

S.I. No. 528 of 2004

European Communities (Removal of Bovine Vertebral Column) Regulations
2004

I, Joe Walsh, Minister for Agriculture and Food, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Point 10(b) of Part A of Annex XI of Regulation (EC) No. 999/2001 of the European Parliament and of the Council of 22 May 2001^{1[1]} as amended by Commission Regulation (EC) No. 270/2002 of 14 February 2002^{2[2]} and Commission Regulation (EC) No. 1139/2003 of 27 June 2003^{3[3]} hereby make the following Regulations:

1. These Regulations may be cited as the European Communities (Removal of Bovine Vertebral Column) Regulations 2004.

2. (1) In these Regulations-

‘Authority’ means the Food Safety Authority of Ireland established under the Food Safety Authority of Ireland Act 1998 (No. 29 of 1998);

‘authorised officer’ means -

- (a) a person appointed under Regulation 5,
- (b) an authorised officer under section 49 of the Food Safety Authority of Ireland Act 1998;

‘beef or beef products’ means products derived from bovine animals;

^{1[1]} OJ No. L147, 31.5.2001, p.1.

^{2[2]} OJ No. L45, 15.2.2002, p.4.

^{3[3]} OJ No. L160, 28.6.2003, p.22.

‘butcher shop’ means a retail outlet selling or supplying beef or beef products to consumers;

‘Commission Regulation’ means Regulation (EC) No. 999/2001 of the European Parliament and of the Council of 22 May 2001 as amended by Commission Regulation (EC) No. 270/2002 of 14 February 2002 and Commission Regulation (EC) No. 1139/2003 of 27 June 2003.

‘Minister’ means the Minister for Agriculture and Food;

‘official agency’ has the same meaning that it has in the Food Safety Authority of Ireland Act 1998.

- (2) A word or expression that is used in these Regulations and is also used in the Commission Regulation has, unless the contrary intention appears, the same meaning in these Regulations that it has in the Commission Regulation.
- (3) In these Regulations -
 - (a) a reference to a Regulation is a reference to a Regulation in these Regulations unless it is indicated that reference to some other Regulation is intended, and
 - (b) a reference to a paragraph - is a reference to a paragraph - in the provision where the reference occurs.
- 3. (1) Subject to Regulation 4, a person shall not –
 - (a) remove vertebral column from bovine carcass other than in accordance with Annex XI of the Commission Regulation, or
 - (b) offer for sale beef containing specified risk material as defined in point 1(a) of Part A of Annex XI to the Commission Regulation.
- (2) A person who contravenes this Regulation is guilty of an offence.

4.
 - (1) An official agency or the Authority may authorise butcher shops to remove vertebral column from bovine carcasses or parts of bovine carcass in accordance with Annex XI to the Commission Regulation.
 - (2) An official agency or the Authority may attach conditions to an authorisation, revoke or vary a condition, withdraw an authorisation or refuse an application for an authorisation.
 - (3) An application for an authorisation shall be made in a form, be accompanied by any material and contain any particulars that an official agency or the Authority determines.
 - (4) An official agency shall maintain a register of the butcher shops it has authorised and provide the register to the Authority on request.
 - (5) A person may appeal a refusal of an official agency to authorise a butcher shop or by a withdrawal of an authorisation may appeal in writing to the Authority within 30 days of being informed of the refusal or withdrawal.
 - (6) Where an appeal under paragraph (4) is made, the Authority may confirm, vary or cancel the decision of the official agency.
5.
 - (1)
 - (a) The Minister may appoint such and so many persons as he or she thinks fit to be authorised officers for the purposes of these Regulations.
 - (b) An official agency may appoint such and so many of its officers as it thinks fit to be authorised officers for the purposes of these Regulations.
 - (c) The Authority may appoint such and so many persons as it thinks fit to be authorised officers for the purposes of these Regulations.

- (2) An authorised officer shall be furnished with a warrant of his or her appointment or in the case of an authorised officer appointed by the Minister, a composite identity card issued under section 17 of the Animal Remedies Act 1993 (No. 23 of 1993), which refers to these Regulations.
 - (3) An authorised officer when exercising any power conferred on him or her by these Regulations shall, if requested by any person affected, produce the warrant issued under paragraph (2) to that person for inspection.
- 6.
 - (1) An authorised officer may, at all reasonable times, enter any premises which he or she has reasonable grounds for believing that removal of vertebral column is or has taken place or any beef or beef products are kept, sold, supplied or manufactured and there or at any other place inspect and take copies of or extracts from any books, records or other documents which he or she finds in the course of his or her inspection, as he or she considers appropriate.
 - (2) An authorised officer may -
 - (a) seize, remove or detain product without payment, and
 - (b) direct as to its disposal in accordance with Regulation (EC) No. 1774/2002 of the European Parliament and of the Council^{4[4]}.
 - (3) Any person who without reasonable excuse fails to comply with any request made by an authorised officer or in purported compliance with such a request gives the authorised officer information that is false or misleading is guilty of an offence.
 - (4) A person who obstructs or impedes an authorised officer in the exercise of his or her powers is guilty of an offence.

^{4[4]} OJ No. L273, 10.10.2002, p.1.

7. A person who contravenes a provision of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €3,000 or to imprisonment for a term not exceeding 6 months or to both.
8. Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent, connivance or approval of or to have been attributable to the willful neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.
9. An offence under these Regulations may be prosecuted by the Minister, an official agency or the Authority.

Given under my Official Seal,
25 August 2004

L.S.

Joe Walsh
Minister for Agriculture and Food

Explanatory Note

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

The purpose of these Regulations is to make it an offence to remove vertebral column in butcher's premises without authorization to do so.

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