



STATUTORY INSTRUMENTS.

S.I. No. 116 of 2014



AFRICAN HORSE SICKNESS REGULATIONS 2014

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I, SIMON COVENEY, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me under section 34, being, in relation to Regulation 12 of these Regulations, of the opinion required by subsections (a) and (b) of that section, and section 36 of the Animal Health and Welfare Act 2013 (No. 15 of 2013), and for the purposes of giving effect to Council Directive 92/35/EEC of 29 April 1992¹, (as amended by Commission Decision 2006/911/EC of 5 December 2006², Council Directive 2006/104/EC of 20 November 2006³, Commission Decision 2007/729/EC of 7 November 2007⁴ and Council Directive 2008/73/EC of 15 July 2008⁵), hereby make the following regulations:

Citation and commencement

1. These Regulations may be cited as the African Horse Sickness Regulations 2014 and come into operation on 6 March 2014.

Interpretation

2. In these Regulations-

“Act” means Animal Health and Welfare Act 2013;

“Directive” means Council Directive 92/35/EEC of 29 April 1992, as amended by Commission Decision 2006/911/EC of 5 December 2006, Council Directive 2006/104/EC of 20 November 2006, Commission Decision 2007/729/EC of 7 November 2007 and Council Directive 2008/73/EC of 15 July 2008.

PART 2

Notification of African Horse Sickness

3. A person who is aware or who should reasonably suspect, whether as a result of laboratory examination or otherwise, that equidae is or may be affected with African Horse Sickness shall immediately notify the Minister of the fact or suspicion by contacting the Department of Agriculture, Food and the Marine and shall ensure that—

(a) equidae, an equine, equine carcase or equine genetic material does not enter or leave the land or premises where it is situated, and

¹OJ No. L 192, 20.07.2002 p.27

²OJ No. L346, 09.12.2006, p. 41

³OJ No. L363, 20.12.2006, p. 352

⁴OJ No. L294, 13.07.2007, p. 294

⁵OJ No. L219, 14.08.2008, p. 40

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 7th March, 2014.*

- (b) equidae on the land or premises are isolated in their living quarters or another suitable place, and
- (c) appropriate control measures against disease agents liable to transmit African Horse Sickness are maintained at places housing equidae.

Measures in case of suspicion of outbreak

Suspect premises

4. (1) If an equidae is suspected of being affected with African Horse Sickness, an authorised officer shall, by notice in writing, declare the land or premises on which the equidae is situated to be a suspect premises.

(2) A person who owns or controls equidae on a suspect premises shall, in accordance with the direction (if any) of an authorised officer—

- (a) assist the authorised officer in the examination of and the taking of samples from equidae on the premises,
- (b) co-operate with an authorised officer—
 - (i) in taking and maintaining a census of all categories of equidae on the suspect premises,
 - (ii) in recording in respect of each category of equidae, the number that are dead or suspected of being affected with African Horse Sickness, and
 - (iii) in identifying breeding grounds for disease agents and taking control measures as directed by an authorised officer.
- (c) ensure that—
 - (i) equidae, an equine carcass or genetic material does not enter or leave the suspect premises, and
 - (ii) equidae on the suspect premises are isolated in their living quarters or another suitable place, and
- (d) appropriate control measures against disease agents liable to transmit African Horse Sickness are maintained at places housing equidae.

(3) A direction of an authorised officer may contain such incidental, supplementary and consequential matters as appear to the officer to be necessary for the purposes of the direction having full effect.

Temporary control zone

5. (1) Where the Minister, under animal health and welfare regulations, establishes a temporary control zone around a suspect premises, a person who owns or controls equidae in the temporary control zone shall, in accordance with the direction (if any) of an authorised officer—

- (a) assist the authorised officer in the examination of and the taking of samples from equidae in his or her possession or under his or her control,
- (b) co-operate with an authorised officer—
 - (i) in taking and maintaining a census of all categories of equidae,
 - (ii) in recording in respect of each category of equidae, the number that are dead or suspected of being affected with African Horse Sickness, and
 - (iii) in identifying breeding grounds for disease agents and taking control measures as directed by an authorised officer,
- (c) ensure that—
 - (i) equidae, an equine carcass or genetic material does not enter or leave the premises where it is situated, and
 - (ii) equidae are isolated in their living quarters or another suitable place, and
- (d) ensure that appropriate control measures against disease agents liable to transmit African Horse Sickness are maintained at places housing equidae.

(2) Land or premises which lies partly in a temporary control zone are considered to lie totally within that temporary control zone.

(3) A direction of an authorised officer may contain such incidental, supplementary and consequential matters as appear to the officer to be necessary for the purposes of the direction having full effect.

PART 4

Confirmation of African Horse Sickness

Infected premises

6. (1) If African Horse Sickness is confirmed on land or premises, an authorised officer shall, by notice, declare the land or premises to be an infected premises and require—

- (a) equidae infected with or presenting clinical symptoms of African Horse Sickness be killed in accordance with section 30 of the Act under the supervision of an authorised officer in such a way as to avoid the risk of African Horse Sickness during transport and killing, and
- (b) the carcasses of equidae which have died or been killed in accordance with subparagraph (a) be processed without undue delay under the supervision of an authorised officer.

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

Infection Zone

7. (1) Where the Minister, under animal health and welfare regulations, establishes a zone (“infection zone”) with a radius of at least 20km around an infected premises, a person who owns or controls equidae on land or premises in an infection zone shall, in accordance with the direction (if any) of an authorised officer—

- (a) assist the authorised officer in the examination of and the taking of samples from equidae on the land or premises,
- (b) co-operate with an authorised officer—
 - (i) in taking and maintaining a census of all categories of equidae on the land or premises,
 - (ii) in recording in respect of each category of horse, the number that are dead or suspected of being affected with African Horse Sickness, and
 - (iii) in identifying breeding grounds for disease agents and taking control measures as directed by an authorised officer.
- (c) ensure that—
 - (i) equidae, horse carcase or genetic material does not enter or leave the land or premises, and
 - (ii) equidae on the land or premises within the infected zone are isolated in their living quarters or another suitable place, and
- (d) appropriate control measures against disease agents liable to transmit African Horse Sickness are placed and maintained at places housing equidae.

(2) Land or premises which lies partly in an infected zone is considered to lie totally within the infected zone.

(3) If an infected zone established in Northern Ireland abuts the State, the Minister shall establish such a zone in that part of the State.

(4) A direction of an authorised officer may contain such incidental, supplementary and consequential matters as appear to the officer to be necessary for the purposes of the direction having full effect.

PART 5

Contact premises

8. (1) An authorised officer may, where the authorised officer considers on the basis of an epidemiological enquiry that African Horse Sickness may have

been introduced onto land or premises, by notice declare land or a premises to be a contact premises.

(2) A person who owns or controls equidae on a contact premises shall, in accordance with the direction (if any) of an authorised officer—

- (a) assist the authorised officer in the examination of and the taking of samples from equidae on the premises,
- (b) co-operate with an authorised officer—
 - (i) in taking and maintaining a census of all categories of equidae on the premises,
 - (ii) in recording in respect of each category of horse, the number that are dead or suspected of being affected with African Horse Sickness,
 - (iii) in identifying breeding grounds for disease agents and taking control measures as directed by an authorised officer,
- (c) ensure that—
 - (i) equidae, horse carcasses or genetic material do not enter or leave the premises, and
 - (ii) equidae on the premises are isolated in their living quarters or another suitable place, and
- (d) appropriate control measures against disease agents liable to transmit African horse sickness are placed and maintained at places housing equidae.
- (e) ensure that equidae infected with or presenting clinical symptoms of African Horse Sickness are killed in accordance with section 30 of the Act under the supervision of an authorised officer in such a way as to avoid the risk of African Horse Sickness during transport and killing, and
- (f) ensure that the carcasses of equidae which have died or been killed in accordance with subparagraph (e) are processed without undue delay under the supervision of an authorised officer.

(3) A notice under paragraph (1) or direction under paragraph (2) remains in effect until withdrawn by an authorised officer.

(4) A direction of an authorised officer may contain such incidental, supplementary and consequential matters as appear to the officer to be necessary for the purposes of the direction having full effect.

PART 6

Protection and Surveillance Zones

Protection zone

9. (1) Where the Minister, under animal health and welfare regulations, establishes around an infected premises a zone with a radius of at least 100 kilometres (“protection zone”)-

- (a) a premises located in a protection zone shall, if not already entered on the register of horse premises, be so entered,
 - (b) a census of equidae present within the protection zone shall be carried out and maintained under the supervision of an authorised officer,
 - (c) a veterinary inspection shall be carried out on all premises with equidae located in a protection zone including, in particular, inspection of documentation relating to the equidae and the measures applied to prevent the introduction or spread of African horse Sickness virus, and
 - (d) a person shall not move equidae from the premises where it is kept, or onto a premises located in the protection zone except in accordance with a permit issued by an authorised officer.
- (2) A person shall not bring equidae into or move equidae within a protection zone except in accordance with a permit issued by an authorised officer.
- (3) An authorised officer may authorise the movement of equidae from a premises within a protection zone.
- (4) Land or premises which is situated partly in a protection zone is considered to be wholly in the protection zone.
- (5) Land or premises which is situated partly in a surveillance zone and partly outside that zone (but not in a protection zone) is considered to be wholly in the surveillance zone.
- (6) If a protection zone or surveillance zone established in Northern Ireland abuts the State, the Minister shall establish such a zone in that part of the State.

Surveillance zone

10. (1) Where the Minister, under animal health and welfare regulations, establishes around an infected premises, a zone (“surveillance zone”), in which no systematic vaccination has been carried out in the previous 12 months, with a radius of at least 50 kilometres beyond the protection zone—

- (a) land or premises with equidae that is not already entered on the register of horse premises shall be so registered,

- (b) a census of equidae within the surveillance zone shall be carried out as soon as possible and be kept up to date, and
- (c) a person shall not move equidae from land or a premises or transport equidae within a surveillance zone except in accordance with a permit issued by an authorised officer.

(2) Land or premises which is situated partly in a surveillance zone and partly in a protection zone is considered to be wholly in the protection zone.

(3) Land or premises which is situated partly in a surveillance zone and partly outside that zone (but not in a protection zone) is considered to be wholly in the surveillance zone.

(4) If a protection zone or surveillance zone established in Northern Ireland abuts the State, the Minister shall establish such a zone in that part of the State.

PART 7

Slaughterhouses and means of transport

11. (1) Without prejudice to Regulation 7, if African Horse Sickness is confirmed in a slaughterhouse or on a means of transport, an authorised officer shall, by notice require that equine carcasses, other animal waste, including offal, affected or suspected of being affected with African horse sickness be processed under the supervision of an authorised officer in such a way as to avoid the risk of African horse sickness spreading.

(2) In this Regulation, “slaughterhouse” means a premises or place used for slaughtering animals, and includes a place used in connection with the confinement of animals while awaiting slaughter.

PART 8

Limitation on Compensation

12. (1) Equidae killed or destroyed in accordance with section 30 of the Act may, for the purposes of these Regulations, be eligible for compensation in accordance with Part 6 of the Act and, having regard to section 31 (2) of the Act, where compensation is duly payable, the amount of such compensation shall not exceed €2,000 per animal.

(2) Compensation is not payable in respect of an equine product, equine feed or other thing related to equidae destroyed in accordance with section 30 of the Act for the purposes of these Regulations.

Notices and directions

13. (1) A notice, authorisation or direction 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 referred to which the notice or by such other means as the Minister considers appropriate, or

(b) by giving it directly to a person or by leaving it at the premises concerned.

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

(3) The Minister or an authorised officer may revoke or amend a notice, a direction or an authorisation issued under these Regulations.

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

Penal provisions

14. Regulations 3, 4(2), 5(1), 6(2), 7(1), 8(2), 9(1), 10(1) and 11(1) are penal provisions to which section 36 (4) (b) of the Act applies.



GIVEN under my Official Seal,
4 March 2014.

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.)

These Regulations give effect to Council Directive 92/35/EEC of 29 April 1992 (as amended by Council Regulation (EC) No 806/2003 of 14 April 2003, Commission Decision 2006/911/EC of 5 December 2006, Council Directive 2006/104/EC of 20 November 2006, Commission Decision 2007/729/EC of 7 November 2007 and Council Directive 2008/73/EC of 15 July 2008.

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nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€3.05



Wt. (B30357). 315. 3/14. Clondalkin. Gr 30-15.