STATUTORY INSTRUMENTS.

S.I. No. 130 of 2016

NOTIFICATION AND CONTROL OF DISEASES AFFECTING TERRESTRIAL ANIMALS (NO.2) REGULATIONS 2016

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I, SIMON COVENEY, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 36 of the Animal Health and Welfare Act 2013 (No. 15 of 2013), hereby make the following regulations:

Citation

1. These Regulations may be cited as the Notification and Control of Diseases affecting Terrestrial Animals (No.2) Regulations 2016

Interpretation

2. In these Regulations—

"Department" means Department of Agriculture, Food and the Marine.

"disease" means a disease mentioned in the Schedule;

"licence" means a licence under Regulation 4;

"notice" means notice under Regulation 3;

"thing" in Regulation 4 means a vehicle (including a hive) used to transport an animal, an animal product or animal feed.

Notification of Disease

3. (1) A person who has reasonable grounds to suspect that an animal or animal product is affected, or may be affected with a disease, whether by reason of an examination, test, including a laboratory test or otherwise, shall, without any delay, notify the fact or suspicion to an officer of the Minister at the local office of the Department or in cases where an official control programme is in place, to the persons or authority responsible for that control programme.

(2) A person who gives notice in accordance with paragraph (1) shall provide the details of the transponder or other identification mark of the animal where these details are available and shall also inform the Department of the name and address of the owner or person in possession or control of the animal or animal product if that person's identity is known or may be ascertained after reasonable enquiry.

(3) Where a person giving notice under paragraph (1) is not the owner or keeper of the animal, he or she shall also notify the fact or suspicion to the owner or person in possession or control of the animal.

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 11*th March*, 2016.

Restriction on movement

4. If notice of a disease listed in Part A of the Schedule is given under Regulation 3, a person shall not, for a period of 7 days, except in accordance with a licence granted by an authorised officer,

(*a*) move or cause or permit another person to move an animal or animal product or a thing that has been used in connection with the animal or the animal product onto or from the land or premises on which it is located,

(*b*) spread or cause or permit another person to spread slurry on any land or premises, or

(*c*) otherwise dispose of or cause another person to dispose of an animal, animal product or a thing to which paragraph (*a*) relates,

Restriction Notice

5. (1) Without prejudice to Regulation 4, if an authorised officer has reasonable cause to suspect that—

(*a*) an animal,

(*b*) an animal product, or

(*c*) a thing that has been used in connection with an animal,

is affected, has been affected or may have been exposed, by contact or otherwise, to a risk of being affected with a disease listed in Part A or Part B of the Schedule, he or she may serve a notice ("restriction notice") in respect of—

i. that animal, any other animal or animals, an animal product or other thing, or

ii. the land or a premises.

(2) A restriction notice shall be expressed and have effect to prohibit an animal, animal product or other thing from being moved onto or from the land or premises to which the restriction notice relates except in accordance with a licence granted by an authorised officer.

(3) A person shall not contravene a restriction notice.

Control plan

6. (1) If the Minister has reasonable cause to believe that land or a premises is at risk of disease or that a disease is or may be present on the land or premises, he or she may serve a notice in writing ("direction") and direct—

(*a*) that a plan for the prevention, control and eradication of the disease (control plan) be put in place for the land or premises with immediate effect, and/or,

(*b*) that a plan for ongoing surveillance and disease control ("containment plan") be drawn up and put in place within 7 days of the issue of the direction, and

(*c*) that the containment plan be submitted to the Minister within 14 days for review and approval.

(2) Without prejudice to the generality of paragraph (1), the Minister may direct that a control plan or a containment plan contains such provisions and complies with such requirements as are specified in the direction, including provisions and requirements relating to—

(a) the taking of samples from animals, animal products or other things on the land or premises,

(b) the testing of samples

(c) a laboratory which must be used for testing,

(d) the frequency with which tests are to be conducted,

(e) the number, type and age of animal to be tested or subjected to other analysis,

(f) the administration of vaccines,

(g) bio-security measures,

(h) isolation of animals, and

(i) other measures to be taken by the person on whom the direction is served to control and eradicate the disease.

(3) A person on whom a direction is served shall comply with the direction.

(4) The Minister may within a period of 30 days of the submission of a containment plan require, by notice in writing, that the plan concerned be modified in such manner as he or she directs.

(5) If the Minister requires that a containment plan be modified, the owner or person in possession or control of the land or premises shall modify the plan in accordance with directions of the Minister, within a period of 14 days of service on him or her of a notice under paragraph (4), submit the plan as so modified to the Minister for approval by him or her.

Offences

7. Regulations 3, 4, 5 (2),5 (3), 6(3) and 6 (5) are penal provisions to which section 36(4) (*b*) of the Animal Health and Welfare Act 2013 applies.

Revocation

8. The Notification and Control of Diseases affecting Terrestrial Animals Regulations 2016 (S.I. No. 50 of 2016) are revoked.

Schedule

Part A

African horse sickness
African swine fever
Anthrax
Avian influenza (including highly pathogenic avian influenza and low pathogenic avian influenza)
Avian paramyxovirus (including Newcastle disease and paramyxovirus of pigeons)
Bluetongue
Brucellosis in ruminants and swine
Classical swine fever
Contagious bovine pleuropneumonia
Dourine
Epizootic haemorrhagic disease
Equine encephalomyelitis (including Western Equine Encephalomyelitis and Eastern Equine Encephalomyelitis)
Equine infectious anaemia
Epizootic lymphangitis in equidae
Equine viral arteritis
Foot-and-Mouth disease
Glanders (farcy) in equidae
Goat pox
Hendra virus
Japanese encephalitis
Lumpy skin disease
Peste des petits ruminants
Rabies
Rift Valley fever
Rinderpest (cattle plague)
Sheep pox
Small hive beetle (*Aethina tumida*)
Surra (*Trypsanoma evansi*)
Swine vesicular disease
Transmissible spongiform encephalopathies, including bovine spongiform encephalopathy and scrapie
Tropilaelaps mite (*Tropilaelaps spp.*)
Tuberculosis in ruminants
Vesicular stomatitis
West Nile fever

Part B

American Foulbrood
Arizona disease in poultry (*Salmonella arizoniae*)
Aujeszky's disease
Avian chlamydiosis (psittacosis)
Avian infectious laryngotracheitis

Avian mycoplasmosis (caused by or involving *Mycoplasma gallisepticum, Mycoplasma meleagridis or Mycoplasma synovia*)
Bovine viral diarrhoea
Caprine arthritis/encephalitis
Contagious agalactia
Contagious caprine pleuropneumonia
Contagious equine metritis
Echinococcosis (caused by Echinococcus multilocularis)
Enzootic abortion of ewes
Enzootic bovine leukosis
European foulbrood
Maedi Visna
Ovine pulmonary adenomatosis (Jaagsiekte)
Paratuberculosis in ruminating animals (Johnes disease)
Porcine epidemic diarrhoea
Salmonellosis (caused by or involving *Salmonella enteriditis or Salmonella typhimurium*)
Salmonellosis in poultry (caused by or involving *Salmonella hadar, Salmonella infantis or Salmonella virchow*)
Sheep scab
Teschovirus encephalomyelitis
Transmissible gastro-enteritis (porcine respiratory corona virus)
Tuberculosis in non-ruminants
Venezuelan Equine Encephalomyelitis
Warble fly infestation

Part C
Crimean Congo haemorrhagic fever
Equine piroplasmosis
Fowl typhoid (*Salmonella gallinarum*)
Infectious bovine rhinotracheitis/ infectious pustular vulvovaginitis
Monkey pox virus
psoroptic mange in cattle
Porcine reproductive and respiratory syndrome (PRRS or blue ear)
Pullorum disease (*Salmonella pullorum*)
Q fever
Swine influenza
Trichinellosis

L.S.

GIVEN under my Official Seal,
1 March 2016.

SIMON COVENEY,
Minister for Agriculture, Food and the Marine.

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