

# STATUTORY INSTRUMENTS.

S.I. No. 438 of 2010

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EUROPEAN COMMUNITIES (APPROVAL AND REGISTRATION OF DEALERS OF OVINE ANIMALS) (AMENDMENT) REGULATIONS  $2010\,$ 

## EUROPEAN COMMUNITIES (APPROVAL AND REGISTRATION OF DEALERS OF OVINE ANIMALS) (AMENDMENT) REGULATIONS 2010

- I, BRENDAN SMITH, Minister for Agriculture, Fisheries and Food, 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 Council Directive 91/68/EEC of 28 January 1991 and Council Directive 2003/50/EC of 11 June 2003<sup>2</sup> in so far as they relate to the activities of a dealer, hereby make the following regulations:
- 1. These Regulations may be cited as the European Communities (Approval and Registration of Dealers of Ovine Animals) (Amendment) Regulations 2010.
- 2. The European Communities (Approval and Registration of Dealers of Ovine Animals) Regulations 2008 (S.I. No. 100 of 2008) are amended by the substitution for-

#### (a) Regulation 6. of—

- "6. (1) A person shall not operate as a dealer unless he or she has been approved, by the Minister, for registration in the dealers' register under this Regulation.
- (2) The Minister shall establish and maintain a register of dealers, "dealers' register" which shall contain such information as the Minister considers appropriate.
- (3) An application for registration shall be in a form and contain any information that the Minister may require.
- (4) The Minister may grant registration in the dealers' register, attach a condition to registration, vary a condition, suspend or revoke registration or refuse an application.
- (5) A person who is entered in the dealers's register shall make such returns to the Minister as the Minister may require.
- (6) Without prejudice to the generality of paragraph (4) the Minister may refuse to grant an application or suspend or revoke a registration in accordance with Regulation 8 if he or she is satisfied that—

<sup>1</sup>O.J. L046, 19.02.1991 p. 19

<sup>2</sup>O.J. L169, 08.07.2003 p. 51

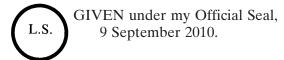
- (a) a person has failed to comply with an act of an institution of the European Union or a Regulation made under the European Communities Act 1972 (No. 27 of 1972) in respect of animal health, identification, transport or welfare,
- (b) the applicant or registered person has committed an offence relating to animal health, identification, transport or welfare,
- (c) the applicant or registered person has failed to comply with a condition of registration,
- (d) in relation to an application for registration, information required under this Regulation has not been furnished or information that is false or misleading in a material respect has been furnished,
- (e) in relation to a person applying for registration or approval, the applicant fails to demonstrate to the Minister's satisfaction that
  - (i) he or she understands the limitations relating to dealers or
  - (ii) that he or she can comply with the responsibilities and obligations of being a dealer,
- (f) the premises to which the application or registration relates is not a fit and proper premises to be registered,
- (g) the applicant or registered person is not a fit and proper person to be registered,
- (h) the registered person has ceased to carry out activity to which the registration relates.",

and

### (b) Regulation 7. (11) of—

- "7. (11) The Minister may refuse to grant an application or suspend or revoke a registration in accordance with Regulation 8 if he or she is satisfied that—
  - (a) a person has failed to comply with an act of an institution of the European Union or a Regulation made under the European Communities Act 1972 (No. 27 of 1972) in respect of animal health, identification, transport or welfare,
  - (b) the applicant or registered person has committed an offence relating to animal health, identification, transport or welfare,

- (c) the applicant or registered person has failed to comply with a condition of registration,
- (d) in relation to an application for registration, information required under this Regulation has not been furnished or information that is false or misleading in a material respect has been furnished,
- (e) in relation to a person applying for registration or approval, the applicant fails to demonstrate to the Minister's satisfaction that
  - (i) he or she understands the limitations relating to dealers or
  - (ii) that he or she can comply with the responsibilities of being a dealer,
- (f) the premises to which the application or registration relates is not a fit and proper premises to be registered,
- (g) the applicant or registered person is not a fit and proper person to be registered,
- (h) the registered person has ceased to carry out activity to which the registration relates.".



BRENDAN SMITH,

Minister for Agriculture, Fisheries and Food.

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