



STATUTORY INSTRUMENTS.

S.I. No. 790 of 2007

EUROPEAN COMMUNITIES (AERIAL FERTILISATION)
(FORESTRY) (AMENDMENT) REGULATIONS 2007

(Prn. A7/2198)

EUROPEAN COMMUNITIES (AERIAL FERTILISATION)
(FORESTRY) (AMENDMENT) REGULATIONS 2007

I, MARY COUGHLAN, 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), for the purpose of giving full effect to Council Directive No. 76/464/EEC of 4 May 1976¹ in so far as that Directive relates to the aerial fertilisation of forests, hereby make the following Regulations-

1. These Regulations may be cited as the European Communities (Aerial Fertilisation) (Forestry) (Amendment) Regulations 2007.

2. The European Communities (Aerial Fertilisation) (Forestry) Regulations 2006 (S.I. No. 592 of 2006) are amended, by the substitution for Regulation 16, of

“16. (1) A person who, by act or omission, contravenes Regulations 3(1), 13(1), 13(3) or 14 or a condition of an aerial fertilisation licence or aids or abets such a contravention commits an offence and is liable

(a) on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 3 months or to both, or

(b) on conviction on indictment to a fine not exceeding €500,000 or to imprisonment for a term not exceeding one year or to both.

(2) A summary offence under these Regulations may be prosecuted by the Minister.

(3) If an offence under these Regulations is committed by a body corporate and it is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any person who, when the offence is committed, is a director, manager, secretary or other officer of the body corporate, or a person purporting to act in any such capacity, that person, as well as the body corporate, is guilty of an offence and liable to be proceeded against and punished as if guilty of the first-mentioned offence.

(4) If the affairs of a body corporate or unincorporated body are managed by its members, paragraph (3) applies in relation to the acts and defaults of a member in connection with functions of management as if the member is a director or manager of the body corporate.”

¹ O.J. No. L 129, 18.5.1976, p. 23.



GIVEN under my Official Seal,
22 November 2007

MARY COUGHLAN
Minister for Agriculture and Food

EXPLANATORY NOTE

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

These Regulations amend the European Communities (Aerial Fertilisation) (Forestry) Regulations 2006 (S.I. No. 592 of 2006) (generally known as “the Aerial Fertilisation Regulations”) by providing for increased penalties and for prosecution on indictment of offences.

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