is used in the TSE Regulation or another act of the institution of the European Union cited in these Regulations or in the

preamble to these Regulations and is also used in these Regulations, has, in these Regulations, the same meaning as in the TSE Regulation or other act cited.

Part 2

PLACING ON THE MARKET

Restriction on movement

3. (1) A person shall not—

- (a) bring into the State a bovine animal referred to in Commission Decision 2007/411/EC or a product of such an animal,
- (b) bring into the State a bovine animal referred to in Chapter A, Section B of Annex VIII to the TSE Regulation,
- (c) bring into the State a bovine animal referred to in Chapter B of Annex VIII to the TSE Regulation,
- (d) have in his or her possession or under his or her control, sell or supply a bovine animal or product of a bovine animal referred to in subparagraphs (a), (b) or (c),
- (e) have in his or her possession or under his or her control, sell or supply bovine products listed in Section A of Chapter C of Annex VIII to the TSE Regulation other than in accordance with Section B of that Chapter,
- (f) export a bovine animal or product of such an animal other than in accordance with Chapter D of Annex VIII to the TSE Regulation,
- (g) import a bovine animal, ova, semen of such an animal or product of such an animal other than in accordance with Chapters B, C, and D of Annex IX to the TSE Regulation.

(2) A person shall not—

- (a) bring into the State an ovine or caprine animal referred to in Chapter B of Annex VIII to the TSE Regulation,
- (b) have in his or her possession or under his or her control, sell or supply an ovine or caprine animal or semen, ova or embryos of such an animal other than in accordance with Section A of Chapter A of Annex VIII to the TSE Regulation,
- (c) have in his or her possession or under his or her control, sell or supply ovine or caprine products listed in Section A of Chapter C of Annex VIII to the TSE Regulation other than in accordance with Section B of that Chapter,

- (d) export an ovine or caprine animal or product of such an animal other than in accordance with Chapter D of Annex VIII to the TSE Regulation,
- (e) import an ovine or caprine animal, ova, semen of such an animal or product of such an animal other than in accordance with Chapters C, D, E and H of Annex IX to the TSE Regulation.

Feed ban

4. A person shall not—

- (a) store, use, import, have in his or her possession or under his or her control, or
- (b) manufacture,

a feedingstuff other than in accordance with Annex IV to the TSE Regulation.

Labelling, etc.

5. A person shall label, transport and maintain records of feedingstuffs in accordance with Annex IV to the TSE Regulations and Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009²⁵ as amended by Commission Regulation (EU) No 454/2010 of 26 May 2010²⁶, Commission Regulation (EU) No 568/2010 of 29 June 2010²⁷ and Commission Regulation (EU) No 939/2010 of 20 October 2010²⁸.

Precaution relating to farmed animals

6. A person shall not contravene Article 7 of the TSE Regulation in relation to feeding proteins derived from animals to ruminants.

Part 3

TESTING OF ANIMALS

Testing of bovines

7. (1) Where the Minister decides that a body of a bovine animal destined for human consumption should be subjected to testing, the person in charge or control of the body shall not sell or supply any part of it other than in accordance with the direction of the Minister, until—

- (a) a sample has been taken from the body in accordance with the instructions (either generally or of specific application) of an authorised officer,
- (b) the sample taken under subparagraph (a) has been subjected to a laboratory examination using a rapid test as set out in point 4 of Chapter C of Annex X to the TSE Regulation at a laboratory approved by the Minister or at the national reference laboratory,

²⁵OJ L 229, 1.9.2009, p. 1

²⁶OJ L 128, 27.5.2010, p.1

²⁷OJ L163, 30.6.2010, p. 30

²⁸OJ L 277, 21.10.2010, p.4

- (c) the result of the laboratory examination under subparagraph (b) does not indicate the presence of bovine spongiform encephalopathy (hereinafter referred as “BSE”), and
- (d) the result of the laboratory examination is delivered to an authorised officer or a person approved by the Minister for this purpose.

(2) A person who slaughters a bovine or has in his or her possession or control the body of, or product derived from, a bovine to which point 3 of Chapter A of Annex III to the TSE Regulation as applied by Commission Decision 2009/719/EC refers, shall not process, sell, supply or dispose of the body or any part thereof, other than in accordance with the direction of the Minister, until—

- (a) a sample has been taken from the body in accordance with the instructions (either generally or of specific application) of an authorised officer,
- (b) the sample taken under subparagraph (a) has been subjected to a

laboratory examination using a rapid test set out in point 4 of Chapter C, Annex X to the TSE Regulation at a laboratory approved by the Minister or at the national reference laboratory,

- (c) the result of the laboratory examination under subparagraph (b) does not indicate the presence of BSE, and
- (d) the result of the laboratory examination is delivered to an authorised officer or a person approved by the Minister for this purpose.

(3) A person who slaughters or takes into his or her possession the body of a bovine to which paragraphs (1) or (2) refers shall securely detain the body until a result of a test referred to in those paragraphs has been received.

(4) A person shall take all necessary steps to ensure that the body of a bovine animal does not deteriorate to an extent that a sample taken under paragraphs (1) or (2) from the body cannot easily be tested using a method laid down in point 3.1(b) or point 4 of Chapter C of Annex X to the TSE Regulation.

Testing of ovines and caprines slaughtered for human consumption

8. (1) Where the Minister decides that a body of an ovine or caprine animal slaughtered for human consumption should be subjected to testing, the person in charge or control of the body shall not sell or supply that body other than in accordance with the direction of the Minister, until—

- (a) a sample has been taken from the body in accordance with the instructions (either generally or of specific application) of an authorised officer,
- (b) the sample taken under subparagraph (a) has been subjected to a laboratory examination using a rapid test set out in point 4 of Chapter

C of Annex X to the TSE Regulation at a laboratory approved by the Minister or at the national reference laboratory,

- (c) the result of the laboratory examination under subparagraph (b) does not indicate the presence of TSE and
- (d) the result of the laboratory examination is delivered to an authorised officer or a person approved by the Minister for this purpose.

(2) A person who slaughters or takes into his or her possession the body of an ovine or caprine animal to be subjected to testing under paragraph (1) shall detain the head of the animal until a result of a test referred to in that paragraph has been received.

(3) A person shall take all necessary steps to ensure that the body to be subjected to testing under paragraph (1) does not deteriorate to an extent that a sample taken from the body cannot easily be tested using a method laid down in point 3.2 (b) or point 4 of Chapter C of Annex X to the TSE Regulation.

Testing of fallen ovines and caprines

9. (1) Where the Minister decides that a body of an ovine or caprine animal shall be subjected to testing, the person in charge or control of the body shall detain the head and shall not sell or supply that body other than in accordance with the direction of the Minister, until—

- (a) a sample has been taken from the body in accordance with the instructions (either generally or of specific application) of an authorised officer,
- (b) the sample taken under subparagraph (a) has been subjected to a laboratory examination using a rapid test set out in point 4 of Chapter C of Annex X to the TSE Regulation at a laboratory approved by the Minister or the national reference laboratory,
- (c) the result of the laboratory examination under subparagraph (b) does not indicate the presence of TSE, and
- (d) the result of the laboratory examination is delivered to an authorised officer or a person approved by the Minister for this purpose.

(2) A person who holds or takes into his or her possession the body of an ovine or caprine animal subjected to testing under paragraph (1) shall securely detain the head of the animal until a result of a test referred to in that paragraph has been received.

(3) A person shall take all necessary steps to ensure that the body to be subjected to testing under paragraph (1) does not deteriorate to an extent that a sample taken from the body cannot easily be tested using a method laid down in point 3.2 (b) or point 4 of Chapter C of Annex X to the TSE Regulation.

Genotyping — random sampling

10. A person shall comply with a direction of the Minister to genotype test an ovine or caprine animal for the purposes of point 8 of Part II of Chapter A of Annex III to the TSE Regulation.

Part 4

MOVEMENT OF TSE SUSPECTED OR RELATED ANIMALS

Movement where animal is suspected of being infected with TSE

11. (1) A person shall not move an animal suspected of having a TSE without a permit issued by the Minister and subject to the restrictions in Article 12 of the TSE Regulation.

(2) A person shall not move an animal onto or off a holding where there is an animal suspected of having a TSE without a permit issued by the Minister and subject to restrictions in Article 12 of the TSE Regulation.

Movement of bovine animal from holding following official confirmation of BSE

12. A person shall not move a bovine animal onto or off a holding where BSE has been officially confirmed without a permit issued by the Minister until such remedial actions as the Minister directs have been completed and in accordance with Article 13 of the TSE Regulation.

Movement of ovine or caprine animal from holding following official confirmation of TSE

13. (1) A person shall not move an ovine or caprine animal onto or off a holding, other than a slaughter plant, where a TSE has been officially confirmed in an ovine or caprine animal in the preceding 2 years, without a permit issued by the Minister and in accordance with Article 13 of the TSE Regulation.

(2) The Minister may extend the period of restriction in paragraph (1), where, in his or her opinion, it is appropriate to do so.

Part 5

ERADICATION

Spongiform encephalopathy in bovine animals.

14. (1) A person shall not sell or supply an animal referred to in the second and third indent of point 1(a) of Chapter B of Annex VII to the TSE Regulations unless otherwise directed by the Minister.

(2) A person shall co-operate with the Minister in relation to official restrictions and the implementation of Annex VII to the TSE Regulation.

Spongiform encephalopathy in ovine and caprine animals

15. (1) A person shall not sell or supply an animal referred to in the second or third indent of point 1(b) of Chapter B of Annex VII to the TSE Regulations unless otherwise directed by the Minister.

(2) Where TSE has been officially confirmed in an ovine or caprine animal, the owner or person in possession or control of ovine and caprine animals on that holding shall—

- (a) co-operate with the Minister in relation to official restrictions and the implementation of point 2.2.2 of Chapter B of Annex VII to the TSE Regulation,
- (b) identify each ovine and caprine animal with a unique identifier in accordance with the directions of the Minister,
- (c) arrange to have all ovine animals on the holding presented for a genotype test within one month of the official confirmation of the presence of a TSE or within whatever other time limit the Minister considers appropriate,
- (d) dispose of all caprine animals in accordance with the directions of the Minister, and
- (e) slaughter or dispose of an ovine animal in accordance with the directions of the Minister.

(3) Where TSE has been officially confirmed in an ovine or caprine on a holding, the Minister may direct as to the measures to be taken in relation to—

- (a) eradication of the disease including measures set out in points 2 and 3 of Chapter B of Annex VII to the TSE Regulations, and
- (b) disinfection of the holding.

(4) The Minister may apply the provisions of point 2.2.3, Chapter B of Annex VII to the TSE Regulations where atypical scrapie is confirmed in an ovine or caprine animal on the official confirmation of TSE.

(5) The Minister may recoup any expenses incurred by him or her, if the person in possession or control of an ovine animal fails to present an animal under paragraph (2)(c) at the agreed time on the agreed test date.

Part 6

REGULATION OF CERTAIN ACTIVITIES

Intra community trade

16. (1) A person who places an ovine or caprine animal or ova, embryos or semen of such an animal on the market for breeding purposes in a Member State other than the State shall—

- (a) register with the Minister,
- (b) comply with Chapter A of Annex VIII to the TSE Regulations and the directions of the Minister, and

(c) pay the appropriate fee to the Minister for entry on to and to be maintained on the register.

(2) A person shall not place an ovine or caprine animal on the market in a Member State other than the State unless that animal satisfies the criteria set out in point 4.1 of Section A of Chapter A of Annex VIII.

Approval, authorisation of certain activities

17. (1) A person shall not carry out a laboratory examination for a TSE (except at the national reference laboratory) other than in accordance with an approval granted by the Minister for the purposes of Annex X of the TSE Regulation.

(2) A person shall not transport feedingstuffs for ruminant animals in vehicles that have previously been used for the transport of feedingstuffs containing any of the substances listed in point 1 of Section A of Chapter III of Annex IV to the TSE Regulation unless authorised by the Minister to do so.

Authorisation of butcher shops

18. (1) The Health Service Executive or a local authority (in the case of a butcher shop situated in its functional area which is also engaged in wholesale meat trade) may grant an authorisation for the removal of vertebral column from carcasses of animals aged 30 months and over, attach conditions to an authorisation, revoke or vary a condition, insert a new condition, suspend or withdraw an authorisation or refuse an application for an authorisation.

(2) The Health Service Executive or a local authority shall maintain a register of the butcher shops it has authorised and make it available to the Food Safety Authority of Ireland on request.

(3) A person may appeal a decision of the Health Service Executive or a local authority to refuse an application, suspend or withdraw an authorisation to the Food Safety Authority of Ireland, in writing, within 30 days of the refusal, suspension or withdrawal.

(4) Where an appeal under paragraph (3) is made, the Food Safety Authority of Ireland may confirm, vary or cancel the decision of the Health Service Executive or a local authority.

Authorisation of manufacturers and registration of users of certain animal proteins

19. (1) A person shall not—

(a) manufacture compound feedingstuffs for ruminant animals in establishments that manufacture compound feedingstuffs for non-ruminant animals containing—

(i) fishmeal,

(ii) dicalcium and tricalcium phosphate of animal origin, or

(iii) blood products derived from non-ruminant animals,

unless he or she has been authorised by the Minister to do so and the person complies with point 2 of Section B of Chapter III of Annex IV to the TSE Regulation, or

(b) engage in home compounding of feedingstuffs unless he or she is registered with the Minister and satisfies the conditions set in point 3 of Section B of Chapter III of Annex IV to the TSE Regulation.

(2) A person shall not use or store a feedingstuff consisting of or containing fishmeal or a blood product where ruminants are kept, unless that person is registered with the Minister and satisfies the conditions set out in point 2 of Section D of Chapter III of Annex IV to the TSE Regulation.

(3) A person shall not move or cause or permit another person to move a complete feedingstuff to which registration under paragraph (1)(b) relates from the premises where it is manufactured.

(4) The Minister may publish the details of persons—

(a) registered as a feed business operator under Regulation 3 of the European Communities (Food and Feed) Hygiene Regulations 2009,

(b) approved as a feed business operator under Regulation 4 of the European Communities (Food and Feed Hygiene) Regulations 2009,

(c) authorised as a feed business operator under Regulations 8 or 9 of the European Union (Animal By-Products) Regulations 2014 or

(d) authorised or registered for the purposes of paragraph (1).

(5) A person shall apply for authorisation or registration for the purposes of paragraph (1) in a format determined by the Minister and the application shall be accompanied by a fee, if any, and such material and particulars that the Minister may determine.

(6) The Minister may not consider an application for authorisation or registration if the application does not contain all the material and particulars sought by the Minister or is not accompanied by the fee (if any) required by the Minister.

(7) The Minister may attach conditions to an authorisation or registration, revoke or vary a condition, insert a new condition, suspend or withdraw authorisation or registration or refuse an application for authorisation or registration.

(8) Without prejudice to the generality of paragraph (7), the Minister may refuse an application, suspend or withdraw authorisation or registration if, in the opinion of the Minister—

- (a) the applicant or person to whom authorisation or registration is granted has been convicted of an offence under the Diseases of Animals Act 1966 (No. 6 of 1966), the Animal Health and Welfare Act 2013 (No. 15 of 2013) or regulations made under the European Communities Act 1972 that relate to an animal or animal product,
 - (b) the applicant or person to whom authorisation or registration is granted has failed to comply with a condition attached to the authorisation or registration,
 - (c) the applicant or person to whom authorisation or registration is granted is not a fit and proper person to hold authorisation or registration,
 - (d) information required has not been furnished or information that is false or misleading has been furnished, or
 - (e) it is—
 - (i) necessary to prevent the risk or spread of animal or human disease,
 - (ii) necessary to eradicate animal or human disease, or
 - (iii) necessary, incidental, supplementary or consequential for the purposes of giving effect to an act of the institutions of the European Union relating to an animal, animal product, animal health or animal welfare.
- (9) Other than in the case of paragraph (8)(e), if the Minister proposes to suspend or withdraw authorisation or registration or to refuse an application, the Minister may—
- (a) notify, in writing, the applicant or holder of the authorisation or registration of the proposal and of the reasons for such proposal, and that the applicant or holder may make representations to the Minister in relation to the proposal within 14 days of the notification,
 - (b) consider a representation duly made, and
 - (c) notify, in writing, the applicant or holder of the authorisation or registration of the decision and the reasons for the decision.
- (10) In the case of paragraph (8)(e) if the Minister proposes to suspend or withdraw authorisation or registration, the Minister may—
- (a) notify, in writing, the holder of the authorisation or registration, of the decision and the reasons for such decision, and that the holder may make representations in relation to the decision to the Minister within 14 days of notification,

- (b) consider any representation made, and
- (c) confirm, modify or annul the decision and notify the holder of the authorisation or registration of the decision and the reasons for the decision.

(11) Where the Minister decides to refuse an application for or suspend or withdraw an authorisation or registration, the notification of the decision shall state that the applicant or holder may, not later than 14 days of the date of service of the notification, appeal the decision to the District Court under paragraph (12).

(12) On the hearing of an appeal under this Regulation, the District Court may—

- (a) dismiss the appeal, or
- (b) allow the appeal and direct the Minister to grant the authorisation or registration or cancel the withdrawal or suspension,

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.

(13) On the hearing of an appeal under this Regulation, the onus of establishing that these Regulations and the TSE Regulation have been complied with in relation to an authorisation or registration lies on the person making the appeal under paragraph (11).

(14) The jurisdiction conferred on the District Court by this Regulation shall be exercised by the judge for the time being assigned to the District Court district—

- (a) where the manufacturing or home compounding, the subject of the appeal under this Regulation, is situated, or
- (b) where the person bringing the appeal ordinarily resides or carries on business.

(15) A person to whom authorisation or registration is granted under this Regulation shall make such returns to the Minister as and when, and in such form as the Minister may direct.

Part 7

AUTHORISED OFFICERS AND RELATED MATTERS

Appointment of authorised officer

20. (1) The Minister may, by instrument in writing, appoint such and so many persons or a class of persons as he or she thinks fit to be authorised officers for the purposes of some or all of the functions of an authorised officer as may be specified in the instrument.

(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.

(3) An appointment as an authorised officer ceases—

(a) if it is terminated under paragraph (2),

(b) if it is for a fixed period, on the expiry of that period, or

(c) if the person appointed is an officer of the Minister, upon the person ceasing to be such an officer.

(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 paragraph (3) relates.

(5) The Minister shall furnish an authorised officer appointed by him or her with a warrant of the authorised officer's appointment and, when exercising a function under these Regulations, the authorised officer, officer of the Revenue Commissioners or member of the Garda Síochána shall, if requested by a person affected, produce to the person the warrant or evidence that he or she is such an officer or member.

Functions of authorised officer

21. (1) For the purposes of these Regulations an authorised officer may—

(a) enter and inspect, at all reasonable times, any land or premises of which 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) request 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 reproduction of the record 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, or
- (g) take samples or test an animal, animal product, animal feed, equipment, machinery or other thing.

(2) For the purposes of his or her functions under these Regulations, 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 relevant 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 is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations relating to an animal, animal product, animal feed or animal health and welfare, or
- (d) evidence of a disease or an offence or contravention 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 functions 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,
- (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 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 samples such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify them,
- (v) seize, use, detain or dispose of an animal, animal product or animal feed and mark or otherwise identify it,
- (vi) detain the vehicle, vessel or aircraft, railway wagon 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 at such other location as the authorised officer requires, or
- (vii) remove any equipment, machinery, books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(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 Regulation 22 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 22, any evidence of an offence referred to in paragraph (4)(c) is being or is likely to be disposed of or destroyed.

(6) 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.

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

(8) 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.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893(56 & 57 Vict. c.39) prevents an authorised officer from exercising a function conferred on him or her by these Regulations.

(10) Where a member of the Garda Síochána or an officer of the Revenue Commissioners has reasonable grounds for believing that there is evidence on a person or in a vehicle of an offence committed under these Regulations relating to an animal, animal product or animal feed 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 these Regulations relating to an animal, animal product or animal feed 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, or cause to be seized and detained anything found in the course of a search under this paragraph which any such member or officer reasonably suspects to be something which might be required as evidence in proceedings for an offence referred to in paragraph (4)(c).

(11) Where a member of the Garda Síochána or an officer of the Revenue Commissioners decides to search or cause to be searched a person under paragraph (10) the member or officer may require the person to accompany that member or officer to either a Garda Síochána station or an office of the Revenue Commissioners for the purpose of being so searched at that station or office.

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

(13) Nothing in these Regulations operates to prejudice any power to search or to stop, or to seize or detain property, which may, apart from these Regulations, be exercised by a member of the Garda Síochána or an officer of the Revenue Commissioners.

(14) 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 or 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 these Regulations.

(15) 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 these Regulations.

(16) An authorised officer may require a person referred to in paragraph (14) to give to the officer such information as is in the person's power or procurement 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.

Search warrant

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

- (a) an offence is being or has been committed under the TSE Regulation or these Regulations,
- (b) there is or was a thing to which these Regulations relate or equipment or other thing made, used or adapted for use in connection with an agricultural product, or
- (c) a document or other record related to a thing to which subparagraph (a) or (b) relate 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 named in the warrant.

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

Obstruction

23. A person who—

- (a) obstructs or impedes an authorised officer in the exercise of his or her functions under Regulation 21,
- (b) fails, without reasonable cause, to comply with a requirement or direction of an authorised officer under Regulation 21, or
- (c) in purporting to give information to an authorised officer for the performance of the officer's functions under Regulation 21—
 - (i) makes a statement that the person knows to be false in a material particular or recklessly makes a statement which is false in a material particular, or
 - (ii) fails to disclose a material particular,

commits an offence.

Production of documents

24. A person shall, on request by an authorised officer or an officer of the Minister, produce—

- (a) a health certificate referred to in Article 15(1), 16(3), 16(5), 17 or 18 of the TSE Regulation,
- (b) a commercial document referred to in Article 16(5) or 17 of the TSE Regulation,
- (c) an authorisation or registration referred to in Regulation 19, or
- (d) such other documentation as the Minister may determine.

Compliance Notice

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

- (a) the TSE Regulation or these Regulations are not being or have not been complied with or there are reasons to believe that they will not be complied with, or
- (b) there is a risk to public or animal health,

the authorised officer may by serving a notice in writing (“compliance notice”), stating his or her opinion, on the person who appears to be the owner, operator or person in charge of the premises, animal, body of an animal, feedingstuff, or other thing to which the TSE Regulation relates or other thing to which the notice relates—

- (i) seize and detain an animal, meat, feedingstuff, fertiliser or other thing to which the TSE Regulation relates, vehicle or other thing, or
- (ii) require him or her to take such action as the authorised officer

considers necessary.

(2) A compliance notice may—

(a) require that an animal, body of an animal, feedingstuff, fertiliser or other thing to which the TSE Regulation relates be detained, disposed of or destroyed in a manner specified in the notice,

(b) prohibit or regulate any operation or processing on the premises to

which the notice relates,

(c) prohibit the transport of an animal, a body of an animal, feedingstuff, or other thing to which the TSE Regulation relates, either absolutely or unless such conditions as may be specified in the notice are complied with,

(d) require a person to return an animal, a body of an animal, feedingstuff, or other thing to which the TSE Regulation relates, to the place of departure by a route which in the opinion of the authorised officer is the most direct or prudent,

(e) require that such alterations be made to a premises or means of transport as may be specified in the notice,

(f) require a person to secure, in a manner specified by the authorised officer (if any), an animal, a body of an animal, premises, feedingstuff or other thing, or

(g) require a person to clean and disinfect a premises or part thereof.

(3) A person shall comply with a compliance notice or a requirement of a compliance notice unless and until the notice is annulled under paragraph (5) or Regulation 27(5) or until the notice has been withdrawn by an authorised officer.

(4) A requirement contained in a compliance notice may specify a time limit within which it is to be complied with.

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

(6) A compliance notice may require the person in control of an animal, a body of an animal, feedingstuff, or other thing to which the TSE Regulation relates, premises, means of transport or other thing to choose between two or more of the requirements specified in the notice.

Service

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

- (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 or carries on business or, where an address for service has been furnished, at that address,
- (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 to the registered office of the body,
- (d) if the address at which the person ordinarily resides cannot be ascertained by reasonable enquiry and the notice or notification relates to any premises, by delivering a copy to the premises,
- (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 or notification has been furnished by the person to the Minister, but only if—
 - (i) the recipient’s facility for the reception of electronic mail generates a message confirming the successful receipt of the electronic mail, or
 - (ii) the sender’s facsimile machine generates a message confirming the successful transmission of the total number of pages of the notice.

(2) If a notice or notification is to be served on a person who is the owner, occupier, operator or person in charge of a thing to which the notice relates and the name of the person cannot be ascertained by reasonable enquiry, it may be addressed to that person by using the words “the owner”, “the occupier”, “the operator” or “the person in charge”.

(3) For the purposes of this Regulation, 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.

Appeal against compliance notice

27. (1) A person affected by a compliance notice may, within 7 days of the service of the notice, appeal to the Judge of the District Court having jurisdiction

in the District Court District where the animal, the body of an animal, feedingstuff, or other thing to which the notice relates is situated or to the Judge of the District Court having jurisdiction in the District Court District where the person bringing the appeal ordinarily resides or carries on business on the grounds that the notice or any of the terms thereof are not justified having regard to the TSE Regulation or these Regulations (in this Regulation referred to as “an appeal”).

(2) An appeal may be heard at any sitting of the District Court within the appropriate District Court District.

(3) Notice of an appeal shall contain a statement of the grounds upon which it is alleged that the notice or any of the terms thereof are not justified and shall be served on the Minister at least 2 working days prior to the hearing of the appeal.

(4) A copy of the notice of appeal shall be lodged with the District Court Clerk at least 2 working days prior to the hearing of the appeal.

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

(6) A person, including a person on whom a compliance notice has been served, shall not—

- (a) pending the determination of an appeal, deal with an animal, a body of an animal, feedingstuff or other thing to which the TSE Regulation relates, premises, means of transport or other thing to which the notice relates, other than in accordance with the terms of the notice, or
- (b) after the appeal, deal with an animal, a body of an animal, feedingstuff or other thing to which the TSE Regulation relates, premises, means of transport or other thing concerned other than in accordance with the compliance notice or compliance notice as modified.

Emergency measures

28. (1) Where—

- (a) the person in control of an animal, a body of an animal, feedingstuff or other thing to which the TSE Regulation relates, premises, means of transport or other thing fails to comply with the terms of a compliance notice within the time specified, or
- (b) an authorised officer has reasonable grounds for believing that there is an immediate risk to public health, animal health or the environment,

an authorised officer may at any time seize the animal, the body of an animal, feedingstuff, or other thing to which the TSE Regulation relates, premises, means of transport or other thing.

(2) If an animal, a body of an animal, feedingstuff or other thing to which the TSE Regulation relates, premises, means of transport or other thing is seized in accordance with paragraph (1), an authorised officer may—

- (a) sell, destroy or dispose of the animal, a body of an animal, feedingstuff or other thing or cause it to be sold, destroyed or be disposed of, or
- (b) take such other measures in relation to the animal, the body of an animal, feedingstuff or other thing to which the TSE Regulation relates, premises, means of transport or other thing as the authorised officer considers appropriate in the circumstances.

(3) Any profits arising out of the sale, destruction or disposal of an animal, a body of an animal, feedingstuff or other thing to which the TSE Regulation relates or other thing in accordance with paragraph (2) shall be paid to the owner of the animal, body of an animal, feedingstuff or thing 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 animal, the body of an animal, feedingstuff or other thing or means of transport at the time the measure was carried out, or
- (b) by deducting the costs from any sum due by the Minister to a person

on whom a notice has been served.

Part 8

OFFENCES AND FINAL PROVISIONS

Forgery

29. (1) A person shall not forge or alter or utter knowing it to be forged or altered with intent to defraud or deceive a certificate, commercial document, an approval, authorisation or other document issued under the TSE Regulation or a record purporting to be kept and maintained under the TSE Regulation or these Regulations or a document purporting to be an extract from such a document (hereafter in this Regulation referred to as “a forged or altered document”).

(2) A person shall not have, without lawful authority, in his or her possession or control a forged or altered document.

Fees

30. (1) The Minister, Health Service Executive or local authority may charge a fee in respect of an application for an approval or authorisation or for the performance of a function under these Regulations not exceeding the cost of an application or performance of the function.

(2) If the Minister, Health Service Executive or local authority charges a fee in relation to an application for an approval or authorisation, under these Regulations, such application shall not be considered unless the fee accompanies the application.

(3) A fee payable under this Regulation may be recovered by the Minister, the Health Service Executive or a local authority from the person by whom it is payable as a simple contract debt in a court of competent jurisdiction.

(4) A fee payable to a Minister under this Regulation shall be disposed of for the benefit of the Exchequer in such manner as the Minister for Public Expenditure and Reform may direct.

Offences

31. (1) A person who—

(a) contravenes Article 2, 7(1), 7(2), 8(1), 8(3), 9 (1), 9(2), 12(1), 13 (1), 13(2), 15(1), 15(2), 16(2), 16(3), 16(4), 16(5), 16(6) of the TSE Regulation or Chapter A of Annex III, Annex IV, Annex V, Annex VI, Annex VII, Annex VIII, Annex IX or Chapter C of Annex X to the said Regulation,

(b) fails, without reasonable excuse, to comply with a requirement or direction made by an authorised officer under Regulation 21,

(c) in purporting to give information required by an authorised officer for the performance of the officer's functions under Regulation 21—

(i) makes a statement or provides information which he or she knows to be false in a material particular or recklessly makes a statement or provides information which is false in a material particular, or

(ii) fails to disclose any material particular,

(d) contravenes Regulation 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21, 23, 24, 25, 27, or 29,

(e) contravenes a condition of an approval, authorisation or registration granted under Part 6,

(f) is not authorised or registered under the provisions mentioned in Regulation 19 and who—

(i) manufactures a feedingstuff that contains fishmeal, dicalcium phosphate or tricalcium phosphate of animal origin or a blood product other than in accordance with Annex IV of the TSE Regulation, or

- (ii) has feedingstuffs containing fishmeal, dicalcium phosphate of animal origin, tricalcium phosphate of animal origin or blood products in his or her possession or control on a premises where ruminant animals are kept other than in accordance with Annex IV of the TSE Regulation,

or

- (g) aids or abets a contravention of the TSE Regulation, 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 a term of imprisonment not exceeding 3 years or to both.

(2) If, in proceedings for an offence in relation to a contravention of these Regulations or the TSE Regulation, it is alleged that animal protein is present in a substance and if it is proved that one or more bone spicules is or are present in the substance, it is for the defendant to prove that a prohibited animal protein was not present in the substance.

(3) In proceedings under these Regulations, it is for the defendant to prove that a farm animal or ruminant animal did not have access to the land to which the proceedings relate.

Prosecutions

32. (1) The Minister may prosecute an offence under these Regulations in a summary manner.

(2) If an offence under these Regulations is committed by a body corporate and it is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any person who, when the offence is committed, is a director, manager, secretary or other officer of the body corporate, or a person purporting to act in any such capacity, that person, as well as the body corporate, is guilty of an offence and liable to be proceeded against and punished as if guilty of the first-mentioned offence.

(3) If the affairs of a body corporate or unincorporated body are managed by its members, paragraph (2) applies in relation to the acts and defaults of a member in connection with functions of management as if the member is a director or manager of the body corporate.

Evidence on certificate

33. (1) In proceedings for an offence consisting of a contravention of the TSE Regulation or these Regulations, a certificate purporting to be signed by a person employed at a laboratory named in the certificate stating the capacity in which that person is so employed and stating any one or more of the following, namely—

- (a) that the person received a sample submitted to the laboratory,
- (b) that, for such period as is specified in the certificate, the person had in his or her custody a sample so submitted,
- (c) that the person gave to such other person as is specified in the certificate a sample so submitted,
- (d) that the person carried out any laboratory examination for the purpose of detecting the presence, in a sample so submitted, of a transmissible spongiform encephalopathy, or that the sample was positive for a transmissible spongiform encephalopathy, or
- (e) that the person carried out any laboratory examination for the purpose of detecting the presence in a sample so submitted of a constituent of animal origin, or that the sample was positive for a constituent of animal origin,

is, unless the contrary is proved, evidence of the matters stated in the certificate.

(2) 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) a person was or was not the holder of an authorisation or registration granted for the purposes of the TSE Regulation under Regulation 19, or
- (b) that a particular authorisation or registration referred to in this paragraph was subject to a particular condition or conditions,

is, without proof of the signature of the person purporting to sign the certificate or evidence to the contrary that he or she is an officer of the Minister, evidence of the matters stated in the certificate.

(3) 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 the matters stated in a certificate under paragraph (1) or (2) be given, and the court may for the purpose of receiving oral evidence adjourn the matter.

(4) In proceedings for an offence, evidence of an act of the institutions 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 copy of the act, and it is not necessary to prove the signature of the officer or that he or she is an officer of the Minister.

(5) Paragraph (4) 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).

Revocations

34. (1) The following Regulations are revoked—

- (a) Diseases of Animals (Transmissible Spongiform Encephalopathies in Sheep and Goats) Order 2001 (S.I. No 450 of 2001),
- (b) European Communities (Transmissible Spongiform Encephalopathies and Animal By-products) Regulations 2008, (S.I. No. 252 of 2008)
- (c) European Communities (Transmissible Spongiform Encephalopathies and Animal By-products) (Amendment) Regulations 2009 (S.I. No. 291 of 2009) and
- (d) European Communities (Transmissible Spongiform Encephalopathies and Animal By-products) (Amendment) (No. 2) Regulations 2009 (S.I. No. 345 of 2009).

(2) A reference in any enactment or statutory instrument to a statutory instrument revoked by paragraph (1) is construed and has effect as if the reference is a reference to these Regulations or the corresponding provision of these Regulations.

(3) A compliance notice or notification (within the meaning of the Regulations revoked by paragraph (1)(b)) that is in force immediately before the making of these Regulations remains in force and may be dealt with as if it were a compliance notice or notification under these Regulations.

(4) An appeal under Regulation 25 of the Regulations revoked by paragraph (1)(b) that has not been determined before the making of these Regulations may be dealt with as if it were an appeal under Regulation 27.

(5) An application for an authorisation or registration under the Regulations revoked by paragraph (1)(b) may be considered and determined as if it is an application under Regulations 18 or 19.

(6) An authorisation or registration granted under Regulations revoked by paragraph (1)(b) remains in force and may be dealt with as if granted under Regulations 18 or 19.

(7) A compliance notice or notification (within the meaning of the Regulations revoked by paragraph (1)(b)) that is in force immediately before the making of these Regulations remains in force and may be dealt with as if it were a compliance notice or notification under these Regulations.



GIVEN under my Official Seal,
10 November 2015.

SIMON COVENEY,
Minister for Agriculture, Food and the Marine.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

The Regulations provide ancillary and supplementary measures necessary for a series of EC Regulations relating to transmissible spongiform encephalopathies to have full effect.

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