

S.I. No. 359 of 2006

Diseases of Animals Act 1966 (Notification and Control of Animal Diseases) Order 2006

I, Mary Coughlan, Minister for Agriculture 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, Food and Rural Development (Alteration of Name of Department and Title of Minister) Order 2002 (S.I. No. 306 of 2002)), 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 2006.

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 2002 (No. 3 of 2002)) 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 Schedule 1;

“licence” means a licence granted under Article 4;

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

“product” means an animal product.

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 or otherwise, believes or suspects that an animal, carcase,

product, semen or embryo is, or may be, affected with a disease, shall, with all practicable speed, notify the fact or suspicion to—

- (a) the Secretary General, Department of Agriculture and Food, Dublin 2, and
 - (b) an authorised officer at the District Veterinary Office in whose functional area the animal, carcase, product, semen or embryo 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 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 Regulation 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 keeper of the animal or other thing, a notice in writing (“restriction notice”) in respect of that animal, any other animal or any other thing, referred to at (b) to (g).

- (2) An inspector of the Minister may attach conditions to a restriction notice, 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 or its semen, ova and embryos (whether collected before or after the issue of the restriction notice) is not used for breeding,
 - (g) an animal or its semen, ova and embryos (whether collected before or after the issue of the restriction notice) is 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) without prejudice to Article 4, 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,
- (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 owner or occupier of the premises on which the animal is situate-
 - (a) as a simple contract debt in a court of competent jurisdiction, or
 - (b) by deducting the cost from any monies 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 Article 4 or a restriction notice.
- (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) A person affected by a restriction notice or a notice under Article 6, may, within 7 days of service of the notice, apply to the Judge of the District Court having jurisdiction in the District Court District where the restriction notice applies or to the Judge of the District Court having jurisdiction in the District Court District where the person ordinarily resides on the grounds that the notice or any term of the notice is not reasonable, having regard to this Order (in this Article referred to as “an appeal”).
- (11) An appeal may be heard at any sitting of the District Court within the appropriate District Court Area.
- (12) Notice of an appeal, which shall contain a statement of the grounds upon which it is alleged that the notice or any term of the notice is unreasonable having regard to this Order shall be served on the Minister at least 48 hours prior to the hearing of the appeal and a copy thereof shall be lodged with the appropriate District Court Clerk.

(13) On the hearing of an appeal, a Judge of the District Court may confirm, with or without modification, or annul a notice.

(14) A person, including a person on whom a notice is served, shall not-

(a) pending the determination of an appeal, deal with an animal, product or other thing to which a restriction notice relates other than under and in accordance with the notice, or

(b) after such appeal, the notice or notice as modified.

Sporting and recreational events

6. (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,

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 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

7. (1) A restriction notice or notice under Article 6 shall, subject to paragraph (2), be addressed to the person concerned by name, and may be served on 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, 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 or notice under Article 6 is to be served on or given to a person who is the owner or person in charge of an animal 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 or notice under Article 6 is affixed under paragraph (1)(e) remove, damage or deface the notice without lawful authority.

Forgery

- 8. (1) A person shall not forge or utter knowing it to be forged a licence, restriction notice or notice under Article 6 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 or notice under Article 6 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

- 9. (1) A notification made under an Order revoked by Article 10 is considered to be notification under Article 3 (1).

- (2) A notice served under a provision revoked by Article 10 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

10. (1) The Orders cited in Schedule 2 are 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.

Schedule 1

Article 2

African horse sickness.

Arizona disease.

Aujeszky's disease.

Avian influenza (fowl plague).

Bovine leucosis.

Bluetongue.

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.

Cattle Plague.

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 synovia*).

Newcastle disease.

Peste des petits ruminants.

Pleuro-pneumonia in bovines.

Porcine corona virus.

Porcine enterovirus encephalomyelitis (Teschén 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*).

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.

Varroasis in bees.

Vesicular stomatitis.

Warble fly.

Schedule 2

Article 10.

1. The Pleuro-pneumonia (Ireland) Order of 1900.
2. The Swine Fever (Ireland) Order of 1900.
3. The Glanders or Farcy (Ireland) Order of 1900.
4. The Dublin Public Sales and Lairs Order of 1900.
5. The Swine Fever (Ireland) Order of 1901.
6. The Epizootic Lymphangitis (Ireland) Order of 1904.
7. The Sheep Scab (Ireland) Order of 1905.
8. The Curragh Sheep Order of 1911.
9. The Animals (Notification of Disease) (Ireland) Order of 1919.

10. The Parasitic Mange (Ireland) Order of 1919.
11. The Glanders or Farcy (Ireland) Order of 1900 (Amendment) Order of 1920.
12. The County Waterford (Mountain Areas) Sheep Inspection Order of 1920.
13. Epizootic Abortion Order of 1925 (S.R. & O. No. 35 of 1925).
14. Parasitic Mange (Cattle) Order of 1927 (S.R. & O. No. 48 of 1927).
15. Fowl Pest Order 1950 (S.I. No. 15 of 1950).
16. Diseases of Animals Act 1894 (Extension to Poultry and Poultry Diseases) Order 1950 (S.I. No. 16 of 1950).
17. Diseases of Animals Act 1894 (Extension to Poultry and Poultry Diseases) (Amendment) Order 1950 (S.I. No. 17 of 1950).
16. Fowl Pest (Amendment) Order 1950 (S.I. No. 18 of 1950).
17. Johne's Disease Order 1955 (S.I. No. 86 of 1955).
18. Sheep Dipping Order 1965 (S.I. No. 105 of 1965).
19. Fowl Pest (Amendment) Order 1968 (S.I. No. 230 of 1968).
20. Diseases of Animals (Notification of Infectious Diseases) 1975 (S.I. No. 189 of 1975).
21. Bovine Leukosis Order 1977 (S.I. No. 327 of 1977).
22. Sheep Dipping (Tests of Dips) (Fees) Order, 1981 (S.I. No. 238 of 1981).
23. Parasitic Mange Order 1984 (S.I. No. of 1984).
24. Diseases of Animals (Notification of Bluetongue and Vesicular Stomatitis) Order 1986 (S.I. No. 287 of 1986).
25. Diseases of Animals (Notification of Infectious Diseases) 1975 (Amendment) Order 1992 (S.I. No. 250 of 1992).
26. Diseases of Animals (Notification of Infectious Diseases) Order 1992 (S.I. No. 251 of 1992).
27. Diseases of Animals (Notification of Infectious Diseases) Order 1994 (S.I. No. 2 of 1994).
28. Sheep Scab (Ireland) Order of 1905 (Amendment) Order 1994 (S.I. No. 290 of 1994).

29. Sheep Dipping Order 1965 (Amendment) Order 1994 (S.I. No. 291 of 1994).
30. Diseases of Animals (Notification of Infectious Diseases) Order 1995 (S.I. No. 274 of 1995).
31. Diseases of Animals (Notification of Infectious Diseases) Order 1992 (Amendment) Order 1995 (S.I. No. 275 of 1995).
32. Diseases of Animals (Equine Viral Arteritis) Order 1996 (S.I. No. 34 of 1996).
33. Diseases of Animals (Notification of Infectious Diseases) Order 1992 (Amendment) Order 1998 (S.I. No. 353 of 1998).
34. Diseases of Animals (Notification of Infectious Diseases) Order 1992 (Amendment) (No.2) Order 1998 (S.I. No. 479 of 1998).
35. Diseases of Animals (Notification of Infectious Diseases) Order 1992 (Amendment) Order 1999 (S.I. No. 8 of 1999).
36. Diseases of Animals Act 1966 (Porcine Reproductive and Respiratory Syndrome) (Notification and Control) Order 2002 (S.I. No. 352 of 2002).
37. Diseases of Animals Act 1966 (Porcine Reproductive and Respiratory Syndrome) (Notification and Control) (Amendment) Order 2002 (S.I. No. 446 of 2002).
38. Diseases of Animals (Notification of Infectious Diseases) (Amendment) Order 2003 (S.I. No. 487 of 2003).

GIVEN under my Official Seal,
6 July 2006

Mary Coughlan
Minister for Agriculture 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 are not affected.

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