



## STATUTORY INSTRUMENTS

**S.I. No. 101 of 2008**

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DISEASES OF ANIMALS ACT 1966 (NOTIFICATION AND CONTROL  
OF ANIMAL DISEASES) ORDER 2008

**(Prn. A8/0496)**

## DISEASES OF ANIMALS ACT 1966 (NOTIFICATION AND CONTROL OF ANIMAL DISEASES) ORDER 2008

I, MARY COUGHLAN, Minister for Agriculture, Fisheries and Food, in exercise of the powers conferred on me by sections 3, 6, 12, 13, 14, 15 (as amended by the Diseases of Animals (Amendment) Act 2001 (No. 3 of 2001)) and 53(3) of the Diseases of Animals Act 1966 (No. 6 of 1966) (as adapted by the Agriculture and Food (Alteration of Name of Department and Title of Minister) Order 2007 (S.I. No. 705 of 2007), hereby order as follows—

*Citation*

1. This Order may be cited as the Diseases of Animals Act 1966 (Notification and Control of Animal Diseases) Order 2008.

*Interpretation*

2. In this Order—

“animal” includes poultry;

“authorised officer” has the same meaning as in 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);

“carcase” means an animal carcase and includes part of a carcase;

“disease” means a disease named in the Schedule;

“licence” means a licence granted under Article 4 or 5;

“premises” includes land and land under water, with or without buildings.

*Notification of disease*

3. (1) A person who has in his or her possession or under his or her control, an animal, carcase, product, semen or embryo of an animal, which is affected, or which he or she suspects to be affected with a disease, or a registered veterinary practitioner (within the meaning of the Veterinary Practice Act 2005 (No. 22 of 2005)) who, whether by reason of an examination, test or otherwise, believes or suspects that an animal, carcase, product, semen or embryo of an animal is, or may be, affected with a disease, shall, with all practicable speed, notify the fact or suspicion to an authorised officer at the District Veterinary Office in whose functional area the animal, carcase, product, semen or embryo of an animal is located.

(2) Paragraph (1) applies to a person, other than a person to whom that paragraph applies, if he or she has reasonable cause (by reason of laboratory analysis

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 18th April, 2008.*

or otherwise) to suspect that an animal, carcase, product, semen or embryo of an animal is or may be affected with a disease.

(3) If a person, other than the owner or person in charge of an animal, carcase, product, semen or embryo of an animal notifies in accordance with paragraph (1), he or she shall forthwith inform the owner or person in charge.

*Restriction on movement*

4. (1) If notification is made under Article 3, a person shall not, for a period of 7 days, move or cause or permit another person to move—

- (a) an animal,
- (b) a carcase,
- (c) a product derived from an animal,
- (d) semen, ova or the embryo of an animal,
- (e) the faeces or waste of an animal,
- (f) other slurry that consists of or contains any matter derived from an animal, or
- (g) a thing that has been used in connection with an animal,

onto or from the premises on which it is located on the date notification is made except under and in accordance with a licence granted by an authorised officer.

(2) A person shall not, for a period of 7 days—

- (a) spread or cause or permit another person to spread on any premises,  
or
- (b) otherwise dispose of or cause another person to dispose of,

a thing to which paragraph (1) relates except under and in accordance with a licence granted by an authorised officer.

(3) An authorised officer may grant a licence, attach conditions to a licence, vary a condition, attach a new condition, revoke a licence or refuse an application.

(4) An application for a licence shall be made in a form, be accompanied by any material and contain any particulars that an authorised officer may require.

(5) A person shall not move, spread or dispose of an animal, carcase or other thing in respect of which a licence is granted unless it is accompanied by the licence.

(6) A person to whom a licence is granted or who has a licence in his or her possession shall make the licence available for inspection on request to an authorised officer.

*Restriction Notice*

5. (1) Without prejudice to Article 4, if an inspector of the Minister has reasonable cause to suspect that—

- (a) an animal,
- (b) the carcase of an animal,
- (c) a product,
- (d) semen, ova or an embryo of an animal,
- (e) faeces or waste of an animal,
- (f) other slurry that consists of or contains any matter derived from an animal, or
- (g) a thing that has been used in connection with an animal,

is affected, has been affected or may have been exposed, by contact or otherwise, to a risk of infection with a disease, he or she may serve on the person who appears to be the owner or person in charge of the animal or other thing, notice in writing (“restriction notice”) in respect of—

- (i) that animal, any other animal or any thing referred to in subparagraphs (b) to (g), or
- (ii) a premises.

(2) An inspector of the Minister may attach conditions to a restriction notice, or by further notice in writing vary a condition, include a new condition or revoke a restriction notice.

(3) Without prejudice to the generality of paragraph (2), a restriction notice may require that—

- (a) no animal, product or other thing (specified in the restriction notice) is present on the premises to which the restriction notice relates,
- (b) no animal or animal of a particular class or description, product or other thing is moved from the premises,
- (c) no animal or animal of a particular class or description, product or other thing is moved onto the premises,
- (d) no animal or animal of a particular class or description, product or other thing is sold or supplied to another person or otherwise disposed of,

- (e) an animal or an animal of a particular class or description, product or other thing be isolated on the premises or a part of the premises described in the restriction notice and the manner of isolation,
- (f) an animal, semen, ova or embryos (whether collected before or after the issue of the restriction notice) are not used for breeding,
- (g) an animal, semen, ova or embryos (whether collected before or after the issue of the restriction notice) are only used for breeding in accordance with the restriction notice,
- (h) an animal, product or other thing is identified or marked in a manner specified in the restriction notice,
- (i) an animal be given veterinary treatment (including vaccination) as specified in the restriction notice,
- (j) an animal is disposed of (including by slaughter) or the carcase of an animal, a product or other thing is disposed of in a manner specified in the restriction notice,
- (k) disinfection facilities specified in the restriction notice are provided,
- (l) a person entering the premises shall be dressed in suitable overall clothing and footwear and clean or disinfect—
  - (i) his or her person, the clothing or footwear, or
  - (ii) his or her person and remove and dispose of the clothing or footwear,
 prior to leaving the premises,
- (m) a person, premises, vehicle or other thing be cleansed or disinfected in a manner specified therein,
- (n) no vehicle, equipment or machinery is moved onto the premises or moved from the premises,
- (o) a person attending an animal, carcase or product affected, suspected of being affected or at risk of being affected with disease, refrain from attending another animal or product,
- (p) measures are taken to eradicate insects or other vectors,
- (q) the form and content of records to be maintained,
- (r) samples are taken from an animal or thing at times (if any) and analysed at a laboratory in a manner as may be specified in the notice, or

- (s) other steps as may be specified in the restriction notice are taken to control the spread of, eradicate or alleviate the risk of the disease.
- (4) A person shall comply with a restriction notice including a restriction notice varied in accordance with paragraph (2).
- (5) If a person fails to comply with Article 4 or a requirement contained in a restriction notice, an authorised officer may take such steps as he or she considers necessary to ensure compliance with Article 4 or the requirement.
- (6) An inspector of the Minister may not revoke a restriction notice if he or she is of the opinion that the revocation of the notice would be detrimental to human or animal health.
- (7) If steps are taken under paragraph (5), the costs incurred may be recovered by the Minister from the owner or person in charge of the animal or other thing or owner or occupier of the premises on which the animal or other thing is situate-
  - (a) as a simple contract debt in a court of competent jurisdiction, or
  - (b) by deducting the cost from any monies due or becoming due to the owner, person in charge or occupier.
- (8) A person shall not have in his or her possession or under his or her control an animal, product or other thing that has been moved or dealt with in contravention of a restriction notice or Article 4.
- (9) If a restriction notice requires that an animal be identified or marked, a person shall not efface, obliterate, alter or remove an identification or mark without the written permission of an authorised officer.
- (10) Where a restriction notice provides for the movement of an animal or thing to or from a premises, an authorised officer may, by licence, allow such movement.
- (11) An authorised officer may grant a licence, attach conditions to a licence, vary a condition, attach a new condition, revoke a licence or refuse an application.
- (12) An application for a licence shall be made in a form, be accompanied by any material and contain any particulars that an authorised officer may require.
- (13) A person shall not move, spread or dispose of an animal, carcase or other thing in respect of which a licence is granted unless it is accompanied by the licence.
- (14) A person to whom a licence is granted or who has a licence in his or her possession shall make the licence available for inspection on request to an authorised officer.

*Disease control plan*

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

- (a) that a plan for the prevention, control and eradication of the disease which occasioned the restriction notice (“control plan”) is put in place for the premises within 30 days of service of the direction, and
- (b) criteria with which the control plan must comply.

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

- (a) the form of the plan,
- (b) the taking of samples on the premises,
- (c) the testing of samples at a specified laboratory,
- (d) the frequency with which tests are to be conducted,
- (e) the number, type and age of animal to be tested or subjected to other analysis,
- (f) the administration of vaccine to an animal on the premises,
- (g) disinfection procedures to be adopted in relation to the premises or any part thereof,
- (h) transport of an animal onto or off the premises, and
- (i) other measures to be taken by the person on whom the direction is served to control and eradicate the disease.

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

(4) The Minister may approve a control plan prepared and submitted under this Article or refuse to approve a plan.

(5) The Minister may within a period of 60 days of the submission of a control plan to him or her require, by notice in writing, that the plan concerned be modified in such manner as he or she directs.

(6) If the Minister requires that a control plan be modified, the owner or person in charge of the premises shall modify the plan in accordance with directions of the Minister, within a period of 30 days of service on him or her of a notice under paragraph (5), and submit the plan as so modified to the Minister for approval.

(7) Where the Minister fails, within a period of 60 days of the receipt by him or her of a plan under this Article, to—

- (a) approve,
- (b) refuse approval of, or
- (c) require modification under paragraph (5),

the plan stands approved by him or her.

(8) This Article does not apply to Aujeszky's disease.

*Sporting and recreational events*

7. (1) An inspector of the Minister may prohibit by notice in writing—

- (a) the holding of any sporting or recreational activity, or
- (b) the hunting or shooting of wild animals and wild birds,

on any premises or in any area specified in the notice if, in his or her opinion, the holding of the activity or hunting or shooting of wild animals and wild birds on that premises or in that area may cause the spread of disease or present a risk of spread of disease and a notice may be withdrawn or varied by a subsequent notice.

(2) A person shall comply with a notice served under paragraph (1).

*Service*

8. (1) A restriction notice, a notice under Article 6 or 7 or a direction shall, subject to paragraph (2), be addressed to the person concerned by name, and may be served—

- (a) by delivering it to the person,
- (b) by leaving it at the address at which the person ordinarily resides or, if 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, if an address for service has been furnished, at that address,
- (d) if the address at which the person ordinarily resides cannot be ascertained by reasonable enquiry, by delivering it to a person over 16 years of age resident or employed on the premises, or
- (e) by affixing it in a conspicuous position on or near the premises.

(2) If a restriction notice, a notice under Article 6 or 7 or a direction is to be served on or given to a person who is the owner or person in charge of an animal or other thing or the owner or occupier of a premises and the name of the person cannot be ascertained by reasonable enquiry, it may be addressed to



the person by using the words the owner or, as the case may require, the occupier.

(3) A person shall not at any time within 6 months after a restriction notice, a notice under Article 6 or 7 or a direction is affixed under paragraph (1)(e) remove, damage or deface the notice without lawful authority.

#### *Forgery*

9. (1) A person shall not forge or utter knowing it to be forged a licence, restriction notice, a notice under Article 6 or 7 or a direction or a document purporting to be an extract therefrom (hereafter in this Article referred to as “a forged record”).

(2) A person shall not alter with intent to defraud or deceive, or utter knowing it to be so altered a licence, restriction notice, a notice under Article 6 or 7 or a direction or a document purporting to be an extract therefrom (hereafter in this Article referred to as “an altered record”).

(3) A person shall not, without lawful authority, have in his or her possession a forged record or an altered record.

(4) A person shall not—

- (a) efface, obliterate or alter a mark or other identification attached or applied pursuant to this Order or attach or apply a mark or other identification which could be confused with a mark or other identification so attached or applied, or
- (b) have in his or her possession or under his or her control an animal, product or other thing bearing a mark or other identification, which could be confused with a mark, or other identification attached or applied pursuant to this Order.

(5) A person, shall not, in purported compliance with this Order, give information that he or she knows to be false or misleading.

#### *Savers*

10. (1) A notification made under the Order revoked by Article 11 is considered to be notification under Article 3.

(2) A notice served under a provision revoked by Article 11 and in force immediately before the making of this Order is considered to be a restriction notice and may be varied or withdrawn as if made under this Order.

#### *Revocations*

11. (1) The Diseases of Animals Act 1966 (Notification and Control of Animal Diseases) Order 2006 (S.I. No. 359 of 2006) is revoked.

(2) A reference, in any enactment, to an Order revoked by paragraph (1) is to be construed as a reference to this Order or to the corresponding provision of this Order.

African horse sickness.  
 Arizona disease.  
 Aujeszky's disease.  
 Bovine leucosis.  
 Brucellosis in ruminating animals (except cattle) and swine.  
 Campylobacteriosis (caused by or involving *Campylobacter jejuni*).  
 Caprine viral arthritis — encephalitis.  
 Capripox (Sheep and Goat pox).  
 Caseous lymphadenitis.  
 Contagious agalactia.  
 Contagious equine metritis.  
 Contagious pleuro-pneumonia of cattle.  
 Diseases of poultry caused by or involving *Yersinia* spp.  
 Dourine.  
 Enzootic abortion of ewes.  
 Epizootic abortion of cattle.  
 Epizootic haemorrhagic disease in deer.  
 Epizootic Lymphangitis in horses, asses and mules.  
 Equine encephalomyelitis.  
 Equine viral arteritis.  
 Fowl pest (other than Avian influenza and Newcastle disease).  
 Glanders (farcy) in horses, asses or mules.  
 Infectious equine anaemia.  
 Infectious laryngo-tracheitis.  
 Johne's disease in cattle, goats, sheep, other ruminating animals and swine.  
 Lumpy skin disease.  
 Maedi visna.  
 Mycoplasmosis (caused by or involving *Mycoplasma gallisepticum*,  
*Mycoplasma meleagridis* or *Mycoplasma synoviae*).  
 Newcastle disease.  
 Parasitic Mange.  
 Peste des petits ruminants.  
 Pleuro-pneumonia in bovines.  
 Porcine corona virus.  
 Porcine enterovirus encephalomyelitis (Teschen disease).  
 Porcine epidemic diarrhoea.  
 Porcine reproductive and respiratory syndrome.  
 Psittacosis.  
 Pulmonary adenomatosis.  
 Rift valley fever.  
 Rinderpest (Cattle Plague).  
 Salmonellosis (caused by or involving *Salmonella enteritidis* or *Salmonella*  
*typhimurium*).  
*Salmonella Gallinarum*.  
*Salmonella Pullorum*.  
 Scrapie.

Sheep scab.

Swine Fever (other than classical swine fever).

Swine influenza.

Transmissible gastro-enteritis.

Transmissible spongiform encephalopathies (other than scrapie and bovine spongiform encephalopathy).

Tuberculosis in ruminating animals (except cattle).

Turkey rhinotracheitis.

Vesicular stomatitis.

Warble fly.



GIVEN under my Official Seal,  
15 April 2008

MARY COUGHLAN.

Minister for Agriculture, Fisheries and Food

## EXPLANATORY NOTE

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

This Order consolidates and modernises existing provisions relating to the notification and control of animal diseases. A number of animal diseases (e.g. bovine tuberculosis, brucellosis, foot and mouth disease) that are subject to comprehensive control rules in other legislation are not affected by this Order.

BAILE ÁTHA CLIATH  
 ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
 Le ceannach díreach ón  
 OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
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