



STATUTORY INSTRUMENTS.

**S.I. No. 337 of 2019**



EUROPEAN UNION (ANIMAL HEALTH) (ADAPTATION AND  
MISCELLANEOUS AMENDMENTS) REGULATIONS 2019.

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## EUROPEAN UNION (ANIMAL HEALTH) (ADAPTATION AND MISCELLANEOUS AMENDMENTS) REGULATIONS 2019.

I, Michael Creed, Minister for Agriculture, Food and the Marine, 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 90/429/EEC of 26 June 1990<sup>1</sup>, Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016<sup>2</sup>, 89/501/EEC: Commission Decision of 18 July 1989<sup>3</sup>, 89/502/EEC: Commission Decision of 18 July 1989<sup>4</sup>, 89/503/EEC: Commission Decision of 18 July 1989<sup>5</sup>, 89/504/EEC: Commission Decision of 18 July 1989<sup>6</sup>, 89/505/EEC: Commission Decision of 18 July 1989<sup>7</sup>, 89/506/EEC: Commission Decision of 18 July 1989<sup>8</sup>, 89/507/EEC: Commission Decision of 18 July 1989<sup>9</sup>, Council Directive 91/496/EEC of 15 July 1991<sup>10</sup>, Council Directive 92/118/EEC of 17 December 1992<sup>11</sup>, Council Directive 64/432/EEC of 26 June 1964<sup>12</sup>, 96/509/EC: Commission Decision of 18 July 1996<sup>13</sup>, 96/510/EC: Commission Decision of 18 July 1996<sup>14</sup>, Council Directive 97/12/EC of 17 March 1997<sup>15</sup>, Council Directive 97/78/EC of 18 December 1997<sup>16</sup>, Council Directive 2002/99/EC of 16 December 2002<sup>17</sup>, Council Regulation (EC) No 21/2004 of 17 December 2003<sup>18</sup>, Council Regulation (EC) No 1/2005 of 22 December 2004<sup>19</sup>, Council Regulation (EC) No 1255/97 of 25 June 1997<sup>20</sup>, Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003<sup>21</sup>, Commission Decision No. 2007/25/EC of 22 December 2006<sup>22</sup>, Council Directive 97/12/EC of 17 March 1997<sup>23</sup>, Commission Regulation (EC) No 1739/2005 of 21 October 2005<sup>24</sup>, 2006/415/EC:

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<sup>1</sup> OJ L 224, 18.8.1990, p. 62  
<sup>2</sup> OJ L 171, 29.6.2016, p. 66  
<sup>3</sup> OJ L 247, 23.8.1989, p. 19  
<sup>4</sup> OJ L 247, 23.8.1989, p. 21  
<sup>5</sup> OJ L 247, 23.8.1989, p. 22  
<sup>6</sup> OJ L 247, 23.8.1989, p. 31  
<sup>7</sup> OJ L 247, 23.8.1989, p. 33  
<sup>8</sup> OJ L 247, 23.8.1989, p. 34  
<sup>9</sup> OJ L 247, 23.8.1989, p. 43  
<sup>10</sup> OJ L 268, 24.9.1991, p. 56  
<sup>11</sup> OJ L 62, 15.3.1993, p. 49  
<sup>12</sup> OJ L 121, 29.7.1964, p. 1977  
<sup>13</sup> OJ L 210, 20.8.1996, p. 47  
<sup>14</sup> OJ L 210, 20.8.1996, p. 53  
<sup>15</sup> OJ L 109, 25.4.1997, p. 1  
<sup>16</sup> OJ L 24, 30.1.1998, p. 9  
<sup>17</sup> OJ L 18, 23.1.2003, p. 11  
<sup>18</sup> OJ L 5, 9.1.2004, p. 8  
<sup>19</sup> OJ L 3, 5.1.2005, p. 1  
<sup>20</sup> OJ L 174, 2.7.1997, p. 1  
<sup>21</sup> OJ L 325, 12.12.2003, p. 1  
<sup>22</sup> OJ L 8, 13.1.2007, p. 29  
<sup>23</sup> OJ L 109, 25.4.1997, p. 1  
<sup>24</sup> OJ L 279, 22.10.2005, p. 47

Commission Decision of 14 June 2006<sup>25</sup>, Council Directive 91/68/EEC of 28 January 1991<sup>26</sup>, Council Directive 2000/75/EC of 20 November 2000<sup>27</sup>, Commission Regulation (EC) No 1266/2007 of 26 October 2007<sup>28</sup>, Commission Regulation (EC) No 1177/2006 of 1 August 2006<sup>29</sup>, Council Directive 2006/88/EC of 24 October 2006<sup>30</sup>, Regulation (EC) No 1523/2007 of the European Parliament and of the Council of 11 December 2007<sup>31</sup>, Council Directive 88/407/EEC of 14 June 1988<sup>32</sup>, Council Directive 89/556/EEC of 25 September 1989<sup>33</sup>, Council Directive 90/425/EEC of 26 June 1990<sup>34</sup>, Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000<sup>35</sup>, Commission Regulation (EC) No 494/98 of 27 February 1998<sup>36</sup>, Commission Regulation (EC) No 1082/2003 of 23 June 2003<sup>37</sup>, Commission Regulation (EU) No 1190/2012 of 12 December 2012<sup>38</sup>, Council Regulation (EC) No 1099/2009 of 24 September 2009<sup>39</sup>, Council Directive 2007/43/EC of 28 June 2007<sup>40</sup>, Council Directive 2009/158/EC of 30 November 2009<sup>41</sup>, Commission Regulation (EC) No 617/2008 of 27 June 2008<sup>42</sup>, Commission Regulation (EC) No 1505/2006 of 11 October 2006<sup>43</sup>, Council Directive 90/427/EEC of 26 June 1990<sup>44</sup>, Council Directive 90/428/EEC of 26 June 1990<sup>45</sup>, Council Directive 92/65/EEC of 13 July 1992<sup>46</sup>, Council Directive 2003/85/EC of 29 September 2003<sup>47</sup>, Council Directive 92/66/EEC of 14 July 1992<sup>48</sup>, Commission Regulation (EC) No 206/2009 of 5 March 2009<sup>49</sup>, Council Directive 2001/89/EC of 23 October 2001<sup>50</sup>, Council Directive 2002/60/EC of 27 June 2002<sup>51</sup>, Council Directive 92/119/EEC of 17 December 1992<sup>52</sup> and Directive 2002/32/EC of the

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<sup>25</sup> OJ L 164, 16.6.2006, p. 51

<sup>26</sup> OJ L 46, 19.2.1991, p. 19

<sup>27</sup> OJ L 327, 22.12.2000, p. 74

<sup>28</sup> OJ L 283, 27.10.2007, p. 37

<sup>29</sup> OJ L 212, 2.8.2006, p. 3

<sup>30</sup> OJ L 328, 24.11.2006, p. 14

<sup>31</sup> OJ L 343, 27.12.2007, p. 1

<sup>32</sup> OJ L 194, 22.7.1988, p. 10

<sup>33</sup> OJ L 302, 19.10.1989, p. 1

<sup>34</sup> OJ L 224, 18.8.1990, p. 29

<sup>35</sup> OJ L 204, 11.8.2000, p. 1

<sup>36</sup> OJ L 60, 28.2.1998, p. 78

<sup>37</sup> OJ L 156, 25.6.2003, p. 9

<sup>38</sup> OJ L 340, 13.12.2012, p. 29

<sup>39</sup> OJ L 303, 18.11.2009, p. 1

<sup>40</sup> OJ L 182, 12.7.2007, p. 19

<sup>41</sup> OJ L 343, 22.12.2009, p. 74

<sup>42</sup> OJ L 168, 28.6.2008, p. 5

<sup>43</sup> OJ L 280, 12.10.2006, p. 3

<sup>44</sup> OJ L 224, 18.8.1990, p. 55

<sup>45</sup> OJ L 224, 18.8.1990, p. 60

<sup>46</sup> OJ L 268, 14.9.1992, p. 54

<sup>47</sup> OJ L 306, 22.11.2003, p. 1

<sup>48</sup> OJ L 260, 5.9.1992, p. 1

<sup>49</sup> OJ L 77, 24.3.2009, p. 1

<sup>50</sup> OJ L 316, 1.12.2001, p. 5

<sup>51</sup> OJ L 192, 20.7.2002, p. 27

<sup>52</sup> OJ L 62, 15.3.1993, p. 69

European Parliament and of the Council of 7 May 2002<sup>53</sup>, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Animal Health) (Adaptation and Miscellaneous Amendments) Regulations 2019.

2. The European Communities (Trade in Porcine Semen - Animal Health) Regulations 1993 (S.I. No. 242 of 1993) are amended in Regulation 5 by inserting for paragraph (1) (as repealed by the European Union (Animal Health) (Adaptation) Regulations 2014 (S.I. No. 112 of 2014)) the following:

“(1) For the purposes of these Regulations or the Council Directive, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) semen is, may be or has been present,
  - (ii) a record relating to semen is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with semen is, may be or has been present,
- (b) examine an article, animal, substance or liquid, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of an article, animal, substance or liquid, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with semen and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises, semen, a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person’s possession or procurement, or under the person’s control, as the officer may reasonably require,
- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection, or
- (g) take, without making a payment, samples from an article, animal, substance or liquid, land, water, flora, vehicle, vessel,

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<sup>53</sup> OJ L 140, 30.5.2002, p. 10

aircraft, railway wagon, container, equipment, machinery or other thing relating to semen, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it.”.

3. The European Communities (Pure-Bred Sheep and Goat Flock-Book) Regulations 1994 (S.I. No. 16 of 1994) are amended by inserting after Regulation 6 the following:

“7 Functions of Authorised Officer

7. (1) For the purposes of these Regulations, the Directive or the Decisions, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) a flock-book or part of a flock-book maintained by an approved breeders’ association or organisation is, may be or has been present,
  - (ii) a record relating to a flock-book or part of a flock-book maintained by an approved breeders’ association or organisation is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with a flock-book or part of a flock-book maintained by an approved breeders’ association or organisation is, may be or has been present,
- (b) examine a flock-book or part of a flock-book maintained by an approved breeders’ association or organisation, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of a flock-book or part of a flock-book maintained by an approved breeders’ association or organisation, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with a flock-book or part of a flock-book maintained by an approved breeders’ association or organisation and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or a flock-book or part of a flock-book maintained by an approved breeders’ association or organisation or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person’s possession or

procurement, or under the person's control, as the officer may reasonably require, or

- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection.

(2) For the purposes of his or her functions under these Regulations, an authorised officer may require a person in possession or control of an animal in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of an animal, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to an animal as is in the person's knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016<sup>54</sup>),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or
- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;

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<sup>54</sup> OJ L 84, 31.3.2016, p. 1

- (iv) take, without making a payment, samples from an animal, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to an animal, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it;
- (v) seize and detain an animal and mark or otherwise identify it;
- (vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
- (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 7A other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 7A, any evidence of an offence referred to in paragraph (4)(c) is being or is likely to be disposed of or destroyed.

(6) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(8) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.

(10) A person who obstructs or otherwise interferes with an authorised officer in the performance of his or her functions under this Regulation or who, in purported compliance with a requirement, gives information to an authorised officer that he knows to be false or misleading in a material respect shall be guilty of an offence.

## 7A Search warrant

7A.—(1) If a judge of the District Court is satisfied by information on oath of an authorised officer that there are reasonable grounds for believing that—

- (a) evidence of or relating to the commission or intended commission of an offence under these Regulations relating to an animal, a flock-book or part of a flock-book maintained by an approved breeders' association or organisation is to be found on land or premises,
- (b) there is or was an animal, a flock-book or part of a flock-book maintained by an approved breeders' association or organisation, machinery, equipment or other thing made, used or adapted for use (including manufacture and transport) in connection with an animal, a flock-book or part of a flock-book maintained by an approved breeders' association or organisation on land or premises,
- (c) a record related to a thing to which subparagraph (a) or (b) refers is or may be on the land or premises,

then the judge may issue a search warrant.

(2) A search warrant under this Regulation shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers or other persons as the named authorised officer thinks necessary, at any time, within one month from the date of issue of the warrant, on production, if so requested, of the warrant, to enter the land or premises named in the warrant and to exercise all or any of the functions conferred on an authorised officer under these Regulations.”.

4. The European Communities (Registration of Pedigree Animals) Regulations 1994 (S.I. No. 150 of 1994) are amended in Regulation 6 by-

- (a) inserting for paragraph (1) (as repealed by the European Union (Animal Health) (Adaptation) Regulations 2014) the following:

“(1) For the purposes of these Regulations or the Directive, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) a register or part of a register maintained by an approved breeders' association or organisation is, may be or has been present,
  - (ii) a record relating to a register or part of a register maintained by an approved breeders' association or organisation is, may be or has been present, or



- (iii) equipment, machinery or other thing used in connection with a register or part of a register maintained by an approved breeders' association or organisation is, may be or has been present,
  - (b) examine a register or part of a register maintained by an approved breeders' association or organisation, equipment, machinery or other thing,
  - (c) require the name and address of the person in possession or control of a register or part of a register maintained by an approved breeders' association or organisation, equipment, machinery or other thing,
  - (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with a register or part of a register maintained by an approved breeders' association or organisation and require a person in charge or control of such to refrain from moving it,
  - (e) require the owner, occupier or person in charge of land or premises or a register or part of a register maintained by an approved breeders' association or organisation or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person's possession or procurement, or under the person's control, as the officer may reasonably require, or
  - (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection.", and
- (b) in paragraph (2) by substituting "subparagraph (1) (c)" for "subparagraph (1) (b)".

5. The European Communities (Breeding Pig-Herd Book and Register) Regulations 1994 (S.I. No. 151 of 1994) are amended in Regulation 7 by inserting for paragraph (1) (as repealed by the European Union (Animal Health) (Adaptation) Regulations 2014) the following:

"(1) For the purposes of these Regulations or the Decisions, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) a herd-book or register or part of a herd-book or register is, may be or has been present,

- (ii) a record relating to a herd-book or register or part of a herd-book or register is, may be or has been present, or
- (iii) equipment, machinery or other thing used in connection with a herd-book or register or part of a herd-book or register is, may be or has been present,
- (b) examine a herd-book or register or part of a herd-book or register, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of a herd-book or register or part of a herd-book or register, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with a herd-book or register or part of a herd-book or register and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or a herd-book or register or part of a herd-book or register or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person's possession or procurement, or under the person's control, as the officer may reasonably require, or
- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection.”.

6. The European Communities (Importation of Animals and Animal Products from Third Countries) Regulations 1994 (S.I. No. 255 of 1994) are amended in Regulation 7:

- (a) by inserting after paragraph (1) (as inserted by the European Communities (Importation of Animals and Animal Products from Third Countries) (Amendment) Regulations 2016 (S.I. No. 305 of 2016), the following:

“(1A) For the purposes of these Regulations or Council Directive 91/496<sup>55</sup>, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—

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<sup>55</sup> OJ L 268, 24.9.1991, p. 56

- (i) an agricultural product which is being or has been imported is, may be or has been present,
  - (ii) a record relating to an agricultural product is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with an agricultural product is, may be or has been present,
- (b) examine an agricultural product, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of an agricultural product, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with an agricultural product and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or an agricultural product or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person's possession or procurement, or under the person's control, as the officer may reasonably require,
- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,
- (g) set equipment to capture or restrain an animal, or
- (h) take, without making a payment, samples from an agricultural product, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to an agricultural product, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it.", and
- (b) in paragraph (2), by substituting "paragraph (1A)(e)" for "paragraph (1)(e)".

7. The European Communities (Trade in Certain Animal Products) Regulations 1996 (S.I. No. 102 of 1996) are amended by inserting after Regulation 25 the following:

## “26 Functions of Authorised Officers

26. (1) For the purposes of these Regulations or the Council Directive, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) a product intended for export or which is being or has been imported is, may be or has been present,
  - (ii) a record relating to a product intended for export or which is being or has been imported is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with a product intended for export or which is being or has been imported is, may be or has been present,
- (b) examine a product intended for export or which is being or has been imported, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of a product intended for export or which is being or has been imported, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with a product intended for export or which is being or has been imported and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or a product intended for export or which is being or has been imported or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person’s possession or procurement, or under the person’s control, as the officer may reasonably require,
- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection, or
- (g) take, without making a payment, samples from a product intended for export or which is being or has been imported, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to a product intended for export or which is being or has been imported, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it.

(2) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of a product intended for export or which is being or has been imported, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to a product intended for export or which is being or has been imported as is in the person's knowledge or procurement.

(3) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or
- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) seize and detain a product intended for export or which is being or has been imported and mark or otherwise identify it;
- (v) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;

- (vi) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(4) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 27 other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 27, any evidence of an offence referred to in paragraph (3)(c) is being or is likely to be disposed of or destroyed.

(5) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(6) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(7) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(8) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.”.

8. The European Communities (Trade in Bovine Animals and Swine) Regulations 1997 (S.I. No. 270 of 1997) are amended-

- (a) by substituting for Regulation 17 the following:

“17. (1) For the purposes of these Regulations or the Council Directive, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) a bovine animal or swine intended for export or which is being or has been imported is, may be or has been present,
  - (ii) a record relating to a bovine animal or swine intended for export or which is being or has been imported is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with a bovine animal or swine intended for export or which is being or has been imported is, may be or has been present,

- (b) examine a bovine animal or swine intended for export or which is being or has been imported, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of a bovine animal or swine intended for export or which is being or has been imported, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with a bovine animal or swine intended for export or which is being or has been imported and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or a bovine animal or swine intended for export or which is being or has been imported or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person's possession or procurement, or under the person's control, as the officer may reasonably require,
- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,
- (g) set equipment to capture or restrain an animal, or
- (h) take, without making a payment, samples from a bovine animal or swine intended for export or which is being or has been imported, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to a bovine animal or swine intended for export or which is being or has been imported, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it.

(2) For the purposes of his or her functions under these Regulations, an authorised officer may require a person in possession or control of a bovine animal or swine in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of a bovine animal or swine intended for export or which is being or has been imported, ownership of a

vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to a bovine animal or swine intended for export or which is being or has been imported as is in the person's knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or
- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) seize and detain a bovine animal or swine intended for export or which is being or has been imported and mark or otherwise identify it;
- (v) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
- (vi) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.



(5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 17A other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 17A, any evidence of an offence referred to in paragraph (4)(c) is being or is likely to be disposed of or destroyed.

(6) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(8) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.

(10) The cost of the detention of any bovine animals or swine pursuant to paragraph (4)(iv) may be recovered by the Minister from the person who was the owner as a simple contract debt in any court of competent jurisdiction.

#### 17A Search warrant

17A.—(1) If a judge of the District Court is satisfied by information on oath of an authorised officer that there are reasonable grounds for believing that—

- (a) evidence of or relating to the commission or intended commission of an offence under these Regulations relating to a bovine animal or swine is to be found on land or premises,
- (b) there is or was a bovine animal or swine, machinery, equipment or other thing made, used or adapted for use (including manufacture and transport) in connection with a bovine animal or swine on land or premises,
- (c) a record related to a thing to which subparagraph (a) or (b) refers is or may be on the land or premises,

then the judge may issue a search warrant.

(2) A search warrant under this Regulation shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers or other persons as the named authorised officer thinks necessary, at any time, within one month from the date of issue of the warrant, on production, if so requested, of the warrant, to enter the land or premises named in the warrant and to exercise all or any of the functions conferred on an authorised officer under these Regulations.”, and

- (b) in Regulation 18(1) by substituting for “paragraph (1)(h)” “paragraph (4)(iv)”.

9. The European Communities (Zootechnical and Genealogical Conditions Applicable To Imports From Third Countries) Regulations 1998 (S.I. No. 26 of 1998) are amended in Regulation 7 by inserting for paragraph (1) (as repealed by the European Union (Animal Health) (Adaptation) Regulations 2014) the following:

“(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.

(1A) The Minister may terminate an appointment under paragraph (1), whether or not the appointment was for a fixed period.

(1B) An appointment as an authorised officer ceases-

- (a) if it is terminated pursuant to paragraph (1A),
- (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.

(1C) Nothing in paragraph (1B) is to be construed so as to prevent the Minister from reappointing as an authorised officer a person to whom paragraph (1B) relates.”.

10. The European Communities (Trade in Certain Cattle and Pigs) Regulations 2002 (S.I. No. 37 of 2002) are amended-

- (a) in Regulation (2) by inserting after the definition of “animal” the following:

“‘authorised officer ’ means—

- (a) an authorised officer within the meaning of section 37 of the Animal Health and Welfare Act 2013 (No.15 of 2013),
- (b) a person appointed under Regulation 5 during the period of his or her appointment,
- (c) a member of the Garda Síochána, and
- (d) an officer of the Revenue Commissioners;”.

(b) by substituting for Regulation 5 the following:

“5. (1) The Minister may appoint such and so many persons as the Minister thinks fit to be authorised officers.

(2) An appointment as an authorised officer ceases—

- (a) if it is terminated by the Minister,
- (b) if it is for a fixed period, on the expiry of that period, or
- (c) if the person appointed ceases to be an officer of the Minister.

(3) Nothing in paragraph (2) is to be construed so as to prevent the Minister from reappointing as an authorised officer a person to whom that paragraph relates.

(4) An authorised officer appointed under this Regulation shall be furnished with a warrant of appointment as an authorised officer and when exercising any power conferred by these Regulations such officer shall, if requested by any person affected, produce the warrant to that person.

5A. (1) For the purposes of these Regulations or the Council Directive, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) an animal is, may be or has been present,
  - (ii) a record relating to an animal is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with an animal is, may be or has been present,
- (b) examine an animal, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of an animal, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with an animal and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or an animal or a vehicle, a vessel,

an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person's possession or procurement, or under the person's control, as the officer may reasonably require,

- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,
- (g) set equipment to capture or restrain an animal, or
- (h) carry out surveys or programmes relating to animal welfare, animal health or disease surveillance.

(2) For the purposes of his or her functions under these Regulations, an authorised officer may require a person in possession or control of an animal in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of an animal, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to an animal as is in the person's knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or
- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) take, without making a payment, samples from an animal, animal product, animal feed, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to an animal, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it;
- (v) seize and detain an animal and mark or otherwise identify it;
- (vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
- (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 5B other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 5B, any evidence of an offence referred to in paragraph (4)(c) is being or is likely to be disposed of or destroyed.

(6) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(8) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.

(10) A person who obstructs or otherwise interferes with an authorised officer in the performance of his or her functions under this Regulation or who, in purported compliance with a requirement gives information to an authorised officer that he knows to be false or misleading in a material respect shall be guilty of an offence.

5B.—(1) If a judge of the District Court is satisfied by information on oath of an authorised officer that there are reasonable grounds for believing that—

- (a) evidence of or relating to the commission or intended commission of an offence under these Regulations relating to an animal is to be found on land or premises,
- (b) there is or was an animal, machinery, equipment or other thing made, used or adapted for use (including manufacture and transport) in connection with an animal on land or premises,
- (c) a record related to a thing to which subparagraph (a) or (b) refers is or may be on the land or premises,

then the judge may issue a search warrant.

(2) A search warrant under this Regulation shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers or other persons as the named authorised officer thinks necessary, at any time, within one month from the date of issue of the warrant, on production, if so requested, of the warrant, to enter the land or premises named in the warrant and to exercise all or any of the functions conferred on an authorised officer under these Regulations.”, and

- (c) in Regulation 6(1) by substituting “Regulation 3, 4 or 5A” for “Regulation 3 or 4”.

11. The European Communities (Veterinary Checks on Fish and Fishery Products Imported from Third Countries) Regulations 2003 (S.I. No. 548 of 2003) are amended in Regulation 20 by inserting for paragraph (2) and (3) (as repealed by the European Union (Animal Health) (Adaptation) Regulations 2014) the following:

“(2) An authorised officer when exercising a power conferred on him or her under these Regulations shall, if so requested by any person affected, produce evidence in writing of the authorised officer's appointment as an authorised officer.

(3) For the purposes of these Regulations or the Directive, an authorised officer or a member of the Garda Síochána or an officer of Customs and Excise may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) a product is, may be or has been present,
  - (ii) a record relating to a product is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with a product is, may be or has been present,
- (b) examine a product, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of a product, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with a product and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or a product or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person's possession or procurement, or under the person's control, as the officer may reasonably require, or
- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection.

(3A) An authorised officer or a member of the Garda Síochána or an officer of Customs and Excise may require a person to give information or produce for inspection any record regarding the ownership and identity of a product, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to a product as is in the person's knowledge or procurement.

(3B) Where an authorised officer or a member of the Garda Síochána or an officer of Customs and Excise has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or
- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer or a member of the Garda Síochána or an officer of Customs and Excise may, in addition to the powers exercisable by him or her under paragraph (3):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) take, without making a payment, samples from a product, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to a product, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it;
- (v) seize and detain a product and mark or otherwise identify it;
- (vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the



place where it was first detained or require it to be moved to such other location as the authorised officer or a member of the Garda Síochána or an officer of Customs and Excise requires;

- (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(3C) An authorised officer or a member of the Garda Síochána or an officer of Customs and Excise, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(3D) An authorised officer or a member of the Garda Síochána or an officer of Customs and Excise may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(3E) Where, in the course of exercising a power under these Regulations, an authorised officer or a member of the Garda Síochána or an officer of Customs and Excise finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(3F) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer or a member of the Garda Síochána or an officer of Customs and Excise from exercising a power conferred on him or her by these Regulations.”.

12. The European Communities (Trade in the Production, Processing, Distribution and Introduction of Products of Animal Origin for Human Consumption) Regulations 2004 (S.I. No. 820 of 2004) are amended in Regulation 14 by inserting for-

- (a) paragraph (1) (as repealed by the European Union (Animal Health) (Adaptation) Regulations 2014) the following:

“(1) A person shall not forge or utter, knowing it to be forged, a record under Regulations 7 or 13 (hereafter in this Regulation referred to as “a forged document”).”, and

- (b) paragraph (3) (as repealed by the European Union (Animal Health) (Adaptation) Regulations 2014) the following:

“(3) A person shall not have, without lawful authority, in his or her possession or under his or her control a forged document or an altered document.”.

13. The European Communities (Introduction of Products of Animal Origin from Third Countries for Human Consumption) Regulations 2004 (S.I. No. 893 of 2004) are amended in Regulation 9 by inserting for-

- (a) paragraph (1) (as repealed by the European Union (Animal Health) (Adaptation) Regulations 2014) the following:

“(1) For the purposes of these Regulations or Council Directive 2002/99, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
- (i) a product of animal origin is, may be or has been present,
  - (ii) a record relating to a product of animal origin is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with a product of animal origin is, may be or has been present,
- (b) examine a product of animal origin, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of a product of animal origin, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with a product of animal origin and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or a product of animal origin or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person’s possession or procurement, or under the person’s control, as the officer may reasonably require, or
- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection.”, and
- (b) paragraphs (3), (4) and (5) (as repealed by the European Union (Animal Health) (Adaptation) Regulations 2014) the following:

“(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of a product of animal origin, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to a product of animal origin as is in the person’s knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or
- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) take, without making a payment, samples from a product of animal origin, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to a product of animal origin, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers

necessary or expedient and mark or otherwise identify it;

- (v) seize and detain a product of animal origin and mark or otherwise identify it;
- (vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
- (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(5) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(5A) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(5B) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(5C) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.”.

14. The European Communities (Goat Identification Regulations 2005 (S.I. No. 792 of 2005) are amended in Regulation 5 by inserting for paragraph (1) (as repealed by the European Union (Animal Health) (Adaptation) Regulations 2014) the following:

“5. (1) A person shall not hold or keep a goat born after 9 July 2005 on a holding unless the goat, being over 6 months of age, has approved ear-tags (which bear the holding identification number relating to a holding and the goat identification number relating to the goat) attached to each of its ears.”.

15. The European Communities (Animal Transport and Control Post Regulations) Regulations 2006 (S.I. No. 675 of 2006) are amended in Regulation 11 by inserting -

- (a) for paragraph (1) (as repealed by the European Union (Animal Health) (Adaptation) Regulations 2014) the following:

“(1) For the purposes of these Regulations, the Animal Transport Regulation or the Control Post Regulation, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) an animal is, may be or has been present,
  - (ii) a record relating to an animal is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with an animal is, may be or has been present,
- (b) examine an animal, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of an animal, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with an animal and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or an animal or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person’s possession or procurement, or under the person’s control, as the officer may reasonably require,
- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection, or
- (g) set equipment to capture or restrain an animal.”, and

(b) after paragraph (2) the following:

“(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of an animal, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to an animal as is in the person’s knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or
- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) take, without making a payment, samples from an animal, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to an animal, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers

necessary or expedient and mark or otherwise identify it;

- (v) seize and detain an animal and mark or otherwise identify it;
- (vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
- (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(5) For the purposes of his or her functions under these Regulations, an authorised officer may require a person in possession or control of an animal in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(6) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(8) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.”.

16. The European Communities (Control of Salmonella in Breeding Flocks of Domestic Fowl) Regulations 2006 (S.I. No. 706 of 2006) are amended in Regulation 11 by inserting for paragraphs (1) and (2) (as repealed by the European Union (Animal Health) (Adaptation) Regulations 2014) the following:

“(1) If a judge of the District Court is satisfied by information on oath of an authorised officer that there are reasonable grounds for suspecting—

- (a) evidence of or relating to the commission of or intended commission of an offence under these Regulations or the EC Regulations is to be found on the premises,
- (b) there is or was poultry, eggs or other material or other thing used in connection with poultry or eggs on the premises,
- (c) a document or other record related to a thing to which subparagraph (a) refers is or may be on the premises,

the judge may issue a search warrant.

(2) A search warrant under this Regulation shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers or other persons as the named authorised officer thinks necessary, at any time within one month from the date of issue of the warrant, on production, if so requested, of the warrant, to enter (if necessary by use of reasonable force) the premises or place named in the warrant.”.

17. The European Communities (Avian Influenza) (Control on Movement of Pet Birds) Regulations 2007 (S.I. No. 96 of 2007) are amended in Regulation 5 by inserting -

- (a) for paragraph (1) (as repealed by the European Union (Animal Health) (Adaptation) Regulations 2014) the following:

“(1) For the purposes of these Regulations or the Commission Decision, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) a pet bird is, may be or has been present,
  - (ii) a record relating to a pet bird is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with a pet bird is, may be or has been present,
- (b) examine a pet bird, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of a pet bird, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with a pet bird and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or a pet bird or a vehicle, a vessel,



an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person's possession or procurement, or under the person's control, as the officer may reasonably require,

(f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection, or

(g) set equipment to capture or restrain a pet bird.”, and

(b) after paragraph (2) the following:

“(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of a pet bird, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to a pet bird as is in the person's knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

(a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),

(b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,

(c) an offence is being or has been committed under these Regulations, or

(d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

(i) search the land or premises;

(ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;

- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) take, without making a payment, samples from a pet bird, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to a pet bird, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it;
- (v) seize and detain a pet bird and mark or otherwise identify it;
- (vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
- (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(5) For the purposes of his or her functions under these Regulations, an authorised officer may require a person in possession or control of a bird in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(6) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(8) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these

Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.”.

18. The European Communities (Approval and Registration of Dealers of Bovine Animals and Swine) Regulations 2007 (S.I. No. 151 of 2007) are amended by inserting after Regulation 9 the following:

“Powers of authorised officer

10. (1) For the purposes of these Regulations or the Council Directive, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) an animal or ear-tag is, may be or has been present,
  - (ii) a record relating to an animal or ear-tag is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with an animal or ear-tag is, may be or has been present,
- (b) examine an animal, ear-tag, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of an animal, ear-tag, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with an animal or ear-tag and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or an animal or ear-tag or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person’s possession or procurement, or under the person’s control, as the officer may reasonably require,
- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,
- (g) set equipment to capture or restrain an animal, or
- (h) carry out surveys or programmes relating to animal welfare, animal health or disease surveillance.

(2) For the purposes of his or her functions under these Regulations, an authorised officer may require a person in possession or control of an animal in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of an animal or ear-tag, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to an animal as is in the person's knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or
- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) take, without making a payment, samples from an animal, ear-tag, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to an animal, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she

considers necessary or expedient and mark or otherwise identify it;

- (v) seize and detain an animal or ear-tag and mark or otherwise identify it;
- (vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
- (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 10A other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 10A, any evidence of an offence referred to in paragraph (4)(c) is being or is likely to be disposed of or destroyed.

(6) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(8) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.

#### 10A Search warrant

10A.—(1) If a judge of the District Court is satisfied by information on oath of an authorised officer that there are reasonable grounds for believing that—

- (a) evidence of or relating to the commission or intended commission of an offence under these Regulations relating to an animal or ear-tag is to be found on land or premises,
- (b) there is or was an animal or ear-tag, machinery, equipment or other thing made, used or adapted for use (including

manufacture and transport) in connection with an animal or ear-tag on land or premises,

- (c) a record related to a thing to which subparagraph (a) or (b) refers is or may be on the land or premises,

then the judge may issue a search warrant.

(2) A search warrant under this Regulation shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers or other persons as the named authorised officer thinks necessary, at any time, within one month from the date of issue of the warrant, on production, if so requested, of the warrant, to enter the land or premises named in the warrant and to exercise all or any of the functions conferred on an authorised officer under these Regulations.”.

19. The European Communities (Circuses) Regulations 2007 (S.I. No. 257 of 2007) are amended by substituting for Regulation 6 the following:

“Functions of authorised officer

6. (1) For the purposes of these Regulations or the Commission Regulation, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
- (i) an animal to which the Commission Regulation applies is, may be or has been present,
  - (ii) a record relating to an animal to which the Commission Regulation applies is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with an animal to which the Commission Regulation applies is, may be or has been present,
- (b) examine an animal to which the Commission Regulation applies, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of an animal to which the Commission Regulation applies, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with an animal to which the Commission Regulation applies and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or an animal to which the Commission Regulation applies or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in

the person's possession or procurement, or under the person's control, as the officer may reasonably require,

- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,
- (g) set equipment to capture or restrain an animal to which the Commission Regulation applies, or
- (h) carry out surveys or programmes relating to animal welfare, animal health or disease surveillance.

(2) For the purposes of his or her functions under these Regulations, an authorised officer may require a person in possession or control of an animal to which the Commission Regulation applies in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of an animal to which the Commission Regulation applies, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to an animal to which the Commission Regulation applies as is in the person's knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or
- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—

- (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) take, without making a payment, samples from an animal to which the Commission Regulation applies, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to an animal to which the Commission Regulation applies, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it;
  - (v) seize and detain an animal to which the Commission Regulation applies and mark or otherwise identify it;
  - (vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
  - (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 7 other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 7, any evidence of an offence referred to in paragraph (4)(c) is being or is likely to be disposed of or destroyed.

(6) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(8) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.



(10) If a member of the Garda Síochána has reasonable cause to suspect that a person has committed an offence under these Regulations, the member may without warrant arrest the person.”.

20. The European Communities (Avian Influenza) (Control on imports) Regulations 2008 (S.I. No. 17 of 2008) are amended by substituting for Regulation 4 the following:

“Functions of authorised officer

4. (1) For the purposes of these Regulations or the Commission Decision, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) poultry or another bird, carcass or the product or by-product of poultry or other bird is, may be or has been present,
  - (ii) a record relating to poultry or another bird, carcass or the product or by-product of poultry or other bird is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with poultry or another bird, carcass or the product or by-product of poultry or other bird is, may be or has been present,
- (b) examine poultry or another bird, carcass or the product or by-product of poultry or other bird, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of poultry or another bird, carcass or the product or by-product of poultry or other bird, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with poultry or another bird, carcass or the product or by-product of poultry or other bird and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or poultry or another bird, carcass or the product or by-product of poultry or other bird or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person’s possession or procurement, or under the person’s control, as the officer may reasonably require,

- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,
- (g) set equipment to capture or restrain poultry or another bird, carcass or the product or by-product of poultry or other bird, or
- (h) carry out surveys or programmes relating to animal welfare, animal health or disease surveillance.

(2) For the purposes of his or her functions under these Regulations, an authorised officer may require a person in possession or control of poultry or another bird, carcass or the product or by-product of poultry or other bird in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of poultry or another bird, carcass or the product or by-product of poultry or other bird, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to poultry or another bird, carcass or the product or by-product of poultry or other bird as is in the person's knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or
- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—

- (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) take, without making a payment, samples from poultry or another bird, carcass or the product or by-product of poultry or other bird, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to poultry or another bird, carcass or the product or by-product of poultry or other bird, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it;
  - (v) seize and detain poultry or another bird, carcass or the product or by-product of poultry or other bird and mark or otherwise identify it;
  - (vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
  - (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 6 other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 6, any evidence of an offence referred to in paragraph (4)(c) is being or is likely to be disposed of or destroyed.

(6) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(8) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.”.

21. The European Communities (Approval and Registration of Dealers of Ovine Animals) Regulations 2008 (S.I. No. 100 of 2008) are amended by substituting for Regulation 11 the following:

“Powers of authorised officer

11. (1) For the purposes of these Regulations or the Council Directive, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) an animal or ear-tag is, may be or has been present,
  - (ii) a record relating to an animal or ear-tag is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with an animal or ear-tag is, may be or has been present,
- (b) examine an animal or ear-tag, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of an animal or ear-tag, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with an animal or ear-tag and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or an animal or ear-tag or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person’s possession or procurement, or under the person’s control, as the officer may reasonably require,
- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,
- (g) set equipment to capture or restrain an animal, or
- (h) carry out surveys or programmes relating to animal welfare, animal health or disease surveillance.

(2) For the purposes of his or her functions under these Regulations, an authorised officer may require a person in possession or control of an

animal in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of an animal or ear-tag, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to an animal or ear-tag as is in the person's knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or
- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) take, without making a payment, samples from an animal, ear-tag, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to an animal or ear-tag, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it;

- (v) seize and detain an animal or ear-tag and mark or otherwise identify it;
- (vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
- (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 12 other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 12, any evidence of an offence referred to in paragraph (4)(c) is being or is likely to be disposed of or destroyed.

(6) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(8) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.”.

22. The European Communities (Bluetongue) Regulations 2008 Arrangement of Regulations (S.I. No. 133 of 2008) are amended by substituting for Regulation 16 the following:

“Functions of authorised officers

16. (1) For the purposes of these Regulations, the Bluetongue Directive or the Bluetongue Regulation, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) a ruminant, carcass or the product or by-product of a ruminant is, may be or has been present,

- (ii) a record relating to a ruminant, carcass or the product or by-product of a ruminant is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with a ruminant, carcass or the product or by-product of a ruminant is, may be or has been present,
- (b) examine a ruminant, carcass or the product or by-product of a ruminant, equipment, machinery or other thing,
  - (c) require the name and address of the person in possession or control of a ruminant, carcass or the product or by-product of a ruminant, equipment, machinery or other thing,
  - (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with a ruminant, carcass or the product or by-product of a ruminant and require a person in charge or control of such to refrain from moving it,
  - (e) require the owner, occupier or person in charge of land or premises or a ruminant, carcass or the product or by-product of a ruminant or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person's possession or procurement, or under the person's control, as the officer may reasonably require,
  - (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,
  - (g) set equipment to capture or restrain an animal, or
  - (h) carry out surveys or programmes relating to animal welfare, animal health or disease surveillance.

(2) For the purposes of his or her functions under these Regulations, an authorised officer may require a person in possession or control of an animal in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of a ruminant, carcass or the product or by-product of a ruminant, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to a ruminant, carcass or the product or by-product of a ruminant as is in the person's knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or
- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) take, without making a payment, samples from a ruminant, carcass or the product or by-product of a ruminant, other animal, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to a ruminant, carcass or the product or by-product of a ruminant, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it;
- (v) seize and detain a ruminant, carcass or the product or by-product of a ruminant and mark or otherwise identify it;
- (vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;



- (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 18 other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 18, any evidence of an offence referred to in paragraph (4)(c) is being or is likely to be disposed of or destroyed.

(6) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(8) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.”.

23. The European Communities (Control of Salmonella in Laying Flocks of Domestic Fowl) Regulations 2008 (S.I. No. 247 of 2008) are amended-

- (a) by substituting for Regulation 11 the following:

“Appointment of authorised officers

11. (1) The Minister may appoint such and so many persons as the Minister thinks fit to be authorised officers.

(2) An appointment as an authorised officer ceases—

- (a) if it is terminated by the Minister,
- (b) if it is for a fixed period, on the expiry of that period, or
- (c) if the person appointed ceases to be an officer of the Minister.

(3) Nothing in paragraph (2) is to be construed so as to prevent the Minister from reappointing as an authorised officer a person to whom that paragraph relates.

(4) An authorised officer appointed under this Regulation shall be furnished with a warrant of appointment as an authorised officer and when exercising any power conferred by these Regulations

such officer shall, if requested by any person affected, produce the warrant to that person.”,

(b) by substituting for Regulation 12 the following:

“Functions of authorised officers

12. (1) For the purposes of these Regulations or the EC Regulations, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) a laying flock, poultry or egg is, may be or has been present,
  - (ii) a record relating to a laying flock, poultry or egg is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with a laying flock, poultry or egg is, may be or has been present,
- (b) examine a laying flock, poultry or egg, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of a laying flock, poultry or egg, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with a laying flock, poultry or egg and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or a laying flock, poultry or egg or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person’s possession or procurement, or under the person’s control, as the officer may reasonably require,
- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,
- (g) set equipment to capture or restrain an animal, or
- (h) carry out surveys or programmes relating to animal welfare, animal health or disease surveillance.

(2) For the purposes of his or her functions under these Regulations, an authorised officer may require a person in possession or control of an animal in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of a laying flock, poultry or egg, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to a laying flock, poultry or egg as is in the person's knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or
- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) take, without making a payment, samples from a laying flock, poultry or egg, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to a

laying flock, poultry or egg, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it;

- (v) seize and detain a laying flock, poultry or egg and mark or otherwise identify it;
- (vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
- (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 13 other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 13, any evidence of an offence referred to in paragraph (4)(c) is being or is likely to be disposed of or destroyed.

(6) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(8) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.

(10) An authorised officer or an expert from the Commission of the European Communities may at any reasonable time inspect an approved laboratory, or a laboratory in respect of which an

application for approval has been made, for the purpose of evaluating its suitability for approval.”, and

- (c) in Regulation 14(1)(i) by substituting “Regulation 12 (1)(c), (d) or (e), (2), (3), (4) (iii) or (vi),” for “Regulation 12 (1)(g), (i) or (j),”.

24. The European Communities (Health of Aquaculture Animals and Products) Regulations 2008 (S.I. No. 261 of 2008) are amended by substituting for Regulation 12 the following:

“12. (1) The Marine Institute shall declare an area around an infected premises to be a containment zone.

(2) The Marine Institute shall determine, having regard to the disease in question, the extent of a containment zone, which may be varied by further declaration.

(3) A declaration under paragraph (1) shall be subject to such conditions as the Marine Institute considers necessary, ancillary or supplementary for the purpose of controlling and eradicating the disease.

(4) A person shall comply with a declaration under this Regulation.”.

25. The European Communities (Cat and Dog Fur) (Restriction on Trade) Regulations 2008 (S.I. No. 513 of 2008) are amended by substituting for Regulation 6 the following:

“Functions of authorised officers

6. (1) For the purposes of these Regulations or the EU Regulation, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) fur derived from a cat or dog or any article that consists of or contains fur derived from a cat or dog is, may be or has been present,
  - (ii) a record relating to fur derived from a cat or dog or any article that consists of or contains fur derived from a cat or dog is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with fur derived from a cat or dog or any article that consists of or contains fur derived from a cat or dog is, may be or has been present,
- (b) examine fur derived from a cat or dog or any article that consists of or contains fur derived from a cat or dog, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of fur derived from a cat or dog or any article that consists of or contains fur derived from a cat or dog, equipment, machinery or other thing,

- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with fur derived from a cat or dog or any article that consists of or contains fur derived from a cat or dog and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or fur derived from a cat or dog or any article that consists of or contains fur derived from a cat or dog or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person's possession or procurement, or under the person's control, as the officer may reasonably require, or
- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection.

(2) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of fur derived from a cat or dog or any article that consists of or contains fur derived from a cat or dog, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to fur derived from a cat or dog or any article that consists of or contains fur derived from a cat or dog as is in the person's knowledge or procurement.

(3) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or
- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;

- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) take, without making a payment, samples from fur derived from a cat or dog or any article that consists of or contains fur derived from a cat or dog, other animal, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to fur derived from a cat or dog or any article that consists of or contains fur derived from a cat or dog, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it;
- (v) seize and detain fur derived from a cat or dog or any article that consists of or contains fur derived from a cat or dog and mark or otherwise identify it;
- (vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
- (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(4) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 7 other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 7, any evidence of an offence referred to in paragraph (3)(c) is being or is likely to be disposed of or destroyed.

(5) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(6) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(7) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or

suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(8) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.”.

26. The European Communities (Bovine Breeding) Regulations 2009 (S.I. No. 19 of 2009) are amended by substituting for Regulation 12 the following:

“Functions of authorised officers

12. (1) For the purposes of these Regulations, or a Regulation, Directive or Decision cited in these Regulations, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) a breeding animal, semen, ovum, embryo, label, package or other thing associated with an animal, semen, ovum or embryo is, may be or has been present,
  - (ii) a record relating to a breeding animal, semen, ovum, embryo, label, package or other thing associated with an animal, semen, ovum or embryo is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with a breeding animal, semen, ovum, embryo, label, package or other thing associated with an animal, semen, ovum or embryo is, may be or has been present,
- (b) examine a breeding animal, semen, ovum, embryo, label, package or other thing associated with an animal, semen, ovum or embryo, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of a breeding animal, semen, ovum, embryo, label, package or other thing associated with an animal, semen, ovum or embryo, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with a breeding animal, semen, ovum, embryo, label, package or other thing associated with an animal, semen, ovum or embryo and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or a breeding animal, semen, ovum, embryo, label, package or other thing associated with an animal, semen, ovum or embryo or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in



the person's possession or procurement, or under the person's control, as the officer may reasonably require,

- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,
- (g) set equipment to capture or restrain an animal, or
- (h) carry out surveys or programmes relating to animal welfare, animal health or disease surveillance.

(2) For the purposes of his or her functions under these Regulations, an authorised officer may require a person in possession or control of an animal in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of a breeding animal, semen, ovum, embryo, label, package or other thing associated with an animal, semen, ovum or embryo, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to a breeding animal, semen, ovum, embryo, label, package or other thing associated with an animal, semen, ovum or embryo as is in the person's knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or
- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;

- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) take, without making a payment, samples from a breeding animal, semen, ovum, embryo, label, package or other thing associated with an animal, semen, ovum or embryo, other animal, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to a breeding animal, semen, ovum, embryo, label, package or other thing associated with an animal, semen, ovum or embryo, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it;
- (v) seize and detain a breeding animal, semen, ovum, embryo, label, package or other thing associated with an animal, semen, ovum or embryo and mark or otherwise identify it;
- (vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
- (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 13 other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 13, any evidence of an offence referred to in paragraph (4)(c) is being or is likely to be disposed of or destroyed.

(6) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(8) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the

officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.”

27. The European Communities (Control of Salmonella in Broilers) Regulations 2009 (S.I. No. 64 of 2009) are amended-

(a) by substituting for Regulation 10 the following:

“Functions of authorised officers

10. (1) For the purposes of these Regulations or the EC Regulations, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) a premises is an approved laboratory or subject to an application for approval, a broiler is, may be or has been present,
  - (ii) a record relating to poultry or eggs is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with poultry or eggs is, may be or has been present,
- (b) examine poultry or eggs, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of poultry or eggs, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with poultry or eggs and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or poultry or eggs or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person’s possession or procurement, or under the person’s control, as the officer may reasonably require,

- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,
- (g) set equipment to capture or restrain an animal, or
- (h) carry out surveys or programmes relating to animal welfare, animal health or disease surveillance.

(2) For the purposes of his or her functions under these Regulations, an authorised officer may require a person in possession or control of an animal in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of poultry or eggs, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to poultry or eggs as is in the person's knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or
- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—

- (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) take, without making a payment, samples from poultry or eggs, other animal, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to poultry or eggs, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it;
  - (v) seize and detain poultry or eggs and mark or otherwise identify it;
  - (vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
  - (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 11 other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 11, any evidence of an offence referred to in paragraph (4)(c) is being or is likely to be disposed of or destroyed.

(6) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(8) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these

Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.”, and

- (b) in Regulation 12(1)(j) by substituting “Regulation 10 (1)(c), (d) or (e), (2), (3), (4) (iii) or (vi),” for “Regulation 10 (1)(g), (i) or (j),”.

28. The European Communities (Identification of Bovines) Regulations 2009 (S.I. No. 77 of 2009) are amended-

- (a) by substituting for Regulation 17 the following:

“Functions of authorised officer

17. (1) For the purposes of these Regulations or the Bovine Identification Regulation, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
- (i) a bovine, ear-tag, passport, cattle identity card or register is, may be or has been present,
  - (ii) a record relating to a bovine, ear-tag, passport, cattle identity card or register is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with a bovine, ear-tag, passport, cattle identity card or register is, may be or has been present,
- (b) examine a bovine, ear-tag, passport, cattle identity card, register, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of a bovine, ear-tag, passport, cattle identity card, register, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with a bovine, ear-tag, passport, cattle identity card or register and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or a bovine, ear-tag, passport, cattle identity card, register or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible

form, produce to him or her a copy in a legible form) that are in the person's possession or procurement, or under the person's control, as the officer may reasonably require,

- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,
- (g) set equipment to capture or restrain an animal, or
- (h) take, without making a payment, samples from a bovine, ear-tag, passport, cattle identity card or register, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to a bovine, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it.

(2) For the purposes of his or her functions under these Regulations, an authorised officer may require a person in possession or control of an animal in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of a bovine, ear-tag, passport, cattle identity card or register, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to a bovine, ear-tag, passport, cattle identity card or register as is in the person's knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

- (a) an offence is being or has been committed under these Regulations, or
- (b) evidence of an offence to which subparagraph (a) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;

- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) seize and detain a bovine, ear-tag, passport, cattle identity card or register and mark or otherwise identify it;
- (v) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
- (vi) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 18 other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 18, any evidence of an offence referred to in paragraph (4)(a) is being or is likely to be disposed of or destroyed.

(6) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(8) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.



(10) An authorised officer may give a direction to, or request information of, a person regarding a bovine, ear-tag, passport, cattle identity card, herd register, permit, record, container, equipment, machinery, plant, vehicle, vessel or other thing as he or she considers necessary, and such direction or requirement of an authorised officer may include conditions prohibiting, restricting or otherwise controlling the use, processing or movement of a bovine as may be specified by the authorised officer.”, and

(b) in Regulation 24(1)(b) by inserting “20,” following “15.”.

29. The European Communities (Control of salmonella in turkeys) Regulations 2010 (S.I. No. 99 of 2010) are amended by substituting for Regulation 9 the following:

“Functions of authorised officers

9. (1) For the purposes of these Regulations, the EC Regulations or Regulation 2160/2003, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) a premises is an approved laboratory or subject to an application for approval, a turkey is, may be or has been present,
  - (ii) a record relating to poultry or eggs is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with poultry or eggs is, may be or has been present,
- (b) examine poultry or eggs, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of poultry or eggs, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with poultry or eggs and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or poultry or eggs or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person’s possession or procurement, or under the person’s control, as the officer may reasonably require,
- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,

- (g) set equipment to capture or restrain an animal, or
- (h) carry out surveys or programmes relating to animal welfare, animal health or disease surveillance.

(2) For the purposes of his or her functions under these Regulations, an authorised officer may require a person in possession or control of an animal in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of poultry or eggs, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to poultry or eggs as is in the person's knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or
- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) take, without making a payment, samples from poultry or eggs, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to poultry or eggs, as he or she may reasonably

require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it;

- (v) seize and detain poultry or eggs and mark or otherwise identify it;
- (vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
- (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 9A other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 9A, any evidence of an offence referred to in paragraph (4)(c) is being or is likely to be disposed of or destroyed.

(6) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(8) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.

#### Search Warrant

9A.—(1) If a judge of the District Court is satisfied by information on oath of an authorised officer that there are reasonable grounds for believing that—

- (a) evidence of or relating to the commission or intended commission of an offence under these Regulations relating to an animal is to be found on land or premises,

- (b) there is or was an animal, machinery, equipment or other thing made, used or adapted for use (including manufacture and transport) in connection with an animal on land or premises,
- (c) a record related to a thing to which subparagraph (a) or (b) refers is or may be on the land or premises,

then the judge may issue a search warrant.

(2) A search warrant under this Regulation shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers or other persons as the named authorised officer thinks necessary, at any time, within one month from the date of issue of the warrant, on production, if so requested, of the warrant, to enter the land or premises named in the warrant and to exercise all or any of the functions conferred on an authorised officer under these Regulations.”.

30. The European Communities (Welfare of farmed animals) Regulations 2010 (S.I. No. 311 of 2010) are amended by substituting for Regulation 31 the following:

“Functions of authorised officer

31. (1) For the purposes of these Regulations, the Chicken welfare Directive, the Calves Directive, the General Welfare Directive, the Laying Hens Directive, the Pigs Directive or the Slaughter Directive, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) an animal is, may be or has been present,
  - (ii) a record relating to an animal is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with an animal is, may be or has been present,
- (b) examine an animal, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of an animal, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with an animal and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or an animal or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person’s possession or procurement, or under the person’s control, as the officer may reasonably require,

- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,
- (g) set equipment to capture or restrain an animal, or
- (h) carry out surveys or programmes relating to animal welfare, animal health or disease surveillance.

(2) For the purposes of his or her functions under these Regulations, an authorised officer may require a person in possession or control of an animal in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of an animal, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to an animal as is in the person's knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations,
- (d) a contravention of an act of the institutions of the European Union relating to animal welfare is being or has been committed, or
- (e) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, an offence to which subparagraph (c) relates, or a contravention to which subparagraph (d) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—

- (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) take, without making a payment, samples from an animal, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to an animal, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it;
  - (v) seize and detain an animal and mark or otherwise identify it;
  - (vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
  - (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 32 other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 32, any evidence of an offence referred to in paragraph (4)(c) is being or is likely to be disposed of or destroyed.

(6) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(8) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.

(10) An authorised officer may give a direction to, or request information of, a person regarding an animal, feed, vessel, vehicle, container, premises or other thing as he or she considers necessary, and such direction or requirement of an authorised officer may include conditions prohibiting, restricting or otherwise controlling the use, processing or movement of an animal, feed, vessel, vehicle, container, premises or other thing as may be specified by the authorised officer.”.

31. The European Communities (Poultry and Hatching Eggs) Regulations 2010 (S.I. No. 564 of 2010) are amended by substituting for Regulation 8 the following:

“Functions of authorised officer

8. (1) For the purposes of these Regulations, the EC Regulations or the Directive, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) poultry or hatching eggs are, may be or has been present,
  - (ii) a record relating to poultry or hatching eggs is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with poultry or hatching eggs is, may be or has been present,
- (b) examine poultry or hatching eggs, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of poultry or hatching eggs, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with poultry or hatching eggs and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or poultry or hatching eggs or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person’s possession or procurement, or under the person’s control, as the officer may reasonably require,
- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,
- (g) set equipment to capture or restrain poultry, or

- (h) carry out surveys or programmes relating to animal welfare, animal health or disease surveillance.

(2) For the purposes of his or her functions under these Regulations, an authorised officer may require a person in possession or control of poultry in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of poultry or hatching eggs, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to poultry or hatching eggs as is in the person's knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or
- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) take, without making a payment, samples from poultry or hatching eggs, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to poultry or hatching eggs, as he or she may reasonably require and carry out or cause to be carried out



on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it;

- (v) seize and detain poultry or hatching eggs and mark or otherwise identify it;
- (vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
- (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 8A other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 8A, any evidence of an offence referred to in paragraph (4)(c) is being or is likely to be disposed of or destroyed.

(6) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(8) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.

#### 8A Search warrant

8A.—(1) If a judge of the District Court is satisfied by information on oath of an authorised officer that there are reasonable grounds for believing that—

- (a) evidence of or relating to the commission or intended commission of an offence under these Regulations relating to poultry or hatching eggs is to be found on land or premises,

- (b) there is or was poultry or hatching eggs, machinery, equipment or other thing made, used or adapted for use (including manufacture and transport) in connection with poultry or hatching eggs on land or premises,
- (c) a record related to a thing to which subparagraph (a) or (b) refers is or may be on the land or premises,

then the judge may issue a search warrant.

(2) A search warrant under this Regulation shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers or other persons as the named authorised officer thinks necessary, at any time, within one month from the date of issue of the warrant, on production, if so requested, of the warrant, to enter the land or premises named in the warrant and to exercise all or any of the functions conferred on an authorised officer under these Regulations.”.

32. The European Communities (Sheep Identification) Regulations 2011 (S.I. No. 309 of 2011) are amended by substituting for Regulation 13 the following:

“Functions of authorised officer

13. (1) For the purposes of these Regulations or the Sheep identification legislation, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) a sheep, EID tag, ear-tag, bolus or slaughter tag is, may be or has been present,
  - (ii) a record relating to a sheep, EID tag, ear-tag, bolus or slaughter tag is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with a sheep, EID tag, ear-tag, bolus or slaughter tag is, may be or has been present,
- (b) examine a sheep, EID tag, ear-tag, bolus or slaughter tag, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of a sheep, EID tag, ear-tag, bolus or slaughter tag, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with a sheep, EID tag, ear-tag, bolus or slaughter tag and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or a sheep, EID tag, ear-tag, bolus or slaughter tag or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records

(and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person's possession or procurement, or under the person's control, as the officer may reasonably require,

- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,
- (g) set equipment to capture or restrain a sheep,
- (h) carry out surveys or programmes relating to animal welfare, animal health or disease surveillance, or
- (i) take, without making a payment, samples from a sheep, EID tag, ear-tag, bolus or slaughter tag, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to a sheep, EID tag, ear-tag, bolus or slaughter tag, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it.

(2) For the purposes of his or her functions under these Regulations, an authorised officer may require a person in possession or control of a sheep in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of a sheep, EID tag, ear-tag, bolus or slaughter tag, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to a sheep, EID tag, ear-tag, bolus or slaughter tag as is in the person's knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or
- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) seize and detain a sheep, EID tag, ear-tag, bolus or slaughter tag and mark or otherwise identify it;
- (v) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
- (vi) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 14 other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 14, any evidence of an offence referred to in paragraph (4)(c) is being or is likely to be disposed of or destroyed.

(6) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(8) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.

(10) An authorised officer may give a direction to, or request information of, a person regarding a sheep, EID tag, ear-tag, bolus or slaughter tag, permit, record, container, equipment, machinery, plant, vehicle, vessel or other thing as he or she considers necessary, and such direction or requirement of an authorised officer may include conditions prohibiting, restricting or otherwise controlling the use, processing or movement of a sheep as may be specified by the authorised officer.”.

33. The European Communities (Equine) Regulations 2011 (S.I. No. 357 of 2011) are amended by substituting for Regulation 20 the following:

“Functions of authorised officer

20. (1) For the purposes of these Regulations or the Equine Legislation, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) an equine animal, transponder, passport or database, is, may be or has been present,
  - (ii) a record relating to an equine animal, transponder, passport or database is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with an equine animal, transponder, passport or database is, may be or has been present,
- (b) examine an equine animal, transponder, passport or database, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of an equine animal, transponder, passport or database, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with an equine animal, transponder, passport or database and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or an equine animal, transponder, passport or database or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person’s possession or procurement, or under the person’s control, as the officer may reasonably require,
- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,

- (g) set equipment to capture or restrain an equine animal, or
- (h) carry out surveys or programmes relating to animal welfare, animal health or disease surveillance.

(2) For the purposes of his or her functions under these Regulations, an authorised officer may require a person in possession or control of an equine animal in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of an equine animal, transponder, passport or database, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to an equine animal, transponder, passport or database as is in the person's knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or
- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) take, without making a payment, samples from an equine animal, transponder, passport or database, land, water, flora, vehicle, vessel, aircraft, railway wagon, container,

equipment, machinery or other thing relating to an equine animal, transponder, passport or database, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it;

- (v) seize and detain an equine animal, transponder, passport or database and mark or otherwise identify it;
- (vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
- (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 21 other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 21, any evidence of an offence referred to in paragraph (4)(c) is being or is likely to be disposed of or destroyed.

(6) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(8) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.”.

34. The European Communities (Control of Foot and mouth Disease) Regulations 2012 (S.I. No. 51 of 2012) are amended by substituting for Regulation 48 the following:

“Functions of authorised officer

48. (1) For the purposes of these Regulations or the Foot and mouth Directive, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) an animal, carcass, animal product, animal by-product or animal feed, is, may be or has been present,
  - (ii) a record relating to an animal, carcass, animal product, animal by-product or animal feed is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with an animal, carcass, animal product, animal by-product or animal feed is, may be or has been present,
- (b) examine an animal, carcass, animal product, animal by-product or animal feed, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of an animal, carcass, animal product, animal by-product or animal feed, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with an animal, carcass, animal product, animal by-product or animal feed and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or an animal, carcass, animal product, animal by-product or animal feed or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person's possession or procurement, or under the person's control, as the officer may reasonably require,
- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,
- (g) set equipment to capture or restrain an animal, or
- (h) carry out surveys or programmes relating to animal welfare, animal health or disease surveillance.

(2) For the purposes of his or her functions under these Regulations, an authorised officer may require a person in possession or control of an animal in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of an animal, carcass, animal product, animal by-product or animal feed, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or



other thing relating to an animal, carcass, animal product, animal by-product or animal feed as is in the person's knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or
- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) take, without making a payment, samples from an animal, carcass, animal product, animal by-product or animal feed, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to an animal, carcass, animal product, animal by-product or animal feed, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it;
- (v) seize and detain an animal, carcass, animal product, animal by-product or animal feed and mark or otherwise identify it;

- (vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
- (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 49 other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 49, any evidence of an offence referred to in paragraph (4)(c) is being or is likely to be disposed of or destroyed.

(6) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(8) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.

(10) An authorised officer may require the owner or the person in charge of an animal to furnish to the officer the name and address of a person to whom an animal or animal product has been sold or given away and who is for the time being receiving or has, on any day specified by the authorised officer, received an animal or animal product.

(11) If an authorised officer has reasonable cause to suspect that a person has had contact with an animal, carcass, animal product, animal by-product, animal feed, food, a vehicle, trailer, equipment or thing infected by foot and mouth disease or contaminated by the foot and mouth disease virus he or she may give a direction to a person to—

- (a) clean, disinfect or dispose of clothing or footwear,
- (b) clean and disinfect themselves, or
- (c) require them to refrain from having any contact with susceptible animals for a specified period of time.”.

35. The European Communities (Newcastle Disease) Regulations 2012 (S.I. No. 57 of 2012) are amended by substituting for Regulation 21 the following:

“Functions of authorised officer

21. (1) For the purposes of these Regulations or the Newcastle disease Directive, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) poultry, racing pigeons or other birds kept in captivity, a carcass or the product or by-product of poultry, is, may be or has been present,
  - (ii) a record relating to poultry, racing pigeons or other birds kept in captivity, a carcass or the product or by-product of poultry is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with poultry, racing pigeons or other birds kept in captivity, a carcass or the product or by-product of poultry is, may be or has been present,
- (b) examine poultry, racing pigeons or other birds kept in captivity, a carcass or the product or by-product of poultry, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of poultry, racing pigeons or other birds kept in captivity, a carcass or the product or by-product of poultry, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with poultry, racing pigeons or other birds kept in captivity, a carcass or the product or by-product of poultry and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or poultry, racing pigeons or other birds kept in captivity, a carcass or the product or by-product of poultry or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person’s possession or procurement, or under the person’s control, as the officer may reasonably require,
- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,
- (g) set equipment to capture or restrain an animal or bird, or

- (h) carry out surveys or programmes relating to animal welfare, animal health or disease surveillance.

(2) For the purposes of his or her functions under these Regulations, an authorised officer may require a person in possession or control of an animal or bird in a public place to permit the animal or bird to be examined by the officer or a veterinary practitioner.

(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of poultry, racing pigeons or other birds kept in captivity, a carcass or the product or by-product of poultry, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to poultry, racing pigeons or other birds kept in captivity, a carcass or the product or by-product of poultry as is in the person's knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or
- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) take, without making a payment, samples from poultry, racing pigeons or other birds kept in captivity, a carcass or the product or by-product of poultry, land, water, flora,

vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to poultry, racing pigeons or other birds kept in captivity, a carcass or the product or by-product of poultry, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it;

- (v) seize and detain poultry, racing pigeons or other birds kept in captivity, a carcass or the product or by-product of poultry and mark or otherwise identify it;
- (vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
- (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 23 other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 23, any evidence of an offence referred to in paragraph (4)(c) is being or is likely to be disposed of or destroyed.

(6) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(8) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.

(10) an authorised officer may give a direction to a person regarding poultry, racing pigeons or other birds kept in captivity, a carcass, the product or by-product of poultry, vessel, vehicle, container, machinery, equipment, premises or other thing as he or she considers necessary, and such direction may include conditions—

- (a) prohibiting, restricting or otherwise controlling the use, processing or movement of poultry, racing pigeons or other birds kept in captivity, carcass, the product or by-product of poultry, animal feed, vessel, vehicle, container, equipment, machinery or other thing as may be specified by the authorised officer,
- (b) requiring that the person to whom the direction is addressed to take the bio-security measures (including measures requiring the treatment of poultry, racing pigeons or other birds kept in captivity, or place with an approved disinfectant) specified by the authorised officer, or
- (c) requiring the owner or person in charge of a premises or holding to retain an animal, or introduce and retain an animal on the premises as a sentinel animal.”.

36. The European Communities (Import of Personal Consignments of Products of Animal Origin) Regulations 2012 (S.I. No. 374 of 2012) are amended by substituting for Regulation 5 (as inserted by the European Communities (Import of Personal Consignments of Products of Animal Origin) (Amendment) Regulations 2016 (S.I. No. 304 of 2016)) the following:

“Functions of authorised officer

5. (1) For the purposes of these Regulations or the Commission Regulation, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) an animal product, traveller’s luggage or other thing to which the Commission Regulation relate, is, may be or has been present,
  - (ii) a record relating to an animal product, traveller’s luggage or other thing to which the Commission Regulation relate is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with an animal product, traveller’s luggage or other thing to which the Commission Regulation relate is, may be or has been present,
- (b) examine an animal product, traveller’s luggage or other thing to which the Commission Regulation relate, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of an animal product, traveller’s luggage or other thing to which the Commission Regulation relate, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in

connection with an animal product, traveller's luggage or other thing to which the Commission Regulation relate and require a person in charge or control of such to refrain from moving it,

- (e) require the owner, occupier or person in charge of land or premises or an animal product, traveller's luggage or other thing to which the Commission Regulation relate or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person's possession or procurement, or under the person's control, as the officer may reasonably require,
- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,
- (g) set equipment to capture or restrain an animal, or
- (h) carry out surveys or programmes relating to animal welfare, animal health or disease surveillance.

(2) For the purposes of his or her functions under these Regulations, an authorised officer may require a person in possession or control of an animal in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of an animal product, traveller's luggage or other thing to which the Commission Regulation relate, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to an animal product, traveller's luggage or other thing to which the Commission Regulation relate as is in the person's knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or
- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a

vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) take, without making a payment, samples from an animal product, traveller's luggage or other thing to which the Commission Regulation relate, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to an animal product, traveller's luggage or other thing to which the Commission Regulation relate, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it;
- (v) seize and detain an animal product, traveller's luggage or other thing to which the Commission Regulation relate and mark or otherwise identify it;
- (vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
- (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 6 other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 6, any evidence of an offence referred to in paragraph (4)(c) is being or is likely to be disposed of or destroyed.



(6) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(8) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.

(10) Where an authorised officer seizes and detains an animal product, the officer may destroy or dispose of the animal product or cause it to be destroyed or disposed of.”.

37. The European Communities (Classical Swine Fever) Regulations 2012 (S.I. No. 516 of 2012) are amended by substituting for Regulation 23 the following:

“Functions of authorised officer

23. (1) For the purposes of these Regulations or the Classical swine fever Directive, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
  - (i) an animal, animal product or animal feed, is, may be or has been present,
  - (ii) a record relating to an animal, animal product or animal feed is, may be or has been present, or
  - (iii) equipment, machinery or other thing used in connection with an animal, animal product or animal feed is, may be or has been present,
- (b) examine an animal, animal product or animal feed, equipment, machinery or other thing,
- (c) require the name and address of the person in possession or control of an animal, animal product or animal feed, equipment, machinery or other thing,
- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with an animal, animal product or animal feed and require a person in charge or control of such to refrain from moving it,

- (e) require the owner, occupier or person in charge of land or premises or an animal, animal product or animal feed or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person's possession or procurement, or under the person's control, as the officer may reasonably require,
- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,
- (g) set equipment to capture or restrain an animal, or
- (h) carry out surveys or programmes relating to animal welfare, animal health or disease surveillance.

(2) For the purposes of his or her functions under these Regulations, an authorised officer may require a person in possession or control of an animal in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of an animal, animal product or animal feed, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to an animal, animal product or animal feed as is in the person's knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or
- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;

- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) take, without making a payment, samples from an animal, animal product or animal feed, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to an animal, animal product or animal feed, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it;
- (v) seize and detain an animal, animal product or animal feed and mark or otherwise identify it;
- (vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
- (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 25 other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 25, any evidence of an offence referred to in paragraph (4)(c) is being or is likely to be disposed of or destroyed.

(6) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(8) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or

suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.”.

38. The European Communities (African swine fever) Regulations 2013 (S.I. No. 4 of 2013) are amended by substituting-

(a) for Regulation 21 the following:

“Arbitration

21. (1) If the owner of a pig or pig product, or the Minister is dissatisfied with the determination of a valuer under Regulation 20(7), he or she may, no later than 14 days after the date of the valuer’s report, request that the matter be settled by arbitration.

(2) An arbitrator shall be chosen by the person seeking compensation from a list of at least 3 persons furnished to him or her by the Minister.

(3) The Arbitration Act 2010 (No. 1 of 2010) applies to arbitration under this Regulation.

(4) The determination of an arbitrator is binding on both parties save that, on a point of law, either party may appeal to the High Court.”, and

(b) for Regulation 23 the following:

“Functions of authorised officer

23. (1) For the purposes of these Regulations or the African swine fever Directive, an authorised officer may—

(a) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—

(i) an animal, animal product or animal feed, is, may be or has been present,

(ii) a record relating to an animal, animal product or animal feed is, may be or has been present, or

(iii) equipment, machinery or other thing used in connection with an animal, animal product or animal feed is, may be or has been present,

(b) examine an animal, animal product or animal feed, equipment, machinery or other thing,

(c) require the name and address of the person in possession or control of an animal, animal product or animal feed, equipment, machinery or other thing,

- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with an animal, animal product or animal feed and require a person in charge or control of such to refrain from moving it,
- (e) require the owner, occupier or person in charge of land or premises or an animal, animal product or animal feed or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person's possession or procurement, or under the person's control, as the officer may reasonably require,
- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,
- (g) set equipment to capture or restrain an animal, or
- (h) carry out surveys or programmes relating to animal welfare, animal health or disease surveillance.

(2) For the purposes of his or her functions under these Regulations, an authorised officer may require a person in possession or control of an animal in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of an animal, animal product or animal feed, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to an animal, animal product or animal feed as is in the person's knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or

- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) take, without making a payment, samples from an animal, animal product or animal feed, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to an animal, animal product or animal feed, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it;
- (v) seize and detain an animal, animal product or animal feed and mark or otherwise identify it;
- (vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
- (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 25 other than where he or she has reasonable grounds for believing that before a search

warrant could be sought in relation to the dwelling under Regulation 25, any evidence of an offence referred to in paragraph (4)(c) is being or is likely to be disposed of or destroyed.

(6) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(8) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.”.

39. The European Communities (Swine Vesicular Disease) Regulations 2013 (S.I. No. 73 of 2013) are amended by substituting for Regulations 21 and 22 the following:

“Abatement of compensation

21. The Minister may reduce or refuse to pay an amount of compensation established under these Regulations, if in his or her opinion-

- a.* the applicant failed to take reasonable measures to alleviate the risk, or spread, of swine vesicular disease,
- b.* the applicant failed to take appropriate bio-security measures including measures (if any) prescribed in an Order or specified in a notice under the Animal Health and Welfare Act 2013 (No. 15 of 2013),
- c.* the applicant is not the owner of the pig to which the application relates,
- d.* the applicant has obstructed or impeded, or failed to give assistance to, an authorised officer, valuer or arbitrator,
- e.* the applicant is not the owner of pigs or pig products to which the application relates,
- f.* the applicant in making an application for compensation, fails to give information required or gives information that is false or misleading in a particular respect,
- g.* the applicant has contravened the Animal Health and Welfare Act 2013, these Regulations or regulations made under the

European Communities Act 1972 relating to an animal, animal product or animal feed, or

- h.* the pigs or pig products to which an application relates have been imported, sold, supplied, moved or otherwise dealt with in contravention of these Regulations or regulations made under the European Communities Act 1972.

#### Functions of authorised officer

22. (1) For the purposes of these Regulations or the Directive, an authorised officer may—

- (*a*) enter and inspect, at all reasonable times, any land or premises where he or she has reasonable grounds for believing that—
- (*i*) an animal, animal product or animal feed, is, may be or has been present,
  - (*ii*) a record relating to an animal, animal product or animal feed is, may be or has been present, or
  - (*iii*) equipment, machinery or other thing used in connection with an animal, animal product or animal feed is, may be or has been present,
- (*b*) examine an animal, animal product or animal feed, equipment, machinery or other thing,
- (*c*) require the name and address of the person in possession or control of an animal, animal product or animal feed, equipment, machinery or other thing,
- (*d*) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery or other thing used in connection with an animal, animal product or animal feed and require a person in charge or control of such to refrain from moving it,
- (*e*) require the owner, occupier or person in charge of land or premises or an animal, animal product or animal feed or a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person's possession or procurement, or under the person's control, as the officer may reasonably require,
- (*f*) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,
- (*g*) set equipment to capture or restrain an animal, or
- (*h*) carry out surveys or programmes relating to animal welfare, animal health or disease surveillance.



(2) For the purposes of his or her functions under these Regulations, an authorised officer may require a person in possession or control of an animal in a public place to permit the animal to be examined by the officer or a veterinary practitioner.

(3) An authorised officer may require a person to give information or produce for inspection any record regarding the ownership and identity of an animal, animal product or animal feed, ownership of a vehicle, vessel, aircraft, container, equipment, machinery or other thing relating to an animal, animal product or animal feed as is in the person's knowledge or procurement.

(4) Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016),
- (b) a disease or disease agent (within the meaning of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016) is or may be present on any land or premises,
- (c) an offence is being or has been committed under these Regulations, or
- (d) evidence of a disease or a disease agent to which subparagraph (a) or (b) relates, or an offence to which subparagraph (c) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery;
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched, and
  - (II) give information regarding its place of departure, journey or destination;
- (iv) take, without making a payment, samples from an animal, animal product or animal feed, land, water, flora, vehicle, vessel, aircraft, railway wagon, container, equipment, machinery or other thing relating to an animal, animal product or animal feed, as he or she may reasonably require and carry out or cause to be carried out on the

sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it;

- (v) seize and detain an animal, animal product or animal feed and mark or otherwise identify it;
- (vi) detain the vehicle, vessel, aircraft, railway wagon, equipment, machinery or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
- (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations.

(5) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 24 other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 24, any evidence of an offence referred to in paragraph (4)(c) is being or is likely to be disposed of or destroyed.

(6) An authorised officer, when exercising a power under these Regulations, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(7) An authorised officer may use reasonable force, if necessary, to enter land or premises to exercise his or her powers under these Regulations.

(8) Where, in the course of exercising a power under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(9) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.”.

40. For the avoidance of doubt, a reference in a provision mentioned in the Schedule to “authorised officer” is construed and has effect as if the reference includes a reference to an authorised officer within the meaning of section 2 of the Animal Health and Welfare Act 2013.

41. The following Regulations are revoked-

- (a) the European Union (Animal Health) (Adaptation) Regulations 2014, and

- (b) the European Union (Animal Health) (Adaptation) (Amendment) Regulations 2014 (S.I. No. 168 of 2014).

Schedule

Regulation 40

Regulation 2(1) of the European Communities (Trade in Porcine Semen-Animal Health) Regulations 1993 (S.I. No. 242 of 1993);

Regulation 2(1) of the European Communities (Pure-Bred Sheep and Goat Flock-Book) Regulations 1994 (S.I. No.16 of 1994);

Regulation 2(1) of the European Communities (Registration of Pedigree Animals) Regulations 1994 (S.I. No.150 of 1994);

Regulation 2(1) of the European Communities (Breeding Pig Herd-Book and Register) Regulations 1994 (S.I. No. 151 of 1994);

Regulation 3(1) of the European Communities (Trade in Animals and Animal Products) Regulations 1994 (S.I. No. 289 of 1994);

Regulation 3(1) of the European Communities (Trade in Certain Animal Products) Regulations 1996 (S.I. No. 102 of 1996);

Regulation 3(1) of the European Communities (Trade in Bovine Animals & Swine) Regulations 1997 (S.I. No. 270 of 1997);

Regulation 2(1) of the European Communities (Veterinary Checks on Fish and Fishery Products Imported from Third Countries) Regulations 2003 (S.I. No. 548 of 2003);

Regulation 2(1) of the European Communities (Monitoring of Zoonoses) Regulations 2004 (S.I. No. 154 of 2004);

Regulation 3(1) of the European Communities (Trade in the Production, Processing, Distribution and Introduction of Products of Animal Origin for Human Consumption) Regulations 2004 (S.I. No. 820 of 2004);

Regulation 2(1) of the European Communities (Introduction of Products of Animal Origin from Third Countries for Human Consumption) Regulations 2004 (S.I. No. 893 of 2004);

Regulation 2(1) of the European Communities (Goat Identification Regulations 2005 (S.I. No. 792 of 2005);

Regulation 2(1) of the European Communities (Animal Transport and Control Post) Regulations 2006 (S.I. No. 675 of 2006);

Regulation 2(1) of the European Communities (Control of Salmonella in Breeding Flocks of Domestic Fowl) Regulations 2006 (S.I. No. 706 of 2006);

Regulation 2(1) of the European Communities (Avian Influenza) Control on Movement of Pet Birds) Regulations 2007 (S.I. No 96 of 2007);

Regulation 2(1) of the European Communities (Approval & Registration of Dealers of Bovine Animals & Swine) Regulations 2007 (S.I. No. 151 of 2007);

Regulation 2(1) of the European Communities (Circuses) Regulations 2007 (S.I. No. 257 of 2007);

Regulation 2(1) of the European Communities (Avian Influenza) (Control on Imports) Regulations 2008 (S.I. No. 17 of 2008);

Regulation 2(1) of the European Communities (Approval and Registration of Dealers of Ovine Animals) Regulations 2008 (S.I. No. 100 of 2008);

Regulation 2(1) of the European Communities (Bluetongue) Regulations 2008 Arrangement of Regulations (S.I. No. 133 of 2008);

Regulation 2(1) of the European Communities (Control of Salmonella in Laying Flocks of Domestic Fowl) Regulations 2008 (S.I. No. 247 of 2008);

Regulation 2(1) of the European Communities (Cat and Dog Fur) (Restriction on Trade) Regulations 2008 (S.I. No. 513 of 2008);

Regulation 2(1) of the European Communities (Bovine Breeding) Regulations 2009 (S.I. No. 19 of 2009);

Regulation 2(1) of the European Communities (Control of Salmonella in Broilers) Regulations 2009 (S.I. No. 64 of 2009);

Regulation 2(1) of the European Communities (Identification of Bovines) Regulations) 2009 (S.I. No. 77 of 2009);

Regulation 2(1) of the European Communities (Food and Feed Hygiene) Regulations 2009 (S.I. No. 432 of 2009);

Regulation 2(1) of the European Communities (Control of salmonella in turkeys) Regulations 2010 (S.I. No. 99 of 2010);

Regulation 2(1) of the European Communities (Welfare of farmed animals) Regulations 2010 (S.I. No. 311 of 2010);

Regulation 2(1) of the European Communities (Poultry & Hatching Eggs) Regulations 2010 (S.I. No. 564 of 2010);

Regulation 2(1) of the European Communities (Sheep Identification) Regulations 2011 (S.I. No. 309 of 2011);

Regulation 2(1) of the European Communities (Equine) Regulations 2011 (S.I. No. 357 of 2011);

Regulation 2(1) of the European Communities (Control of Foot and mouth Disease) Regulations 2012 (S.I. No. 51 of 2012);

Regulation 2(1) of the European Communities (Newcastle Disease) Regulations 2012 (S.I. No. 57 of 2012);

Regulation 2(1) of the European Communities (Import of Personal Consignments of Products of Animal Origin) Regulations 2012 (S.I. No. 374 of 2012);

Regulation 2(1) of the European Communities (Classical swine fever) Regulations 2012 (S.I. No. 516 of 2012);

Regulation 2(1) of the European Communities (African Swine Fever) Regulations 2013 (S.I. No. 4 of 2013);

Regulation 2(1) of the European Communities (Swine Vesicular Disease)  
Regulations 2013 (S.I. No. 73 of 2013).



GIVEN under my Official Seal,  
2 July, 2019.

MICHAEL CREED,  
Minister for Agriculture, Food and the Marine.

EXPLANATORY NOTE

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

These Regulations replace the authorised officer functions and other miscellaneous provisions in 38 Regulations made under the European Communities Act 1972. The original provisions were unsuccessfully replaced by the European Union (Animal Health) (Adaptation) Regulations 2014 (S.I. No. 112 of 2014) and the replacement functions contained in these Regulations update and closely replicate the authorised officer functions in the Animal Health and Welfare Act 2013 (No. 15 of 2013).



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