

## **STATUTORY INSTRUMENTS**

**S.I. No. 910 of 2005.**

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### **EUROPEAN COMMUNITIES (FOOD AND FEED HYGIENE) REGULATIONS 2005.**

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**European Communities (Food and Feed Hygiene) Regulations 2005**

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## **S.I. No. 910 of 2005**

### **European Communities (Food and Feed Hygiene) Regulations 2005**

I, Mary Coughlan, Minister for Agriculture and Food, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving effect to Directive 2004/41/EC of the European Parliament and of the Council of 21 April 2004<sup>1</sup> and giving further effect to Regulation (EC) No. 852/2004 of the European Parliament and of the Council of 29 April 2004<sup>2</sup>, Regulation (EC) No. 853/2004 of the European Parliament and of the Council of 29 April 2004<sup>3</sup>, Regulation (EC) No. 854/2004 of the European Parliament and of the Council of 29 April 2004<sup>4</sup>, Regulation (EC) No. 882/2004 of the European Parliament and of the Council of 29 April 2004<sup>5</sup>, Regulation (EC) No. 183/2005 of the European Parliament and of the Council of 12 January 2005<sup>6</sup>, hereby make the following Regulations-

#### **Citation and commencement**

1. These Regulations may be cited as the European Communities (Food and Feed Hygiene) Regulations 2005 and come into operation on 1 January 2006.

#### **Interpretation**

- 2.(1) In these Regulations-

“authorised officer” means –

- (a) an authorised officer within the meaning of section 17A (inserted by the Diseases of Animals (Amendment) Act 2001 (No. 3 of 2001)) of the Diseases of Animals Act 1966 (No. 6 of 1966),
- (b) a veterinary inspector within the meaning of section 35 of, or authorised officer within the meaning of section 53 of the Abattoirs Act 1988 (No. 8 of 1988),
- (c) a person who, immediately before the making of these Regulations, was an authorised officer within the meaning of –
  - (i) the European Communities (Egg Products) Regulations 1991 (S.I. No. 293 of 1991),

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<sup>1</sup> O.J. No. L 195 of 2.6.2004, p.12.

<sup>2</sup> O.J. No. L 226 of 25.6.2004, p.3.

<sup>3</sup> O.J. No. L 226 of 25.6.2004, p. 22.

<sup>4</sup> O.J. No. L 226 of 25.6.2004, p. 83.

<sup>5</sup> O.J. No. L 191 of 28.5.2004, p.1.

<sup>6</sup> O.J. No. L 35 of 8.2.2005, p.1.

- (ii) the European Communities (Meat Products and Other Products of Animal Origin) Regulations 1995 (S.I. No. 126 of 1995),
  - (iii) the European Communities (Rabbit Meat and Farmed Game Meat) Regulations 1995 (S.I. No. 278 of 1995),
  - (iv) the European Communities (Wild Game) Regulations 1995 (S.I. No. 298 of 1995),
  - (v) the European Communities (Fresh Poultrymeat) Regulations 1996 (S.I. No. 3 of 1996),
  - (vi) the European Communities (Hygienic production and placing on the market of raw milk, heat treated milk and milk-based products) Regulations, 1996 (S.I. No. 9 of 1996),
  - (vii) the European Communities (Minced Meat and Meat Preparations) Regulations 1996 (S.I. No. 243 of 1996),
  - (viii) the European Communities (Fresh Meat) Regulations 1997 (S.I. No. 434 of 1997),
  - (ix) the European Communities (Approval and Registration of Establishments and Intermediaries in the Animal Feed Sector) Regulations 1999 (S.I. No. 88 of 1999), or
  - (x) an authorised officer within the meaning of the European Communities (Animal Nutrition Inspections) Regulations 2003 (S.I. No. 238 of 2003
- (d) a member of the Garda Síochána,
  - (e) an officer of Customs and Excise, or
  - (f) a person appointed under Regulation 8.

“local authority” means the council of a county or the corporation of a county borough and the functional area of the local authority means, subject to an agreement under section 59 of the Local Government Act 1955 (No. 9 of 1955), the county or county borough;

“Minister” means the Minister for Agriculture and Food;

“premises” includes land (including land under water) with or without buildings, an establishment, a vehicle (including a boat, ship, hovercraft, aircraft or offshore installation (being an offshore installation within the meaning of the Safety, Health and Welfare (Offshore Installations) Act 1987 (No. 18 of 1987)), railway wagon, container or other thing used in connection with, or ancillary to, a thing aforesaid;

“registering authority” means the person to whom application is required to be made in accordance with Regulation 3(2);

“Regulation No. 852/2004” means Regulation (EC) No. 852/2004 of the European Parliament and of the Council of 29 April 2004 and, in so far as is required by Article 2(2) thereof, Articles 2 and 3 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002<sup>2</sup>;

“Regulation No. 853/2004” means Regulation (EC) No. 853/2004 of the European Parliament and of the Council of 29 April 2004 and, in so far as is required by Article 2 thereof, Articles 2 and 3 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002 and Regulation No. 852/2004;

“Regulation No. 854/2004” means Regulation (EC) No. 854/2004 of the European Parliament and of the Council of 29 April 2004 (and, in so far as is required by Article 2(2) thereof, Regulation No. 1774/2002 of the European Parliament and of the Council of 3 October 2002, Articles 2 and 3 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002, Regulation No. 852/2004 and Regulation 853/2004) as amended by Regulation (EC) No. 882/2004 of the European Parliament and of the Council of 29 April 2004;

“Regulation No. 882/2004” means Regulation (EC) No. 882/2004 of the European Parliament and of the Council of 29 April 2004 and, in so far as is required by Article 2 thereof, Articles 2 and 3 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002;

“Regulation No. 183/2005” means Regulation No. (EC) 183/2005 of the European Parliament and of the Council of 12 January 2005 and, in so far as is required by Article 3 thereof, Articles 2 and 3 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002;

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<sup>2</sup> O.J. No. L 31 of 1.2.2002, p. 1.

- (2) A word or expression that is used in Regulation No. 852/2004, Regulation No. 853/2004, Regulation No. 854/2004, Regulation no. 882/2004 or Regulation No.183/2005 and that is also used in these Regulations has, in these Regulations, the same meaning as in Regulation No. 852/2004, Regulation No. 853/2004, Regulation No. 854/2004, Regulation No. 882/2004 or Regulation No. 183/2005.
- (3) In these Regulations, unless the contrary intention appears, a reference to a Regulation or Schedule is to a reference in these Regulations and a reference to a paragraph or subparagraph is to a paragraph or subparagraph of the provision in which the reference occurs.

### **Registration of food business and feed business**

- 3.(1) Without prejudice to Regulation 4, a person required to make an application in accordance with paragraph (2) shall not operate-

- (a) a food business unless his or her name, the name and address of the establishment and the nature of the food business operated in the establishment, or
- (b) a feed business unless his or her name, the name and address of the establishment and the nature of the feed business operated in the establishment,

is entered in the register maintained for the purposes of –

- (i) Article 6 of Regulation No. 852/2004 (“Register of Food Businesses”), or
- (ii) Article 9 of Regulation No. 183/2005 (“Register of Feed businesses”).

- (2) An application for registration in respect of -

- (a) a primary producer (other than a primary producer to whom subparagraph (b) relates) shall be in a form and contain any information that the Minister may require,
- (b) a primary producer engaged in hunting game shall be in a form and contain any information that the Minister for the Environment, Heritage and Local Government may require,
- (c) subject to subparagraph (e), a feed business or food business to which, immediately before the making of these Regulations –
  - (i) the European Communities (Egg Products) Regulations 1991 (S.I. No. 293 of 1991),

- (ii) the European Communities (Meat Products and Other Products of Animal Origin) Regulations 1995 (S.I. No. 126 of 1995),
- (iii) the European Communities (Rabbit Meat and Farmed Game Meat) Regulations 1995 (S.I. No. 278 of 1995),
- (iv) the European Communities (Wild Game) Regulations 1995 (S.I. No. 298 of 1995),
- (v) the European Communities (Fresh Poultrymeat) Regulations 1996 (S.I. No. 3 of 1996),
- (vi) the European Communities (Hygienic production and placing on the market of raw milk, heat treated milk and milk-based products) Regulations 1996 (S.I. No. 9 of 1996),
- (vii) the European Communities (Minced Meat and Meat Preparations) Regulations 1996 (S.I. No. 243 of 1996), or
- (viii) the European Communities (Fresh Meat) Regulations 1997 (S.I. No. 434 of 1997),
- (ix) the European Communities (Approval and Registration of Establishments and Intermediaries in the Animal Feed Sector) Regulations 1999 (S.I. No. 88 of 1999),

applied or, but for the making of these Regulations, would apply shall be in a form and contain any information that the Minister may require,

(d) an abattoir or other premises to which, immediately before the making of these Regulations, the Abattoirs Act 1988 applies, or, but for the making of these Regulations, would apply, shall be in a form and contain any information that the local authority in whose functional area the abattoir is situate may require,

(e) a premises to which, immediately before the making of these Regulations-

- (i) Regulation 6 of the European Communities (Meat Products and Other Products of Animal Origin) Regulations 1995 (S.I. No. 126 of 1995), or

- (ii) Regulation 6 of the European Communities (Fresh Meat) Regulations 1997 (S.I. No. 434 of 1997),

applies, or, but for the making of these Regulations, would apply, shall be in a form and contain any information that the local authority in whose functional area the abattoir is situate may require,

- (3) A registering authority may enter the name and address of a person, the name and address of an establishment and the nature of the feed business or food business operated in the establishment in the register of feed businesses or register of food businesses, suspend or revoke registration or refuse an application.
- (4) A registering authority shall not consider an application unless the application contains all the material and particulars sought by the authority and is accompanied by the fee (if any) set in accordance with Regulation 14.
- (5) A person whose name is entered in the register of food businesses or the register of feed businesses shall make such returns to the Minister or registering authority as the Minister or registering authority may require.
- (6) Without prejudice to the generality of paragraph (3), a registering authority may refuse an application or suspend or revoke a registration if it is satisfied that -
- (a) an act of the institutions of the European Community cited in the preamble to these Regulations or these Regulations have not, are not or will not be, complied with,
  - (b) the applicant or registered person has committed an offence, whether he or she has been convicted or not, relating to food, feed, animal or public health or welfare or the environment,
  - (c) the applicant or registered person has failed to comply with a condition of registration,
  - (d) in relation to an application, information required has not been furnished or information that is false or misleading in a material respect has been furnished,
  - (e) the premises to which the application or registration relates is not a fit and proper premises to be registered,
  - (f) the applicant or registered person is not a fit and proper person to be registered,
  - (g) the registered person has ceased to carry out the activity to which registration relates on the premises to which registration relates,



- (h) the applicant or registered person, having been given 14 days to do so, fails to pay a fee under Regulation 14,
  - (i) it is necessary for the protection of human health, animal health or welfare or the environment including the prevention, control or eradication of a disease (within the meaning of the Diseases of Animals Act 1966), or
  - (j) it is necessary, ancillary or supplementary for an act of the institutions of the European Community (included an act cited in the preamble to these Regulations) to have full effect.
- (7) Other than in the case of paragraph (6)(i) or (j), if a registering authority proposes to refuse an application or suspend or revoke a registration, it shall-
- (a) notify the applicant or registered person of the proposal and the reasons for the proposal, and that he or she may make representations in relation to the proposal to the registering authority within 14 days of notification,
  - (b) consider a representation duly made before deciding whether to proceed with, modify or annul the proposal, and
  - (c) notify the applicant or registered person of the decision and the reasons for the decision.
- (8) If a registering authority is of the opinion that –
- (a) it is necessary for the protection of human health, animal health or welfare or the environment including the prevention, control or eradication of a disease (within the meaning of the Diseases of Animals Act 1966 (No. 6 of 1966)), or
  - (b) it is necessary, ancillary or supplementary for an act of the institutions of the European Community (included an act cited in the preamble to these Regulations) to have full effect,
- it may refuse an application or suspend or revoke a registration in accordance with paragraph (9).
- (9) If a registering authority refuses an application or suspends or revokes a registration in accordance with this paragraph, it shall-
- (a) notify the applicant or registered person of the decision and the reasons for the decision, and that he or she may make representations in relation to the decision to the registering authority within 14 days of notification,
  - (b) consider a representation made, and
  - (c) confirm, modify or annul the decision and notify the applicant or registered person of the decision and the reasons for the decision.

(10) If a registering authority-

- (a) suspends registration in the register of feed businesses or the register of food businesses or an approval to which Regulation 4 relates, the entry relating to the person and establishment suspended has no effect for the duration of the suspension as notified to the person formerly registered, or
- (b) revokes registration in the register of feed businesses or the register of food businesses or an approval to which Regulation 4 relates or the registration expires by effluxion of time, the entry relating to the person to whom, and establishment to which, registration, formerly related has no effect.

(11) Notwithstanding paragraph (1)(a), a primary producer who is of a class or type who may be eligible to receive a payment under Council Regulation (EC) No. 1782/2003 of 29 September 2003 and who, before 30 June 2006, makes application under that Council Regulation is considered, unless he or she indicates otherwise, to have applied for entry onto the Register of Food Businesses and may, pending the determination of the application in that regard, continue to operate in accordance with the acts of the institutions of the European Community cited in the preamble to these Regulations and these Regulations as if entered in that Register.

(12) Notwithstanding paragraph (1)-

- (a) a person who, immediately before the making of these Regulations, is approved or registered under the European Communities (Approval and Registration of Establishments and Intermediaries in the Animal Feed Sector) Regulations 1999 (S.I. No. 88 of 1999) and who, before 1 January 2006, applies to be entered in the register of feed businesses may continue to operate in respect of the activity to which the former approval or registration related in accordance with these Regulations until the application is determined,
- (b) a person (other than a person to whom paragraph (12)(a) applies) who, immediately before the making of these Regulations, operated in accordance with the European Communities (Approval and Registration of Establishments and Intermediaries in the Animal Feed Sector) Regulations 1999 (S.I. No. 88 of 1999) and who, before 1 January 2006, applies to be entered in the register of feed businesses may continue to operate in respect of the activity to which the application relates in accordance with these Regulations until the application is determined,

- (c) A person who, immediately before the making of these Regulations, is lawfully operating an establishment, in accordance with an approval granted for the purposes of one or more of the Regulations cited in paragraph (2)(a) and who, before 1 January 2006, applies for registration under this Regulation may, subject to Regulation 4(13), continue to operate in accordance with that approval and these Regulations until his or her application is determined.

### **Approval of food business and feed business**

- 4.(1) A person required to make an application in accordance with paragraph (2) shall not operate-

- (a) a food business to which Article 6(3) of Regulation No. 852/2004 or Article 4(3) of Regulation No. 853/2004 applies other than under and in accordance with an approval granted for the purposes of those provisions (“food business approval”), or
- (b) a feed business to which Article 10 of Regulation No. 183/2005 applies other than under and in accordance with an approval granted for the purposes of that provision (“feed business approval”).

- (2) An application for a feed business approval or food business approval in respect of –

- (a) Subject to subparagraph (c), a feed business or food business to which, immediately before the making of these Regulations –

- (i) the European Communities (Egg Products) Regulations 1991 (S.I. No. 293 of 1991),
- (ii) the European Communities (Meat Products and Other Products of Animal Origin) Regulations 1995 (S.I. No.126 of 1995),
- (iii) the European Communities (Rabbit Meat and Other Farmed Game Meat) Regulations 1995 (S.I. No. 278 of 1995),

- (iv) the European Communities (Wild Game) Regulations 1995 (S.I. No. 298 of 1995),
- (v) the European Communities (Fresh Poultrymeat) Regulations 1996 (S.I. No. 3 of 1996),
- (vi) the European Communities (Hygienic production and placing on the market of raw milk, heat treated milk and milk-based products) Regulations 1996 (S.I. No. 9 of 1996),
- (vii) the European Communities (Minced Meat and Meat Preparations) Regulations 1996 (S.I. No. 243 of 1996),
- (viii) the European Communities (Fresh Meat) Regulations 1997 (S.I. No. 434 of 1997), or
- (ix) the European Communities (Approval and Registration of Establishments and Intermediaries in the Animal Feed Sector) Regulations 1999 (S.I. No. 88 of 1999),

applied or, but for the making of these Regulations, would apply shall be in a form and contain any information that the Minister may require,

- (b) an abattoir to which, immediately before the making of these Regulations, the Abattoirs Act 1988 applies, or, but for the making of these Regulations, would apply, shall be in a form and contain any information that the local authority in whose functional area the abattoir is situate may require, and

- (c) a premises to which, immediately before the making of these Regulations-

- (i) Regulation 6 of the European Communities (Meat Products and Other Products of Animal Origin) Regulations 1995 (S.I. No.126 of 1995), or
- (ii) Regulation 6 of the European Communities (Fresh Meat) Regulations 1997 (S.I. No. 434 of 1997),

applies, or, but for the making of these Regulations, would apply, shall be in a form and contain any information that the local authority in whose functional area the abattoir is situate may require.

- (3) A registering authority may grant a feed business approval or food business approval, attach a condition to a feed business approval or a food business

approval, vary or revoke a condition, suspend or revoke a feed business approval or a food business approval or refuse an application.

- (4) A registering authority shall not consider an application unless the application contains all the material and particulars sought by the authority and is accompanied by the fee (if any) set in accordance with Regulation 14.
- (5) The holder of a feed business approval or a food business approval shall make such returns to the Minister or registering authority as the Minister or registering authority may require.
- (6) A registering authority may, in exceptional circumstances, for good and sufficient reason make a feed business approval or a food business approval valid for a limited period.
- (7) Without prejudice to the generality of paragraph (3), a registering authority may refuse an application or suspend or revoke a feed business approval or a food business approval if it is satisfied -
  - (a) that an act of the institutions of the European Community cited in the preamble to these Regulations or these Regulations have not, are not or will not be, complied with,
  - (b) the applicant or holder of a feed business approval or a food business approval has committed an offence, whether he or she has been convicted or not, relating to food, feed, animal or public health or welfare or the environment,
  - (c) the applicant or holder of a feed business approval or a food business approval has failed to comply with a condition of a feed business approval or a food business approval,
  - (d) in relation to an application, information required has not been furnished or information that is false or misleading in a material respect has been furnished,
  - (e) the premises to which the application, feed business approval or food business approval relates is not, or has ceased to be, a fit and proper premises to be approved,
  - (f) the applicant or holder of a feed business approval or food business approval is not a fit and proper person to be approved,

- (g) the holder of a feed business approval or food business approval has ceased to carry out the activity to which approval relates at the premises to which approval relates,
  - (h) the applicant or registered person, having been given 14 days to do so, fails to pay a fee under Regulation 14,
  - (i) it is necessary for the protection of human health, animal health or welfare or the environment including the prevention, control or eradication of a disease (within the meaning of the Diseases of Animals Act 1966), or
  - (j) it is necessary, ancillary or supplementary for an act of the institutions of the European Community (included an act cited in the preamble to these Regulations) to have full effect.
- (8) Other than in the case of paragraph (7)(i) or (j), if a registering authority proposes to refuse an application or suspend or revoke a feed business approval or food business approval, it shall-
- (a) notify the applicant or holder of the feed business approval or food business approval of the proposal and the reasons for the proposal, and that he or she may make representations in relation to the proposal to the registering authority within 14 days of notification,
  - (b) consider a representation duly made before deciding whether to proceed with, modify or annul the proposal, and
  - (c) notify the applicant or registered person of the decision and the reasons for the decision.
- (9) If a registering authority is of the opinion that –
- (a) it is necessary for the protection of human health, animal health or welfare or the environment including the prevention, control or eradication of a disease (within the meaning of the Diseases of Animals Act 1966 (No. 6 of 1966)), or
  - (b) it is necessary, ancillary or supplementary for an act of the institutions of the European Community (included an act cited in the preamble to these Regulations) to have full effect,

it may refuse an application or suspend or revoke an approval in accordance with paragraph (10).

(10) If a registering authority refuses an application or suspends or revokes an approval in accordance with this paragraph, it shall-

- (a) notify the applicant or registered person of the decision and the reasons for the decision, and that he or she may make representations in relation to the decision to the registering authority within 14 days of notification,
- (b) consider a representation made, and
- (c) confirm, modify or annul the decision and notify the applicant or holder of the authorisation of the decision and the reasons for the decision

(11) If a registering authority-

- (a) suspends a feed business approval or food business approval, the approval and the entry in the register of feed businesses or register of food businesses relating to the person and establishment suspended has no effect for the duration of the suspension, or
- (b) revokes a feed business approval or a food business approval or the approval expires by effluxion of time, the approval and the entry in the register of feed businesses or register of food businesses relating to the person to whom, and establishment to which, approval formerly related has no effect.

(12) Notwithstanding paragraph (1)-

- (a) a person who, immediately before the making of these Regulations, is approved or registered under the European Communities (Approval and Registration of Establishments and Intermediaries in the Animal Feed Sector) Regulations 1999 (S.I. No. 88 of 1999) and who, before 1 January 2006, applies for a feed business approval may continue to operate in respect of the activity to which the former approval or registration related in accordance with these Regulations until the application is determined,
- (b) a person (other than a person to whom paragraph (12)(a) applies) who, immediately before the making of these Regulations, operated in accordance with the European Communities (Approval and Registration of Establishments and Intermediaries in the Animal Feed Sector) Regulations 1999 (S.I. No. 88 of 1999) and who, before 1 January 2006, applies for a feed business approval may continue to operate in respect of the activity to which the application relates in accordance with these Regulations until the application is determined,

- (c) a person who, immediately before the making of these Regulations, is lawfully operating an establishment, in accordance with an approval granted for the purposes of one or more of the Regulations cited in paragraph (2)(a) would apply and who, before 1 January 2006, applies for approval under this Regulation may continue to operate in accordance with that approval and these Regulations until his or her application is determined.
- (13) An approval to which paragraph (12) refers continues in force as if granted under this Regulation and may be suspended, varied or revoked as if granted under this Regulation.

### **Certificate of approval**

- 5.(1) If a registering authority grants a feed business approval or a food business approval, it shall issue a certificate to the holder of the feed business approval or food business approval (“certificate of approval”).
- (2) A certificate of approval shall contain-
- (a) the name of the holder of the feed business approval or food business approval,
  - (b) the address of the premises to which the feed business approval or food business approval relates,
  - (c) the nature of the activity to which the feed business approval or food business approval relates,
  - (d) the conditions to which the feed business approval or food business approval is subject,
  - (e) the period of validity (if any) of the feed business approval or food business approval, and
  - (f) a unique reference number that identifies the feed business or food business.
- (3) If a feed business approval or food business approval is suspended or revoked, the holder of the certificate of approval shall surrender it on request to the registering authority or an authorised officer.
- (4) If a feed business approval or food business approval is surrendered to a registering authority or an authorised officer, the authority or officer shall return it to the holder on expiry of a period of suspension.



- (5) The holder of a feed business approval or a food business approval shall cause the certificate of approval to be displayed prominently on the premises to which the approval relates during business hours.

#### **Maintenance of Register etc.**

- 6.(1) The Food Safety Authority of Ireland shall maintain and publish, in a manner that the authority considers appropriate-

- (a) the register of food businesses, and
- (b) a list of food business approvals,

on the basis of information furnished by a registering authority.

- (2) The Minister shall maintain and publish, in a manner that he or she considers appropriate –

- (a) the register of feed businesses, and
- (b) a list of feed business approvals.

#### **Records**

7. A person who is required to maintain a record pursuant to Regulation No. 852/2004, Regulation No. 853/2004, Regulation No. 854/2004, Regulation No. 183/2005 or as a condition of registration or approval under these Regulations shall maintain the record for a period of three years and make it available on request to an authorised officer.

#### **Appointment of Authorised officer**

- 8.(1) The Minister may, by instrument in writing, appoint such and so many persons as he or she thinks fit to be authorised officers for the purposes of some or all of these Regulations as may be specified in the instrument.
- (2) The Minister for the Environment, Heritage and Local Government may, by instrument in writing, appoint such and so many of his or her officers as he or she thinks fit to be authorised officers for the purposes of some or all of these Regulations as may be specified in the instrument.
- (3) The manager of a local authority may, by instrument in writing, appoint such and so many officers of the authority as he or she thinks fit to be authorised

officers for the purpose of some or all of the functions conferred on the authority by these Regulations as may be specified in the instrument.

- (4) The Minister, Minister for the Environment, Heritage and Local Government or the manager of a local authority may terminate the appointment of an authorised officer appointed by him or her, whether or not the appointment was for a fixed period.
- (5) An appointment as an authorised officer ceases-
  - (a) if it is terminated pursuant to paragraph 4,
  - (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, Minister for the Environment, Heritage and Local Government or of a local authority, upon the person ceasing to be such an officer.
- (6) Nothing in paragraph (5) is to be construed so as to prevent the Minister, the Minister for the Environment, Heritage and Local Government or the manager of a local authority from reappointing as an authorised officer a person to whom that paragraph relates.
- (7) An authorised officer shall be furnished with a warrant of his or her appointment as an authorised officer and, when exercising a power conferred on him or her, the officer, an officer of Customs and Excise or a member of the Garda Síochána shall, if requested by a person affected, produce the warrant or evidence that he or she is such an officer or member to the person.

#### **Powers of an Authorised officer**

- 9. (1) An authorised officer or a person employed by or acting on the authority of the Commission of the European Communities accompanied by an authorised officer, if the authorised officer has reasonable cause to suspect that –
  - (a) feed, a feed additive or food is present, has been present or may be present on a premises,
  - (b) feed, a feed additive or food is or has been processed, stored or otherwise dealt with on a premises,
  - (c) a premises, is entered in the register of feed businesses or register of food businesses, is subject to a feed business approval or a feed business approval, is the subject of an application for registration or approval, is required to be registered or approved or is ancillary to a premises registered or approved, subject to an application for registration or approval or required to be registered or approved, or

- (d) a document relating to feed, a feed additive, food or other thing referred to in paragraph (a), (b) or (c) is present, was present or may be present on a premises, or
- (e) an offence is being or has been committed under these Regulations,

the authorised officer may enter the premises and he or she may –

- (i) search the premises,
- (ii) stop a person, vehicle, vessel or container,
- (iii) board and search a vehicle, vessel or container,
- (iv) search a person, where the authorised officer considers it necessary,
- (v) examine feed, food or foodstuff, vehicle, vessel, container or other thing that may contain, consist of or contain feed, a food or foodstuff,
- (vi) take, without payment, samples of feed, a food or foodstuff or other thing or an article, substance or liquid as he or she may reasonably require and carry out or cause to be carried out on a sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient,
- (vii) seize and detain (for so long as is necessary) any feed, food or foodstuff, vehicle or container,
- (viii) require the production of a document or thing relating to feed, a food or foodstuff, vehicle, vessel or container,
- (ix) retain a document or thing (for so long as is necessary),

- (x) dispose of, or require the owner or person in charge of or in possession of, feed, a food or foodstuff to deal with or dispose of it (or any equipment, machinery, plant or other thing used in connection with, or that may have been in contact with, the feed, food or foodstuff) in a manner that the authorised officer sees fit,
  - (xi) give a direction to, or request information of, a person regarding feed, food or a foodstuff, or a premises as he or she considers necessary,
  - (xii) require the name and address of a person and the name and address of any other relevant person including the person to whom feed, a food or foodstuff is being delivered or who is causing it to be delivered,
  - (xiii) require of a person the ownership, identity and origin of the feed, food or foodstuff, or
  - (xiv) mark or otherwise identify feed, a food or foodstuff or a specimen taken under subparagraph (vi).
- (2) 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 10 other than if he or she has reasonable cause to suspect that before a search warrant could be sought in relation to the dwelling anything to which paragraph (1) relates is being or is likely to be destroyed or disposed of.
- (3) An authorised officer may use reasonable force, if necessary, in exercise of his or her powers under this Regulation.
- (4) An authorised officer, when exercising a power under this Regulation 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.
- (5) An authorised officer is not liable in any proceedings for anything done in the purported exercise of his or her powers under these Regulations if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

- (6) Without prejudice to the generality of paragraph (1), a direction or requirement of an authorised officer may include conditions prohibiting, restricting or otherwise controlling the use, processing or movement of feed, a feed additive or food as may be specified by the authorised officer.
- (7) If a member of the Garda Síochána has reasonable grounds to suspect that a person has committed an offence under these Regulations, the member may without warrant arrest the person.

### **Search warrant**

10.(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 or intended commission of an offence under these Regulations is to be found on a premises,
- (b) there is or was feed, a feed additive, food or equipment or other thing made used or adapted for use (including manufacture and transport) in connection with feed, a feed additive or food,
- (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, vehicle, vessel or aircraft named in the warrant.
- (3) If a premises is entered pursuant to a warrant issued under this Regulation, an authorised officer so entering may exercise all or any of the powers conferred on an authorised officer under these Regulations.

### **Compliance notice**

11.(1) Without prejudice to Regulation 9, if an authorised officer is of the opinion that –

- (a) an act of the institutions of the European Union cited in the preamble to these Regulations or these Regulations

is not being or has not been complied with or there are reasons to believe that an act of the institutions of the European Union cited in the preamble to these Regulations or these Regulations will not be complied with,

- (b) it is necessary for the protection of human health, animal health or welfare or the environment including the prevention, control or eradication of a disease (within the meaning of the Diseases of Animals Act 1966) or contamination of feed or food, or
- (c) it is necessary, ancillary or supplementary for an act of the institutions of the European Community (included an act cited in the preamble to these Regulations) to have full effect.

he or she may serve or cause to be served on the owner or person who appears to be in charge, possession or control of a premises, feed, a feed additive or food a notice (“compliance notice”) stating that opinion and directing that –

- (i) feed, a feed additive or food be dealt with in a manner specified in the notice,
- (ii) such alterations be made to a premises or operations at a premises as the officer specifies in the notice,
- (iii) feed, a feed additive or food be disposed of in such manner as the officer specifies in the notice,
- (iv) a specified operation or activity cease on a premises,
- (v) a specified operation or activity take place only in a manner specified in the notice,
- (vi) a specified type or level of sampling and analysis be undertaken for a period specified in the notice,
- (vii) a measure within the meaning of Article 54(2) of Regulation 882/2004 be taken as specified in the notice, or
- (viii) a specified operation or activity may only be carried out under and in accordance with such terms and conditions as are specified in the compliance notice.

- (2) A person shall comply with a compliance notice or a requirement of a compliance notice unless and until the notice is annulled under paragraph (9).
- (3) A requirement contained in a compliance notice shall specify a time limit within which the notice is to be complied with.
- (4) A requirement specified in a compliance notice (in this paragraph referred to as “the earlier compliance notice”) may be amended or withdrawn by a further notice in writing and the earlier compliance notice has effect subject to such amendment or withdrawal.
- (5) A compliance notice, whether amended under paragraph (4) or not, may require the owner or person in charge of feed, a feed additive or food to choose between one or more of the requirements specified in the compliance notice and that person shall comply with the alternative requirement that he or she chooses.
- (6) A person affected by a compliance notice may, within 7 days of service of the compliance notice, apply to the Judge of the District Court having jurisdiction in the District Court District where the feed business or food business is situated or to the Judge of the District Court having jurisdiction in the District Court District where the person ordinarily resides on the grounds that the compliance notice or any term of the compliance notice are not reasonable, having regard to Regulation No. 852/2004, Regulation No. 853/2004, Regulation No. 854/2004, Regulation No. 882/2004, Regulation No. 183/2005 or these Regulations (in this Regulation referred to as “an appeal”).
- (7) An appeal may be heard at any sitting of the District Court within the appropriate District Court Area.
- (8) Notice of an appeal, which shall contain a statement of the grounds upon which it is alleged that the compliance notice or any term of the compliance notice is unreasonable having regard to Regulation No. 852/2004, Regulation No. 853/2004, Regulation No. 854/2004, Regulation No. 882/2004, Regulation No. 183/2005 or these Regulations, shall be served on the Minister at least 48 hours prior to the hearing of the appeal and a copy thereof shall be lodged with the appropriate District Court Clerk.
- (9) On the hearing of an appeal, a Judge of the District Court may confirm, with or without modification, or annul a compliance notice.
- (10) A person, including a person on whom a compliance notice is served, shall not,
  - (a) pending the determination of an appeal, deal with feed, a feed additive or food to which a compliance notice relates other than under and in accordance with the notice, or

- (b) after the appeal, deal with feed, a feed additive or food to which a compliance notice relates other than under and in accordance with the compliance notice or compliance notice as modified.

(11) If -

- (a) a person, by act or omission, fails to comply, whether within the time specified therein or otherwise, with a compliance notice (including a compliance notice modified in accordance with paragraph (9)), or
- (b) an authorised officer has reasonable cause to suspect –
  - (i) that a compliance notice (including a compliance notice modified in accordance with paragraph (9)) is not or will not be complied with, or
  - (ii) pending the determination of an appeal, a premises, feed, a feed additive or food to which the compliance notice relates is or will not be dealt with other than in accordance with paragraph (11),

an authorised officer may seize and detain feed, a feed additive or food in such manner as he or she thinks fit and sell or dispose of the feed, a feed additive or food in a manner (including slaughter) as the authorised officer considers appropriate.

- (12) Subject to paragraph (14), the proceeds of the sale or disposal of feed, a feed additive, food or other thing under paragraph (11) shall be paid to the owner of the feed, a feed additive, food or other thing as soon as may be after such sale or disposal and after a person has satisfied the registering authority that he or she is the owner or otherwise entitled to the proceeds of the sale or disposal of the feed, a feed additive, food or other thing.
- (13) The costs of seizure, sale or disposal of feed, a feed additive, food or other thing under this Regulation shall be recoverable by the registering authority-
  - (a) as a simple contract debt in a court of competent jurisdiction, or
  - (b) by deducting the costs from any sum due by the registering authority to a person on whom a notice has been served.
- (14) The costs of any action required by a compliance notice shall be borne by the owner of a premises, feed, a feed additive or food to which the notice relates.



### **Fixed penalty notice**

12.(1) If an officer of a registering authority authorised by the authority in that behalf has reasonable grounds for suspecting that a person is committing or has committed an offence under these Regulations, he or she may serve a notice in writing on that person stating that –

- (a) the person is alleged to have committed the offence,
- (b) the person may during the period of 28 days on the date of the notice make to the registering authority a payment of €100 accompanied by the notice, and
- (c) a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

(2) If notice is given under paragraph (1) —

- (a) a person to whom the notice applies may, during the period specified in the notice, make to the registering authority at the address specified in the notice the payment specified in the notice accompanied by the notice,
- (b) the registering authority may receive the payment, issue a receipt for it and retain the money so paid, and any payment so received shall not be recoverable in any circumstances by the person who made it, and
- (c) a prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and if the payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

(3) In a prosecution for an offence under these Regulations, the onus of proving that a payment pursuant to a notice under this Regulation has been made lies on the defendant.

### **Evidence on certificate etc.**

13.(1) In proceedings for an offence under these Regulations, a certificate purported to be signed by a person employed at a laboratory where a sample taken under

these Regulations is analysed stating the capacity in which the person is employed and stating –

- (a) that the person received a sample,
- (b) that, for the period specified in the certificate, the person had the sample in his or her possession,
- (c) that the person gave the sample to another person named in the certificate, or
- (d) the person carried out a procedure for the purpose of detecting in the sample, a substance or contamination or that the sample contained a substance as is, or was contaminated in a manner, specified in the certificate,

is (without proof of the signature of the person or that he or she is employed at the laboratory), unless the contrary is proved, evidence of the matters stated in the certificate.

- (2) A certificate purporting to be signed by an officer of a registering authority and to certify that on a specific day or days or during the whole of a specified period-

- (a) a particular person or establishment did not stand registered in the register of feed businesses or the register of food businesses,
- (b) the registration of a person or establishment in the register of feed businesses or the register of food businesses suspended or had been revoked,
- (c) a person was or was not the holder of an approval granted under Regulation 4,
- (d) an establishment was or was not approved under Regulation 4, or
- (e) that a particular approval or registration, referred to in this paragraph, was subject to a particular condition or conditions,

is, without proof of the signature of the person purporting to sign the certificate or that he or she is an officer of the registering authority, evidence, unless the contrary is shown, of the matters stated in the certificate.

- (3) In proceedings for an offence under these Regulations the court may, if it considers that the interests of the justice so require, direct that oral evidence of matters stated in a certificate under paragraph (1) or (2) be given, and the court may for the purpose of receiving oral evidence adjourn the matter.

- (4) In proceedings for an offence, evidence of an act of the institutions of the European Community (hereafter in this paragraph referred to as “act”) may be given by production of a copy of the act certified by an officer of a registering authority to be a copy of the act, and it is not necessary to prove the signature of the officer or that he or she is an officer of the Minister.
- (5) Paragraph (4) is in addition to and not in substitution for the European Communities (Judicial Notice and Documentary Evidence) Regulations 1972 (S.I. No. 341 of 1972).

## **Fees**

14.(1) A registering authority may, from time to time, set and charge a fee in respect of –

- (a) an application for entry onto, or amendment to, the register of feed businesses,
- (b) an application for entry onto, or amendment to, the register of food businesses,
- (c) an application for approval under Regulation 4, or
- (d) the performance by the authority of a function under Regulation No. 852/2004, Regulation No. 853/2004, Regulation No. 854/2004, Regulation No. 882/2004, Regulation No. 183/2005 or under these Regulations,

and different fees (having regard to Articles 27 and 28 of, and Annex VI to, Regulation No. 882/2004 and not exceeding the cost, estimated by the registering authority charging the fee, of performing the function to which the fee relates) may be set and charged having regard to the cost to the authority of performing a particular function.

- (2) Notwithstanding paragraph (1), a registering authority shall charge a fee referred to in Article 27 of Regulation No. 882/2004 in respect of which a fee is set under either Annex IV or Annex V to that Regulation unless it sets a different fee which may not be less than the fee established under an Annex aforesaid.
- (3) A fee payable pursuant to this Regulation may be recovered by a registering authority from the person by whom it is payable as a simple contract debt in a court of competent jurisdiction.
- (4) Moneys received under this Regulation or Regulation 12 shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the Minister for Finance.

- (5) The Public Offices Fees Act 1878 (42 & 43 Vict. Cap 58) does not apply to a fee charged pursuant to this Regulation.
- (6) For the avoidance of doubt-
  - (a) the European Communities (Fees for Health Inspections and Controls of Fresh Meat) Regulations 2004 (S.I. No. 74 of 2004) apply, as if made for the purposes of Article 27 of Regulation No. 882/2004, until 1 January 2008, and
  - (b) the European Communities (fees on imports of products of animal origin from third countries) Regulations 2003 (S.I. No. 533 of 2003) apply, as if made for the purposes of Articles 27 and 28 of Regulation No. 882/2004, until 1 January 2007.

### **Forgery**

15.(1) A person shall not forge or utter knowing it to be forged –

- (a) a document or record referred to in Article 5(2)(g) or (4), or Part III of Annex I to, Regulation No. 852/2004,
- (b) a health mark or identification mark referred to in Article 5 of Regulation no. 853/2004,
- (c) documentation or certification referred to in Article 6(4) of Regulation No. 853/2004,
- (d) a certificate or document referred to in Article 7 of Regulation No. 853/2004,
- (e) an entry in the register of food businesses or register of feed businesses, a feed business approval, a feed business approval, a record purporting to be maintained under Regulation 7, a requirement or direction of an authorised officer under Regulation 9 (if the requirement or direction is in writing), a compliance notice or notice under Regulation 12, a certificate or other document purporting to be issued, granted or given under these Regulations,

(hereafter in this Regulation referred to as "a forged document").

- (2) A person shall not alter with intent to defraud or deceive, or to utter knowing it to be so altered -
  - (a) a document or record referred to in Article 5(2)(g) or (4), or Part III of Annex I to, Regulation No. 852/2004,

- (b) a health mark or identification mark referred to in Article 5 of Regulation no. 853/2004,
- (c) documentation or certification referred to in Article 6(4) of Regulation No. 853/2004,
- (d) a certificate or document referred to in Article 7 of Regulation No. 853/2004, or
- (e) an entry in the register of food businesses or register of feed businesses, a feed business approval, a food business approval, a record purporting to be maintained under Regulation 7, a requirement or direction of an authorised officer under Regulation 9 (if the requirement or direction is in writing), a compliance notice or notice under Regulation 12, a certificate or other document purporting to be issued, granted or given under these Regulations,

(hereafter in this Regulation referred to as "an altered document").

- (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.

## **Service**

16.(1) A notification under Regulation 3(8) or (10) or Regulation 4(8) or (10), a compliance notice or a notice under Regulation 12 shall, subject to paragraph (2), be addressed to the person concerned by name and may be served on or given to the person –

- (a) by giving it to the person, his or her employee, servant or agent,
- (b) by leaving it at the address at which the person ordinarily resides or, where an address for service has been furnished, at that address,
- (c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, where an address for service has been furnished, at that address, or
- (d) if the address at which the person ordinarily resides cannot be ascertained by reasonable enquiry and the compliance notice relates to a premises, by delivering it to the premises or by affixing it in a conspicuous position on or near the premises.

- (2) If a notification under Regulation 3(8) or (10) or Regulation 4(8) or (10), a compliance notice or a notice under Regulation 12 is to be served on or given to a person who is the owner or occupier of a premises and the name of the person cannot be ascertained by reasonable enquiry, it may be addressed to the person by using the words the owner or the occupier.

- (3) A person shall not, at any time within 6 months after a notification under Regulation 3(8) or (10) or Regulation 4(8) or (10), a compliance notice or a notice under Regulation 12 is affixed under paragraph (1)(d), remove, damage or deface the notification or compliance notice without lawful authority.
- (4) For the purposes of this Regulation, a company within the meaning of the Companies Acts 1963 to 1990 is considered to be ordinarily resident at its registered office and every other body corporate or unincorporated body is considered to be ordinarily resident at its principal office or place of business.

### **Obstruction etc.**

17. A person shall not-

- (a) obstruct or impede an authorised officer in the exercise of his or her powers under Regulation 9,
- (b) fail, without reasonable cause, to comply with a requirement or direction of an authorised officer under Regulation 9,
- (c) in making an application for registration under Regulation 4 or approval under Regulation 5 or in purporting to give information to an authorised officer for the performance of the officer's powers under Regulation 9 -
  - (i) make a statement that he or she knows to be false in a material particular or recklessly make a statement which is false in a material particular, or
  - (ii) fail to disclose a material particular,
- (d) tamper or otherwise interfere with a sample taken under Regulation 9, or
- (e) aid or abet a contravention of an act of the institutions of the European Community cited in the preamble to these Regulations or these Regulations.

### **Offences**

18.(1) A person who, by act or omission-

- (a) contravenes Article 3, 4(1) or (2), 5(1) or the second subparagraph of Article 5(2), Article 5(4) or 6 of Regulation No. 852/2004,
- (b) having adopted a specific hygiene measure referred to in Article 4(3) of Regulation No. 852/2004, fails to comply with that measure,

- (c) contravenes a criteria, requirement or target referred to in Article 4(4) of Regulation No. 852/2004 that is adopted in accordance with Article 14 (2) of that Regulation,
- (d) having adopted a principle referred to in the first subparagraph of Article 5(2) of Regulation No. 852/2004, fails to comply with the principle,
- (e) contravenes a detailed arrangement referred to in Article 5(5) of Regulation No. 852/2004,
- (f) contravenes Article 3, 4, 5, 6, 7 or 8 of Regulation (EC) No. 853/2004,
- (g) contravenes an implementing measure referred to in Article 9 of Regulation No. 853/2004 that is adopted in accordance with Article 12(2) of that Regulation,
- (h) contravenes an implementing measure or amendment referred to in Article 10 (1) or 11 of Regulation No. 853/2004 that is adopted in accordance with Article 12(2) of that Regulation,
- (i) contravenes Article 4, 5(1), (2), (3), (5) or (6), 6(1) or (3), 7(1), 8(2), 9(1) or (2), 10, 11, 17(2), 18(3), 23(1) or 25 of Regulation No. 183/2005,
- (j) contravenes a criteria or target referred to in Article 5(3) of Regulation No. 183/2005 that is adopted in accordance with Article 31 (2) of that Regulation,
- (k) contravenes a measure referred to in Article 6(5) of Regulation No. 183/2005 that is adopted in accordance with Article 31 (2) of that Regulation,
- (l) contravenes an arrangement referred to in Article 7(3) of Regulation No. 183/2005 that is adopted in accordance with Article 31 (2) of that Regulation,
- (m) fails to give assistance to an authorised officer,
- (n) contravenes Regulation 3(1) or (6), 4(1) or (6), 5(3) or (5), 7, 11(2), 15, 16 or 17, or
- (o) contravenes a condition of-
  - (i) a feed business registration,
  - (ii) a food business registration,

(iii) a feed business approval, or

(iv) a food business approval,

commits an offence and is liable on conviction to a fine not exceeding €5,000 or to imprisonment for a period not exceeding 6 months or to both.

- (2) An offence under these Regulations may be prosecuted by a registering authority.
- (3) If an offence under these Regulations is committed by a body corporate and is proven to have been so committed with the consent, connivance or approval of or to have been attributable to the wilful neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate or a person who was purported to act in any such capacity, that person, as well as the body corporate, commits offence and is liable to be proceeded against and punished as if he or she was guilty of the offence.
- (4) If the affairs of a body corporate are managed by its members, paragraph (4) applies in relation to the acts and defaults of a member in connection with the functions of management as if the member were a director or manager of the body corporate.

#### **Revocations, savers etc.**

19.(1) The statutory instruments cited in Schedule 1 are revoked.

(2) The Act set out in Schedule 2 is repealed to the extent stated.

(3) These Regulations apply in lieu of –

(a) the Dairy Produce Acts 1924 to 1984,

(b) the Creamery Acts 1928 to 1934, and

(c) the Milk and Dairies Acts 1935 to 1956,

in relation to the hygienic production and placing on the market of raw milk, heat-treated milk and milk-based products.

(4) These Regulations do not apply to a primary producer or other food business engaged in -

(a) the catching, harvesting or processing of fish,



(b) retail, or

(c) the preparation of food for consumption by the consumer whether on or off the premises where the food is prepared,

to the extent that the food business engages in any of these activities.

- (5) A notice served under a Regulation revoked by paragraph (1) that is in force immediately before the making of these Regulations continues in force and may be dealt with as if it is a compliance notice.

### **Schedule 1**

*Regulation 19(1)*

#### **Statutory Instruments revoked**

1. Fertilisers, Feedingstuffs and Mineral Mixtures Regulations 1957 (S.I. No. 264 of 1957).
2. European Communities (Egg Products) Regulations 1991 (S.I. No. 293 of 1991).
3. European Communities (Egg Products) Regulations 1992 (S.I. No. 419 of 1992).
4. European Communities (Meat Products and Other Products of Animal Origin) Regulations 1995 (S.I. No.126 of 1995).
5. European Communities (Rabbit Meat and Farmed Game Meat) Regulations 1995 (S.I. No.278 of 1995).
6. European Communities (Wild Game) Regulations 1995 (S.I. No. 298 of 1995).
7. European Communities (Fresh Poultrymeat) Regulations 1996 (S.I. No. 3 of 1996).
8. European Communities (Hygienic production and placing on the market of raw milk, heat treated milk and milk-based products) Regulations 1996 (S.I. No. 9 of 1996).
9. European Communities (Minced Meat and Meat Preparations) Regulations 1996 (S.I. No.243 of 1996).

10. European Communities (Meat Products and Other Products of Animal Origin) (Amendment) Regulations 1997 (S.I. No. 175 of 1997).
11. European Communities (Minced Meat and Meat Preparations) Regulations 1997 (S.I. No. 175 of 1997).
12. European Communities (Fresh Meat) Regulations 1997 (S.I. No. 434 of 1997).
13. European Communities (Approval and Registration of Establishments and Intermediaries in the Animal Feed Sector) Regulations 1999 (S.I. No. 88 of 1999).
14. European Communities (Approval and Registration of Establishments and Intermediaries in the Animal Feed Sector) (Amendment) Regulations 1999 (S.I. No. 335 of 1999).
15. European Communities (Meat Products and Other Products of Animal Origin) (Amendment) Regulations 2000 (S.I. No. 93 of 2000).
16. European Communities (Fresh Poultrymeat) (Amendment) Regulations 2001 (S.I. No. 25 of 2001).
17. European Communities (Gelatine) Regulations 2002 (S.I. No. 4 of 2002).
18. European Communities (Meat Products and Other Products of Animal Origin) (Amendment) Regulations 2002 (S.I. No. 391 of 2002).
19. European Communities (Animal Nutrition Inspections) Regulations 2003 (S.I. No. 238 of 2003).
20. European Communities (Fresh Meat) Regulations 2004 (S.I. No. 874 of 2004).
21. European Communities (Animal Nutrition Inspections) (Amendment) Regulations 2005 (S.I. No. 243 of 2005).

## **Schedule 2**

*Regulation 19(2)*

## **Act repealed**

Parts II and III of the Abattoirs Act 1988 (No. 8 of 1988).

**GIVEN** under my Official Seal,  
December 2005

Mary Coughlan  
Minister for Agriculture and Food

## EXPLANATORY NOTE.

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

These Regulations give legal effect to Directive 2004/41/EC and Regulations (EC) No. 852/2004, 853/2004, 854/2004, 882/2004 and 183/2005 concerning food and feed hygiene legislation (the Hygiene Package), insofar as they relate to the Department of Agriculture and Food. The Hygiene Package revises and consolidates legislation in relation to food and feed hygiene in relation to the production, control and marketing of food and feed. It requires, inter alia, that primary producers of food and feed products be registered with the Department of Agriculture and Food and that certain activities are subject to formal approval.