

EUROPEAN COMMUNITIES (NEWCASTLE DISEASE) REGULATIONS 1994

I, JOE WALSH, Minister for Agriculture, Food and Forestry, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972) and for the purpose of giving effect to Council Directive No. 92/66/EEC(1) of 14 July 1992, hereby make the following Regulations:—

(1)O.J. No. L260 of 5.9.1992, p. 1.

REG 1

1 Citation and commencement.

1. (1) These Regulations may be cited as the European Communities (Newcastle disease) Regulations, 1994.

(2) These Regulations shall come into operation on the 2nd day of August, 1994.

REG 2

2 Definitions.

2. (1) In these Regulations—

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

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

"article" means fodder, foodstuff, litter, manure, skin feathers and any other product derived from poultry, and any utensil, appliance, container, vaccine or other thing used in or about poultry, carcasses or eggs;

"authorised officer" means—

(i) a person who stands for the time being appointed under Regulation 13,

(ii) an inspector within the meaning of the Act;

"carcase" means a poultry carcase and includes any part of a poultry carcase;

"the Council Directive" means Council Directive No. 92/66/EEC of 14 July 1992;

"the disease" means Newcastle disease;

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

"poultry" means—

(a) fowl, turkeys, guinea fowl, ducks, geese, quails, pigeons, pheasants and partridges reared or kept in captivity for breeding, the production of meat or eggs for consumption, or for restocking supplies of game, and

(b) racing pigeons and other birds kept in captivity;

"premises" includes land, with or without buildings.

(2) A word or expression that is used in these Regulations and is also used in the Council Directive or in Article 2 of Council Directive No. 90/539/EEC(1) of 15 October 1990 has, unless the contrary intention appears, the meaning in these Regulations that it has in the Council Directive or in Article 2 of Council Directive No. 90/539/EEC.

(1)O.J. No. L303 of 31.10.1990, p. 6.

(3) (a) In these Regulations a reference to a Regulation is to a Regulation of these Regulations, unless it appears that reference to

some other enactment is intended.

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

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

REG 3

3 Notification of disease.

3. Any person who has or has had in his possession or under his charge infected poultry, poultry suspected of being infected or poultry suspected of being contaminated, and any person who, by reason of an examination or otherwise, believes that poultry are so infected or suspected, shall, with all practicable speed, notify the fact to—

(a) the Secretary, Department of Agriculture, Food and Forestry, Dublin 2, or

(b) an inspector at a District Veterinary Office of the Department of Agriculture, Food and Forestry.

REG 4

4 Restrictions on premises on which disease is suspected.

4. (1) Where an inspector has grounds for suspecting the disease on any premises, or a notification is made in accordance with Regulation 3, he may serve a notice (in the Form A set forth in the First Schedule or in a form to the like effect) on the owner or person in charge of the premises declaring the said premises, within the limits specified in the notice, to be a place suspected of being infected with the disease for the purposes of these Regulations.

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

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

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

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

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

(4) Any person who has in his possession or under his charge poultry suspected of being infected or poultry suspected of being contaminated, shall, until such time as notice has been served in accordance with paragraph (1), take such steps as are reasonable to ensure that all the Rules referred to in the Second Schedule are applied to the premises on which the poultry happen to be.

(5) A notice (Form A) served under this Regulation shall remain in force until an inspector is satisfied that the disease is no longer

suspected on the premises and it has been withdrawn by a further notice in writing (in the Form B set forth in the First Schedule or in a form to the like effect) signed by an inspector.

REG 5

5 Declaration of an infected place.

5. (1) An inspector shall, where he is satisfied that the disease is present on any premises, serve a notice (in the Form C set forth in the First Schedule or in a form to the like effect) on the owner or person in charge of the premises declaring the said premises, within the limits specified in the notice, to be a place infected with the disease for the purposes of these Regulations.
- (2) On service of the notice referred to in paragraph (1), the premises to which the notice refers shall be subject, at the discretion of the inspector serving the notice, to any or all of the Rules contained in the Second Schedule.
- (3) An inspector may from time to time, by a notice in writing served on an owner or person in charge of premises referred to in paragraph (1), direct that—
- (a) the limits of the premises shall be altered in the manner described in the notice; or
 - (b) any of the Rules contained in the Second Schedule shall cease to apply to the premises or shall be modified to the extent or in the manner specified in the notice; or
 - (c) such additional Rules as may be specified in the notice shall apply to the premises.
- (4) Any person who has in his possession or under his charge any poultry on the premises referred to in paragraph (1) shall, until such time as notice has been served in accordance with paragraph (1), take such steps as are reasonable to ensure that all the Rules referred to in the Second Schedule are applied to the said premises.
- (5) A notice (Form C) served under this Regulation shall remain in force until an inspector is satisfied that there is no longer a danger to animal health from the disease in the premises and it has been withdrawn by a further notice in writing (in the Form D set forth in the First Schedule or in a form to the like effect) signed by an inspector.

REG 6

Slaughter of poultry and destruction of carcasses and eggs on premises where disease exists.

6. (1) Where an inspector is satisfied that the disease is present on any premises, he shall, in such manner as he shall deem appropriate—
- (a) cause any poultry on the premises to be slaughtered and the carcasses thereof to be destroyed, buried or otherwise disposed of;
 - (b) cause any carcasses or eggs on the premises to be destroyed, buried or otherwise disposed of;
 - (c) cause any article on the premises to be destroyed, buried or otherwise disposed of, or otherwise treated in such a manner as to ensure the destruction of any Newcastle disease virus which may be present.

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

(3) The provisions of this Regulation shall not be applicable to poultry, carcasses or eggs in respect of which an inspector is of the opinion that there is no risk of contamination from Newcastle disease virus.

(4) Where an inspector is of the view that the circumstances set out in Article 5 (3) of the Council Directive are present, he may decide that the provisions of this Regulation shall only be applied to the extent necessary for the purposes of that Article and in accordance with the conditions specified therein.

REG 7

7 Powers of authorised officers.

7. (1) An authorised officer may, for the purpose of these Regulations and the Council Directive—

(a) enter any premises and examine or inspect any poultry, carcasses or eggs, or article or part of the premises when and as often as he may consider necessary for the said purpose, and

(b) remove, or cause to be removed, from the premises any poultry, carcasses or eggs which are infected, suspected of being infected or suspected of being contaminated to a place where the poultry, carcasses or eggs can be subjected to diagnostic tests or, alternatively, in the case of poultry, to a place where they can conveniently be kept under veterinary observation by, or on behalf of, the Minister.

(2) Where an authorised officer makes an examination or inspection pursuant to this Regulation, he may, either on that occasion or on a subsequent occasion, take or cause to be taken any samples, including in the case of live poultry, samples of blood, faeces, saliva, semen, embryos, tissue or other thing, for the purpose of assisting him in his purpose, and may for that reason submit or have submitted such samples to any test, examination or procedure as he or another authorised officer considers appropriate.

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

(4) Samples taken pursuant to this Regulation shall—

(a) where appropriate, be taken and tested in accordance with Annex III to the Council Directive;

(b) become the property of the Minister.

REG 8

8 Furnishing of information.

8. The owner or person in charge of any premises on which poultry, carcasses, eggs or articles are or have been kept or any other person shall, if so required by an authorised officer, give such information as he possesses as to—

(a) any poultry, carcasses, eggs or articles which are or have been on such premises,

- (b) any other poultry, carcasses, eggs or articles with which any poultry, carcasses, eggs or articles which are or have been on such premises may have come into contact,
- (c) the location and movement of any poultry, carcasses, eggs or articles which are or have been in his possession or charge,
- (d) any other matter relating to the poultry, carcasses, eggs, articles or premises as the authorised officer considers necessary.

REG 9

9 Cleansing and disinfection of premises on which disease exists.

9. (1) Any premises, or any part thereof, on which there have been any poultry, carcasses, eggs or articles referred to in Regulation 6, shall be cleansed and disinfected with an approved disinfectant by the owner or person in charge of the premises, and at his own expense, in accordance with a notice in writing served upon the owner or person in charge of the premises by an inspector and to the satisfaction of that inspector.

(2) The notice referred to in paragraph (1) shall provide, at least, for the completion of the procedure for cleansing and disinfecting an infected holding laid down in Annex II to the Council Directive.

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

REG 10

10 Declaration of infected area.

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

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

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

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

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

- (a) alter the boundaries of an infected area or zone, as the case may be, or
- (b) vary or revoke any of the Rules which apply to an infected area or zone by virtue of a declaration under this Regulation.
- (6) Where a declaration is made in accordance with paragraph (1), it shall be prohibited—
 - (i) to transport any poultry, carcasses, eggs, poultry litter or manure through the area specified in the declaration altered as the case may be in accordance with paragraph (5), or
 - (ii) to spread poultry litter or manure on any land within the area specified in the declaration altered as the case may be in accordance with paragraph (5), except in accordance with a permit granted by an inspector.
- (7) The Minister shall, when a declaration is made or revoked under this Regulation, cause to be published in a newspaper circulating in the area to which the declaration relates, notice of the making or revocation of the declaration.

REG 11

11 Vaccination of poultry.

11. (1) The Minister may, where he believes that it is necessary for the prevention or eradication of the disease, require, by a notice in writing served on the owner or person in charge of the poultry within such period and under such conditions as may be specified in the notice, that person to vaccinate or have vaccinated the poultry against the disease with a vaccine approved for the purpose by the Minister.
- (2) Where poultry are vaccinated in accordance with paragraph (1), the person on whom notice has been served shall ensure that the poultry are marked in such manner or provided with such other means of identification as may be specified by the Minister in the notice.
- (3) Where a person fails to comply with any of the foregoing requirements of this Regulation, the Minister may seize the poultry concerned and—
 - (a) arrange for the requirements to be complied with, or
 - (b) destroy the poultry and dispose of the carcasses, or otherwise dispose of the poultry as he may think fit.
- (4) An authorised officer may enter any premises for the purpose of seizing poultry under paragraph (3), and the owner or other person in charge of the poultry shall render all reasonable assistance to such officer to enable him to exercise the powers conferred by this paragraph.

REG 12

12 Vaccination of racing pigeons.

12. An organiser of a pigeon show or race which takes place wholly or partly in the State shall ensure that all racing pigeons entered for the race or show have been vaccinated with an inactivated vaccine against paramyxovirus 1 in pigeons which has been manufactured for that specific purpose.

REG 13

13 Appointment of authorised officers.

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

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

REG 14

14 Issue of permits.

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

REG 15

15 Production of permits

15. Where any poultry, carcasses, eggs or articles are being moved under the authority of a permit issued under these Regulations, the person in charge thereof while they are being so moved shall carry the permit during the authorised movement and shall, on demand being made by an inspector or by a member of the Garda Síochána, produce the permit and allow a copy or extract to be taken, and shall also, on such demand, furnish his name and address.

REG 16

16 Seizure and detention of poultry, carcasses, eggs or articles which are removed illegally.

16. An inspector or member of the Garda Síochána may, where he suspects that poultry, carcasses, eggs or articles are being or have been moved in contravention of these Regulations, seize and detain the poultry, carcasses, eggs or articles and take them or cause them to be taken to a place where they can conveniently be inspected or examined by an authorised officer in accordance with the powers conferred on him by Regulation 7 or, where appropriate in the case of poultry or eggs, to a place where they can conveniently be kept under veterinary observation by, or on behalf of, the Minister.

REG 17

17 Erection of notices.

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

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

REG 18

18 Prohibition on holding of sporting or recreational activities.

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

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

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

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

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

REG 19

19 Compensation.

19. (1) An application for compensation as regards the slaughtering of poultry, the destruction of carcasses or eggs or the destruction, burial or disposal of articles in accordance with these Regulations shall be in writing and shall be sent to the Secretary, Department of Agriculture, Food and Forestry, Dublin 2.

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

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

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

REG 20

20 Offences.

20. (1) A person who contravenes—

(a) a provision of these Regulations,

(b) a condition attached to a permit issued for the purposes of these Regulations,

(c) a Rule contained in a declaration pursuant to Regulation 4, Regulation 5 or Regulation 10,

shall be guilty of an offence.

(2) A person guilty of an offence under these Regulations shall be liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding twelve months or to both.

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

REG 21

21 Prosecution of offences.

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

REG 22

22 Application of the Fowl Pest Order, 1950.

22. The Fowl Pest Order, 1950 (S.I. No. 15 of 1950), as amended, shall not be applicable to an outbreak or suspected outbreak of the disease in poultry as defined in Regulation 2.

(Regulation 4.)

FIRST SCHEDULE.

FORM A.

European Communities (Newcastle disease) Regulations, 1994. Notice defining place suspected of being infected with Newcastle disease. To.....

.....

of.....

...

.....
I, the undersigned, being an inspector, hereby give you notice, as the owner or person in charge of the undermentioned premises, that in accordance with the provisions of the above Regulations the undermentioned premises are hereby declared to be a place suspected of being infected with Newcastle disease for the purposes of the European Communities (Newcastle disease) Regulations, 1994 and that the said premises, and any person from time to time thereat, become subject to the Rules (or Rules) of the Second Schedule to the above Regulations set out on the back hereof. Any person infringing these Rules is liable to the penalties imposed by the above Regulations. This notice remains in force until

it is withdrawn by a subsequent notice served by an inspector on the owner or person in charge of the under-mentioned premises. Description of premises, stating location and postal address:

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

...Signed:.....(Inspector).Name

in block letters:

.....Official

Address:.....

.....Date:.....

Insert overleaf Rules as set out in the Second Schedule.

(Regulation 4.)

FORM B.

European Communities (Newcastle disease) Regulations, 1994. Withdrawal of notice defining a place suspected of being infected with Newcastle disease. To.....

.....

of.....

...

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

..... day of....., 19....., the notice

(Form A), signed by..... and served on you on

the.....day of..... 19.....Signed:.

.....(Inspector).Name

in block letters:

.....Official

Address:.....

.....Date:.....

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

(Regulation 5.)

FORM C.

European Communities (Newcastle disease) Regulations, 1994. Notice defining place infected with Newcastle disease. To.....

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of.....

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

(Newcastle disease) Regulations, 1994 and that the said premises, and any person from time to time thereat, become subject to the Rules (or Rules) of the Second Schedule to the above Regulations set out on the back hereof. Any person infringing these Rules is liable to the penalties imposed by the above Regulations. This notice remains in force until it is withdrawn by a subsequent notice served by an inspector on the owner or person in charge of the undermentioned premises. Description of premises, stating location and postal address:

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

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

.....Official
Address:.....Date:.....

.....
Insert overleaf Rules as set out in the Second Schedule.
(Regulation 5.)
FORM D.

European Communities (Newcastle disease) Regulations, 1994. Withdrawal of notice defining a place infected with Newcastle disease. To.....

.....
of.....
..

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

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

.....Official
Address:.....
.....Date:.....

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

SECOND SCHEDULE.
(Regulations 4, 5 and 10.)

Rules which may be applied to premises declared suspected of being infected with the disease (Regulation 4), premises declared infected with the disease (Regulation 5) or premises within an area declared infected with the disease (Regulation 10).

1. No poultry, carcase, egg or animal shall be moved out of the premises except in accordance with a permit granted by an inspector. Any carcasses moved in accordance with this Rule shall be marked in such manner as may be specified by the inspector in the permit.

2. No poultry, carcase, egg or animal shall be moved into the premises except in accordance with a permit granted by an inspector.
3. No poultry, carcasses or eggs shall be disposed of except in accordance with a permit granted by an inspector which shall state, at least, the quantity and description of the poultry, carcasses or eggs to be disposed of and the manner of disposal.
4. No article shall be removed out of the premises except in accordance with a permit granted by an inspector.
5. No vehicle, machinery or equipment shall be moved into or out of the premises except in accordance with a permit granted by an inspector.
6. Any article, vehicle, machinery or equipment shall be disinfected with an approved disinfectant to the satisfaction of an inspector before being permitted to be moved into or out of any premises in which poultry, carcasses or eggs are or have recently been kept.
7. Poultry and eggs shall be kept in such part of the premises as an inspector may direct by a notice in writing served on the owner or person in charge of the premises.
8. No person, other than the inspector or the person attending the poultry or eggs which are infected, suspected of being infected or contaminated, susceptible to or capable of transmitting the disease, shall enter or leave the premises unless authorised by, and in accordance with, a permit granted by an inspector.
9. Poultry litter or manure shall not be spread on land within the premises except in accordance with a permit granted by an inspector.
10. Every person entering any part of the premises shall wear—
 - (a) suitable overall clothing and footwear which are capable of being disinfected and shall, before leaving the premises, thoroughly cleanse and disinfect such clothing and footwear and also his hands, or
 - (b) suitable disposable overall clothing and footwear which shall not be removed from the premises.
11. A person attending poultry or eggs which are infected, suspected of being infected or contaminated, susceptible to or capable of transmitting the disease, shall not attend other poultry or eggs unless authorised by, and in accordance with, a permit granted by an inspector.
12. The owner or person in charge of any premises subject to these Rules shall supply the disinfectant required to be used at his own expense and, if he fails to do so, it shall be lawful for the Minister, without prejudice to any proceedings which may be instituted for an infringement of this Rule, to supply the disinfectant and to recover summarily as a simple contract debt in any Court of competent jurisdiction from the owner or person in charge of the premises the expense of doing so.
13. The owner or person in charge of premises shall immediately give notice to an inspector at a District Veterinary Office of—
 - (a) the hatching or death of any poultry at the premises, or (b) any disturbance in production of poultry or eggs at the premises.

GIVEN under my Official Seal, this 19th day of July, 1994.

JOE WALSH,
Minister for Agriculture, Food
and Forestry.

EXPLANATORY NOTE.

These Regulations implement Council Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle Disease and provide for the application of control measures in the event of an outbreak of the disease.