



STATUTORY INSTRUMENTS.

S.I. No. 128 of 2018



ANIMAL HEALTH AND WELFARE (LIVESTOCK MARTS)
REGULATIONS 2018

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I, MICHAEL CREED, 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), hereby make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the Animal Health and Welfare (Livestock Marts) Regulations 2018.

(2) Subject to paragraph (3) these Regulations will come into operation immediately.

(3) Regulation 3 and Regulation 5 (1) (l) come into operation on 1 January 2019.

Interpretation

2. In these Regulations—

“Act” means Animal Health and Welfare Act 2013;

“livestock” means cattle, domesticated deer, equidae, sheep, pigs, goats or poultry;

“livestock mart” means land or premises used to sell or supply livestock by auction or for holding livestock before their sale or supply by auction with the exception of premises selling or supplying only equidae species.

Livestock Marts licence

3. (1) A person shall not operate a livestock mart except in accordance with a licence (“livestock marts licence”).

(2) The Minister may grant a livestock marts licence, attach conditions to a livestock marts licence, suspend, revoke or vary a condition, attach a new condition, refuse an application, suspend or revoke a livestock marts licence.

(3) An application for a livestock marts licence shall be made in a form, be accompanied by any material and contain any particulars that the Minister specifies.

(4) The Minister shall not consider an application for a livestock marts licence if the application does not contain all the material and particulars sought by the Minister or is not accompanied by the fee (if any) set in accordance with section 73 of the Act.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 27th April, 2018.*

(5) Without prejudice to the generality of paragraph (2), a condition of a livestock marts licence may—

- (a) relate to the period of validity of the licence and may also stipulate hours of operation,
- (b) relate to the provision of facilities for the use of authorised officers,
- (c) require that only certain species or types of livestock are kept or sold at the livestock mart,
- (d) require that no more than a specified number of livestock either generally or livestock of a particular class or description be kept on the premises to which a livestock marts licence relates,
- (e) relate to the veterinary supervision of the livestock mart,
- (f) restrict the age of livestock either generally or livestock of a particular class or description that may be kept on the premises of the livestock mart,
- (g) provide for the assignment of specific functions relating to animal health, welfare, sanitary measures including cleaning and disinfection, tracing of livestock to lands or premises of origin and identification of livestock to specific persons,
- (h) relate to training to be undertaken by staff working at a livestock mart and the maintenance of records relating to training,
- (i) provide for the keeping of records,
- (j) relate to the provision of written procedures relating to the protection of the health and welfare of livestock at the mart,
- (k) relate to segregation of livestock at a livestock mart having regard to species, gender, age, type, health status or other requirement,
- (l) relate to standards and specifications for machinery, technology, equipment and fittings at a livestock mart,
- (m) relate to bio-security measures to be operated at the livestock mart

(6) Without prejudice to the generality of paragraph (2), the Minister may refuse an application, suspend or revoke a livestock marts licence if—

- (a) he or she is satisfied that the Act or these Regulations have not been or will not be complied with,
- (b) the applicant or registered person has been convicted of an offence relating to livestock, animal health, animal welfare or public health,

- (c) the operation of the livestock mart poses a serious threat to the health or welfare of livestock,
 - (d) the structures and equipment used to contain, load, unload or restrain livestock are not designed or maintained in a safe and sanitary condition,
 - (e) the applicant or person to whom a livestock marts licence relates has failed to comply with a condition of the licence,
 - (f) the livestock mart is not, or ceases to be, equipped for the proper disposal of waste products and material, including used bedding,
 - (g) the applicant or person to whom a livestock marts licence relates is not, in the opinion of the Minister, a fit and proper person to hold a livestock marts licence,
 - (h) without prejudice to paragraph (4), in relation to the application, information required has not been furnished or information that is, in the opinion of the Minister, false or misleading in a material particular that has been furnished,
- (7) Other than in the case of refusal or revocation under paragraph (8) or (9) if the Minister proposes to suspend or revoke a livestock marts licence 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 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 decision.
- (8) If the Minister is of the opinion that it is necessary to prevent the risk of disease or to give effect to an act of an institution of the European Union, he or she may refuse an application or suspend or revoke a livestock marts licence in accordance with paragraph (9).
- (9) If the Minister refuses an application or suspends or revokes a livestock marts licence for the purposes set out in paragraph 8, 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.

(10) The Minister may publish a list of livestock mart licences, containing such information as he considers appropriate, on the website of his or her Department of State and in any other manner (if any) as the Minister may determine.

Records

4. (1) The owner or operator of a livestock mart shall maintain accurate records regarding livestock that enter, leave, are kept at, sold or supplied through the livestock mart.

(2) Each record mentioned in paragraph (1) shall be made no later than 36 hours after the event to which it relates and shall include-

- (a) the name and address of the owner and person who offers livestock for sale or supply,
- (b) the date livestock enter and leave the premises of the livestock mart,
- (c) description of livestock, including species, breed, sex, age and identification (as appropriate by species),
- (d) name and address of person to whom livestock is sold or supplied and date of sale or supply,
- (e) name and address of each person involved in purchase of livestock at the livestock mart,
- (f) details of disposal of livestock, other than by sale or supply, including the reason for livestock prohibited for sale and the date of the event,
- (g) details of veterinary treatment, including, the nature of the disease or injury, the type of service rendered including euthanasia method, the dates and times of treatment, the pen in which livestock is confined and the identity of the attending veterinary practitioner.

(3) A record maintained under this Regulation shall, in a form that the Minister may direct, be kept for a period of no less than 3 years and made available on request to an authorised officer.

Restriction on sale or supply

5. (1) A person shall not, at a livestock mart, sell or supply, or cause or permit another person to sell or supply

- (a) livestock affected with disease,
- (b) livestock unable to move independently without pain,
- (c) livestock unable to walk unassisted,

- (d) infirm, injured or fatigued livestock,
- (e) livestock that presents with an open wound, or prolapse,
- (f) pregnant female livestock for whom 90 % or more of the expected gestation period has passed,
- (g) female livestock that has given birth in the previous 7 days,
- (h) new-born livestock in which the navel has not completely healed,
- (i) a pig that has not attained the age of three weeks,
- (j) a lamb that has not attained the age of one week,
- (k) a foal that has not attained the age of one week,
- (l) a calf that has not attained the age of ten days, or
- (m) a cervine animal in velvet.

Isolation and segregation

6. The operator of a livestock mart shall provide a sufficient number of covered pens that are separated from other pens at the livestock mart, are capable of being thoroughly cleaned and disinfected and are equipped with appropriate facilities

- (a) for watering, feeding, resting, and
- (b) to facilitate veterinary examination and treatment of livestock mentioned in Regulation 5.

Means of Transport

7. The operator of a livestock mart shall take all necessary measures to ensure that livestock are not loaded onto a vehicle unless the fittings, equipment and machinery are in a condition, and maintained in a manner, that do not threaten the health or welfare of the livestock.

Restriction on use of stick

8. The operator of a livestock mart shall take all necessary measures to ensure that a person seen to be handling cattle shall not have in his or her possession or under his or control a stick, goad or other tool which may be used to cause unnecessary pain or suffering to livestock in the vicinity of that part of a livestock mart where calves are held or to which calves aged 42 days or younger have access.

Striking an Animal

9. The operator of a livestock mart shall take all necessary measures to ensure that a person shall not strike or kick an animal at a livestock mart.

Care of Horses

10. The operator of a livestock mart shall take all necessary measures to ensure that an equine, other than a suckling foal accompanying its mother, must be haltered or bridled and led by hand when not confined to a pen.

Moving livestock

11. The operator of a livestock mart shall take all necessary measures to ensure that a person shall not drive or lead livestock-

- (a) over any surface the nature or condition of which may result in,
- (b) in light conditions which may contribute to,

the livestock slipping or falling.

Electronic Display of Data in Respect of Bovines being offered for Sale

12. The operator of a livestock mart shall not sell or cause or permit another person to sell a bovine at a place where the business of the livestock mart is carried out unless, in advance of and during the sale

- (a) the name and full address of the owner and the person in whose name the herd from which the bovine is being offered for sale is registered,
- (b) if the bovine has been tested for tuberculosis, the month and year of the most recent test,
- (c) if the bovine is offered for sale by or on behalf of a dealer as defined in Council Directive 64/432/EEC, a statement of that fact and
- (d) a statement as to eligibility of the bovine animal for live export to an EU member state

is placed on view by means of an electronic visual display that is clearly legible to each person present at, or in the immediate vicinity of, the sales ring where the bovine is being offered for sale,

Identification of livestock

13. (1) The operator of a livestock mart shall not sell or supply livestock or cause or permit another person to sell livestock, unless

- (a) in the case of a bovine
 - (i) it is identified properly and
 - (ii) the movement of the bovine is recorded on the database maintained by the Minister,

for the purposes of Regulation 1760/2000 of the European Parliament and of the Council of 17 July 2000 and the European Communities (Identification of Bovines) Regulations 2009 and it complies with all relevant requirements in this legislation,

or it is sold or supplied in accordance with a permit issued for the purposes of Regulation 11 (3) of the European Communities (Identification of Bovines) Regulations 2009 or in accordance with a movement permit as defined in the Animal Health and Welfare (Bovine Movement) Regulations 2014,

(b) in the case of a sheep or a goat-

(i) it is identified properly, and

(ii) it is accompanied by a dispatch/movement document relating to the batch within which the sheep or goat had moved,

for the purposes of Council Regulation (EC) No. 21/2004 of 17 December 2003 (as amended by Council Regulation (EC) No. 1791/2006 of 20 November 2006, Council Regulation (EC) No. 1560/2007 of 17 December 2007, Commission Regulation (EC) No. 933/2008 of 23 September 2008, Commission Regulation (EC) No. 759/2009 of 19 August 2009 and Commission Regulation (EU) No. 506/2010 of 14 June 2010) and the European Communities (Sheep Identification) Regulations 2011,

(c) in the case of an equine

(i) it is accompanied by a passport relating to the equine, and

(ii) if identified on or after 1 July 2009, it is identified with a transponder, the number of which is recorded in the passport presented with the equine,

for the purposes of Commission Implementing Regulation (EU) 2015/262 of 17 February 2015 and the European Union (Identification of Equidae) Regulations 2016 (Statutory Instrument Number 62 of 2016)

(d) in the case of a pig

(i) it is identified properly and

(ii) it is accompanied by a dispatch/movement document

for the purposes of the Diseases of Animals Act 1966 (National Pig Identification and Tracing System) Order 2002.

(2) Paragraph (1) is in addition to, and not in substitution for, a provision mentioned in that paragraph.

Disinfection facilities

14. The operator of a livestock mart shall keep and maintain a dedicated area of the livestock mart and all necessary equipment and supplies for disinfecting vehicles, other machinery and equipment used in connection with livestock.

Penal provisions

15. (1) Regulation 4, 8, 10, 11 and 14 are penal provisions to which section 36 (4) (a) of the Act applies.

(2) Regulations 3(1), 5, 6, 7, 9, 12, and 13 are penal provisions to which section 36 (4) (b) of the Act applies.



GIVEN under My Official Seal,
18 April 2018.

MICHAEL CREED,
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 licensing of Livestock Marts under the Animal Health and Welfare Act 2013.

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