



STATUTORY INSTRUMENTS.

S.I. No. 506 of 2023

EUROPEAN UNION (EQUINE) 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 3 of the European Communities Act 1972 (No. 27 of 1972) for the purpose of giving further effect to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016¹, Commission Delegated Regulation (EU) 2020/686 of 17 December 2019² (as amended by Commission Delegated Regulation (EU) 2021/880 of 5 March 2021³), Commission Implementing Regulation (EU) 2020/999 of 9 July 2020⁴, Commission Implementing Regulation (EU) 2021/403 of 24 March 2021⁵, Commission Implementing Regulation (EU) 2021/404 of 24 March 2021⁶, Council Directive 90/428/EEC of 26 June 1990⁷, Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017⁸ (as amended by Commission Delegated Regulation (EU) 2019/478 of 14 January 2019⁹ and Commission Delegated Regulation (EU) 2019/2127 of 10 October 2019¹⁰) hereby make the following regulations:

Part I

PRELIMINARY AND GENERAL

Citation

1. These Regulations may be cited as the European Union (Equine) Regulations 2023.

Application

2. These Regulations apply to equine animals and their germinal products.

Interpretation

3. (1) In these Regulations "authorised officer" means—
 - (a) an authorised officer within the meaning of the European Union (Animal Breeding) Regulations 2021 (S.I. No. 227 of 2021)
 - (b) a person who, immediately before the revocation of the European Communities (Equine) Regulations 201 1 (S.I. No.

¹ OJ L 84, 3 1.320 16, p. I

² OJ L 1 74, 3.6.2020, p. I

³ OJ L 194, 2.6.2021, p. I

⁴ OJ L 22 1, 10.7.2020, p. 99

⁵ OJ L 1 13, 3 1 .3.2021, p. I

⁶ OJ L 1 14, 3 1.3.2021, p. I

⁷ OJ L 224, 18.8. 1990

⁸ 60 g OJ L 95, 74.2017, p. I

⁹ Y OJ L 321, 12. 12.2019, p. I11

¹⁰ OJ L 321, 1 2. 12.20 1 9, p. I11

357 of 201 1), was an authorised officer under those Regulations, or

- (c) a person appointed under Regulation 8;

"equine animal" means an animal of the equine species;

"Equine Regulations" mean the Regulations and Directives cited in the preamble;

"Minister" means Minister for Agriculture, Food and the Marine;

"Official Control Regulations" means Regulation 2017/625.

(2) A word or expression that is used in these Regulations and that is also used in the Equine Regulations has, unless the contrary intention appears, the same meaning in these Regulations that it has in the Equine Regulations.

Part 2

Approval

Approval of semen collection centres and ova or embryo collection and production teams

4. (1) A person shall not—

- (a) collect, process or store semen of an equine animal in a semen collection centre,
- (b) collect, process or store ova or embryos of an equine animal in an ova or embryo collection or production team, or
- (c) store semen of an equine animal in a semen storage centre unless the person has been approved under this Regulation.

(2) The Minister may grant an approval to a person, for the purposes of—

- (a) collecting, processing or storing semen of an equine animal ("semen collection centre"),
- (b) collecting, producing ova or embryos of an equine animal ("ova or embryo collection or production team"), or
- (c) storing semen of an equine animal ("semen storage centre") in accordance with these Regulations and the Equine Legislation.

(3) A person who, immediately before the revocation of the European Communities (Equine) Regulations 201 1, was approved under those Regulations, is deemed to be so approved under paragraph 2 and may be dealt with as if approved under this Regulation.

(4) The Minister may attach conditions to an approval, vary a condition, attach a new condition, revoke an approval or refuse an application.

(5) An application for an approval shall be in a form and contain such information and be accompanied by any material that the Minister may require.

(6) An approval under this Regulation is valid for a period that the Minister determines.

(7) The Minister shall not consider an application for approval unless the application contains all the material and particulars sought by the Minister and is accompanied by the fee set in accordance with Regulation 18.

(8) Notwithstanding the generality of paragraph 2 the Minister may refuse an application or revoke an approval(a) if in his or her opinion—

- (i) an act of the institutions of the European Union or these Regulations have not or are not likely to be complied with, or
 - (ii) the applicant or holder of an approval has failed to comply with a condition of an approval, or
 - (b) the applicant has been convicted of an offence, in the previous 3 years, relating to equine animal identification, animal or public health, animal welfare or the environment.
- (9) If the Minister proposes to revoke an approval or to refuse an application, he or she shall -
- (a) notify the applicant or holder of the approval in writing of the reason for the proposal and that he or she may make representations to the Minister in relation to the proposal within 14 days of the issue of the notification,
 - (b) consider a representation made before deciding whether to proceed with, modify or annul the proposal, and
 - (c) notify the applicant or holder of the approval of the decision and the reasons for the decision.

(10) The holder of an approval shall inform the Minister if significant changes are made in the operation or organisation of the activities to which the approval relates.

List of approvals

5. (1) The Minister may publish, in a manner that he or she considers appropriate, a list of approvals granted under these Regulations.
- (2) If the Minister withdraws an approval or the approval expires by effluxion of time, an entry on the list maintained under paragraph 1 ceases to have effect and the Minister shall, as soon as may be after withdrawing the approval, remove details of the withdrawn approval from the list and update it accordingly.

Part 3

Equine competitions

Non-discrimination in competitions for an equine animal

6. (1) A person organising a competition for equine animals shall, unless an exemption has been granted under Regulation 7, not discriminate between—
- (a) an equine animal originating in the State and an equine animal originating in another Member State, or
 - (b) an equine animal entered or registered in a studbook maintained by an issuing body located in the State and an equine animal registered or entered in a studbook maintained by an issuing body located in another Member State.
- (2) For the purpose of this Regulation the rules of a competition include the requirements for entry to the competition, the judging of the competition and the prize money or profits which may accrue from the competition.

Exemption of competitions from Regulation 6

7. (1) The Minister may grant an exemption from Regulation 6 to a person organising a competition for equine animals if he or she is satisfied that the competition is—
- (a) reserved for equine animals entered or registered in a studbook for the purpose of permitting the improvement of a breed, or
 - (b) a regional competition for the purpose of selecting equine animals, or
 - (c) a traditional or historic event.
- (2) A person seeking an exemption shall apply in writing to the Minister, at least 28 days in advance of the competition. The application shall contain at least the following information—
- (a) the name and address of the applicant,
 - (b) details of the competition, and
 - (c) the grounds on which the exemption is sought.
- (3) The Minister may, upon receipt of an application for an exemption, require such information from the applicant as the Minister considers necessary to decide whether or not to grant the exemption.
- (4) A person to whom an exemption is granted under this Regulation shall submit to the Minister—
- (a) the details of the total number of competitions held as defined by Article 2 of Council Directive 90/428/ EEC of 26 June 1990,
 - (b) the number of competitions or events held for which an exemption was granted in accordance with Article 42 of Council Directive 90/428/ EEC, and

(c) the percentage of prize money reserved in accordance with Article 42 of Council Directive 90/428/ EEC.

(5) A person who is granted an exemption may reserve a maximum of 20% of the prize money or profits for each competition or type of competition for the safeguard, development and improvement of breeding.

(6) The Minister shall publish, in a manner that he or she considers appropriate, the criteria for the distribution of funds reserved under paragraph (5).

(7) The Minister may refuse an application or revoke an exemption under paragraph 2 if he or she is not satisfied that the conditions on which the exemption is or would be granted are being or will be met and the Minister shall notify the person who is named on the application in writing of the refusal or revocation.

(8) The Minister shall not—

- (a) revoke an exemption,
- (b) refuse to grant an exemption, or
- (c) attach a condition to an exemption or amend a condition, without—
 - (i) notifying the holder of, or applicant for, the exemption of his or her intention to revoke the exemption or refuse the application, or attach or amend the condition, as the case may be,
 - (ii) specifying his or her reasons for the intended revocation or refusal of the exemption, or the attaching or amendment of the condition, and
 - (iii) affording the holder of or applicant for, the exemption the opportunity of making written representations or having written representations made on his or her behalf to the Minister in relation to the proposed revocation or refusal or to the attachment or amendment of the condition, as the case may be, within 14 days of the date of issue of the notification referred to in subparagraph (i) and having had regard to any such representations.

Part 4

Enforcement

Appointment of authorised officer

8. (1) The Minister may appoint in writing such persons or classes of persons as he or she considers appropriate to be authorised officers for the exercise of all or any of the functions conferred on an authorised officer under these Regulations, as specified in the appointment.

(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 or specified purpose.

(3) An appointment as an authorised officer ceases—

- (a) if it is terminated pursuant to paragraph (2),
 - (b) if it is for a fixed period, on the expiry of that period,
 - (c) if it is for a specified purpose, on the completion of that purpose,
- or
- (d) if the person appointed is an officer of the Minister or member of a class of person, upon the person ceasing to be such an officer or member.

(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 that paragraph relates.

(5) An authorised officer appointed under this Regulation shall be furnished with a warrant of his or her appointment and, when exercising a power conferred on him or her, the officer, an authorised officer within the meaning of the European Union (Animal Breeding) Regulations 2021 , an officer of the Revenue Commissioners or a member of the Garda Siochána shall, if requested by a person affected, produce the warrant or evidence that he or she is such an officer or member to the person.

Functions of authorised officer

9. (1) For the purposes of these Regulations, the Official Control Regulations or the Equine Regulations an authorised officer may—

- (a) enter and inspect, at all reasonable times, any premises if he or she is carrying out an official control or other official activity for the purposes of these Regulations or the Equine Regulations or where he or she has reasonable grounds for believing that—(i) an equine animal, germinal product or other thing to which these Regulations or the Equine Regulations relates is, may be or has been present,
- (ii) a record relating to an equine animal, germinal product or other thing to which these Regulations or the Equine Regulations relates is, may be or has been present,
- (iii) equipment, machinery, a vehicle, a vessel or other thing used in connection with an equine animal, germinal product or other thing to which these Regulations or the Equine Regulations relates is, may be or has been present,
- (b) examine an equine animal, germinal product, equipment, machinery or other thing used in connection with an equine animal, germinal product or other thing to which these Regulations or the Equine Regulations relates,

- (c) require the name and address of the owner, or person in possession or control of an equine animal, germinal product, equipment, machinery, a document, a vehicle or a vessel used in connection with an equine animal, germinal product or other thing to which these Regulations or the Equine Regulations relates, or require details of place of departure, journey or destination,
 - (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery, a computerised information management system or other thing used in connection with an equine animal, germinal product or other thing to which these Regulations or the Equine Regulations relates and require the person in charge or control of such to refrain from moving it,
 - (e) require the owner, person in possession or control of any premises, equipment, machinery, a computerised information management system, a vehicle, a vessel or other thing used in connection with an equine animal, germinal product or other thing to which these Regulations or the Equine Regulations relates, 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 copy 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,
 - (g) make a record, including by means of writing, sound recording, photograph, video or other means, or
 - (h) take, without making a payment, samples from an equine animal, germinal product or other thing to which these Regulations or the Equine Regulations relates, or any article, substance or liquid 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 it.
- (2) An authorised officer may require a person to give information regarding the ownership and identity of an equine animal, germinal product, equipment, machinery, a vehicle, a vessel or other thing used in connection with an equine animal, germinal product or other thing to which these Regulations or the Equine Regulations relates as is in the person's knowledge or procurement.
- (3) Where an authorised officer has reasonable grounds for believing that—
- (a) an offence is being or has been committed under these Regulations, or

- (b) evidence of an offence to which subparagraph (a) 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 powers 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 (including any computerised information management system);
 - (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery
 - (I) refrain from moving it, or move it to a location where it may be searched,
 - (II) give information regarding its place of departure, journey or destination, and
 - (III) where the equipment or machinery is part of a computerised information management system, provide assistance (including passwords) to enable access to such devices or systems;
 - (iv) seize and detain an equine animal, germinal product or other thing to which these Regulations or the Equine Regulations relates and mark or otherwise identify it;
 - (v) detain a vehicle, vessel, aircraft, railway wagon, equipment, machinery (including any computerised information management system) 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 require it to be moved to such other location as the authorised officer requires;
 - (vi) remove any equipment, machinery (including any computerised information management system), books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations;
 - (vii) give such direction to a person who has an equine animal, germinal product or other thing to which these Regulations or the Equine Regulations relates, or who has equipment, machinery, vehicle or vessel or other thing used in connection with an equine animal, germinal product or other thing to which these Regulations or the Equine Regulations relates in his or her possession or under his or her control or who has information relating to such, as the

authorised officer may reasonably consider necessary for the purposes of these Regulations.

(4) 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 10 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 10, any evidence of an offence referred to in paragraph (3)(a) is being or is likely to be disposed of or destroyed.

(5) 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.

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

(7) 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.

(8) An authorised officer is not liable in any proceedings for anything done in the purported exercise of his or her powers under these Regulations if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

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

(10) A person who has—

- (a) an equine animal, germinal product or other thing to which these Regulations or the Equine Regulations relates, or
- (b) equipment, machinery, a vehicle, a vessel or other thing used in connection with an equine animal, germinal product or other thing to which these Regulations or the Equine Regulations relates

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.

(11) The owner or person in charge of any premises used in connection with an equine animal, germinal product or other thing to which these Regulations or the Equine Regulations relates shall, if required by an

authorised officer, where it is practicable and possible, provide suitable equipment or facilities or a suitable part of the plant or establishment for the officer to carry out his or her functions under these Regulations.

(12) An authorised officer may require a person to give to the officer such information as is in the person's power or procurement as regards any premises specified by the officer including—

- (a) whether or not the premises is used, either partly or wholly, for or in connection with an equine animal, germinal product or other thing to which these Regulations or the Equine Regulations relates,
- (b) the name of the owner, occupier or person who is in charge of the premises, and
- (c) whether or not the premises is let and, if let, the name and address of the person to whom, and the period of time for which, it is let. (13) Where an authorised officer seizes and detains an equine animal under these Regulations, the officer may also seize and detain any unweaned animal dependent on that equine animal.

(14) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a function conferred on him or her by these Regulations.

Search warrant

10. (1) If a judge of the District Court is satisfied by information on oath of an authorised officer that there are reasonable grounds for believing—
 - (a) evidence of or relating to the commission or intended commission of an offence under these Regulations is to be found on a premises,
 - (b) there is or was an equine animal, germinal product, equipment or other thing made, used or adapted for use (including manufacture and transport) in connection with an equine animal, germinal product or other thing to which these Regulations or the Equine Regulations relates, or
 - (c) a document or other record related to a thing to which subparagraph (a) or (b) refers 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, vehicle, vessel or aircraft named in the warrant.

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

Compliance notice

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

- (a) these Regulations or the Equine Regulations are not being or have not been complied with, or there are reasons to believe that these Regulations or the Equine Regulations will not be complied with,
- (b) it is necessary for the protection of human health, animal health or the environment including the prevention, control or eradication of a disease, or
- (c) it is necessary, ancillary or supplementary for the Equine Regulations to have full effect, the officer may serve a notice ("compliance notice") stating that opinion to the person
 - (i) who appears to be the owner, occupier, or person in charge of the premises,
 - (ii) who appears to be in possession or control of an equine animal, germinal product or other thing

to which the notice relates.

(3) A compliance notice shall—

- (a) require the person to whom it is served to take such action as specified in the notice,
- (b) inform the person to whom it is served that he or she may appeal the notice in the District Court under Regulation 12, and
- (c) state that if the person to whom it is served fails to comply with the notice, he or she commits an offence and is liable to a penalty set out in Regulation 15(2).

(4) A compliance notice may require that—

- (a) an equine animal, germinal product or other thing to which these Regulations or the Equine Regulations relates be dealt with in a manner specified in the notice,
- (b) an equine animal, germinal product or other thing to which these Regulations or the Equine Regulations relates be detained, disposed of or destroyed in such manner and at a place (if any) as the officer specifies in the notice,
- (c) a person give to an authorised officer any documents or records relating to an approval granted under Equine Regulations or these Regulations, or approval or registration granted under the European Union (Animal By-Products) Regulations 2014 (S.I. No. 187 of 2014), and

- (d) a specified activity cease on a premises,
- (e) a specified activity take place only in a manner specified in the notice,
- (f) entry onto a premises specified in the notice is prohibited or restricted,
- (g) movement or further movement of an equine animal, germinal product or other thing to which these Regulations or the Equine Regulations relates is prohibited, either absolutely or unless such conditions as may be specified in the notice are complied with,
- (h) require a person to return an equine animal, germinal product or other thing to which these Regulations or the Equine Regulations relates, to the place of departure by a route which in the opinion of the authorised officer is the most direct or prudent,
- (i) a measure within the meaning of Article 13720r Article 13820f Regulation 2017/625 be taken as specified in the notice, or
- (j) a specified operation or activity may only be carried out under and in accordance with such terms and conditions as are specified in the notice, or
- (k) the movement of an equine animal or germinal product be restricted.

(5) A person to whom a compliance notice is served shall comply with the compliance notice until the notice expires, is withdrawn under paragraph 6 or is annulled under Regulation 12, and not cause or permit another person to contravene the terms of the notice.

(6) A compliance notice may specify a time limit within which it is to be complied with.

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

(8) A compliance notice may require the owner, occupier, operator or person in charge of any premises, an equine animal, germinal product, vehicle, vessel, machinery (including any computerised information management system), equipment or other thing to which the Equine Regulations relates to choose between two or more of the requirements specified in the notice.

(9) A compliance notice shall include an address for service of an appeal under Regulation 12.

Appeal against compliance notice

12. (1) A person to whom a compliance notice is served may, within 7 days from the date of service of the notice, appeal the notice to the Judge of the District Court having jurisdiction in the District Court district—

- (a) where the equine animal, germinal product, premises, vehicle, machinery (including any computerised information management system), equipment, vessel or other thing to which the Equine Regulations relates which is the subject of the notice, is situated, or
- (b) where the person bringing the appeal ordinarily resides or carries on business,

on the grounds that the notice is unreasonable having regard to these Regulations or the Equine Regulations.

(2) Notice of an appeal shall contain a statement of the grounds upon which it is alleged that the notice or any of the terms of the notice are unreasonable and shall be served on the authorised officer who served the compliance notice at the address included on the notice in accordance with Regulation 28 not later than 48 hours prior to the hearing of the appeal.

(3) A person bringing an appeal shall lodge a copy of the notice or appeal with the District Court Clerk concerned not later than 48 hours prior to the hearing of the appeal.

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

(5) A person, including a person on whom a compliance notice has been served, who—

- (a) pending the determination of an appeal, shall not deal with an equine animal, germinal product, premises, vehicle, vessel, machinery (including any computerised information management system), equipment or other thing to which the notice relates, other than in accordance with the terms of the compliance notice, or
- (b) if the notice is confirmed or modified on appeal, deal with an equine animal, geminal product, any premises, vehicle, vessel, equipment, machinery (including any computerised information management system) or other thing to which the notice relates other than in accordance with the terms of the compliance notice as confirmed or modified.

(6) In this Regulation "appeal" means an appeal under paragraph (1).

Seizure and detention for non-compliance with a compliance notice

13. (1) Without prejudice to an appeal under Regulation 12, if—

- (a) a person in control of an equine animal, germinal product or other thing to which a compliance notice relates, or in control of a premises, vessel, vehicle, equipment, machinery (including any computerised information management system) or other thing used in connection with an equine animal, germinal product or other thing to which a compliance notice relates fails

to comply with the terms of a compliance notice within the time specified,

- (b) an authorised officer has reasonable grounds for believing that the terms of a compliance notice, whether or not modified under Regulation 12(4), will not be complied with, or
- (c) a compliance notice has been confirmed with or without modification under Regulation 124 and the notice has not been complied with,

an authorised officer may at any time seize the equine animal, germinal product or other thing to which a compliance notice relates, or seize the vessel, vehicle, equipment, machinery (including any computerised information management system) or other thing used in connection with an equine animal, germinal product or other thing to which a compliance notice relates.

(2) If the equine animal, germinal product or other thing to which a compliance notice relates, a vessel, vehicle, equipment, machinery (including any computerised information management system) or other thing used in connection with an equine animal, germinal product or other thing to which a compliance notice relates is seized in accordance with paragraph (1), an authorised officer may—

- (a) sell, destroy or dispose of the equine animal, germinal product or other thing to which a compliance notice relates or cause it to be sold, destroyed or be disposed of, or
- (b) take such other measures in relation to the equine animal, germinal product or other thing to which a compliance notice relates, or in relation to the vessel, vehicle, equipment, machinery (including any computerised information management system) or other thing used in connection with an equine animal, germinal product or other thing to which a compliance notice relates as the authorised officer considers appropriate in the circumstances.

(3) Any profits arising out of the sale, destruction or disposal of an equine animal, germinal product or other thing to which a compliance notice relates in accordance with paragraph 2 shall be paid to the owner of the equine animal, germinal product or other thing to which a compliance notice relates 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 equine animal, germinal product or other thing to which these Regulations or the Equine Regulations relates or from the person who was the owner of the means of transport at the time the measure was carried out, or
- (b) by deducting the costs from any sum payable from the Minister to a person on whom a notice has been served.

(5) The costs of any action required by a compliance notice shall be borne by the owner of a premises, equine animal, germinal product or other thing to which the notice relates.

Obstruction and false statements

14. (1) A person shall not—

- (a) obstruct, interfere with or impede an authorised officer, or any person who accompanies an authorised officer, in the course of exercising a function conferred on the officer under these Regulations,
- (b) fail or refuse, without reasonable cause, to comply with a requirement of an authorised officer under Regulation 9,
- (c) fail, without reasonable cause, to give assistance or requested information to an authorised officer in accordance with Regulation 9,
- (d) in purporting to give information to an authorised officer for the exercise of the officer's functions under these Regulations—
 - (i) make a statement that he or she knows to be false or misleading in a material particular or recklessly make a statement which is false or misleading in a material particular, or
 - (ii) intentionally fail to disclose a material particular,
- (e) tamper or otherwise interfere with a sample taken under Regulation 9, or
- (f) aid or abet a contravention of these Regulations or the Equine Regulations.

(2) A statement or admission made by a person pursuant to a requirement under Regulation is not admissible in evidence in proceedings brought against the person for an offence (other than an offence under this Regulation for failing to give information or giving false information) under these Regulations.

Part 5

Penalties and Evidence

Penalties and prosecutions

15. (1) A person who contravenes Regulation 4(1), 6, 7, 9(10)1 1 or (12), 11(4), 12(5), or 141 commits an offence.

(2) A person who commits an offence under these Regulations is liable on summary conviction to a class A fine.

(3) An offence under these Regulations may be prosecuted summarily 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 an 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.

Costs

16. Where a person is convicted of an offence under these Regulations, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the prosecutor the costs and expenses, measured by the court, incurred by the prosecutor or other person in relation to the investigation, detection and prosecution of the offence, including costs and expenses incurred in the taking of samples and the carrying out of tests, examinations and analyses.

Part 6

Procedural

Service

17. (1) A compliance notice shall, subject to paragraph (2), be addressed to the person concerned by name and may be served on or given to the person— (a) by giving it to the person, his or her employee, servant or agent,
- (b) by leaving it at the address at which the person ordinarily resides, normally carries out business, or, if an address for service has been furnished, at that address,
 - (c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, if an address for service has been furnished, at that address,
 - (d) if the address at which the person ordinarily resides cannot be ascertained by reasonable enquiry and the compliance notice relates to a premises, by delivering it to the premises or by affixing it in a conspicuous position on or near the premises,
 - (e) by sending it by means of electronic mail to a device or facility for the reception of electronic mail where such an electronic mail address has been furnished by the person, but only if the sender's facility for the reception of electronic mail generates a message confirming a receipt of the electronic mail confirming successful transmission of the notification, notice or document.

(2) If an identification or compliance notice is to be served on or given to a person who is the owner or occupier of a premises and the name of the person cannot be ascertained by reasonable enquiry, it may be addressed to the person by using the words "the owner" or "the occupier".

(3) A person shall not, at any time within 6 months after an identification or compliance notice is affixed under paragraph (1)(d), remove, damage or deface the notification or compliance notice without lawful authority.

(4) For the purposes of this Regulation, a company within the meaning of the Companies Act 2014 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.

Fees

18. (1) The Minister may determine a fee in respect of an application for approval under Regulation 4, such fee, not exceeding the cost, estimated by the Minister, of providing the service to which the fee relates and different fees may be charged for different approvals.

(2) Where the Minister charges a fee in relation to paragraph (1), the application will not be considered nor the matter dealt with unless the fee has been paid.

(3) A fee payable pursuant to this Regulation shall be disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct.

Evidence on certificate etc

19. (1) 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 approval granted under Regulation 4(2)(a) to collect, process or store semen of an equine animal ("semen collection centre"),
- (b) a person was or was not the holder of an approval granted under Regulation 4(2)(b) to collect, produce ova or embryos of an equine animal ("ova or embryo collection or production team"), or
- (c) a person was or was not the holder of an approval granted under Regulation 4(2)(c) to store semen of an equine animal ("semen storage centre")
- (d) an establishment was or was not approved, or
- (e) that a particular approval, 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 that he or she is an officer of the Minister, evidence, unless the contrary is shown, of the matters stated in the certificate.

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

Fixed Payment Notice

20. (1) If an officer of the Minister, authorised by the Minister in that behalf, has reasonable grounds for suspecting that a person is committing or has committed an offence under these Regulations, he or she may serve a notice in writing ("fixed payment notice") on that person stating that—
 - (a) the person is alleged to have committed the offence,
 - (b) the person may during the period of 28 days beginning on the date of the notice make to the Minister, at the address specified in the notice, a payment of €250 accompanied by the notice,
 - (c) the person is not obliged to make the payment, and
 - (d) a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.
- (2) Where a fixed payment notice is served under paragraph (1)—
 - (a) the person to whom the notice applies may, during the period specified in the notice, make to the Minister, at the address specified in the notice, the payment specified in the notice accompanied by the notice,
 - (b) the Minister may receive the payment, issue a receipt for it and retain the money so paid, and any payment so received shall not be recoverable in any circumstances by the person who made it, and
 - (c) a prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and if the payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.
- (3) In proceedings for an offence under these Regulations, the onus of proving that a payment pursuant to a notice under this Regulation has been made lies on the person on whom the fixed payment notice was served.
- (4) In proceedings for an offence referred to in paragraph I it is a defence for the accused to show that he or she has made a payment in accordance with this Regulation pursuant to a fixed payment notice issued in respect of that offence.

Data Sharing

21. Without prejudice to any other power to do so—

- (a) Information held by the Minister for the purposes of these Regulations may be transferred by the Minister to an approved body or exempt body, and
- (b) Information held by an approved body or exempt body for the purposes of these Regulations may be transferred by the approved body or exempt body to the Minister.

Part 7

Revocations and Transitional Measures

Revocations, savers etc

22. (1) The following are revoked:

- (a) the European Communities (Equine) (Amendment) Regulations 2012 (S.I. No. 371 of 2012), and
- (b) Regulation 33 of the European Union (Animal Health) (Adaptation and Miscellaneous Amendments) Regulations 2019 (S.I. No. 337 of 2019).

(2) An application for an authorisation or approval (within the meaning of the European Communities (Equine) Regulations 2011 that remains to be determined on the revocation of those Regulations is, after the commencement of these Regulations, deemed to be an application for an authorisation or approval under the equivalent provision of these Regulations and may be determined as if made under these Regulations.

(3) An authorisation or approval granted under the European Communities (Equine) Regulations 2011 and in force immediately before the revocation of those Regulations continues in force as if granted under these Regulations.

(4) An authorised officer appointed under the European Communities (Equine) Regulations 2011 and holding office immediately before the revocation of those Regulations continues in office as if appointed under these Regulations.

(5) Any reference made in an instrument to the European Communities (Equine) Regulations 2011 shall be construed as a reference to these Regulations.



GIVEN under my Official Seal,
11 October, 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.)

These Regulations replace the provisions provided in S.I. 357 of 2011 which was revoked by S.I. 254 of 2023 and excluded the approval of the collection and production of certain equine germinal products and the granting of derogations for equine competitions.

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DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
MOUNTSHANNON ROAD,
KILMAINHAM, DUBLIN 8,
D08 XAO6

Tel: 046 942 3100
E-mail: publications@opw.ie

ISBN 978-1-3993-2658-2



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€ 4.50