

**EUROPEAN COMMUNITIES (CONTROL OF INFECTIOUS ANIMAL DISEASES)
REGULATIONS 1994**

I, JOE WALSH, Minister for Agriculture, Food and Forestry, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972) and for the purpose of giving effect to Council Directive No. 92/35/EEC(1) of 29 April 1992 and Council Directive No. 92/119/EEC(2) of 17 December 1992, hereby make the following Regulations:

REG 1

Citation and commencement.

1. (1) These Regulations may be cited as the European Communities (Control of Infectious Animal Diseases) Regulations, 1994.
- (2) These Regulations shall come into operation on the first day of November, 1994.

REG 2

Definitions.

2. (1) In these Regulations—

"the Act" means the Diseases of Animals Act, 1966 (No. 6 of 1966);

"approved disinfectant" means a disinfectant which for the time being stands approved by the Minister in accordance with the Diseases of Animals (Disinfectants) Order, 1975 (S.I. No. 273 of 1975);

"article" means fodder, foodstuff, litter, faeces, milk, hide, skin and any other product derived from an animal, and any utensil, appliance, container, vaccine or other thing used in or about an animal, carcase, semen or embryo;

"authorised officer" means—

- (i) a person who stands for the time being appointed under Regulation 16, or
- (ii) an inspector;

"carcase" means an animal carcase and includes any part of such a carcase;

"the Council Directives" means Council Directive No. 92/35/EEC of 29 April 1992 and Council Directive No. 92/119/EEC of 17 December 1992;

"disease" means any of the following diseases, namely—

African horse sickness,

Bluetongue,

Epizootic haemorrhagic disease of deer,

Goat pox,

Lumpy skin disease,

Peste des petits ruminants,

Rift valley fever,

Teschen disease,

Vesicular stomatitis;

"diseased" means affected with a disease within the meaning of these

Regulations;

"embryo" means an animal embryo;

"exposed to disease" means derived from or contaminated by a diseased animal;

"inspector" means an inspector within the meaning of the Act;

"the Minister" means the Minister for Agriculture, Food and Forestry;

"premises" includes land, with or without buildings; "semen" means animal semen.

(2) A word or expression that is used in these Regulations and is also used in the Council Directives has, unless the contrary intention appears, the meaning in these Regulations that it has in the Council Directives.

(3) (a) In these Regulations a reference to a Regulation is to a Regulation of these Regulations, unless it appears that reference to some other enactment is intended.

(b) In these Regulations a reference to a paragraph is to the paragraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

(c) In these Regulations a reference to a Schedule is to a Schedule to these Regulations.

REG 3

Restrictions on premises on which disease is suspected.

3. (1) Where an inspector has grounds for suspecting the existence of disease on any premises or, in the case of premises on which disease has existed, there remains in his opinion a danger to public or animal health, he may serve a notice (in the Form A set forth in the First Schedule or in a form to the like effect) on the owner or person in charge of the premises declaring the said premises, within the limits specified in the notice, to be a place suspected of being infected with disease for the purposes of these Regulations.

(2) On service of the notice referred to in paragraph (1), the premises to which the notice refers shall be subject, at the discretion of the inspector serving the notice, to any or all of the Rules contained in the Second Schedule.

(3) An inspector may from time to time, by a notice in writing served on an owner or person in charge of premises referred to in paragraph (1), direct that—

(a) the limits of the premises shall be altered in the manner described in the notice; or

(b) any of the Rules contained in the Second Schedule shall cease to apply to the premises or shall be modified to the extent or in the manner specified in the notice; or

(c) such additional Rules as may be specified in the notice shall apply to the premises.

(4) Any person who has in his possession or under his charge an animal suspected of being affected with disease shall, until such

time as notice has been served in accordance with paragraph (1), take such steps as are reasonable to ensure that all the Rules referred to in the Second Schedule are applied to the premises on which the animal happens to be.

(5) A notice (Form A) served under this Regulation shall remain in force until an inspector is of opinion that disease is not present on the premises and it has been withdrawn by a further notice (in the Form B set forth in the Second Schedule or in a form to the like effect) signed by an inspector.

REG 4

Declaration of an infected place.

4. (1) An inspector shall, where he is of opinion that disease is present on any premises, serve a notice (in the Form C set forth in the First Schedule or in a form to the like effect) on the owner or person in charge of the premises declaring the said premises, within the limits specified in the notice, to be a place infected with disease for the purposes of these Regulations.

(2) On service of the notice referred to in paragraph (1), the premises to which the notice refers shall be subject, at the discretion of the inspector serving the notice, to any or all of the Rules contained in the Second Schedule.

(3) An inspector may from time to time, by a notice in writing served on an owner or person in charge of premises referred to in paragraph (1), direct that—

(a) the limits of the premises shall be altered in the manner described in the notice; or

(b) any of the Rules contained in the Second Schedule shall cease to apply to the premises or shall be modified to the extent or in the manner specified in the notice; or

(c) such additional Rules as may be specified in the notice shall apply to the premises.

(4) Any person who has in his possession or under his charge any animals on the premises referred to in paragraph (1) shall, until such time as notice has been served in accordance with paragraph (1), take such steps as are reasonable to ensure that all the Rules referred to in the Second Schedule are applied to the said premises.

(5) A notice (Form C) served under this Regulation shall remain in force until an inspector is of opinion that there is no longer a danger to public or animal health from disease in the premises and it has been withdrawn by a further notice in writing (in the Form D set forth in the First Schedule or in a form to the like effect) signed by an inspector.

REG 5

Slaughter of animals and destruction of semen and embryos on premises where disease exists.

5. (1) Where an inspector is of opinion that disease is present on any premises, he shall, in such manner as he shall deem appropriate—

(a) cause any animals on the premises to be slaughtered and the carcasses thereof to be destroyed, buried or otherwise disposed of;

(b) cause any carcasses, semen or embryos on the premises to be destroyed, buried or otherwise disposed of;

(c) cause any article on the premises to be destroyed, buried or otherwise disposed of, or otherwise treated in such a manner as to ensure the destruction of any agent or vector of the agent of the disease which may be present.

(2) The provisions of paragraph (1) shall also be applicable in the case of animals, carcasses, semen, embryos or articles moved, during the incubation period of the disease, off the premises to another premises.

(3) The provisions of this Regulation shall not apply to animals, carcasses, semen or embryos in respect of which an inspector is of opinion that there is no risk of contamination from any agent or vector of the agent of the disease.

REG 6

Powers of authorised officers.

6. (1) An authorised officer may, for the purposes of these Regulations and the Council Directives—

(a) enter any premises and examine or inspect any animal, carcase, semen or embryo, or article or part of the premises when and as often as he may consider necessary for the said purpose, and

(b) remove, or cause to be removed, from the premises any animal, carcase, semen or embryo which is diseased or which is suspected to be diseased, or any animal which has been, or is suspected to have been, in contact with any animal or carcase so diseased or suspected, to a place where the animal, carcase, semen or embryo can be subjected to diagnostic tests or, in the case of an animal, to a place where it can conveniently be kept under veterinary observation by, or on behalf of, the Minister.

(2) Where an authorised officer makes an examination or inspection pursuant to this Regulation, he may, either on that occasion or on a subsequent occasion, take or cause to be taken such samples, including in the case of live animals, samples of blood, urine, faeces, milk, saliva, semen, tissue or other thing, for the purpose of assisting him in his purpose, and may for that reason submit or

have submitted such samples to any test, examination or procedure as he or another authorised officer considers appropriate.

(3) The owner or person in charge of the premises and any person found thereon or who is in the owner's employment shall render such reasonable assistance to the authorised officer as may be required for the purposes of this Regulation.

(4) Any sample taken pursuant to this Regulation shall become the property of the Minister.

REG 7

Furnishing of information.

7. The owner or person in charge of any premises on which an animal, carcase, semen, embryo or article is or has been kept or any other person shall, if so required by an authorised officer, give such information as he possesses as to—

(a) any animal, carcase, semen, embryo or article which is or has been on such premises,

(b) any other animal, carcase, semen, embryo or article with which any animal, carcase, semen, embryo or article which is or has been on such premises may have come into contact,

(c) the location and movement of any animal, carcase, semen or embryo which is or has been in his possession or charge,

(d) any other matter relating to the animal, carcase, semen, embryo, article or premises as the authorised officer considers necessary.

REG 8

Marking.

8. (1) An authorised officer may paint, stamp, clip, brand, tag or otherwise mark, or require another person, being the person who is the apparent owner or person in charge thereof, so to mark in such manner as he shall direct, any animal, carcase, semen, embryo or article, and such mark may be permanent or otherwise, and any animal, carcase, semen, embryo or article so marked may be re-marked as and when an authorised officer considers it necessary to so do.

(2) An authorised officer may require the person who is the apparent owner or person in charge of the animal, carcase, semen, embryo or article which has been marked in accordance with paragraph (1) to keep a record in writing of the date, quantity and type of such marking and, where appropriate, the species so marked.

(3) Where an authorised officer makes a requirement under this Regulation, the person of whom the requirement is made shall comply forthwith.

(4) A person shall not, except with the permission in writing of an authorised officer, efface, obliterate, alter or remove, or attempt to efface, obliterate, alter or remove, a mark applied

pursuant to this Regulation.

REG 9

Cleansing and disinfection of premises.

9. (1) Any premises, or any part thereof, on which disease is suspected or has been confirmed shall be cleansed and disinfected with an approved disinfectant by the owner or person in charge of the premises, and at his own expense, in accordance with a notice in writing served upon the owner or person in charge of the premises by an inspector and to the satisfaction of that inspector.

(2) If the owner or person in charge of any premises fails to comply with a notice served under this Regulation, the Minister, without prejudice to any proceedings which may be instituted for an infringement of this Regulation, may cause the cleansing and disinfection directed by the notice to be carried out and may recover summarily the expense thereof as a simple contract debt in any Court of competent jurisdiction.

REG 10

Declaration of infected area.

10. (1) Where the Minister is of opinion that disease exists in an area or has so existed and there remains a danger to public or animal health, he shall declare that area, together with any other area into which he considers there may be a possibility of disease spreading, to be an infected area and shall specify in that declaration which of, and to what extent, the Rules contained in the Second Schedule shall apply in that area.

(2) Where the Minister makes a declaration in accordance with paragraph (1), he may in that declaration provide for the division of the infected area into zones delineated in a manner specified by him, and in case he so provides he may further, as regards each such zone, specify which of, and to what extent, the Rules of the Second Schedule apply to each zone.

(3) Any premises partly within and partly without an infected area or zone, as the case may be, shall be deemed to be wholly within such area or zone for the purposes of this Regulation.

(4) A declaration referred to in this Regulation shall be revoked by the Minister where he is of opinion that there is no longer a danger to public or animal health from disease in the area referred to in the declaration.

(5) The Minister may, by a further declaration—

(a) alter the boundaries of an infected area or zone, as the case may be, or

(b) vary or revoke any of the Rules which apply to an infected area or zone by virtue of a declaration under this Regulation.

(6) Where a declaration is made in accordance with paragraph (1),

it shall be prohibited to transport any animal, carcase, semen or embryo through the area specified in the declaration, altered as the case may be in accordance with paragraph (5), except in accordance with a permit granted by an inspector.

(7) An authorised officer may arrange for the introduction of sentinel animals onto any premises within an infected area under such conditions as he may deem appropriate for the purposes of the Council Directives.

(8) The Minister shall, when a declaration is made or revoked under this Regulation, cause to be published in a newspaper circulating in the area to which the declaration relates, notice of the making or revocation of the declaration.

REG 11

Prohibition on sporting or recreational activities.

11. (1) An inspector may prohibit by notice in writing the holding of any sporting or recreational activity on any premises or in any area specified in the notice where, in the opinion of the inspector, the holding of such activity on the premises or in that area may cause the spread of disease, and any such notice (which may be withdrawn or varied by a subsequent notice) shall be served on the person or persons responsible for the holding of such activity.

(2) Without prejudice to the generality of paragraph (1), a notice under this Regulation may be served—

(a) in case the activity is being held by, is under the auspices of or is being sponsored by a club, association or other body of persons (other than a company), by giving it to the secretary of the body, or in case there is no secretary to the officer of the body who performs the functions of secretary of the body,

(b) in case the activity is being held by, is under the auspices of or is sponsored by a company, by giving it to the secretary of the company, or

(c) by exhibiting it in a prominent position on the premises to which it relates, or by publishing it in a newspaper circulating in the district in which such area or premises is or are situated, or by exhibiting it or publishing it in such other way as the Minister is of opinion will best bring it to the attention of persons likely to be affected by the prohibitions contained in the notice.

(3) Where notice is given by serving on the secretary or other officer of a club, association, company or other body of persons, he shall immediately take all reasonable steps to bring it to the attention of such members and employees (if any) of the body as are likely to be affected by the prohibition contained in the notice.

REG 12

Compensation.

12. (1) An application for compensation as regards the slaughtering of an animal, the destruction of a carcass, semen or embryo or the destruction, burial or disposal of an article in accordance with these Regulations shall be in writing and shall be sent to the Secretary, Department of Agriculture, Food and Forestry, Dublin 2.

(2) Compensation referred to in paragraph (1) may be fixed by agreement between the applicant and the Minister or, in default of such agreement, by a valuer appointed by the Minister.

(3) In the event of the applicant disputing the determination of an application mentioned in paragraph (1), the dispute shall be referred to the decision of an arbitrator appointed by agreement between the applicant and the Minister or, in default of such agreement, appointed by the Minister, and the decision of such arbitrator shall be final and binding on both parties.

(4) Where an application for compensation referred to in paragraph (1) is made and there is failure by the applicant to take reasonable precautions to protect against disease any animal, carcass, semen or embryo to which the application relates or, in the case of any imported animal, semen or embryo, where it is shown to have been diseased when imported, the Minister may in assessing the compensation make a deduction estimated by him to be the amount of any loss to the Exchequer or to the applicant himself arising by reason of such failure or importation.

REG 13

Erection of notices.

13. (1) The Minister may erect or cause to be erected notices at any place within or on any boundary of premises or an infected area, indicating that the area or premises is or are, as the case may be, infected with or suspected of being infected with disease.

(2) A person shall not remove, destroy, deface or alter any notice erected for the purposes of this Regulation.

REG 14

Measures for eradication of insects.

14. (1) Where an inspector considers it necessary to do so, he may take measures to eradicate insects, or require the owner or person in charge of the premises to take such measures, in accordance with a notice in writing served upon the owner or person in charge of the premises by an inspector and to the satisfaction of that inspector, in any premises which have been declared an infected place under Regulation 4 or which are within an infected area so

declared under Regulation 10.

(2) If the owner or person in charge of any premises fails to comply with a notice served under this Regulation, the Minister, without prejudice to any proceedings which may be instituted for an infringement of this Regulation, may cause the measures for eradication of insects directed by that notice to be carried out and may recover summarily the expense thereof from the owner or person in charge of the premises as a simple contract debt in any Court of competent jurisdiction.

REG 15

Vaccination of animals.

15. (1) The Minister may where he believes that it is necessary for the prevention or eradication of disease require, by a notice in writing served on the owner or person in charge of an animal within such period and under such conditions as may be specified in the notice, that person to vaccinate or have vaccinated the animal against disease with a vaccine approved for the purpose by the Minister.

(2) Where an animal is vaccinated in accordance with paragraph (1), the person on whom notice has been served shall ensure that it is marked in such manner or provided with such other means of identification as may be specified by the Minister in the notice.

(3) Where a person fails to comply with any of the foregoing requirements of this Regulation, the Minister may seize the animal concerned and—

(a) arrange for the requirements to be complied with, or

(b) destroy the animal and dispose of the carcase, or otherwise dispose of the animal as he may think fit.

(4) An authorised officer may enter any premises for the purpose of seizing an animal under paragraph (3) and the owner or other person in charge of the animal shall render all reasonable assistance to such officer to enable him to exercise the powers conferred by this paragraph.

REG 16

Appointment of authorised officers.

16. (1) The Minister may appoint such and so many persons as he thinks fit to be authorised officers for the purposes of these Regulations.

(2) An authorised officer shall be furnished with a warrant of his appointment by the Minister as an authorised officer and when exercising any power conferred on him by these Regulations shall, if requested by any person affected, produce the warrant to that person.

REG 17

Issue of permits.

17. An inspector may issue permits for the purposes of these Regulations, attach conditions to any such permit, vary such conditions and revoke any such permit.

REG 18

Production of permits.

18. Where any animal, carcase, semen, embryo or article is being moved under the authority of a permit issued under these Regulations, the person in charge thereof while it is being so moved shall carry the permit during the authorised movement and shall, on demand being made by an inspector or by a member of the Garda Síochána, produce the permit and allow a copy or extract to be taken, and shall also, on such demand, furnish his name and address.

REG 19

Powers of seizure and detention in case of illegal movement.

19. An inspector or member of the Garda Síochána may, where he suspects that an animal, carcase, semen, embryo or article is being or has been moved in contravention of these Regulations, seize and detain the animal, carcase, semen, embryo or article and take or cause it to be taken to a place where it can conveniently be inspected or examined by an authorised officer in accordance with the powers conferred on him by Regulation 6 or, where appropriate in the case of an animal, to a place where it can conveniently be kept under veterinary observation by, or on behalf of, the Minister.

REG 20

Offences.

20. (1) A person who contravenes—

- (a) a provision of these Regulations,
 - (b) a condition attached to a permit issued for the purposes of these Regulations, or
 - (c) a Rule contained in a declaration pursuant to Regulation 3, Regulation 4 or Regulation 10,
- shall be guilty of an offence.

(2) A person guilty of an offence under these Regulations shall be liable on summary conviction to a fine not exceeding £1,500 or to imprisonment for a term not exceeding twelve months or to both.

(3) Where an offence under these Regulations has been committed by

a body corporate and is proved to have been so committed with the consent or connivance of or be attributable to any neglect on the part of a person, being a director, manager, secretary or other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against as if he were guilty of the first-mentioned offence.

REG 21

Prosecution of offences.

21. An offence under these Regulations may be prosecuted by the Minister.

FIRST SCHEDULE.

FORM A.

(Regulation 3)

REGULATIONS, 1994.

Notice defining place suspected of being infected with disease.

To

.....

.....

of

.....

.....

I, the undersigned, being an inspector, hereby give you notice, as the owner or person in charge of the undermentioned premises, that in accordance with the provisions of the above Regulations the undermentioned premises are hereby declared to be a place suspected of being infected with

.....(name of disease) for the purposes of the

Regulations, 1994 and that the said premises, and any person from time to time thereat, become subject to the Rules (or Rules

.....)

of the Second Schedule to the above Regulations set out on the back hereof. Any person infringing these Rules is liable to the penalties imposed by the above Regulations.

This notice remains in force until it is withdrawn by a subsequent notice in writing served by an inspector on the owner or person in charge of the undermentioned premises.

Description of premises, stating location and postal address:

.....

.....

.....
.....
.....
.....
.....

Signed:

.....
(Inspector)
Name in block letters:

.....
Official Address:

.....
Date:

Insert overleaf Rules as set out in Second Schedule.
FORM B.
(Regulation 3)

REGULATIONS, 1994.
Withdrawal of notice defining a place suspected of being infected
with disease.

To

.....
of

.....
I, the undersigned, being an inspector, hereby withdraw as from the
..... day of 19.....
the notice (Form A), signed by
..... and served on you on
the day of
19.....

Signed:

.....
(Inspector)
Name in block letters:

.....
Official Address:

.....
.....

Date:

.....
.....

Note: If the limits of a place suspected of being infected with disease have been altered by a notice served by an inspector, this notice applies to that place as so altered.

FORM C.
(Regulation 4)

REGULATIONS, 1994.
Notice defining place infected with disease.
To

.....
.....

of

.....
.....

I, the undersigned, being an inspector, hereby give you notice as the owner or person in charge of the undermentioned premises, that in accordance with the provisions of the above Regulations the undermentioned premises are hereby declared to be a place infected with (name of disease) for the purposes of the European Communities (Control of Infectious Animal Diseases) Regulations, 1994 and that the said premises, and any person from time to time thereat, become subject to the Rules (or Rules

.....
) of the Second Schedule to the above Regulations set out on the back hereof. Any person infringing these Rules is liable to the penalties imposed by the above Regulations.

This notice remains in force until it is withdrawn by a subsequent notice in writing served by an inspector on the owner or person in charge of the undermentioned premises.

Description of infected place, stating location and postal address:

.....
.....
.....
.....
.....

Signed:

.....

(Inspector)

Name in block letters:

.....

Official Address:

.....

Date:

.....

Insert overleaf Rules as set out in the Second Schedule.

FORM D.

(Regulation 4)

REGULATIONS, 1994.

Withdrawal of notice defining a place infected with disease.

To

.....

.....

of

.....

.....

.....

I, the undersigned, being an inspector, hereby withdraw as from the

..... day of

..... 19..... the notice (Form C), signed by

..... and served on you on the

..... day of 19.....

Signed:

.....

(Inspector)

Name in block letters:

.....

Official Address:

.....

Date:

.....

Note: If the limits of a place infected with disease have been altered by a notice served by an inspector, this notice applies to that place as so altered.

SECOND SCHEDULE.

(Regulations 3, 4 and 10)

Rules which may be applied to premises declared suspected of being infected with disease (Regulation 3), premises declared infected with disease (Regulation 4) or premises within an area declared infected with disease (Regulation 10).

1. No animal, carcase, semen or embryo which is diseased,

susceptible to or capable of transmitting disease shall be moved out of the premises except in accordance with a permit granted by an inspector.

2. No animal, carcase, semen or embryo which is diseased, susceptible to or capable of transmitting disease shall be moved into the premises except in accordance with a permit granted by an inspector.

3. No carcase which is diseased, susceptible to or capable of transmitting disease shall be removed from the premises or otherwise disposed of except in accordance with a permit granted by an inspector and the carcase of an animal which is diseased, susceptible to or capable of transmitting the particular disease dying in the premises shall be disposed of in a manner specified by an inspector.

4. No article which is or has been exposed to disease shall be removed out of the premises except in accordance with a permit granted by an inspector.

5. Milk produced within the premises shall be treated and may be disposed of only in such a manner as an inspector may direct.

6. No vehicle, machinery or equipment shall be moved into or out of the premises except in accordance with a permit granted by an inspector.

7. Animals, carcasses, semen or embryos shall be kept in such part of the premises as an inspector may direct by a notice in writing served on the owner or person in charge of the premises.

8. Any article, vehicle, machinery or equipment shall be thoroughly disinfected with an approved disinfectant to the satisfaction of an inspector before being permitted to be moved into or out of any premises in which the animal which is diseased, or which is suspected to be diseased, is or has recently been kept.

9. No person, other than the inspector or the person attending the animal which is diseased or which is suspected to be diseased, shall enter or leave the premises unless authorised by, and in accordance with, a permit granted by an inspector.

10. Every person entering any part of the premises shall wear suitable overall clothing and boots which are capable of being disinfected and shall, before leaving the premises, thoroughly cleanse and disinfect such clothing and boots and also his hands.

11. A person attending an animal which is diseased or which is suspected to be diseased, shall not attend an animal not so diseased or suspected unless authorised by, and in accordance with, a permit granted by an inspector.

12. The owner or person in charge of any premises subject to these Rules shall supply the disinfectant required to be used at his own expense and, if he fails to do so, it shall be lawful for the Minister, without prejudice to any proceedings which may be instituted for an infringement of this Rule, to supply the disinfectant and to recover summarily as a simple contract debt in any Court of competent jurisdiction from the owner or person in charge of the premises the expense of doing so.

13. The owner or person in charge of the premises shall immediately give notice to an inspector at a District Veterinary Office of—
(a) the birth of any animal which is diseased, susceptible to or capable of transmitting the particular disease on the premises,
or
(b) the death of any such animal on the premises.

GIVEN under my Official Seal, this 26th day of October, 1994.
JOE WALSH,
Minister for Agriculture, Food
and Forestry.

EXPLANATORY NOTE.

These Regulations lay down control measures in the case of an outbreak of one of the diseases listed in Regulation 2 thereof.