



STATUTORY INSTRUMENTS.

**S.I. No. 212 of 2016**



ASSEMBLY OF ANIMALS FOR EXPORT REGULATIONS 2016

## ASSEMBLY OF ANIMALS FOR EXPORT REGULATIONS 2016

I, SIMON COVENEY, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 36 of the Animal Health and Welfare Act 2013 (No. 15 of 2013) and, in relation to Regulation 9 of these Regulations, section 3 of the European Communities Act 1972 (No. 27 of 1972) for the purpose of giving effect to Council Directive 97/12/EC<sup>1</sup> of 17 March 1997 as amended by Council Directive 98/99/EC<sup>2</sup> of 14 December 1998, and Council Directive 2003/50/EC of 11 June 2003<sup>3</sup> in so far as the Directive applies to assembly centres, hereby make the following regulations:

1. These Regulations may be cited as the Assembly of Animals for Export Regulations 2016 and come into operation on 1 June 2016.

2. In these Regulations—

“Act” means Animal Health and Welfare Act 2013;

“animal” means an animal of the bovine, ovine or caprine species or swine;

“assembly centre” means a holding, collection centre or market at which animals from different holdings are grouped together to form consignments of animals intended for trade;

“Council Directive” means Council Directive 97/12/EC of 17 March 1997 as amended by Council Directive 98/99/EC of 14 December 1998 and Council Directive 2003/50/EC of 11 June 2003.

3. (1) A person shall not operate an assembly centre except in accordance with an approval granted under this Regulation (“assembly centre approval”).

(2) The Minister may grant an assembly centre approval, attach conditions to an assembly centre approval, revoke or vary a condition, withdraw an assembly centre approval or refuse an application.

(3) An approval for an assembly centre may relate to bovines generally, to sheep generally, to pigs generally or to bovines, sheep or pigs of a particular class or description.

(4) An application for an assembly centre approval shall be made in a form, be accompanied by any material and contain any particulars that the Minister specifies.

<sup>1</sup>O.J. L109, 25.04.1997, P.1

<sup>2</sup>O.J. L358, 31.12.1998 P.107

<sup>3</sup>O.J. L169, 08.07.2003 P. 51

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 3rd May, 2016.*

(5) The Minister shall not consider an application for an assembly centre approval if the application is not accompanied by the fee (if any) fixed under section 73 of the Act or the application does not contain all the material and particulars sought by the Minister.

(6) Without prejudice to the generality of paragraph (2), the Minister may refuse an application or withdraw an assembly centre approval if—

- (a) the applicant or person to whom an assembly centre approval is granted contravenes the Act or Regulations made under the European Communities Act 1972 that relates to an animal or animal product,
- (b) the applicant or person to whom an assembly centre approval is granted fails to comply with a condition attached to an assembly centre approval,
- (c) the applicant or person to whom an assembly centre approval is granted is not, in the opinion of the Minister, a fit person to hold an assembly centre approval,
- (d) in relation to the application or a return under Regulation 6, information required has not been furnished or information that is, in the opinion of the Minister, false or misleading has been furnished,
- (e) the person to whom an assembly centre approval is granted fails, having been given at least 15 days to do so, to remit any moneys due to the Minister, or
- (f) it is, in the opinion of the Minister—
  - (i) necessary to prevent the risk or spread of disease,
  - (ii) necessary to eradicate 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 animal health or welfare.

(7) Without prejudice to the generality of paragraph (2), the Minister shall refuse an application or withdraw an assembly centre approval if the applicant or person to whom assembly centre approval is granted is convicted, on indictment, of an offence under the Act or other enactment relating to animals.

(8) Other than in the case of paragraph (6) (f) or (7), if the Minister proposes to withdraw an assembly centre approval, or to refuse an application, he or she shall—

- (a) notify the person concerned in writing of the proposal and of the reasons for the proposal, and that he or she may make representations

to the Minister in relation to the proposal within 14 days of the notification,

- (b) consider a representation duly made before deciding whether to proceed with, modify or annul the proposal, and
- (c) notify the person concerned of the decision and the reasons for the proposal.

(9) If the Minister is of the opinion that it is necessary to prevent the risk of disease, to eradicate disease, or to give effect to an act of an institution of the European Union, he or she may withdraw an assembly centre approval in accordance with paragraph (10).

(10) If the Minister withdraws an assembly centre approval in accordance with this paragraph, he or she shall—

- (a) notify the person concerned in writing of the decision and the reasons for the decision, and that he or she may make representations to the Minister in relation to the decision within 14 days of the date of the notification,
- (b) consider a representation made, and
- (c) confirm, modify or annul the decision and notify the person concerned of the decision and the reasons for the decision.

(11) A person to whom an assembly centre approval is granted shall make such returns to the Minister as and when, and in such form as, the Minister may from time to time direct.

(12) The Minister shall maintain and publish, in a manner that he or she considers appropriate, a list of assembly centre approvals granted under this Regulation, divide the list into different classes having regard to the activity to which an assembly centre approval relates and include such information as he or she considers appropriate on the list.

(13) If the Minister withdraws an assembly centre approval under this Regulation or the assembly centre approval expires by effluxion of time, an entry on the list maintained under paragraph (12) ceases to have effect and the Minister shall, as soon as may be after withdrawing the assembly centre approval, remove details of the withdrawn assembly centre approval from the list.

(14) An approval granted under the Regulations revoked by Regulation 9 remains in force and may be dealt with as if granted under this Regulation, provided the operator applies, no later than 6 months after the commencement of these Regulations, for an assembly centre approval under these Regulations, until the application is determined.

4. The operator of an assembly centre shall not cause or permit an animal to enter or be present at the assembly centre unless—
- (a) in the case of a bovine—
    - (i) it is identified with ear tags and accompanied by identification as required by the European Communities (Identification of Bovines) Regulations 2009 (S.I. No. 77 of 2009),
    - (ii) it comes from a tuberculosis free, brucellosis free and leukosis free herd,
    - (iii) it meets the requirements relating to bovine tuberculosis and brucellosis as prescribed in the Animal Health and Welfare (Bovine Tuberculosis) Regulations 2015 (S.I. No. 58 of 2015) and the Brucellosis in Cattle (General Provisions) Order 1991 (S.I. No. 114 of 1991), and
  - (b) in the case of any other animal, it is identified in accordance with law, and is accompanied by all appropriate health certificates and commercial documents required by law.
5. A person shall not operate land or premises as an assembly centre unless—
- (a) the land or premises comprises a clearly defined area and is used exclusively as an assembly centre when used for that purpose,
  - (b) the land or premises is equipped, with adequate and suitable equipment for disinfecting persons, animals and vehicles,
  - (c) the land or premises is equipped, with a sufficient supply of water to enable the assembly centre, and vehicles using the assembly centre, to be cleaned and disinfected,
  - (d) there is a sufficient supply of wholesome water and food available for animals at the assembly centre,
  - (e) there are adequate facilities to enable an animal to be loaded or unloaded at the assembly centre onto or from any vehicle used for the carriage of livestock safely, efficiently and without undue discomfort to the animal,
  - (f) there is a crush, chute or other appropriate restraint facility and adequate lighting for use in the inspection of animals; the facility shall be protected from the weather and shall be located at a suitable and convenient place in the assembly centre,
  - (g) there is adequate office accommodation (including facilities for the use and safekeeping of documents and computer hardware) for the use of authorised officers,

- (h) there is adequate housing, soundly constructed from suitable materials and capable of being thoroughly cleaned and disinfected to accommodate securely and without overcrowding or discomfort the animals held in the assembly centre,
- (i) there are adequate facilities soundly constructed from suitable material and capable of being thoroughly cleansed and disinfected to enable the isolation, watering, feeding and treatment of sick or unfit animals or animals detained on veterinary grounds securely and without overcrowding,
- (j) there is adequate slurry storage or other appropriate drainage system for collecting waste water, and
- (k) there are appropriate storage areas for fodder, litter and manure.

6. (1) The operator of an assembly centre shall keep an accurate record in respect of each animal entering the assembly centre of—

- (a) the name and address of the owner, origin, date of entry, number and identification, the registration number of the holding or the herd of origin, the date of exit and the proposed destination, and
- (b) the authorisation number of the transporter, as allocated by the Minister in accordance with the European Communities (Animal Transport and Control Post Regulations 2006), and the registration number of the vehicle delivering and collecting the animal.

(2) The record referred to in paragraph (1) shall be maintained in a register or database and shall be retained for a period of at least three years following the date of entry of an animal to the assembly centre.

(3) The operator of an assembly centre shall, if requested by the Minister to do so, furnish to the Minister such information in respect of transactions at the assembly centre as the Minister may require in a format and within the timescale he or she may require.

(4) The operator of an assembly centre shall ensure that the assembly centre is cleaned and disinfected when so requested, and in the manner specified, by an authorised officer.

7. A person shall not operate an assembly centre except under the control of an authorised officer.

8. Regulations 3 (1), (11), 4, 5, 6 and 7 are penal provisions to which section 36 (4) (b) of the Act applies.

9. The European Communities (Assembly Centres) Regulations 2000 are revoked.



GIVEN under my Official Seal,  
26 April 2016.

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.)*

These Regulations provide for the registration of assembly centres used for the assembly of cattle, sheep, goats and pigs.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2  
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