



STATUTORY INSTRUMENTS.

S.I. No. 412 of 2023



EAR-CROPPING OF DOGS REGULATIONS 2023

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I, CHARLIE MCCONALOGUE, 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 having regard to Article 36 of the Treaty on the Functioning of the European Union, make the following regulations:

Citation and commencement

1. These Regulations are the Ear-cropping of Dogs Regulations 2023 and come into operation on 1st September 2023.

Definitions

2. In these Regulations-

“Act” means Animal Health and Welfare Act 2013;

“ear-cropping” means the removal of all or part of the ear of a dog –

- (a) for a purpose other than the diagnosis or treatment of injury, disease or infection, or
- (b) by a person other than a veterinary practitioner;

“licence” means a licence under Regulation 5.

Application

3. These Regulations apply to the possession, importation, sale or supply of a dog where all or part of the ear of the dog has been removed, whether the removal occurred before or after the commencement of these Regulations.

Restriction on possession

4. A person shall not have a dog mentioned in Regulation 3 in his or her possession or under his or her control where the removal of all or part of the ear of the dog occurred after the commencement of these Regulations unless the person has in their possession or under their control either a copy of the licence, the certificate referred to in Regulation 6(b) or a record mentioned in Regulation 9 that relates to the Dog.

Restriction on import

5. (1) A person shall not import, or cause or permit another person to import, a dog mentioned in Regulation 3 except in accordance with a licence.

(2) The Minister may grant a licence to the owner of a dog mentioned in Regulation 3 that has had its ears removed or partly removed by a veterinary

practitioner for the diagnosis or treatment of injury, disease or infection, attach conditions to the licence, vary or revoke a condition, revoke a licence or refuse an application.

(3) An application for a licence shall be in a form and contain any information that the Minister requires.

(4) Without prejudice to the generality of paragraph (2), the Minister may refuse an application or revoke a licence if, in his or her opinion—

- (a) it is not accompanied by the fee (if any) set under section 73 of the Act,
- (b) the ear of the dog was not removed or partly removed by a veterinary practitioner in the course of diagnosis or treatment of injury, disease or infection,
- (c) the dog will not be kept by the owner at his or her normal place of residence,
- (d) the applicant or person to whom the licence is granted has committed an offence under the Act or Regulations made under the European Communities Act 1972 that relate to the animal,
- (e) the applicant or person to whom a licence is granted has failed to comply with a condition of a licence, or
- (f) in relation to an application, information required has not been furnished or information that is false or misleading in a material respect has been furnished.

(5) If the Minister proposes to refuse an application or revoke a licence, he or she shall—

- (a) notify the applicant or person to whom the licence has been granted of the proposal and the reasons for the proposal, and that he or she may make representations in relation to the proposal to the Minister within 14 days of the date of issue of the notification,
- (b) consider a representation duly made before deciding whether to proceed with, or annul the proposal, and
- (c) notify the applicant or person to whom the licence has been granted of the decision and the reasons for the decision.

(6) A person who operates, or is in control of, a vessel, vehicle or aircraft shall not use the vessel, vehicle or aircraft to import a dog mentioned in Regulation 3 unless a licence has been granted to the owner mentioned in paragraph (1).

Further provisions relating to import

6. A person shall not import, or cause or permit another person to import, a dog mentioned in Regulation 3 unless –

- (a) the owner has given at least five days advance notice of the import in a manner determined by the Minister, and

- (b) the dog is accompanied by a certificate, in a form that the Minister determines, issued by a veterinarian in the place of origin attesting that the ears of the dog were removed or partly removed for a specified veterinary purpose.

Restriction on sale or supply

7. (1) Subject to paragraph (2), a person shall not sell or supply a dog whose ears have been cropped.

(2) Paragraph (1) does not apply to organisations specified in a list referred to in paragraph (3).

(3) The Minister shall establish and maintain in a manner that he or she considers appropriate, a list of exempted organisations involved in the rehoming of dogs, which organisations shall be registered animal welfare charities.

(4) The list referred to in paragraph (3) shall be published on a website maintained by the Minister and notice of the list, or amendments to the list, shall be published in Iris Oifigiúil.

Restriction on possession, etc. of equipment

8. (1) A person shall not, on any land or premises, where animals are kept, have an instrument or other equipment presented, made or adapted for use in cropping the ear of a dog in his or her possession or under his or her control.

(2) Paragraph (1) does not apply to the possession of an instrument or other equipment to which that paragraph refers by a veterinary practitioner on land or premises used by him or her in a professional capacity.

(3) A person shall not sell or supply an instrument or other equipment presented, made or adapted for use in cropping the ear of a dog to a person other than a veterinary practitioner.

Provision of record

9. (1) A veterinary practitioner who removes all or part of the ear of a dog to diagnose, or treat an injury, disease or infection shall give to the owner of the dog a record of that fact in a form determined by the Minister.

(2) Where an animal welfare organisation specified in the list referred to in section 7 (3) sells or supplies a dog with cropped ears, they shall give to the new owner of the dog a record of the sale or supply in a form determined by the Minister.

Maintenance of certificate and record

10. Where a dog mentioned in Regulation 3 was imported, sold or supplied subject to Regulation 7(2) or had its ears removed or partly removed by a veterinary practitioner following the commencement of these Regulations, the owner shall maintain the certificate referred to in Regulation 6(b), or record

referred to in Regulation 9, as the case may be, relating to the dog and make it available for inspection on request to an authorised officer.

Prohibition on showing

11. The owner or occupier of land or premises shall not cause or permit a dog whose ears have been cropped to be present at an event where dogs are shown, compete or are used in connection with a sporting or cultural activity.

Penal provisions

12. Regulations 4, 5(1) and (6), 6, 7(1), 8(1) and (3), 10 and 11 are penal provisions to which section 36 (4) (b) of the Act applies.



GIVEN under my Official Seal,
18 August, 2023.

CHARLIE MCCONALOGUE,
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.)

This Statutory Instrument strengthens existing restrictions on the practice of cropping the ears of dogs. This Instrument specifically restricts the possession or control of dogs with cropped ears, the sale or supply of dogs with cropped ears, the import of dogs with cropped ears and the possession, sale or supply of equipment used to crop the ears of dogs, and prohibits the showing of dogs with cropped ears.

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