



STATUTORY INSTRUMENTS.

**S.I. No. 51 of 2012**



EUROPEAN COMMUNITIES (CONTROL OF FOOT AND MOUTH  
DISEASE) REGULATIONS 2012

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EUROPEAN COMMUNITIES (CONTROL OF FOOT AND MOUTH  
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I, SIMON COVENEY, Minister for Agriculture, Food and the Marine, 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 Council Directive 2003/85/EC of 29 September 2003<sup>1</sup>, as amended by Commission Decision 2005/61/EC of 16 August 2005<sup>2</sup>, Commission Decision 2006/552/EC of 3 August 2006<sup>3</sup>, Council Directive 2006/104/EC of 20 November 2006<sup>4</sup>, Commission Decision 2008/339/EC of 25 April 2008<sup>5</sup>, Commission Decision 2009/869/EC of 27 November 2009<sup>6</sup>, Commission Decision 2010/435/EU of 9 August 2010<sup>7</sup> and Commission Decision 2011/7/EU of 7 January 2011<sup>8</sup>, hereby make the following regulations:

PART 1

CITATION AND INTERPRETATION

*Citation*

1. These Regulations may be cited as the European Communities (Control of Foot and mouth Disease) Regulations 2012.

*Interpretation*

2. (1) In these Regulations—

“approved disinfectant” means—

- (a) a biocidal product which has been notified, authorised or registered for placing on the market and use under the European Communities (Authorization, Placing on the Market, Use and Control of Biocidal Products) Regulations 2001 (S.I. No. 625 of 2001),
- (b) is used for the prevention and control of foot and mouth disease, and
- (c) is published by the Minister in a manner that he or she considers appropriate;

“authorised officer” means—

<sup>1</sup>OJ No. L306, 22.11.2003, p.1

<sup>2</sup>OJ No. L213, 18.08.2005, p.14

<sup>3</sup>OJ No. L217, 08.08.2006, p.29

<sup>4</sup>OJ No. L363, 20.12.2006, p.352

<sup>5</sup>OJ No. L115, 29.04.2008, p.39

<sup>6</sup>OJ No. L315, 02.12.2009, p.8

<sup>7</sup>OJ No. L209, 10.08.2010, p.18

<sup>8</sup>OJ No. L5, 08.01.2011, p.27

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 21st February, 2012.*

- (a) an authorised officer within the meaning of section 17A (inserted by section 2 of the Diseases of Animals (Amendment) Act 2001 (No. 3 of 2001)) of the Diseases of Animals Act 1966 (No. 6 of 1966),
- (b) a member of the Garda Síochána,
- (c) an officer of Customs and Excise,
- (d) a member of the Defence Forces, or
- (e) a person appointed under Regulation 47;

“Foot and mouth Directive” means Council Directive 2003/85/EC of 29 September 2003<sup>1</sup>, as amended by Commission Decision 2005/61/EC of 16 August 2005<sup>2</sup>, Commission Decision 2006/552/EC of 2 August 2006<sup>3</sup>, Council Directive 2006/104/EC of 20 November 2006<sup>4</sup>, Commission Decision 2008/339/EC of 25 April 2008<sup>5</sup>, Commission Decision 2009/869/EC of 27 November 2009<sup>6</sup>, Commission Decision 2010/435/EU of 9 August 2010<sup>7</sup> and Commission Decision 2011/7/EU of 7 January 2011<sup>8</sup>;

“market value” means the price that might reasonably have been obtained for the animal at the time of determination of compensation from a purchaser in the open market if the animal was not affected by foot and mouth disease or was not being removed as part of a depopulation under these regulations;

“Minister” means Minister for Agriculture, Food and the Marine;

“official veterinarian” means an inspector of the Minister within the meaning of section 2 of the Diseases of Animals Act 1966 or a person designated by the Minister under Regulation 56;

“special identification mark” means a health mark for animals required under Council Directive 2002/99/EC of 16 December 2002<sup>9</sup>;

“susceptible species” has the meaning given by Regulation 3;

“suspect holding” has the meaning given by Regulation 4(1);

“vehicle” includes—

- (a) a trailer, semi-trailer or other thing which is designed or adapted to be towed by another vehicle,
- (b) a detachable part of a vehicle, or

<sup>1</sup>OJ No. L306, 22.11.2003, p.1

<sup>2</sup>OJ No. L213, 18.08.2005, p.14

<sup>3</sup>OJ No. L217, 08.08.2006, p.29

<sup>4</sup>OJ No. L363, 20.12.2006, p.352

<sup>5</sup>OJ No. L115, 29.04.2008, p.39

<sup>6</sup>OJ No. L315, 02.12.2009, p.8

<sup>7</sup>OJ No. L209, 10.08.2010, p.18

<sup>8</sup>OJ No. L5, 08.01.2011, p.27

<sup>9</sup>OJ No. L18, 23.01.2003, p.11

- (c) a container or other structure designed or adapted to be carried by or on a vehicle.
- (2) A derogation under these Regulations may be granted by licence or otherwise.
- (3) The Minister is the competent authority for the purposes of the Foot and mouth Directive.
- (4) A word or expression that is used in these Regulations and is also used in the Foot and mouth Directive has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Foot and mouth Directive.

## PART 2

### NOTIFICATION AND MEASURES IN CASE OF SUSPICION OF OUTBREAK OF FOOT AND MOUTH DISEASE

#### *Notification of foot and mouth disease*

3. A person in possession of or in control of an animal of a species that is susceptible to foot and mouth (“susceptible species”) and any other person who, by reason of an examination, laboratory test result or otherwise, is aware or suspects or who should reasonably be aware or suspect that an animal is or may be affected with foot and mouth disease shall immediately notify the Minister of the fact or suspicion by contacting the Department of Agriculture, Food and the Marine.

#### *Measures in case of suspicion of an outbreak of foot and mouth disease*

4. (1) Where there is a suspected outbreak of foot and mouth disease on a holding, an official veterinarian shall declare by notice the holding to be a suspected foot and mouth disease outbreak holding (“suspect holding”).
- (2) Any person who owns or controls an animal on a suspect holding shall—
- (a) assist the official veterinarian in the examination of and the taking of samples from susceptible animals,
  - (b) cooperate with an authorised officer in taking a census of all categories of animals on the holding and in recording in respect of each category of animals of susceptible species, the number of animals that are dead and the animals suspected of being infected or of being contaminated,
  - (c) keep the census referred to in subparagraph (b) up to date and provide information to an authorised officer relating to animals of a susceptible species born or dying during the period of suspicion,
  - (d) keep records of all stocks of milk, milk products, meat, meat products, carcasses, hides and skins, wool, semen, embryos, ova, slurry, manure as well as animal feed and litter on the holding,



(e) ensure that—

- (i) no animal of a susceptible species enters or leaves the holding, except in cases of a holding consisting of different epidemiological production units referred to in Article 18 of the Foot and mouth Directive, and
  - (ii) that all animals of a susceptible species on the holding are kept in their living quarters or another place where they can be isolated,
- (f) place appropriate disinfection facilities at the entrances and exits of buildings or places housing animals of a susceptible species and of the holding itself, and
- (g) comply with any directions under paragraph (3).

(3) An authorised officer may give a direction in respect of any or all of the measures referred to in paragraph (2).

*Movements onto and off a holding in case of suspicion of an outbreak of foot and mouth disease*

5. (1) Subject to paragraph (2), a person shall not move any of the following from or to a suspect holding:

- (a) an animal of a susceptible species;
- (b) meat or carcasses, a meat product, a milk or milk product, semen, ova or an embryo of an animal of susceptible species, animal feed, a utensil, an object or other substance, such as wool, hides and skins, bristles or animal waste, slurry, manure or anything liable to transmit foot and mouth disease virus;
- (c) an animal of a species not susceptible to foot and mouth disease; or
- (d) a vehicle.

(2) A person may only move from or to a suspect holding under a direction from an authorised officer.

(3) By way of derogation from paragraph (1)(b), an authorised officer may, in the event of difficulties in storing the milk on the suspect holding, authorise that—

- (a) the milk be destroyed on the holding, or
- (b) the milk be transported under veterinary supervision by means of transport suitably equipped to ensure that there is no risk of spreading foot and mouth disease virus from the holding to the nearest possible place for disposal or treatment ensuring destruction of the foot and mouth disease virus.

(4) Notwithstanding paragraph (1)(c) and (d), an authorised officer may authorise such movements onto and off the suspect holding subject to the conditions that he or she considers to be necessary in order to avoid the spread of foot and mouth disease virus.

*Extension of measures to other holdings, premises or means of transport*

6. (1) An official veterinarian shall, by notice, extend the measures provided for in Regulations 4(2) and 5 to other holdings where their location, construction and layout, or contacts with animals from the suspected foot and mouth outbreak holding give reason to suspect contamination.

(2) An official veterinarian shall, by notice, apply at least the measures provided for in Regulations 4(2) and 5(1) and (2) to a premises or means of transport as referred to in Regulation 15 should he or she suspect that animals of susceptible species that are present thereon may be infected or contaminated with the foot and mouth disease virus.

*Temporary control zone and ban on movement*

7. (1) The Minister may, by notice, establish a zone (“temporary control zone”) where he or she deems it is required by the epidemiological situation and, in particular—

- (a) when that situation involves a high density of animals of susceptible species,
- (b) where there is or have been intensive movement of animals or persons in contact with animals of susceptible species,
- (c) where there are delays in suspect status notifications, or
- (d) if there is insufficient information on the possible origin and ways of introduction of the foot and mouth disease virus.

(2) The measures in subparagraphs (b) and (c) of Regulations 4(2) and paragraphs (1) and (2) of Regulation 5 shall be applied to all holdings with animals of susceptible species in the temporary control zone.

(3) A premises or holding which lies partly in a temporary control zone is considered to lie totally within that temporary control zone.

(4) The Minister may, by notice, introduce additional measures or derogations to be applied in the temporary control zone.

(5) The Minister may, by notice, and in addition to the measures being applied in a temporary control zone introduce a temporary ban on the movement of all animals in a larger area or in the entire State to supplement the measures in the temporary control zone. Notwithstanding the foregoing, the ban on movement of animals of species that are not susceptible to foot and mouth disease shall not exceed 72 hours, unless justified by exceptional circumstances.

*Preventive eradication programme*

8. Where epidemiological information or other evidence indicates the need to implement a preventive eradication programme, then the Minister may, by notice, implement such a programme including the preventive killing of—

- (a) animals of susceptible species likely to be contaminated, and
- (b) animals from epidemiologically linked production units or adjoining holdings.

*Duration of measures*

9. The measures provided for in Regulations 4 to 7 shall remain in force until suspicion of foot and mouth disease is officially ruled out.

## PART 3

## CONFIRMATION OF FOOT AND MOUTH DISEASE

*Measures in the case of confirmation of an outbreak of foot and mouth disease*

10. Where an outbreak of foot and mouth disease is confirmed in an animal on a holding or a premises, an official veterinarian shall declare by notice—

- (a) the holding to be a holding with a confirmed outbreak of foot and mouth disease (“infected holding”), or
- (b) the premises to be a premises with a confirmed outbreak of foot and mouth disease (“infected premises”).

*Measures to be applied on infected holdings*

11. (1) The following shall apply on infected holdings—

- (a) the measures provided for in Regulations 4 to 6,
- (b) all animals of susceptible species shall be killed on-the-spot except in exceptional circumstances and in such circumstances, animals—
  - (i) may be killed at the nearest suitable place for that purpose under official supervision, and
  - (ii) shall be so killed in such a way as to avoid the risk of spreading foot and mouth disease virus during transport and killing,
- (c) the carcasses of animals of susceptible species which have died on the holding and the carcasses of animals which have been killed in accordance with subparagraph (b) shall be processed without undue delay under official supervision in such a way that there is no risk of spreading foot and mouth disease virus and where particular circumstances require the carcasses to be buried or burned, on-site or off-site, such operations shall be carried out in accordance with the instructions of an official veterinarian, and

- (d) all products and substances referred to in Regulation 4(2)(d) shall be isolated until contamination can be ruled out, or treated or processed in accordance with the instructions of the official veterinarian in such a way as to ensure the destruction of any foot and mouth disease virus.

(2) The following measures shall be applied after the killing and processing of the animals of susceptible species and the completion of the measures provided for in paragraph (1)(d):

- (a) the buildings used for housing animals of susceptible species, their surroundings and the vehicles used for their transportation, as well as all other buildings and equipment likely to be contaminated, shall be cleaned and disinfected in accordance with Regulation 12;
- (b) in addition, the living area for humans or the office area of the holding shall be disinfected by appropriate means where an official veterinarian has a reasonable suspicion that these areas are contaminated with the foot and mouth disease virus;
- (c) restocking with animals shall be carried out only in accordance with Annex V to the Foot and Mouth Directive.

(3) Products and substances referred to in Regulation 4(2)(d) of animals of susceptible species collected from a holding where an outbreak of foot and mouth disease has been confirmed and semen, ova and embryos collected from animals of susceptible species present on that holding, during the period between the probable introduction of the disease to the holding and implementation of official measures, shall be traced and processed or, in the case of substances other than semen, ova and embryos, be treated under official supervision and in such a way as to ensure destruction of foot and mouth disease virus and to avoid any risk of it spreading further.

(4) A person shall not dig up or cause to be dug up the carcase of any animal that has been buried in accordance with paragraph (1)(c) unless authorised in writing by an authorised officer.

(5) An official veterinarian may issue a direction in respect of the measures in paragraphs (1) to (4).

(6) A person to whom a direction is issued under paragraph (5) shall comply with the direction.

#### *Cleaning and disinfection*

12. A person shall carry out cleaning and disinfection operations in accordance with Article 11 and Annex IV to the Foot and mouth Directive, under official supervision and in accordance with any instructions given by an official veterinarian.

*Additional measures in case of confirmation of outbreaks of foot and mouth disease*

13. (1) An official veterinarian may, by notice, direct that, in addition to the animals of susceptible species, animals of species that are not susceptible to foot and mouth disease on an infected holding shall also be killed and processed in such a way as to avoid any risk of spreading the foot and mouth disease virus.

(2) Animals of species that are not susceptible to foot and mouth disease may be exempted from the requirements of paragraph (1) if they can be isolated, effectively cleansed and disinfected, and provided that they are individually identified so as to allow for the control of their movement.

(3) An official veterinarian may, by notice, apply the measures in Regulation 11(1)(b) on epidemiologically-linked production units or adjoining holdings, where epidemiological information or other evidence give him or her reason to suspect a possible contamination of those holdings. Measures regarding taking of samples and clinical examinations of animals shall be carried out in accordance with paragraph 2.1.1.1 of Annex III to the Foot and mouth Directive.

(4) The Minister may, by notice, apply the measures provided for in Regulations 7 and 8.

*Measures to be applied in case of an outbreak of foot and mouth disease in the vicinity or within certain specific premises keeping on a temporary or regular basis animals of susceptible species*

14. (1) Where an outbreak of foot and mouth disease threatens to infect animals of susceptible species in a laboratory, zoo, wildlife park or fenced area, or in bodies, institutes or centres approved in accordance with Article 13(2) of Council Directive 92/65/EEC of 13 July 1992<sup>10</sup> and where animals are kept for scientific purposes or purposes related to conservation of species or farm animal genetic resources, then the owners or persons in charge of the premises and animals shall ensure that all appropriate bio-security measures are taken to protect such animals from infection. Those measures may include restricting access to the place concerned or making such access subject to special conditions.

(2) An authorised officer may issue a direction in respect of measures referred to in paragraph (1).

(3) A person to whom a direction is issued under paragraph (2) shall comply with the direction.

(4) Where an outbreak of foot and mouth disease is confirmed in one or more than one place referred to in paragraph (1), the Minister may, by notice, direct that Regulation 11(1)(b) does not apply to animals on that place provided that basic European Union interests, and in particular the animal health status of other Member States, are not endangered and that all necessary measures are in place to prevent any risk of spreading foot and mouth disease virus.

<sup>10</sup>OJ No. L268, 14.09.1992, p.54

*Measures to be applied in slaughterhouses, border inspection posts and means of transportation*

15. (1) Where a case of foot and mouth disease is confirmed in a slaughterhouse, border inspection post or means of transportation, an official veterinarian may, by notice, apply the following measures in relation to the infected premises, post or means of transport:

- (a) all animals of susceptible species in such premises, post or means of transport shall be killed without delay;
- (b) the carcasses of the animals referred to in subparagraph (a) shall be processed under official supervision in such a way as to avoid the risk of foot and mouth disease virus spreading;
- (c) other animal waste, including offal, of infected or suspected of being infected and contaminated animals shall be processed under official supervision in such a way as to avoid the risk of foot and mouth disease virus spreading;
- (d) dung, manure and slurry shall be subject to disinfection and shall only be removed for treatment in accordance with the European Communities (Transmissible Spongiform Encephalopathies and Animal by-products) Regulations 2008 (S.I. No. 252 of 2008);
- (e) cleaning and disinfection of buildings and equipment, including vehicles or means of transport, shall take place under the supervision of the authorised officer in accordance with Regulation 12;
- (f) an epidemiological inquiry shall be carried out in accordance with Article 13 of the Foot and mouth Directive.

(2) A person to whom a notice has been issued under paragraph (1) shall comply with the notice.

(3) The measures in Regulation 17 shall be applied to contact holdings.

(4) Animals shall not be reintroduced for slaughter, inspection or transport in the premises referred to in paragraph (1) until at least 24 hours after completion of the cleaning and disinfection operations referred to in paragraph (1)(e).

(5) Where required by the epidemiological situation, in particular where contamination of animals of susceptible species in holdings adjacent to the premises or means of transport referred to in paragraph (1) is suspected, an official veterinarian shall declare that premises to be an infected premises and the measures in paragraph (1) and Regulations 11 and 18 shall be applied.

## PART 4

HOLDINGS CONSISTING OF DIFFERENT EPIDEMIOLOGICAL PRODUCTION UNITS AND  
CONTACT HOLDINGS

*Holdings consisting of different epidemiological production units*

16. (1) In the case of holdings which consist of 2 or more separate production units, an official veterinarian may, in exceptional cases and after considering the risks of spreading foot and mouth disease, derogate from Regulation 11(1)(b) as regards production units of such holdings that are not considered to be affected by foot and mouth disease virus.

(2) Paragraph (1) only applies if an official veterinarian has confirmed at the time of the official investigation, as referred to in Article 4(2) of the Foot and mouth Directive, that the following conditions to prevent the spread of foot and mouth disease virus between the production units referred to in paragraph (1) have been in place for at least 2 incubation periods prior to the date on which the outbreak of foot and mouth disease was identified on the holding, namely:

- (a) the structure, including the administration, and size of the premises allowed a complete separation of housing and keeping for the distinct herds of animals of susceptible species, including separate air space;
- (b) the operations on the different production units, and in particular stable and pasture management, feeding, removal of dung or manure, have been completely separated and carried out by different personnel;
- (c) the machinery, working animals of species not susceptible to foot and mouth disease, equipment, installations, instruments and disinfection facilities used in the production units were kept completely separate.

(3) In relation to milk, a derogation from Regulation 11(1)(d) may be granted by an authorised officer to a holding producing milk provided that—

- (a) such holding complies with the conditions set out in paragraph (2),
- (b) milking in each unit is carried out separately, and
- (c) depending on the intended use, the milk is subject to at least one of the treatments described in Part A or Part B of Annex IX to the Foot and mouth Directive.

*Contact holdings*

17. (1) A holding shall be recognised as a contact holding where an official veterinarian finds or considers on the basis of confirmed data, that the foot and mouth disease virus may have been introduced as a result of the movement of persons, animals, products of animal origin, vehicles or in any other way either from other holdings onto a holding referred to in Regulation 4(1), 10 or 15(1) or from a holding referred to in Regulation 4(1), 10 or 15(1) to other holdings.

(2) Regulations 4 and 5 apply to a contact holding until the suspected presence of foot and mouth disease virus on a contact holding has been officially ruled out by an official veterinarian.

(3) The removal of any animals from a contact holding during a period corresponding to the incubation period specified for the species concerned in Article 2(h) of the Foot and mouth Directive is prohibited. Notwithstanding the foregoing, an official veterinarian may, by way of derogation from Regulation 4(2)(e) authorise the transport of animals of susceptible species under official supervision directly to the closest possible designated slaughterhouse for emergency slaughter.

(4) Where an official veterinarian considers that the epidemiological situation permits, he or she may limit the recognition of a holding as a contact holding provided for in paragraph (1), to one identified epidemiological production unit of the holding and to the animals contained therein, provided that the epidemiological production unit complies with Regulation 16.

(5) Where an epidemiological link between an outbreak of foot and mouth disease and premises or means of transport referred to in Regulations 14 and 15, respectively, cannot be excluded, an authorised officer may direct that some or all of the measures provided for in Regulations 4 and 5 shall be applied to such premises or means of transport. A person so directed shall comply with the direction. The Minister may also apply the measures provided for in Regulation 8.

## PART 5

### PROTECTION AND SURVEILLANCE ZONES

#### *Establishment of protection and surveillance zones*

18. (1) If an outbreak of foot and mouth disease is confirmed, the Minister shall, by notice, taking into account Article 21 of the Foot and mouth Directive establish around the holding or premises where the presence of foot and mouth disease is confirmed—

- (a) a zone with a radius of at least 3 kilometres (“protection zone”), and
- (b) a zone with a radius of at least 10 kilometres, including the protection zone (“surveillance zone”).

(2) The boundaries of zones referred to in paragraph (1) shall take account of and be amended having regard to administrative boundaries, natural barriers, supervision facilities and technological progress which makes it possible to predict the probable dispersion of the foot and mouth disease virus by air or any other means.

(3) A holding which is partly in a surveillance zone and partly in a protection zone is deemed to be in a protection zone.



(4) Where a protection or surveillance zone in Northern Ireland established by the competent authorities in that jurisdiction extends to part of the territory of the State, the Minister shall establish such a zone in that part of the State and the measures provided for in these Regulations for such zones must be applied to the areas and holdings within the zones so established.

(5) The owners or persons in charge of animals shall assist an official veterinarian in tracing any animals despatched from the zones concerned during the period of at least 21 days before the estimated date of earliest infection on a holding in the protection zone.

(6) Any person who has information shall assist an authorised officer in tracing fresh meat, meat products, raw milk and raw milk products derived from animals originating in the protection zone and produced between the date of estimated introduction of the foot and mouth disease virus until the date the measures provided for in paragraph (2) come into force.

(7) Fresh meat, meat products, raw milk and raw milk products referred to in paragraph (6) shall be treated in accordance with Regulations 22, 23 and 24, respectively, or detained until possible contamination with the foot and mouth disease virus is officially ruled out.

(8) The measures provided for in Part 5 apply to a zone established under this Regulation.

(9) A zone established under this Regulation is deemed to be abolished after expiry of the periods referred to in Regulation 33 or 41.

*Measures to be applied to holdings in a protection zone*

19. (1) The following measures apply in a protection zone:

- (a) any holding with susceptible animals that is not already registered shall be registered and a census of all animals present on all holdings within the protection zone shall be carried out as soon as possible and be kept up to date;
- (b) all holdings with susceptible animals will periodically undergo a veterinary inspection, carried out in such a way as to avoid the spread of foot and mouth disease virus possibly present on the holdings, which shall include in particular the relevant documentation, notably the records referred to in subparagraph (a) and the measures applied to prevent the introduction or escape of foot and mouth disease virus and which may include clinical inspection as described in paragraph 1 of Annex III to the Foot and mouth Directive or taking of samples from animals of susceptible species in accordance with paragraph 2.1.1.1 of Annex III to the Foot and mouth Directive;
- (c) no susceptible animals shall be removed from the holding on which they are kept.

(2) By way of derogation from paragraph (1)(c), an official veterinarian may permit animals of susceptible species to be transported under official supervision for the purpose of emergency slaughter directly to a slaughterhouse situated inside the same protection zone or, if that protection zone has no slaughterhouse or no slaughterhouse that the official veterinarian considers appropriate for the purpose of this paragraph, to a slaughterhouse outside the zone designated by an official veterinarian in a means of transport that is cleaned and disinfected under official control after each transport operation.

(3) The movement referred to in paragraph (2) shall be authorised in accordance with Article 22(2) of the Foot and mouth Directive. The meat of such animals shall be subject to the measures provided for in Regulation 22.

*Movement and transport of animals and their products in a protection zone*

20. The following activities are prohibited within a protection zone:

- (a) movement or transportation of an animal of susceptible species between holdings;
- (b) holding a fair, market, show or other gatherings of animals including collection and dispersion of susceptible species;
- (c) engaging in itinerant service for breeding of animals of susceptible species;
- (d) engaging in artificial insemination of and collection of ova and embryos from animals of susceptible species.

*Additional measures and derogations*

21. (1) The Minister may, by notice, extend the prohibitions referred to in Regulation 20 to—

- (a) movement or transport of animals of non-susceptible species between holdings situated within the protection zone or out of or into the protection zone,
- (b) transit of animals of all species through the protection zone,
- (c) events with gatherings of people who may have had contact with animals of susceptible species, where there is a risk of spreading the foot and mouth disease virus,
- (d) artificial insemination of or collection of ova and embryos from animals of species not susceptible to foot and mouth disease,
- (e) movement of means of transport designed for the transportation of animals,
- (f) slaughter on the holding of animals of susceptible species for private consumption, and

- (g) transport of goods referred to in Regulation 30 to holdings keeping animals of susceptible species.
- (2) The Minister may, by notice, authorise—
- (a) the transit of animals of all species through a protection zone undertaken exclusively through national roads, motorways or mainline railways,
  - (b) the transport of animals of susceptible species which have been certified by the official veterinarian as coming from holdings outside a protection zone and transported on designated routes directly to designated slaughterhouses for immediate slaughter, but only if the means of transport is cleansed and disinfected after delivery under official supervision at the slaughterhouse and such decontamination of transport is recorded in the logbook of the means of transport,
  - (c) the artificial insemination of animals on a holding carried out by the personnel of that holding by use of semen collected from animals on that holding or semen stored on that holding or semen delivered from a semen collection centre to the outside perimeter of that holding,
  - (d) the movement and transport of equidae taking into account the conditions set out in Annex VI to the Foot and mouth Directive, and
  - (e) the transport, under certain conditions, of goods referred to in Regulation 30 to holdings keeping animals of susceptible species.

*Measures in relation to fresh meat, minced meat and meat preparations produced in a protection zone*

22. (1) A person shall not place on the market fresh meat, minced meat and meat preparations—

- (a) derived from animals of susceptible species originating in a protection zone, or
- (b) from animals of susceptible species produced in establishments situated in a protection zone.

(2) Fresh meat, minced meat and meat preparations referred to in paragraph (1)(a), shall have a special identification mark applied and subsequently transported in sealed containers to an establishment designated by the Minister for transformation into meat products treated in accordance with paragraph 1 in Part A of Annex VII to the Foot and mouth Directive.

(3) Paragraph (1)(a) does not apply to fresh meat, minced meat and meat preparations which were produced on a date at least 21 days before the estimated date of earliest infection on a holding in the protection zone and which, since production, has been stored and transported separately from such meats produced after that date. Such meats are required to be readily distinguished

from meats not eligible for dispatch outside the protection zone by means of the application of a special identification mark.

(4) Paragraph (1)(b) does not apply to fresh meat, minced meat or meat preparations obtained from establishments situated in the protection zone if—

- (a) the establishment is operated under veterinary control,
- (b) only fresh meat, minced meat or meat preparations as described in paragraph (3), or fresh meat, minced meat or meat preparations obtained from animals reared and slaughtered outside the protection zone or from animals transported to the establishment and slaughtered therein in accordance with Regulation 21(2)(b) is processed in the establishment,
- (c) all such fresh meat, minced meat or meat preparations bears the health mark in accordance with Section 1, Chapter III of Annex 1 to Regulation (EC) No. 854 of 2004 of 29 April 2004<sup>11</sup>, or—
  - (i) in the case of meat from other bi-ungulates, the health mark provided for in Chapter III of Annex I to Council Directive 91/495/EEC of 27 November 1990<sup>12</sup>, or—
  - (ii) in the case of minced meat and meat preparations, the health mark as provided for in Chapter VI of Annex I to Council Directive 94/65/EEC of 14 December 1994<sup>13</sup>,

and

- (d) during the whole production process all such fresh meat, minced meat or meat preparations are clearly identified, and transported and stored separately from fresh meat, minced meat or meat preparations which are not eligible for dispatch outside the protection zone in accordance with these Regulations.

(5) A derogation in respect of paragraph (1)(a) may be granted subject to specific conditions adopted in accordance with the procedure referred to in Article 89(3) of the Foot and mouth Directive, in particular with regard to the health marking of meat produced from animals of susceptible species originating in protection zones maintained for more than 30 days.

*Measures in relation to meat products produced in a protection zone*

23. (1) A person shall not place on the market meat products produced from meat from animals of susceptible species originating in a protection zone.

(2) Paragraph (1) does not apply to meat products which have either undergone one of the treatments as set out in paragraph 1 in Part A of Annex VII to

<sup>11</sup>OJ No. L139, 30.04.2004, p.206

<sup>12</sup>OJ No. L268, 24.09.1991, p.41

<sup>13</sup>OJ No. L368, 31.12.1994, p.10

the Foot and mouth Directive or which have been produced from meats referred to in Regulation 22(3).

*Measures in relation to milk and milk products produced in a protection zone*

24. (1) A person shall not place on the market—

- (a) milk derived from animals of susceptible species originating in a protection zone and of milk products produced from such milk, and
- (b) milk and milk products from animals of susceptible species produced in an establishment situated in a protection zone.

(2) Paragraph (1)(a) does not apply to milk and milk products derived from animals of susceptible species originating in the protection zone which were produced on a date at least 21 days before the estimated date of earliest infection on a holding in the protection zone and which since production have been stored and transported separately from milk and milk products produced after that date.

(3) Paragraph (1)(a) does not apply to milk derived from animals of susceptible species originating in the protection zone and milk products produced from such milk which have undergone one of the treatments as set out in Parts A or B of Annex IX to the Foot and mouth Directive, depending on the use of the milk or milk products. The treatment shall be carried out under the conditions set out in paragraph (5) in establishments referred to in paragraph (4) or, if there is no establishment situated in the protection zone, in establishments situated outside the protection zone under the conditions set down in paragraph (6).

(4) Paragraph (1)(b) does not apply to milk or a milk product prepared in an establishment situated in a protection zone under the conditions set out in paragraph (5).

(5) The owner or person in charge of an establishment referred to in paragraphs (3) and (4) shall comply with the following conditions:

- (a) the establishment shall be operated under permanent official control;
- (b) all milk used in the establishment shall either comply with paragraphs (2) and (3) or the raw milk shall be obtained from animals outside the protection zone;
- (c) during the whole production process, the milk shall be clearly identified and transported and stored separately from raw milk and raw milk products which are not destined for dispatch outside the protection zone;
- (d) transport of raw milk from holdings situated outside the protection zone to the establishments shall be carried out in vehicles which are cleaned and disinfected prior to the transport operation and which have had no subsequent contact with holdings in the protection zone keeping animals of susceptible species.

(6) A person shall not transport raw milk from a holding situated within a protection zone to an establishment situated outside the protection zone unless—

- (a) processing in establishments situated outside the protection zone of raw milk produced from animals of susceptible species kept within the protection zone is authorised by an authorised officer,
- (b) the authorisation includes instructions on and designation of the transport route to the designated establishment,
- (c) transport is carried out in a vehicle which is cleaned and disinfected prior to the transport operation and which is constructed and maintained in such a way that there is no leakage of milk during transport and which is equipped to avoid aerosol dispersion during the loading and unloading of the milk,
- (d) before leaving the holding from where milk of animals of susceptible species is collected, the connection pipes, tyres, wheel arches, the lower parts of the vehicle and any spillage of milk is cleansed and disinfected and after the last disinfection and before leaving the protection zone the vehicle has no subsequent contact with holdings in the protection zone keeping animals of susceptible species, and
- (e) the means of transport is strictly assigned to a defined geographical or administrative area, is marked accordingly and may only be moved to another area after cleaning and disinfection under official supervision.

(7) The collection and transport of samples of raw milk of animals of susceptible species from holdings situated in a protection zone to a laboratory other than a veterinary diagnostic laboratory approved for diagnosis of the foot and mouth disease virus and the processing of the milk in such laboratories is prohibited.

*Measures in relation to semen, ova and embryos collected from animals of susceptible species in a protection zone*

25. (1) A person shall not place on the market semen, ova or embryos derived from animals of susceptible species originating in a protection zone.

(2) Paragraph (1) does not apply to frozen semen, ova or embryos collected and stored at least 21 days before the estimated date of earliest infection with the foot and mouth disease virus on a holding in the protection zone.

(3) A person shall store frozen semen collected in accordance with Council Directive 88/407/EEC of 14 June 1988<sup>14</sup>, Council Directive 90/429/EEC of 26 June 1990<sup>15</sup> and Council Directive 92/65/EEC of 13 July 1992<sup>10</sup> after the estimated date of earliest infection referred to in paragraph (2), separately from

<sup>14</sup>OJ No. L194, 22.07.1998, p.10

<sup>15</sup>OJ No. L224, 18.08.1990, p.62

<sup>10</sup>OJ No. L268, 14.09.1992, p.54

other semen and shall not release the frozen semen unless authorised by an authorised officer and until—

- (a) all the measures relating to the outbreak of foot and mouth disease have been removed in accordance with Regulation 33,
- (b) all animals accommodated in the semen collection centre have undergone a clinical examination, and samples taken in accordance with paragraph 2.2 of Annex III to the Foot and mouth Directive have been subjected to a serological test to substantiate the absence of infection in the semen collection centre concerned, and
- (c) the donor animal has been subjected with negative result to a serological test for the detection of antibodies against the foot and mouth disease virus on a sample taken not earlier than 28 days after the collection of the semen.

*Transport and distribution of dung and manure of animals of susceptible species produced in a protection zone*

26. (1) A person shall not transport or distribute dung or manure from holdings, premises or means of transport as referred to in Regulation 15 situated in a protection zone where animals of susceptible species are kept.

(2) Notwithstanding paragraph (1), an official veterinarian may authorise the removal of dung or manure of animals of susceptible species from a holding situated in the protection zone to a designated plant for treatment in accordance with paragraph 5 of section II in Part A of Chapter III of Annex VIII to Regulation (EC) No. 1774/2002 of the European Parliament and of the Council of 3 October 2002<sup>16</sup> or for intermediate storage.

(3) Notwithstanding paragraph (1), an official veterinarian may authorise the removal of dung or manure of animals of susceptible species from a holding situated in a protection zone which is not subject to the measures provided for in Regulation 4 or 11 for distribution on designated fields under the following conditions:

- (a) the entire volume of dung or manure has been produced at least 21 days before the estimated date of earliest infection on a holding in the protection zone and the dung or manure is distributed close to the ground and in sufficient distance from holdings keeping animals of susceptible species and immediately incorporated into the ground,
- (b) in the case of dung or manure from bovine animals or pigs—
  - (i) an examination by an official veterinarian of all the animals on the holding has ruled out the presence of animals suspected of being infected with the foot and mouth disease virus,
  - (ii) the entire volume of dung or manure has been produced at least 4 days prior to the examination referred to in clause (i), and

<sup>16</sup>OJ No. L273, 10.10.2002, p. 1



- (iii) the manure is incorporated into the ground on designated fields close to the holding of origin and in sufficient distance to other holdings keeping animals of susceptible species in the protection zone.

(4) An authorisation granted under this Regulation to remove dung or manure from a holding keeping animals of susceptible species shall be subject to stringent measures as may be directed by an official veterinarian to avoid spread of the foot and mouth disease virus, in particular by ensuring cleaning and disinfection of the leak-proof transport vehicles after loading and before leaving the holding.

*Measures in relation to hides and skins from animals of susceptible species in a protection zone*

27. (1) A person shall not place on the market hides or skins of animals of susceptible species originating in a protection zone.

(2) Paragraph (1) does not apply to hides and skins which either—

- (a) were produced at least 21 days before the estimated date of infection on a holding referred to in Regulation 10 and that have been stored separately from hides and skins produced after that date, or
- (b) comply with the requirements laid down in paragraph 2 in Part A of Annex VII to the Foot and mouth Directive.

*Measures in relation to sheep wool, ruminant hair and pig bristles produced in a protection zone*

28. (1) A person shall not place on the market sheep wool, ruminant hair and pig bristles originating in a protection zone.

(2) Paragraph (1) does not apply to unprocessed wool, hair or bristles which—

- (a) were produced at least 21 days before the estimated date of infection on a holding referred to in Regulation 10 and have been stored separately from wool, hair and bristles produced after that date, or
- (b) comply with the requirements laid down in paragraph 3 in Part A of Annex VII to the Foot and mouth Directive.

*Measures in relation to other animal products produced in a protection zone*

29. (1) A person shall not place on the market an animal product derived from an animal of susceptible species and that is referred to in Regulations 22 to 28.

(2) Paragraph (1) does not apply to products referred to in that paragraph which—

- (a) have been produced at least 21 days before the estimated date of infection on a holding referred to in Regulation 10 and have been



stored and transported separately from products produced after that date,

- (b) have undergone the treatment in accordance with paragraph 4 in Part A of Annex VII to the Foot and mouth Directive,
- (c) for specific products, comply with the appropriate requirements in paragraphs 5 to 9 in Part A of Annex VII to the Foot and mouth Directive,
- (d) are composite products which are not subject to further treatment containing products of animal origin which either have undergone a treatment ensuring destruction of possible foot and mouth disease virus or have been obtained from animals not subject to restrictions under the Foot and mouth Directive, or
- (e) are packed products intended for use as in-vitro diagnostic or laboratory reagents.

*Measures in relation to feed, forage, hay and straw produced in a protection zone*

30. (1) A person shall not place on the market feed, forage, hay and straw originating in a protection zone.

(2) Paragraph (1) does not apply to feed, forage, hay and straw—

- (a) produced at least 21 days before the estimated date of infection on holdings referred to in Regulation 10 and stored and transported separately from feed, forage, hay and straw produced after that date,
- (b) intended for use within the protection zone, subject to authorisation by an authorised officer,
- (c) produced on premises not keeping animals of susceptible species, or
- (d) produced in establishments not keeping animals of susceptible species and sourcing the raw material from premises referred to in subparagraph (c) or from premises situated outside the protection zone.

(3) Paragraph (1) does not apply to forage and straw produced on holdings keeping animals which comply with the requirements in paragraph 1 in Part B of Annex VII to the Foot and mouth Directive.

*Additional measures to be applied in a protection zone*

31. The Minister may, by notice, apply additional measures in a protection zone which are deemed necessary and proportionate to contain the foot and mouth disease virus taking into account the particular epidemiological, animal husbandry, commercial and social conditions prevailing in the affected area.

*Arrangements in respect of Regulations 18 to 31 (granting of derogations)*

32. A derogation provided for in Regulations 22 to 30 shall be granted on the basis provided for in Article 34 of the Foot and mouth Directive.

*Removal of measures in protection zone*

33. (1) The measures applied in a protection zone shall be maintained until the following requirements have been met:

- (a) at least 15 days have elapsed since the killing and safe disposal of all the animals of susceptible species from the holding referred to in Regulation 11 and the completion of the preliminary cleaning and disinfection on that holding, carried out in accordance with Regulation 12;
- (b) a survey has been concluded with negative results in all holdings keeping animals of susceptible species and situated within the protection zone.

(2) After the removal of the measures specific to a particular protection zone, the measures applied in the surveillance zone concerned as provided for in Regulations 34 to 39 shall continue to apply in that area for at least 15 days until those measures are removed in accordance with Regulation 41.

(3) The survey referred to in paragraph (1)(b) shall—

- (a) be carried out to substantiate the absence of infection,
- (b) be at least in compliance with the criteria of paragraph 1 of Annex III to the Foot and mouth Directive, and
- (c) shall include the measures provided for in paragraph 2.3 of Annex III to the Foot and mouth Directive based on the criteria set out in paragraphs 2.1.1. and 2.1.3. of Annex III to the Foot and mouth Directive.

*Measures to be applied to holdings in surveillance zone*

34. (1) The measures provided for in Regulation 19(1) shall be applied in a surveillance zone.

(2) Notwithstanding the prohibition provided for in Regulation 19(1)(c) and where there is no or insufficient slaughter capacity available within a surveillance zone, an official veterinarian may authorise the removal from holdings situated in the surveillance zone of animals of susceptible species to be transported directly and under official supervision for slaughter to a slaughterhouse located outside the surveillance zone, subject to the following conditions:

- (a) the records referred to in Regulation 19(1) have been subjected to official control, and the epidemiological situation of the holding does not indicate any suspicion of infection or contamination with the foot and mouth disease virus;
- (b) all the animals of susceptible species on the holding have been subjected with negative result to an inspection by the official veterinarian;

- (c) a representative number of animals, taking into account the statistical parameters in paragraph 2.2 to Annex III to the Foot and mouth Directive, has been subjected to thorough clinical examination to rule out the presence or suspicion of clinically infected animals;
- (d) the slaughterhouse is designated by the competent authority and located as near to the surveillance zone as possible;
- (e) the meat produced from such animals shall be subject to the treatment specified in Regulation 36.

*Movement of animals of susceptible species within a surveillance zone*

35. (1) A person shall not remove an animal of a susceptible species from a holding within a surveillance zone.

(2) The prohibition provided for in paragraph (1) does not apply to movement of animals for one of the following purposes:

- (a) for leading them without coming into contact with animals of susceptible species of different holdings, to pasture situated within the surveillance zone not earlier than 15 days after the last outbreak of the foot and mouth disease has been recorded in the protection zone;
- (b) for transporting them directly and under official supervision for the purpose of slaughter to a slaughterhouse located inside the same zone;
- (c) for transporting them for slaughter in accordance with Regulation 34(2);
- (d) for transporting them in accordance with subparagraphs (a) and (b) of Regulation 21(2).

(3) Movements of animals provided for in paragraph (2)(a) may be authorised by an official veterinarian only after an examination by him or her of all the animals of susceptible species on the holding, including testing of samples taken in accordance with paragraph 2.2 of Annex III to the Foot and mouth Directive, has ruled out the presence of animals suspected of being infected or animals suspected of being contaminated.

(4) Movements of animals provided for in paragraph (2)(b) shall be authorised by an official veterinarian only after the measures provided for in subparagraphs (a) and (b) of Regulation 34(2) have been completed with satisfactory results.

*Measures to be applied to fresh meat, minced meat or meat preparations of animals of susceptible species originating in a surveillance zone and meat products produced from such meat*

36. (1) A person shall not place on the market fresh meat, minced meat or meat preparations derived from an animal of a susceptible species originating in a surveillance zone or meat products produced from such meat.

(2) A person shall not place on the market fresh meat, minced meat, meat preparations or meat products from an animal of a susceptible species produced in establishments situated in the surveillance zone.

(3) Paragraph (1) does not apply to fresh meat, minced meat and meat preparations which were produced on a date at least 21 days before the estimated date of earliest infection on a holding in the corresponding protection zone and which since production have been stored and transported separately from such meats produced after that date. Such meats are required to be readily distinguished from meats not eligible for dispatch outside the surveillance zone by means the application of a special identification mark.

(4) Paragraph (1) does not apply to fresh meat, minced meat or meat preparations which were produced from animals transported to the slaughterhouse under conditions at least as strict as provided for in subparagraphs (a) to (e) of Regulation 34(2) under the condition that the meat is subject to the measures provided for in paragraph (5).

(5) Paragraph (2) does not apply to fresh meat, minced meat or meat preparations obtained from establishments situated in the surveillance zone under the following conditions:

- (a) the establishment is operated under veterinary control;
- (b) only fresh meat, minced meat or meat preparations as described in paragraph 4 and subject to the additional conditions provided for in Part B of Annex VIII to the Foot and mouth Directive or obtained from animals reared and slaughtered outside the surveillance zone or obtained from animals transported in accordance with the provisions in Regulation 21(2)(b) is processed in the establishment;
- (c) all such fresh meat, minced meat or meat preparations bears—
  - (i) the health mark in accordance with section 1, Chapter III of Annex I to Regulation (EC) No. 854 of 2004 of 29 April 2004<sup>11</sup>, or
  - (ii) the identification mark in accordance with section I of Annex II of that Regulation;

and

- (d) during the whole production process all such fresh meat, minced meat or meat preparations are clearly identified, and transported and stored separately from fresh meat, minced meat or meat preparations which are not eligible for dispatch outside the surveillance zone in accordance with the Foot and mouth Directive.

(6) Paragraph (1) does not apply to meat products produced from fresh meat obtained from animals of susceptible species originating in the surveillance zone which was marked with a special identification mark and transported under

<sup>11</sup>OJ No. L139, 30.04.2004, p.206

official supervision to a designated establishment for treatment in accordance with paragraph 1 in Part A of Annex VII to the Foot and mouth Directive.

(7) Paragraph (2) does not apply to meat products produced in establishments situated in the surveillance zone and either complying with paragraph (6) or produced from meat complying with paragraph (5).

*Measures to be applied to milk and milk products of animals of susceptible species produced in a surveillance zone*

37. (1) A person shall not place on the market milk derived from an animal of susceptible species originating in a surveillance zone and of milk products produced from such milk.

(2) A person shall not place on the market milk and milk products from an animal of a susceptible species produced in a surveillance zone.

(3) Paragraph (1) does not apply to milk and milk products derived from animals of susceptible species originating in the surveillance zone which were produced on a date at least 21 days before the estimated date of earliest infection on a holding in the corresponding protection zone and which since production have been stored and transported separately from milk and milk products produced after that date.

(4) Paragraph (1) does not apply to milk derived from animals of susceptible species originating in the surveillance zone and milk products produced from such milk which have undergone one of the treatments as set out in Part A or B of Annex IX to the Foot and mouth Directive depending on the use of the milk or milk products. The treatment shall be carried out under the conditions set out in paragraph (6) in establishments referred to in paragraph (5) or, if there is no establishment situated in the relevant surveillance zone, in establishments designated by an official veterinarian and situated outside the protection and surveillance zones.

(5) Paragraph (2) does not apply to milk and milk products which have been prepared in establishments situated in the surveillance zone under the conditions set out in paragraph (6).

(6) The owner or person in charge of an establishment referred to in paragraphs (4) and (5) shall comply with the following conditions:

- (a) the establishment shall be operated under strict veterinary control;
- (b) all milk used in the establishment shall either comply with paragraph (4) or be obtained from animals outside the surveillance and protection zone;
- (c) throughout the production process, the milk shall be clearly identified and transported and stored separately from milk and milk products which are not destined for dispatch outside a surveillance zone;

- (d) transport of raw milk from holdings situated outside the protection and surveillance zone to the establishments shall be carried out in vehicles which were cleaned and disinfected prior to the transport operation, and which have had no subsequent contact with holdings in the protection and surveillance zones keeping animals of susceptible species.

(7) A person shall not transport raw milk from holdings in a surveillance zone to establishments outside the protection and surveillance zones unless—

- (a) the processing of milk derived from animals of susceptible species kept within the surveillance zone in an establishment situated outside the protection and surveillance zones is authorised by an official veterinarian,
- (b) the authorisation includes instructions on and designation of the transport route to the establishment,
- (c) transport is carried out in vehicles which—
  - (i) are cleaned and disinfected prior to the transport operation,
  - (ii) are constructed and maintained in such a way that there is no leakage of milk during transport, and
  - (iii) are equipped to avoid aerosol dispersion during the loading and unloading of the milk,
- (d) before leaving the holding from where milk of animals of susceptible species is collected, the connection pipes, tyres, wheel arches, the lower parts of the vehicle and any spillage of milk are cleansed and disinfected and after the last disinfection and before leaving the surveillance zone the vehicle had no subsequent contact with holdings in the protection and surveillance zones keeping animals of susceptible species, and
- (e) the means of transport is strictly assigned to a defined geographical or administrative area, marked accordingly and moved to another area only after cleansing and disinfection under official supervision.

(8) The collection and transport of samples of raw milk of animals of susceptible species from holdings situated in the surveillance zone to a laboratory other than a veterinary diagnostic laboratory approved for diagnosis of foot and mouth disease and the processing of the milk in such laboratories is subject to official authorisation and measures to avoid any spread of possible foot and mouth disease virus.

*Transport and distribution of dung and manure of animals of susceptible species produced in a surveillance zone*

38. (1) A person shall not, transport or distribute dung or manure from holdings, other premises or means of transport such as those mentioned in Regulation 15 situated in a surveillance zone where animals of susceptible species are kept within and outside the surveillance zone.

(2) Notwithstanding paragraph (1), an official veterinarian may, in exceptional circumstances, authorise the transport of dung or manure in means of transport that is thoroughly cleansed and disinfected prior to and after use for distribution in designated areas within the surveillance zone and at sufficient distance to holdings where animals of susceptible species are kept, subject to either—

- (a) an examination by an official veterinarian of all the animals of susceptible species on the holding ruling out the presence of animals suspected of being infected with the foot and mouth disease virus and the manure or dung is distributed close to the ground to avoid the generation of aerosols and immediately ploughed into the ground, or
- (b) following a clinical inspection by an official veterinarian of all the animals of susceptible species on the holding ruling out the presence of the foot and mouth disease virus, the manure is injected into ground.

*Measures in relation to other animal products produced in a surveillance zone*

39. The placing on the market of products of animal origin other than those referred to in Regulations 36 to 38 shall be subject to the conditions provided for in Regulation 25 and Regulations 27 to 29.

*Additional measures to be applied in a surveillance zone*

40. (1) In addition to the measures provided for in Regulations 34 to 39, the Minister may, by notice, apply additional measures which are deemed necessary and proportionate to contain foot and mouth disease virus taking into account the particular epidemiological, animal husbandry, commercial and social conditions prevailing in the affected area. Where specific measures to restrict the movement of equidae are considered necessary, such measures shall take into account those provided for in Annex VI to the Foot and mouth Directive.

(2) Derogation under Regulations 34 to 39 shall be granted on the basis provided for in Article 34 of the Foot and mouth Directive.

*Removal of measures in surveillance zone*

41. (1) The measures applied in a surveillance zone which may be the subject of notices by the Minister shall be maintained until the following requirements have been met:

- (a) at least 30 days have elapsed since the killing and safe disposal of all animals of susceptible species from an infected premises and the completion of the preliminary cleaning and disinfection on that holding, carried out in accordance with Regulation 12;



- (b) the requirements provided for in Regulation 33 have been met in the protection zone;
- (c) a survey has been concluded with negative results.

(2) The survey referred to in paragraph (1)(c) shall be carried out to substantiate the absence of infection in the surveillance zone concerned in compliance with the criteria of paragraph 1 of Annex III to the Foot and mouth Directive and shall include the measures provided for in paragraph 2.4 of Annex III to the Foot and mouth Directive based on the criteria of paragraph 2.1 of Annex III to the Foot and mouth Directive.

## PART 6

### REGIONALISATION

#### *Regionalisation*

42. Without prejudice to Directive 90/425/EC of 26 June 1990<sup>18</sup>, and in particular Article 10, where the foot and mouth disease virus appears to be spreading despite the measures taken in accordance with these Regulations and the epizootic becomes extensive and in any case when emergency vaccination is implemented, the Minister may, by notice, regionalise areas in the State into one or more restricted and free zones in accordance with Article 45 of the Foot and mouth Directive.

## PART 7

### COMPENSATION

#### *Compensation*

43. (1) The Minister may, subject to this Part, pay compensation (in this Regulation, “compensation”) to the beneficial owner for—

- (a) an animal that is killed under these Regulations, or
- (b) the product of such animal,

if the animal is slaughtered or the animal product is destroyed or otherwise disposed of to alleviate the risk of foot and mouth disease, to prevent the spread of that disease or to eradicate that disease.

(2) Compensation payable shall not exceed the open market value of the animal or animal product immediately before destruction as if not affected with disease.

(3) If a person is convicted of an offence under these Regulations or under legislation giving effect to an act of an institution of the European Union relating to an animal, or animal product, as a statutory consequence of conviction, he or she shall not be entitled to compensation under these Regulations in respect of the animal or animal product.

<sup>18</sup>OJ No. L224, 18.08.1990, p. 29



(4) In relation to an animal or animal product to which paragraph (1) relates, the Minister may postpone consideration or determination for compensation pending the institution or determination of a prosecution for an offence in relation to the animal or animal product, as the case may be.

#### *Valuers*

44. (1) The Minister may appoint persons who, in his or her opinion, have experience in valuing or knowledge of the current values of animals or animal products to carry out valuations for the purposes of assessing compensation.

(2) The owners or persons in charge of the animals or animal products which are subject to a claim for compensation, their employees, servants or agents shall give all assistance required and co-operate with a valuer or a person accompanying a valuer.

(3) A person appointed under paragraph (1) shall not act in a specific case if he or she considers that there is a conflict of interest, or, in particular, the applicant for compensation—

(a) is a member of the valuer's family or other relative,

(b) is a person with whom the valuer has a business relationship, or

(c) is a person with whom the valuer has, or has had, a social relationship, the nature of which may call into question the valuer's independence or objectivity.

(4) Subject to paragraph (8), a valuer is independent in the exercise of his or her functions.

(5) If a valuer, (including a valuer to whom paragraph (7) refers), values an animal or animal product, he or she shall send a written report, in a form that the Minister may determine, to the owner of the animal or animal product and to the Minister.

(6) If the Minister or owner of an animal or animal product is dissatisfied with the determination of a valuer, he or she may, within 2 days of the date of the valuation, request a second valuation. Notwithstanding the foregoing, the slaughter of the animal or the destruction or disposal of the animal product shall proceed forthwith notwithstanding the appeal.

(7) If a person requests a second valuation, the valuation shall be carried out by a valuer chosen by the Minister.

(8) The Minister may issue guidelines relating to the valuation of an animal or animal product and a person appointed under paragraph (1) shall have regard to any such guidelines.

(9) In the interest of disease control, minimising the risk of disease and cur-tailing the spread of disease, the determination of compensation or ownership of an animal or animal product, shall not delay the killing of the animal or

destruction or disposal of the animal product which shall proceed under the direction of an official veterinarian prior to such determination.

*Arbitration*

45. (1) If the Minister or owner of an animal or animal product is dissatisfied with the determination of the second valuer, he or she may, within 7 days, request that the matter be settled by arbitration in accordance with the Arbitration Act 2010 (No. 1 of 2010) or by an arbitration process established by the Minister.

(2) Subject to Regulation 46, the outcome of any arbitration to which this Regulation relates is binding on both parties save that, on a point of law, either party may appeal to the High Court.

*Abatement of compensation*

46. The Minister may reduce or refuse to pay compensation provided for under this Part, if in his or her opinion—

- (a) the applicant had failed to take reasonable measures to alleviate the risk or spread of disease,
- (b) the applicant had failed to take appropriate or prescribed (if any) biosecurity measures,
- (c) the applicant has obstructed or impeded or failed to give assistance to an authorised officer, valuer or other official,
- (d) the applicant has delayed the depopulation of an animal or the destruction of products,
- (e) the applicant is not the owner of an animal or animal product to which the application relates,
- (f) the applicant has been convicted of an offence under—
  - (i) these Regulations,
  - (ii) the Animal Remedies Act 1993 (No. 23 of 1993), or
  - (iii) an act of an institution of the European Union or regulations made under the European Communities Act 1972 (No. 27 of 1972) relating to animals or animal products,
- (g) an animal or animal product to which an application for compensation relates has been imported, sold, supplied, moved or otherwise dealt with in contravention of an enactment to which subparagraph (f) refers, or
- (h) the applicant in making an application for compensation, a licence, permit, authorisation, registration or approval under these Regulations fails to give information required or gives information knowing it to be false or misleading in a particular respect.

## PART 8

AUTHORISED OFFICERS, WARRANTS, NOTICES, OFFENCES, PENALTIES AND  
DESIGNATION*Appointment of authorised officer*

47. (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 the functions of an authorised officer as may be specified in the instrument.

(2) The Minister may at any time terminate the appointment of an authorised officer appointed by him or her under paragraph (1) whether or not the appointment was for a fixed period or a specified purpose.

(3) An appointment as an authorised officer under paragraph (1) ceases—

- (a) if it is terminated pursuant to paragraph (2),
- (b) if it is for a fixed period, on the expiry of that period,
- (c) if it is for a specified purpose, on the completion of that purpose, or
- (d) if the person appointed is an officer of the Minister upon the person ceasing to be such an officer.

(4) Nothing in paragraph (3) is to be construed so as to prevent the Minister from reappointing as an authorised officer a person who ceased to be an authorised officer by virtue of that paragraph.

(5) An authorised officer (other than a member of the Garda Síochána or the Defence Forces or an officer of Customs and Excise) shall—

- (a) be furnished with a warrant of his or her appointment as an authorised officer, and
- (b) when exercising a function as an authorised officer and if requested by a person affected, produce his or her warrant card or evidence that he or she is appointed as an authorised officer to the person.

(6) The Minister may reserve the exercise of any function conferred on an authorised officer under these Regulations to a particular authorised officer or to an authorised officer of a particular class or description.

*Functions of authorised officer*

48. (1) For the purpose of enforcing these Regulations where an authorised officer has reasonable cause to suspect that—

- (a) an animal, carcass, animal product, animal by-product, animal feed, food, a vehicle or trailer used in connection with the transport of an animal or an animal product is present, has been present or may be present on a holding or premises,

- (b) an animal, carcass, animal product, animal by-product, animal feed or food is or has been kept, processed, stored or otherwise dealt with on a holding or premises,
- (c) equipment, plant or machinery used in connection with an animal, carcass, animal product, animal by-product, animal feed or food has been, is or may be on a holding or premises, or
- (d) a document relating to a thing referred to in subparagraph (a), (b) or (c) is present, was present or may be present on a holding or premises,

then the authorised officer may—

- (i) enter the holding or premises not being a dwelling,
- (ii) search the holding or premises,
- (iii) stop a person, vehicle, vessel, aircraft or container,
- (iv) board and search a vehicle, vessel, aircraft or container,
- (v) examine an animal, carcass, animal product, animal by-product, animal feed, food, vehicle, vessel, aircraft, container, equipment, machinery or other thing,
- (vi) take, without payment, samples of an animal, carcass, animal product, animal by-product, animal feed, food 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) require the production of a document (including a document in non-legible form in a legible form) or thing relating to an animal, carcass, animal product, animal by-product, animal feed, food, vehicle, vessel, container, equipment, machinery or other thing,
- (viii) retain a document or thing (for so long as is necessary),
- (ix) make a record using any means including writing, photography or video,
- (x) give a direction to, or request information of, a person regarding an animal, carcass, animal product, animal by-product, animal feed or food, vessel, vehicle, container, machinery, equipment, premises or other thing as he or she considers necessary,
- (xi) require the name and address of a person and the name and address of any other person including the owner of, or person to whom an animal, carcass, animal product, animal by-product,

animal feed, food or other thing is being delivered or who is causing it to be delivered,

- (xii) require of a person information relating to the ownership, identity and origin of the animal, carcass, animal product, animal by-product, animal feed, food, vessel, vehicle, containers, equipment, machinery or other thing,
- (xiii) require a person in charge or control of a vessel, vehicle, aircraft or container to refrain from moving it, or
- (xiv) mark or otherwise identify an animal, carcass, animal product, animal by-product, animal feed, food, vessel, vehicle, machinery, equipment, container or other thing or a sample taken under subparagraph (vi).

(2) If an authorised officer has reasonable cause to suspect that—

- (a) an offence is being or has been committed under these Regulations or regulations made under the European Communities Act 1972 relating to an animal, carcass, animal product, animal by-product, waste of an animal, food, animal feed or other thing relating to animal welfare, the protection of an animal, zoonoses or any other matter in respect of animal health,
- (b) a contravention of an act of the institutions of the European Union relating to an animal, carcass, animal product, animal by-product, waste of an animal, food, animal feed or other thing relating to animal welfare, the protection of an animal, zoonoses or any other matter in respect of animal health is being or has been committed, or
- (c) evidence of an offence or contravention to which subparagraph (a) or (b) relate may be, is or has been committed,

then the authorised officer may, in addition to the powers exercisable by him or her under paragraph (1)—

- (i) search a person, where the authorised officer considers it necessary,
- (ii) seize and detain, an animal, carcass, animal product, animal by-product, animal feed, food, vessel, vehicle, container, equipment, machinery or other thing,
- (iii) deal with or dispose of, or require the owner or person in charge of or in possession of an animal, carcass, animal product, animal by-product, animal feed, food or other thing to deal with or dispose of it, in a manner that the authorised officer see fit, or
- (iv) deal with or dispose of any equipment, machinery, plant or other thing used in connection with, or that may have been in contact

with, the animal, carcass, animal product, animal by-product, animal feed or food in a manner that the authorised officer sees fit.

(3) (a) An authorised officer shall not enter, except with the consent of the occupier or where subparagraph (b) applies, a private dwelling, unless he or she has obtained a search warrant under Regulation 49.

(b) Where an authorised officer has reasonable cause to suspect that before a search warrant could be sought in relation to the dwelling anything to which paragraph (1) or (2) relates is being or is likely to be destroyed or disposed of, then an authorised officer may use reasonable force, if necessary, in exercise of his or her functions 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 this Regulation 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—

(a) prohibiting, restricting or otherwise controlling the use, processing or movement of an animal, animal product, animal by-product, animal feed, food vessel, vehicle, container, equipment, machinery or other thing as may be specified by the authorised officer, or

(b) requiring that the person to whom the direction is addressed to take the bio-security measures (including measures requiring the repair or erection of fences, boundaries or buildings) specified by the authorised officer.

(7) An authorised officer may by a notice in writing given to the owner of land which is used, or is capable of being used whether wholly or partly, for any agricultural purpose, a person who owns or has an animal in his or her possession or under his or her control, dealer, auctioneer, estate agent or other person, require him or her to give to the officer, within a period specified in the notice (being a period of not less than 24 hours commencing on the date of the notice), such of the following information as it is in the person's possession or control to give as regards any land specified in the notice, namely:

(a) whether or not the land is used, either partly or wholly, for or in connection with the grazing or retention of animals;

(b) the name of the person who is in occupation of the land;

- (c) whether or not the land is let and, if it is let, the name and address of the person to whom, and the period of time for which, it is let,

and in case a notice is given, the person to whom it is given shall, within the period specified in the notice, comply with the requirement of the notice.

(8) An authorised officer may require the owner or the person in charge of an animal to furnish to the officer the name and address of a person to whom an animal or animal product has been sold or given away and who is for the time being receiving or has, on any day specified by the authorised officer, received an animal or animal product.

(9) If a member of the Garda Síochána has reasonable grounds to suspect that a person has committed an offence under this Regulation, the member may without warrant arrest the person.

(10) If in the course of exercising any functions under these Regulations an authorised officer or a member of the Garda Síochána finds or comes into possession of any thing that the officer or member believes to be evidence of an offence or suspected offence under this Regulation, it may be seized and retained for use in evidence in criminal proceedings.

(11) Nothing in these Regulations operates to prejudice a power conferred by another enactment to search, or to seize or detain property, which may be exercised by a member of the Garda Síochána or an officer of Customs and Excise.

(12) If an authorised officer has reasonable cause to suspect that a person has had contact with an animal, carcass, animal product, animal by-product, animal feed, food, a vehicle, trailer, equipment or thing infected by foot and mouth disease or contaminated by the foot and mouth disease virus he or she may give a direction to a person to—

- (a) clean, disinfect or dispose of clothing or footwear,
- (b) clean and disinfect themselves, or
- (c) require them to refrain from having any contact with susceptible animals for a specified period of time.

#### *Search warrant*

49. (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 that—

- (a) evidence of, or relating to, the commission or intended commission of an offence under these Regulations is to be found on a premises, vehicle, vessel or aircraft,
- (b) there is or was an animal, feed, equipment or other thing made, used or adapted for use (including manufacture and transport) in connection with an animal or feed to be found on a premises, vehicle, vessel or aircraft,

- (c) a document or other record related to a thing to which subparagraph (a) or (b) refers is or may be on a premises, vehicle, vessel or aircraft,

then the judge may issue a search warrant in respect of the premises, vehicle vessel or aircraft, as the case may be.

(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, vehicle, vessel or aircraft 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.

#### *Obstruction*

50. A person who—

- (a) obstructs or impedes an authorised officer in the exercise of his or her powers under Regulation 48,
- (b) fails, without reasonable cause, to comply with a requirement or direction of an authorised officer under Regulation 48, or
- (c) in purporting to give information to an authorised officer for the performance of the officer's powers under Regulation 48—
  - (i) makes a statement that he or she knows to be false in a material particular or recklessly makes a statement which is false in a material particular, or
  - (ii) fails to disclose a material particular,

commits an offence and is liable on summary conviction to a class A fine.

#### *Notices, directions, authorisations, derogations*

51. (1) Where a notice or direction is issued under Regulation 7, 8, 14(2), 18(1), 19, 21, 31, 40 or 42, notice of it being issued shall be published in at least one newspaper published in the State and circulating in the areas referred to in the notice and by any other method the Minister considers appropriate.

(2) The Minister may authorise in writing an officer of the Minister to issue a notice referred to in paragraph (1).

(3) Without prejudice to paragraph (1), a notice, direction, derogation or authorisation issued under these Regulations, may be given—



- (a) generally by publishing notice of it in at least one newspaper published in the State and circulating in the area to which the notice, direction, derogation or authorisation relates and by such other means as the Minister considers appropriate, or
- (b) by an authorised officer giving it directly to a person or by leaving it at the holding or premises concerned.

(4) Where not explicitly provided for in a Regulation, an authorised officer may, nevertheless, issue a direction to a person relating to a requirement in these Regulations, either by giving it directly to the person concerned or leaving it at the holding or premises concerned or by any other method as the Minister considers appropriate.

(5) The Minister or an authorised officer may revoke or amend a notice issued under these Regulations.

(6) A notice, direction, derogation or authorisation under these Regulations remains in force until it is amended or revoked by another notice unless the notice specifically states otherwise.

#### *Forgery*

52. (1) A person shall not forge or use, knowing it to be forged, any notice, direction, authorisation or derogation issued under these Regulations (in this Regulation referred to as a “forged document”).

(2) A person shall not alter with intent to defraud, deceive, or use, knowing it to be altered, a notice, direction, authorisation or derogation issued under these Regulations (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.

#### *Offences*

53. A person who contravenes Regulation 3, 4(2), 5, 11, 12, 14(1) or (3), 15(2) or (4), 17(3) or (5), 18(5) or (6), 20, 22(1), 23(1), 24(1), (5), (6) or (7), 25(1) or (3), 26(1), 27(1), 28(1), 29(1), 30(1), 35(1), 36(1) or (2), 37(1), (2), (6) or (7), 38(1), 44(2) or 52 commits an offence.

#### *Penalties, etc*

54. (1) A person who commits an offence under Regulation 12, 14(1) or (3), 15(2) or (4), 17(5), 18(5) or (6) or 44(2) is liable on summary conviction to a class A fine.

(2) A person who commits an offence under Regulation 3, 4(2), 5, 11, 17(3), 20, 22(1), 23(1), 24(1), (5), (6) or (7), 25(1) or (3), 26(1), 27(1), 28(1), 29(1), 30(1), 35(1), 36(1) or (2), 37(1), (2), (6) or (7), 38(1) or 52 is liable—

- (a) on summary conviction, to a class A fine, or to imprisonment for a term not exceeding 3 months, or to both, or

(b) on conviction on indictment, to a fine not exceeding €250,000, or to imprisonment for a term not exceeding 12 months, or to both.

(3) Proceedings for an offence under these Regulations may be brought summarily by the Minister.

(4) Where an offence under these Regulations has been committed by a body corporate and it is proved to have been so committed with the consent or connivance of or to be attributable to any wilful neglect on the part of any person who, when the offence was committed, was a director, manager, secretary or other similar officer of the body corporate, or a person purporting to act in any such capacity, that person, as well as the body corporate, is guilty of an offence and is liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(5) 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 such a member were a director or manager of the body corporate.

*Production of notice in legal proceedings, etc*

55. A copy of a notice under these Regulations, which has endorsed on it a certificate purporting to be signed by an officer of the Minister (authorised in that behalf by the Minister) stating that the copy is a true copy of the notice may, without proof of signature of that officer, be produced in every court and in all legal proceedings and is evidence, unless the contrary is shown, of the notice.

*Designation of official veterinarian*

56. (1) The Minister may designate as an official veterinarian for the purposes of these Regulations a veterinary practitioner registered under Part 4 of the Veterinary Practice Act 2005 (No. 22 of 2005).

(2) An inspector of the Minister under the Diseases of Animals Act 1966 is an official veterinarian.

*Service of documents*

57. (1) A notice or other document required to be served on, sent or given to a person under these Regulations shall, subject to paragraph (2), be addressed to the person concerned by name, and may be served on, sent or given to the person in one of the following ways—

- (a) by delivering it to the person;
- (b) by leaving it at the address at which the person ordinarily resides or, in a case 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, in a case in which an address for service has been furnished, to that address;

- (d) where the address at which the person ordinarily resides cannot be ascertained by reasonable inquiry and the notice or other document relates to any lands or other place of business, by delivering it to a person over the age of 16 years resident or employed at the lands or other place of business or by affixing it in a conspicuous position at or near the lands or other place of business;
- (e) if the person concerned has agreed to service of notices by means of an electronic communication (within the meaning assigned by section 2 of the Electronic Commerce Act 2000), service by such means, provided that there is a facility for confirming receipt of electronic communication and that such receipt has been confirmed;
- (f) where there is a facility for receiving a facsimile of the notice by electronic means at the address at which the person ordinarily resides or carries on business, by transmitting a facsimile of the notice, the receipt of which is confirmed by the sender's facsimile, by such means to that address.

(2) Where a notice or other document required or authorised under these Regulations to be served on, sent or given to a person who is the owner of lands or other place of business and the name of the person cannot be ascertained by reasonable inquiry, it may be addressed to the person by using the words "the owner" or, as the case may require, "the occupier".

(3) For the purposes of this Regulation, a company within the meaning of the Companies Acts shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business.



GIVEN under my Official Seal,  
15 February 2012.

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

#### EXPLANATORY NOTE

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

The purpose of these Regulations is to give legal effect to Council Directive 2003/85/EC as amended on Community measures for the control of foot and mouth disease.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
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