

S.I. No. 450 of 2001.

Diseases of Animals (Transmissible Spongiform Encephalopathies in Sheep and Goats) Order, 2001

I, Joe Walsh, Minister for Agriculture, Food and Rural Development, in exercise of the powers conferred on me by sections 3 and 13 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, 1999 (S.I. No. 307 of 1999)), hereby order as follows:

Citation

1. This Order may be cited as the Diseases of Animals (Transmissible Spongiform Encephalopathies in Sheep and Goats) Order, 2001.

Interpretation

2. (1) In this Order -

"animal" means a sheep or goat;

"approved disinfectant" has the meaning assigned to it the Diseases of Animals (Disinfectants) Order, 1975 (S.I. No. 273 of 1975);

"disease" means transmissible spongiform encephalopathy and "diseased" shall be construed accordingly;

"premises" includes land, with or without buildings.

(2) In this Order, unless otherwise indicated -

- (a) a reference to an Article or Schedule is to an Article of, or Schedule to, this Order,
- (b) a reference to a paragraph is to the paragraph of the provision in which the reference occurs.

Detention pending examination

3. A person who has in his or her possession or under his or her charge any animal or carcase which is diseased, or which he or she suspects to be diseased, shall detain it on the premises until it has been examined by an inspector.

Inspection and sampling

4. (1) Where an inspector or an authorised officer has reasonable cause to suspect that an animal is diseased or is at risk of being diseased on any premises he or she may take or cause to be taken such samples, including in the case of live animals, samples of blood, urine, faeces, milk, saliva, tissue or other substance.

(2) An inspector or an authorised officer may submit or have submitted any sample taken under paragraph (1) to any test, examination or procedure as he or she or another inspector or authorised officer considers appropriate.

Marking of animals or carcasses

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

(2) An inspector or authorised officer may require the person who is the apparent owner or person in charge of an animal which has been marked in accordance with paragraph (1) to keep a record in writing of the date and type of such marking and the number of animals so marked.

(3) A person shall comply with a requirement made by him or her under this section.

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

Restrictions on premises on which disease is present

6. (1) Where an inspector is aware of or has grounds to suspect the existence or the risk of the existence of the disease on any premises, he or she may serve a notice (in Form A set out in Schedule 1 or in a form to the like effect) on the occupier of the premises.

(2) On service of the notice under paragraph (1), the rules specified in Schedule 2 shall apply to that premises.

(3) An inspector may, from time to time, by a notice in writing served on the occupier of the premises referred to in paragraph (1), direct that -

- (a) any of the rules contained in Schedule 2 shall cease to apply to the premises or shall be modified to the extent or in the manner specified in the notice, or
- (b) such additional rules as may be specified in the notice shall apply to that premises.

(4) A notice under paragraph (1) (Form A) shall continue in force until it is withdrawn by a further notice (in Form B set out in Schedule 1 or in a form to the like effect) signed by an inspector.

(5) The person upon whom it is served shall comply with a notice under paragraph (1).

Prohibition on movement of animals

7. (1) Where an inspector has reason to believe that there is or has been on any premises any animal which may be diseased or which may be susceptible to disease, he or she may, if he or she considers it expedient so to do for the purpose of preventing the spread of the disease, serve a notice (in Form C set out in the Schedule 1 or in a form to the like effect) on the occupier of the said premises or on the owner or person in charge of the animal prohibiting the movement of that animal out of the premises specified in the notice except under a licence and subject to conditions set out in the licence.

(2) A notice served under this Article shall remain in force until the date specified in the notice, or, if a date is not specified, until it is withdrawn by a further notice in writing (in Form D set out in Schedule 1 or in a form to the like effect) served by an inspector on the occupier of the

premises or on the owner or person in charge of the animal to which the notice refers.

(3) The person on whom it is served shall comply with a notice under paragraph (1).

Destruction and disposal of carcasses

8. An inspector may cause the destruction of an animal which is diseased or which he or she has reasonable cause to suspect of being diseased and may cause the carcasses to be buried or disposed of in such manner as he or she may determine.

Licences

9. An inspector may issue licences for the purposes of this Order on behalf of the Minister and set out conditions in such licences.

Schedule 1

Articles 6 and 7

Form A

Diseases of Animals Acts, 1966 to 2001

Diseases of Animals (Transmissible Spongiform Encephalopathies in Sheep and Goats) Order,
2001

(S.I. No. 450 of 2001)

Notice to occupier of premises

To:

.....
.....

Of:

.....
.....

I, being an inspector, give you notice that I am aware or have reason to suspect the existence or the risk of the existence of a transmissible spongiform encephalopathy on your land or premises and that the rules contained in Schedule 2 to the above Order (attached to this notice) apply to the land or premises.

This notice remains in force until it is withdrawn by a subsequent notice served by an inspector on the occupier of the 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 Schedule 2.

Form B

Diseases of Animals Acts, 1966 to 2001

Diseases of Animals (Transmissible Spongiform Encephalopathies in Sheep and Goats) Order,
2001

(S.I. No. 450 of 2001)

Withdrawal of notice to occupier of premises

To:

.....
.....

Of:

.....
.....

I, being an inspector, withdraw as from 20the notice (Form A), signed by
.....and served on you on20.....

Signed:(Inspector)

Name in block letters:

Official Address:

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

Date:

Form C

Diseases of Animals Acts, 1966 to 2001

Diseases of Animals (Transmissible Spongiform Encephalopathies in Sheep and Goats) Order,
2001 (S.I. No. 450 2001)

Notice prohibiting movement of animals

To:

.....
.....

Of:

.....
.....

I, being an inspector, give you notice, as the occupier of the undermentioned premises or the owner or person in charge of the animals described below that, in accordance with Article 7 of the above Order, you are prohibited from moving the animal(s) specified below from the undermentioned premises except under a licence and subject to any conditions set out in the licence.

This notice remains in force until 20..... (1) or until it is withdrawn by a further notice (Form D) served by an inspector on you.

Description of premises, stating location and postal address:

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.....
.....

Description of animal(s):

Identification number	Breed	Type (Ewe, Ram, Hogget, Lamb)
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Signed:(Inspector)

Name in block letters:

Official Address:

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

Date:

I, being an inspector, withdraw as
from.....
.....

Description of premises, stating location and postal address:

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.....
.....

Description of animal(s):

Ear-tag number	Breed	Type (Ewe, Ram, Hogget, Lamb)
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Signed:(Inspector)

Name in block letters:

Official Address:

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

Date:

(1) Delete the inapplicable words.

Form D

Diseases of Animals Acts, 1966 to 2001

Diseases of Animals (Transmissible Spongiform Encephalopathies in Sheep and Goats Order,
2001 (S.I. No. 450 of 2001)

Withdrawal of notice prohibiting movement of animals

To:

.....
.....

Of:

.....
.....

I, being an inspector, withdraw as from..... (Form C), signed by
..... and served on you on..... in respect of the animals
specified below.

Description of animal(s)

Identification number	Breed	Type (Ewe, Ram, Hogget, Lamb)
.....

Signed:(Inspector)

Name in block letters:

Official Address:

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

Date:

SECOND SCHEDULE

Article 6

Rules applicable to premises.

1. No animal or carcase shall be moved out of the premises except under a licence and in accordance with conditions set out in the licence.
2. No animal, carcase, semen or ova shall be moved into the premises except under a licence, and in accordance with conditions set out in the licence.
3. The carcase of any animal dying on the premises shall be disposed of only in a manner specified by an inspector.
4. Milk produced within the premises may be disposed of only in such a manner as an inspector may direct by a notice in writing served on the occupier of the premises.
5. Animals or carcasses shall be kept in such part of the premises as an inspector may direct by a notice in writing served on the occupier of the premises.
6. The occupier of the premises shall immediately give notice to an inspector at a District Veterinary Office of the birth or death of any animal on the premises together with details of the identification of the animal concerned.



GIVEN under my Official Seal, this 3rd
day of October, 2001.

Joe Walsh
Minister for Agriculture, Food
and Rural Development.

EXPLANATORY NOTE

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

This Order is made under the Diseases of Animals Act, 1966 (as amended). It provides for the restrictions of premises and other measures to be taken where Transmissible Spongiform Encephalopathies is suspected in sheep or goats.

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