



STATUTORY INSTRUMENTS.

**S.I. No. 281 of 2011**

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EUROPEAN COMMUNITIES (AGRICULTURAL OR FORESTRY  
TRACTORS TYPE APPROVAL) (AMENDMENT) REGULATIONS 2011

**(Prn. A11/1026)**

## EUROPEAN COMMUNITIES (AGRICULTURAL OR FORESTRY TRACTORS TYPE APPROVAL) (AMENDMENT) REGULATIONS 2011

I, SIMON COVENEY, 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 effect to Directive 2009/144/EC of the European Parliament and of the Council of 30 November 2009<sup>1</sup> and Commission Directive 2010/52/EU of 11 August 2010<sup>2</sup>, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Agriculture or Forestry Tractors Type Approval) (Amendment) Regulations 2011.

2. The European Communities (Agriculture or Forestry Tractors Type Approval) Regulations 2010 (S.I. No. 321 of 2010) are amended—

(a) in Regulation 2(1) by the insertion, before the definition of “Directive” of—

“ ‘authorised officer’ means—

(a) a person appointed under Regulation 16,

(b) a Member of an Garda Síochána, or

(c) an officer of Customs and Excise;”,

(b) in Regulation 2(1) by substituting for the definition of “separate Directives”, the following—

“ ‘separate directives’ means the directives listed in Annex II, Chapter B to the Directive and includes Directive 2009/144/EC of the European Parliament and of the Council of 30 November 2009 (as amended by Commission Directive 2010/52/EU of 11 August 2010).”,

(c) by substituting for Regulation 16 the following Regulation—

“16. (1) The Minister may, by instrument in writing, appoint such and so many persons or a class of persons as he or she thinks fit to be authorised officers for the purposes of some or all of the functions of an authorised officer as may be specified in the instrument.

<sup>1</sup>O.J. L27, 30.1.2010, p. 33

<sup>2</sup>O.J. L213, 13.8.2010, p. 37

(2) The Minister may terminate the appointment of an authorised officer, an appointment under made paragraph (1), whether or not the appointment was for a fixed period.

(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, or
- (c) if the person appointed is an officer of the Minister upon the person ceasing to be such an officer.

(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 paragraph (3) relates.

(5) An officer of the Minister shall furnish an authorised officer (other than an officer of Customs and Excise or member of the Garda Síochána) with a warrant of his or her appointment as an authorised officer and, when exercising a power conferred on him or her, the officer, officer of Customs and Excise or member of the Garda Síochána 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.”,

(6) The authorised officer may, at all reasonable times—

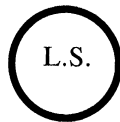
- (a) carry out or cause to be carried out such tests on a vehicle as he or she thinks fit for the purposes of these Regulations,
- (b) examine and take copies of any book, document or any other record in whatever form or of extracts from any such record,
- (c) examine and copy books, records, data or data material (within the meaning of the Data Protection Acts 1988 to 2003), extract information from any such data and take extracts from any such material,
- (d) require a person to give his or her name and address and such information or produce any book, certificate, document or other thing as the authorised officer considers necessary or expedient,
- (e) require the manufacturer to give assistance, to carry out such instructions and to give such information as may be reasonably necessary, and
- (f) seize and detain any vehicle that he or she has reasonable cause to suspect may be evidence of an offence under these Regulations.”.

(7) A person who forges or alters or, utters knowing it to be forged or altered with intent to defraud or deceive a document or record commits an offence.

(8) A person who obstructs or impedes an authorised officer in the exercise of his or her functions under paragraph (6) commits an offence.”, and

(d) by substituting for Regulation 17(1) the following—

“17. (1) A person who contravenes Regulation 4, 5(4), 5(5), 7, 8, 11(2), 15, 16(6), 16(7), 16(8) or the Directive or separate directives commits an offence and is liable on summary conviction to a Class A fine.”.



GIVEN under my Official Seal,  
9 June 2011.

SIMON COVENEY,  
Minister for Agriculture, Fisheries and Food.

EXPLANATORY NOTE

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

These Regulations give affect to Directive 2009/144/EC of the European Parliament and of the Council of 30 November 2009 Council Directive 2010/52/EC concerning legislation governing the technical provisions for passenger seats in agriculture and forestry tractors.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
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