



**AN BILLE UM FHEIRMEOIREACHT FIONNAIDH
(TOIRMEASC) 2004
FUR FARMING (PROHIBITION) BILL 2004**

*Mar a tionscnaíodh
As initiated*

ARRANGEMENT OF SECTIONS

Section

1. Offence of keeping animals for the value of their fur.
 2. Forfeiture order.
 3. Provisions relating to Forfeiture order.
 4. Powers of inspection.
 5. Repeals.
 6. Definitions.
 7. Short title.
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Musk Rats Act 1933

1933, No. 16



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BILL

5

entitled

AN ACT TO PROHIBIT THE KEEPING OF ANIMALS
SOLELY OR PRIMARILY FOR SLAUGHTER FOR THE
VALUE OF THEIR FUR.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

- 10 **1.**—(1) Any person who keeps animals solely or primarily—
- (a) for slaughter (whether by that person or another) for the
value of their fur, or
- (b) for breeding progeny for such slaughter, is guilty of an
offence.
- 15 (2) Any person who causes or permits another person to keep
animals as mentioned in *subsection (1)* is guilty of an offence.
- (3) The references in *subsection (1)* to keeping animals for slaugh-
ter and to breeding progeny for slaughter include keeping or (as the
case may be) breeding them for sale for slaughter.
- 20 (4) Where an offence under this section has been committed by a
body corporate and it has been committed with the consent or con-
nivance of, or is attributable to the neglect of, a director, manager,
secretary or other similar officer of the body, or a person purporting
to act in any such capacity, that person as well as the body corporate
25 is guilty of the offence.
- (5) A person who is guilty of an offence under this section is liable
on summary conviction to a fine not exceeding €30,000.
- 2.**—(1) Where a person is convicted of an offence under *section* Forfeiture order.
1(1), the court may make a forfeiture order in respect of animals of
30 any type to which the offence related which are kept by that person
when the order is made or which come into that person's keeping
during the relevant period.
- (2) Where a person is convicted of an offence under *section 1(2)*
in respect of animals kept by another person, the court may make a
35 forfeiture order in respect of animals of any type to which the offence

related which are kept by that other person when the order is made or which come into that other person's keeping during the relevant period.

(3) In *subsections (1) and (2)*, the "relevant period" is the period beginning with the making of the forfeiture order and ending with the humane disposal of the animals in pursuance of the order. 5

(4) For the purposes of this Act, a forfeiture order is an order for the forfeiture and humane disposal of the animals to which the order applies (including any subsequent progeny of those animals).

(5) A forfeiture order operates so as to deprive any person of that person's rights in the animals. 10

(6) The court may make a forfeiture order whether or not it also deals with the offender in respect of the offence in any other way.

(7) In deciding whether to make a forfeiture order, the court must take into account any representations made to it by any person who has an interest in any animals to which the order may apply. 15

(8) Any person who has an interest in any animals in respect of which the court has made a forfeiture order may appeal to the High Court against the order within the period of 7 days beginning with the date of the order. 20

Provisions relating to Forfeiture order.

3.—(1) Where the court makes a forfeiture order, it may in particular:

- (a) appoint a person to carry out the order;
- (b) impose requirements on any person in relation to the keeping of the animals concerned pending their humane disposal; 25
- (c) order the offender to pay such sum as it may determine to be the reasonable expenses of carrying out the order and, where the offender does not keep the animals, of keeping them pending their disposal; 30
- (d) make such provision as it considers appropriate in relation to the operation of the order pending the making or determination of any appeal or application relevant to the order.

(2) A forfeiture order must not be carried out— 35

- (a) before the end of the period within which an appeal may be made under *section 2(8)*;
- (b) where such an appeal is made, before the date on which it is determined or abandoned.

Powers of inspection.

4.—(1) A person authorised in writing by the Minister for Agriculture and Food may at any reasonable time enter any premises on which that person has reasonable grounds for suspecting that an offence under *section 1(1)* has been or is being committed and may inspect the premises and any animals or things found there. 40

5 (2) A person appointed by the court under *section 3(1)(a)* may at any reasonable time enter any premises on which that person has reasonable grounds for suspecting that animals to which the order applies are being kept, and exercise that person's powers under the order.

(3) A person acting in pursuance of *subsection (1)* or *(2)* must, if required by or on behalf of the owner or occupier or person in charge of the premises—

10 (a) produce evidence of that person's identity and authority or (as the case may be) appointment,

(b) state in writing that person's reasons for entering.

(4) Any person who intentionally obstructs or delays a person acting in pursuance of *subsection (1)* or *(2)* is guilty of an offence and is liable on summary conviction to a fine not exceeding €10,000.

15 **5.** The enactment specified in the *Schedule* is repealed to the Repeals. extent specified in *column 3*.

6.—In this Act

Definitions.

“premises” includes any place other than a house,

20 “house” means any building for the time being used as a private dwelling but does not include any garage, outhouse or other structure (whether or not forming part of that building) which belongs to or is usually enjoyed within the house.

7.—This Act may be cited as the Fur Farming (Prohibition) Act Short title. 2004.

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SCHEDULE

Section 5

ENACTMENT REPEALED

Session and Chapter or Number and Year (1)	Short Title (2)	Extent of Repeal (3)
30 1933, No 16	Musk Rats Act 1933 (Application to Mink) Order 1965	The Whole Act



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EXPLANATORY MEMORANDUM

The Act's purpose is to prohibit the keeping of animals solely or primarily for slaughter for the value of their fur or for breeding progeny for such slaughter. It provides for the making of a forfeiture order following a conviction so as to allow the forfeiture and destruction or other disposal of the animals. It enables persons authorised by the court to carry out a forfeiture order to enter any premises where such animals are being kept for the purpose of implementing the order. The Minister may also authorise persons to enter and inspect premises where it is suspected that an offence under the Act has been or is being committed.

Section 1: Offences relating to fur farming

Section 1 creates the offence of keeping animals solely or primarily for slaughter for the value of their fur or for breeding progeny for such slaughter (*sections 1(1)(a)* and *(b)* respectively).

By applying the "solely or primarily" test, anyone who keeps animals partly for slaughter for the value of their fur and partly for another purpose will be guilty of the offence only if the primary purpose for which they keep the animals is for the value of their fur. This principally means commercial value, but the term is sufficiently wide to include the value of the fur to an individual who has no intention of selling it.

Section 1(2) also makes it an offence for a person to knowingly cause or permit another person to keep animals where the purpose is to keep animals solely or primarily for the value of their fur (*section 1(2)*). It is anticipated that there will be relatively few cases where an offence would arise under *section 1(2)*. Notably a person might knowingly cause or permit the keeping of animals for the prohibited purpose without there being any clear relationship of agency with the person who physically keeps the animals. An example of this could be a person who grants a tenancy of land for the purpose of enabling the tenant to carry on a fur farming business.

Section 1(3) makes it clear that the reference in the offence provision to keeping animals for slaughter and to breeding progeny for slaughter includes keeping or breeding such animals with the intention of selling them on for slaughter, as well as the slaughter of them while they are in the ownership or possession of such a person.

The offence provisions apply to any person, whether an individual or a legal person. They also apply to the officers of a company (*section 1(4)*).

Section 1(5) provides that the maximum penalty is €30,000 for offences committed under *section 1*.

*An Teachta Donal O'Baoil,
Feabhra, 2004*