STATUTORY RULES OF NORTHERN IRELAND

2005 No. 586

AGRICULTURE

The Older Cattle (Disposal) Regulations (Northern Ireland) 2005

Made - - - -	*29th December 2005*
Coming into operation	*23rd January 2006*

The Department of Agriculture and Rural Development, being designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community, makes the following Regulations in exercise of the powers conferred on it by that section.

Citation and commencement

1. These Regulations may be cited as the Older Cattle (Disposal) Regulations (Northern Ireland) 2005 and shall come into operation on 23rd January 2006.

Interpretation

2.—(1) In these Regulations—

"the Commission Regulation" means Commission Regulation (EC) No. 716/96(**3**) of 19 April 1996 adopting exceptional support measures for the beef market in the United Kingdom, as amended by Commission Regulation (EC) No. 2109/2005 of 21 December 2005;

"the Department" means the Department of Agriculture and Rural Development; and

"inspector" means a person appointed to be an inspector for the purposes of these Regulations by the Department and includes a veterinary inspector.

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(**1**) S.I. 2000/2812
(**2**) 1972 c 68
(**3**) O.J. No. L 99, 20.4.96, p.14 as amended by O.J. No L 337, 22.12.2005, p.25
(**4**) 1954 c. 33 (N.I.)

Offences

3.—(1) Where, in a slaughterhouse, there is a contravention of, or failure to comply with, a provision of the Commission Regulation referred to in Part I of the Schedule, the slaughterhouse operator is guilty of an offence.

(2) Where, at premises housing an incinerator or at a processing plant, there is a contravention of, or failure to comply with, a provision referred to in Part II of the Schedule, the operator of those premises is guilty of an offence.

Powers of inspectors

4.—(1) An inspector shall, on producing, if so required, a duly authenticated document showing his authority, have a right, at all reasonable hours, to enter any land or premises for the purposes of ensuring that these Regulations and the Commission Regulation are being complied with.

(2) An inspector may—

(a) seize any animal by-products and dispose of them as necessary;

(b) carry out any inquiry, examination or test;

(c) take any samples;

(d) have access to, inspect and copy any records (in whatever form they are held) kept under these Regulations or the Commission Regulation, or remove those records to enable them to be copied;

(e) have access to, inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records; and for this purpose may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to give him any assistance he may reasonably require (including providing him with any necessary passwords) and, where a record is kept by means of a computer, may require the records to be produced in a form in which they may be taken away;

(f) mark an animal, animal by-product or other thing for identification purposes; and

(g) take with him—

(i) such other persons as he considers necessary; and

(ii) any representative of the European Commission acting for the purposes of the Commission Regulation.

(3) A person who defaces, obliterates or removes any mark applied under paragraph (2) is guilty of an offence.

(4) If an inspector enters any unoccupied premises he shall leave them as effectively secured against unauthorised entry as he found them.

(5) In this regulation "premises" includes any vehicle or container.

Obstruction

5. A person who—

(a) intentionally obstructs a person executing these Regulations;

(b) without reasonable cause, fails to give to a person executing these Regulations any assistance or information which that person may reasonably require of him for the performance of his functions under these Regulations;

(c) provides any person executing these Regulations with any information which he knows to be false or misleading; or

(d) fails to produce a record when required to do so to a person executing these Regulations,

is guilty of an offence.

Notice requiring the disposal of animal by-products

6. An inspector may where—

(a) he considers it necessary for animal or public health purposes; or

(b) a provision of these Regulations or the Commission Regulation is not being complied with,

serve a notice on a person in possession or control of any animal by-product requiring him to dispose of it as specified in the notice (and if necessary specify how to store it pending disposal).

Compliance with notices

7.—(1) A notice served under these Regulations is to be complied with at the expense of the person on whom the notice is served.

(2) If a notice served under these Regulations is not complied with an inspector may arrange for it to be complied with at the expense of that person.

(3) Any sum incurred by the Department under paragraph (2) shall be recoverable, by it, as a civil debt.

(4) A person on whom a notice is served who contravenes or fails to comply with the provisions of that notice is guilty of an offence.

Penalties

8. A person guilty of an offence under these Regulations is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or both, or

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or both.

Revocation

9. The Bovine Animals (Enforcement of Community Purchase Scheme) Regulations (Northern Ireland) 1996(**5**) are revoked.

(**5**) S.R. 1996 No.182