



STATUTORY INSTRUMENTS.

S.I. No. 563 of 2010



EUROPEAN COMMUNITIES (CARNATION LEAF-ROLLERS)
REGULATIONS 2010

(Prn. A10/1762)

EUROPEAN COMMUNITIES (CARNATION LEAF-ROLLERS)
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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 effect to Council Directive 74/647/EEC of 9 December 1974¹, hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Communities (Carnation Leaf-Rollers) Regulations 2010.

Interpretation

2. (1) In these Regulations—

“authorised officer” means—

- (a) a person appointed under Regulation 4 of the European Communities (Agriculture, Fisheries and Food) (Compliance) Regulations 2009 (S.I. No. 424 of 2009),
- (b) a member of the Garda Síochána, or
- (c) an officer of Customs and Excise;

“Council Directive” means Council Directive No. 74/647/EEC of 9 December 1974;

“Minister” means Minister for Agriculture, Fisheries and Food;

“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.

(2) A word or expression that is used in the Council Directive and is also used in these Regulations has, in these Regulations the same meaning as it has in the Council Directive.

Harmful Organism

3. (1) A person shall not introduce or cause or permit another person to introduce carnation leaf-roller or a plant or fruit affected with carnation leaf-roller into the State.

¹O.J. No. L352 of 28/12/1974, p.41

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 3rd December, 2010.*

(2) A person shall not have in his or her possession or control, sell, supply or move within the State a carnation leaf-roller or plant or fruit that has been introduced into the State in contravention of paragraph (1) or (subject to Regulation 4(2)) a plant or fruit affected by carnation leaf-roller.

Imports of the Specified Plants

4. (1) If a plant or fruit become affected by carnation leaf-roller, a person shall treat them in such a way that the plant or fruit is no longer so affected when put into circulation.

(2) Notwithstanding paragraph (1), cut carnations slightly affected by carnation leaf-roller may be put into circulation from 16 October to 30 April each year.

Exemptions

5. These Regulations do not apply in relation to an act or omission done or made for scientific purposes, test or selection work, authorised by the Minister for Agriculture, Fisheries and Food.

Authorised Officer

6. The European Communities (Agriculture, Fisheries and Food) (Compliance) Regulations 2009 (S.I. No. 424 of 2009) are applied to these Regulations.

Offences

7. (1) A person who contravenes Regulation 3 or 4 commits an offence.

(2) A person who commits an offence under these Regulations is liable on summary conviction, to a fine not exceeding €5,000.

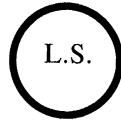
(3) An offence under these Regulations may be prosecuted by the Minister.

(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 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.

Revocations

8. The European Communities (Carnation Leaf-Rollers) Regulations 1976 (S.I. No. 104 of 1976) are revoked.



GIVEN under my Official Seal,
24 November 2010.

BRENDAN SMITH,
Minister for Agriculture, Fisheries and Food.

EXPLANATORY NOTE

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

The Regulations lay down measures to prevent the spread of carnation leaf-rollers, pests which attack carnation plants, and give powers to the Minister for Agriculture, Fisheries and Food for this purpose.

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