



STATUTORY INSTRUMENTS.

S.I. No. 618 of 2021

AVIAN INFLUENZA (TEMPORARY MEASURES) (NO. 2)
REGULATIONS 2021

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The Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on him by section 36 of the Animal Health and Welfare Act 2013 (No. 15 of 2013) and for the purpose, *inter alia*, of giving full effect to Commission Regulation (EU) 2020/ 687 of 17 December 2019¹, in so far as that Regulation applies to avian influenza, makes the following regulations:

Citation and interpretation

1. (1) These Regulations may be cited as the Avian Influenza (Temporary Measures) (No.2) Regulations 2021.
- (2) In these Regulations “EU Regulation” means Regulation (EU) 2020/687 of 17 December 2019.
- (3) A word or expression that is used in the EU Regulation and that is also used in these Regulations has, in these Regulations unless the contrary intention appears, the same meaning as in the EU Regulation.

Application

2. (1) These Regulations, other than Regulations 4 (2) and (3) and 8, apply in that part of the State more particularly described in Part 1 of the Schedule. (“surveillance zone”) and Part 2 of the Schedule (“protection zone”).
 - (2) Land or premises—
 - (a) that lies partly within the protection zone and partly within the surveillance is deemed to lie wholly within the protection zone, and
 - (b) that, subject to paragraph (a), lies partly within the surveillance zone and partly outside the surveillance zone is deemed to lie wholly within the surveillance zone.

Restriction on movement of poultry, etc.

3. (1) A person shall not move, or cause or permit another person to move, poultry, other captive birds, eggs, carcasses, poultry litter, poultry manure or poultry slurry from the land or premises where they are situated except in accordance with a licence granted by an authorised officer.
 - (2) A person shall not have poultry, other captive birds, eggs, carcasses, poultry litter, poultry manure or poultry slurry that has been moved in contravention of paragraph (1) in his or her possession or under his or her control.

¹ O.J. L 174 of 3.6.2020, 64; http://data.europa.eu/eli/reg_del/2020/687/oj

(3) A person shall not spread, or cause or permit another person to spread, poultry litter, poultry manure or poultry slurry on land except in accordance with a licence granted by an authorised officer.

Notification

4. A person who has poultry or other captive birds in his or her possession or under his or her control or otherwise has knowledge of such poultry or other captive birds shall immediately notify an authorised officer at the Regional Veterinary Office of the Department of Agriculture, Food and the Marine within whose functional area the poultry or other captive birds situate of any increased levels of avian influenza, deaths of poultry or other captive birds, or significant production drop among poultry or captive birds.

Restriction on movement of farm animal

5. (1) A person shall not move, or cause or permit another person to move, a farm animal, other than poultry or other captive birds, from land or premises where poultry or other captive birds are present or cause or permit such an animal to be on other land or premises except in accordance with a licence granted by an authorised officer.

(2) A person shall not cause or permit –

- (a) poultry or other captive birds, to be brought onto land or premises where poultry or other captive birds are present except in accordance with a licence granted by an authorised officer,
- (b) such poultry or other captive birds that has been brought onto land or premises other than in accordance with paragraph (a) to be on the land or premises.

Release of birds

6. A person shall not release poultry or other captive birds from the land or premises where they are kept or cause or permit such birds to be released or stray from that land or premises.

Movement of poultry meat

7. A person shall not move poultry meat from land or premises used by a food business operator (within the meaning of the European Communities (Food and Feed Hygiene) Regulations 2020) as a slaughterhouse, cutting plant or cold store unless the poultry meat –

- (a) comes from land or premises that is situate outside the surveillance zone or the protection zone,
- (b) Is stored and or transported separately from poultry meat that comes from premises situated within the surveillance zone or the protection zone, and

- (c) is transported directly to a place situate outside the surveillance zone and the protection zone.

Licences

8. (1) An application for a licence under these Regulations shall be in a form, contain such particulars and be made in a manner that an authorized officer may determine.

(2) An authorized officer may grant a licence, attach conditions to a licence, vary a condition, insert a new condition, withdraw a licence, or refuse an application.

Restriction on vehicles

9. (1) A person shall not bring a vehicle onto land or premises where poultry or other captive birds are present unless the vehicle has been cleaned and disinfected in a manner that kills the avian influenza virus –

- (a) prior to coming onto the land or premises, and
- (b) after it has been on other land or premises where poultry or other captive birds are present or being in contact with poultry, other captive birds, eggs, carcasses, poultry litter or poultry manure.

(2) A person shall not have a vehicle that has been brought onto land or premises in contravention of paragraph (1) in his or her possession or under his or her control.

Disinfection of vehicles, machinery and equipment

10. (1) A person who has charge of a vehicle, machinery or equipment used in connection with poultry or other captive birds or that has been in contact with poultry or other captive birds shall take all necessary steps to ensure that the vehicle, machinery or equipment is cleaned and disinfected before and immediately after use or contact with poultry, other captive birds or any other thing that could be affected by avian influenza virus with in a manner that kills the virus, in accordance with the instructions (if any) of an authorised officer.

(2) A person who has poultry or other captive birds in his or her possession or under his or her control on land or premises situated in the protection zone shall take all necessary steps to ensure that all parts of a vehicle that enters or leaves the land or premises is cleaned and disinfected in a manner that kills the avian influenza virus, in accordance with the instructions (if any) of an authorised officer.

Disposal of carcasses

11. A person who has poultry or other captive birds in his or her possession or under his or her control shall take all necessary measures to ensure that carcasses are disposed of as soon as possible in accordance with Regulation (EC)

No 1069/2009 of the European Parliament and of the Council of 21 October 2009².

Records

12. (1) A person in possession or control of land or premises situate in the protection zone where poultry or other captive birds are present shall maintain a record all persons who enter the land or premises and make the record available upon request to an authorised officer.

(2) Paragraph (1) does not require that a record be maintained of persons normally resident there who enter a dwelling on land or premises without having contact with poultry or other captive birds, or of persons who enter a zoo or wildlife park.

Penal Provisions

13. Regulations 4, 5, 6, 7, 9, 10, 11, 12 and 13 are penal provisions to which section 36 (4) (b) of the Animal Health and Welfare Act 2013 applies.

Revocation

14. The Avian Influenza (Temporary Measures) Regulations 2021 are revoked.

Schedule³

Regulation 2

Part 1

That part of the Counties of Cavan and Monaghan (other than that part described in Part 2) that lies within the outer margin of an imaginary line drawn from the junction of the roads known as the R188-8 and L2033-0 at Cootehill, continuing along the road known as the L2033-0, L2029-0, the L2030-0, the L6138-0, the R191-3, the R191-2, the R165-5, the R165-4, the R165-3, the L7556-0, the L7557-0, the L08920-0, the L04902-0, the L04901-0, the L04900-0, the R179-2, the R179-3 and R-179-4, the R179-5 in a northerly direction from Carrickmacross, the N2 Motorway until the exit for Castleblaney and continuing through Castleblaney on the Old Dublin Road, the R183, the L03419-0, the L-03411-0, the L03420-0, L03421-0, the R184-2, the L07311-0, the L07310-0, the L06501-0, the L06511-0, L06510-0, the L06600-0, the R-188-7 and continuing on the R188-8 to the junction of that road with the L2033-0 at Cootehill.

² O.J. L 200 of 14.11.2009, 1; <http://data.europa.eu/eli/reg/2009/1069/oj>.

³ For illustrative purposes only, a map indicating both zones is available on the website of the Department of Agriculture, Food and the Marine.

Part 2
Protection Zone

Regulation 2

That part of the County of Monaghan that lies within the outer margin of an imaginary line drawn from the junction of the roads known as the R162-10 and the L0310-12 in the townland of Creeve, continuing along the L310-12, the L30121, the L03012, and the L07040-0 to the boundary with county Cavan at Vicar Bridge and, from there continuing along the county boundary with County Cavan, in an easterly direction, to the junction of the R181 and the L04023-0 at Loughaphortan, and then continuing along the L04023-0, the L04013-0, the L04012, the L04011, the L04010, the R180-3, the L0410, the L03131-0 to the junction of that L0310-12 and the R162-10 in the townland of Creeve.



GIVEN under the Official Seal of the Minister for
Agriculture, Food and the Marine,
24 November, 2021.

JUNE FANNING,
An officer authorised to authenticate the Seal of the
Minister.

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