



STATUTORY INSTRUMENTS.

S.I. No. 592 of 2022



AVIAN INFLUENZA (TEMPORARY MEASURES) (NO. 2)
REGULATIONS 2022

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I, CHARLIE MCCONALOGUE, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 36 of the Animal Health and Welfare Act 2013 (No. 15 of 2013) and for the purpose of giving full effect to Commission Regulation (EU) 2020/ 687 of 17 December 2019¹ in so far as that Regulation applies to avian influenza, make the following regulations:

1. (1) These are the Avian Influenza (Temporary Measures) (No. 2) Regulations 2022.

(2) In these Regulations “EU Regulation” means Regulation (EU) 2020/687 of 17 December 2019.

(3) A word or expression that is used in the EU Regulation and that is also used in these Regulations has, in these Regulations unless the contrary intention appears, the same meaning as in the EU Regulation.

2. These Regulations, other than Regulations 4 (2), (3) and (4), apply in that part of the State more particularly described in Schedule 1 (“surveillance zone”), “and Schedule 2 (“protection zone”).

3. Land or premises—

- (a) that lies partly within the protection zone and partly within the surveillance zone is deemed to lie wholly within the protection and
- (b) subject to paragraph (a), that lies partly within the surveillance zone, partly and partly outside the surveillance zone is deemed to lie wholly within the surveillance zone.

4. (1) A person shall not move, or cause or permit another person to move, poultry, other captive birds, poultrymeat (subject to Regulation 5), eggs, carcasses, feed materials or straw originating on land or premises situate in the protection zone or the surveillance zone, poultry litter or poultry manure –

- (a) from the land or premises where they are situate, or
- (b) onto land or premises situate within an area described in either Schedule 1 or Schedule 2,

except in accordance with a licence issued by the Minister.

¹ O.J. L 174 of 3.6.2020, 64; http://data.europa.eu/eli/reg_del/2020/687/oj

(2) A person shall not have poultry, other captive birds, poultrymeat, eggs, carcasses, feed materials or straw originating on land or premises situate in the protection zone or the surveillance zone, poultry litter or poultry manure that has been moved in contravention of paragraph (1) in his or her possession or under his or her control.

(3) A person shall not spread, or cause or permit another person to spread, poultry litter or manure on land except in accordance with a licence issued by the Minister.

(4) A person shall not move poultry, other captive birds or eggs that have been moved from land or premises situate within an area described in either Schedule 1 or Schedule 2 from the place to which the poultry, other captive birds or eggs have been moved (whether the last-mentioned place is within an area described in either Schedule 1 or Schedule 2 or otherwise) until a period of at least 21 days has elapsed since the arrival of such poultry, other captive birds or eggs at that place.

(5) Paragraphs (1) and (4) do not apply to table eggs moved directly from an egg packing centre if-

- (a) the table eggs were transported to the egg packing centre in-
 - (i) single-use disposable packaging, or
 - (ii) packaging which has been cleaned and disinfected in a manner that kills the avian influenza virus, and
- (b) are moved directly to –
 - (i) an egg product plant approved in accordance with the European Communities (Food and Feed Hygiene) Regulations 2020,
 - (ii) a premises used for the retail sale or wholesale of eggs.

5. A person shall not move poultry meat from land or premises used by a food business operator (within the meaning of the European Communities (Food and Feed Hygiene) Regulations 2020) as a slaughterhouse, cutting plant or cold store unless the poultry meat –

- (a) is –
 - (i) obtained from poultry which originated from premises situate outside the protection zone, and
 - (ii) stored and transported separately from poultry meat obtained from poultry which originated from premises situate within the protection zone, or
- (b) is –
 - (i) marked in accordance with Annex IX of Commission Delegated Regulation 2020/687 of 17 December 2019², and

² O.J. L 174 of 3.6.2020, 64; http://data.europa.eu/eli/reg_del/2020/687/oj

- (ii) intended for sale or supply within the State and is not exported.

6. A person who has poultry or other captive birds in his or her possession or under his or her control or otherwise has knowledge of such poultry or other captive birds shall immediately notify an authorised officer at the Regional Veterinary Office of the Department of Agriculture, Food and the Marine within whose functional area the poultry or other captive birds situate of any increased levels of avian influenza, deaths of poultry or other captive birds, or significant production drop among poultry or captive birds.

7. (1) A person shall not move, or cause or permit another person to move, a farm animal, other than poultry or other captive birds, from land or premises where poultry or other captive birds are present or cause or permit such an animal to be on other land or premises except in accordance with a licence issued by the Minister.

(2) A person shall not cause or permit a farm animal, including poultry or other captive birds, to be brought onto land or premises where poultry or other captive birds are present or cause or permit such an animal to be on the land or premises except in accordance with a licence issued by the Minister.

8. A person shall not release poultry or other captive birds from the land or premises where they are kept or cause or permit such birds to be released or stray from that land or premises.

9. (1) An application for a licence under these Regulations shall be in a form, contain such particulars and be made in a manner that the Minister may determine.

(2) The Minister may grant a licence, attach conditions to a licence, vary a condition, insert a new condition, withdraw a licence, or refuse an application.

10. (1) A person shall not bring a vehicle onto land or premises where poultry or other captive birds are present unless the vehicle has been cleaned and disinfected in a manner that kills the avian influenza virus –

- (a) prior to coming onto the land or premises, and
- (b) after it has been on other land or premises where poultry or other captive birds are present or being in contact with poultry, other captive birds, eggs, carcasses, poultry litter or poultry manure.

(2) A person shall not have a vehicle that has been brought onto land or premises in contravention of paragraph (1) in his or her possession or under his or her control.

11. A person who has charge of a vehicle, machinery or equipment used in connection with poultry or other captive birds or that has been in contact with poultry or other captive birds shall take all necessary steps to ensure that the vehicle, machinery or equipment is cleaned and disinfected before and immediately after use or contact with poultry, other captive birds or any other thing that could be affected by avian influenza virus with in in a manner that kills the virus, in accordance with the instructions (if any) of an authorised officer.

12. A person who has poultry or other captive birds in his or her possession or under his or her control shall take all necessary measures to ensure that all animal and carcasses are disposed of as soon as possible in accordance with Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009³.

13. A person who, on land or premises, has poultry or other captive birds in his or her possession or under his or her control shall take all necessary steps to ensure that all parts of a vehicle that enters or leaves the land or premises is cleaned and disinfected in a manner that kills the avian influenza virus, in accordance with the instructions (if any) of an authorised officer.

14. (1) A person in possession or control of land or premises where poultry or other captive birds are present shall maintain a record all persons who enter the land or premises and make the record available upon request to an authorised officer.

(2) Paragraph (1) does not apply to persons normally resident there who enter a dwelling on the land or premises without having contact with poultry or other captive birds, or to a zoo or wildlife park.

15. Regulations 4, 5, 6, 7, 8, 10, 11, 12, 13 and 14 are penal provisions to which section 36 (4) (b) of the Animal Health and Welfare Act 2013 applies.

16. A veterinary practitioner may take a sample from an animal or animal product and submit it to a laboratory situate within the State for examination, testing or analysis other than for the detection of avian influenza.

17. The Avian Influenza (Temporary Measures) Regulations 2022 are revoked.

³ O.J. L 200 of 14.11.2009, 1; <http://data.europa.eu/eli/reg/2009/1069/oj>

Schedule 1⁴*Regulation 2***Surveillance zone**

That part of the County of Monaghan that comprises—

- (a) the Electoral Divisions of Killeevan and Newbliss,
- (b) the Electoral Division of Clones, except for the townlands of Derryarrit and Skeatry,
- (c) the Electoral Divisions of Clones Rural, Clones Urban and St. Tierney, apart from the townlands situate in the protection zone,
- (d) the townlands of Aghareagh, Closdaw, Cornawall, Corkish, Corlougharoe, Correvan, Drumanan, Drumacreeve, Drumary, Drumcrow, Drumgramph, Drumlina, Killyeg, Lislea, Lislonefield, Tullyard, all in the Electoral Division of Drum,
- (e) the Electoral Division of Drumhillagh, except for the townlands of Aghaclay, Corleck, Drumhullagh, Drumhirk, Drumleny, Liscumaskey and Latnamard,
- (f) the townlands of Annaghbrack, Brookvale, Carnasoo, Carrowbarra, Carrowbarra Island, Coolatty, Gortmore South, Liscat, Naghill, Mullabrack, Mulladuff, Mullanacross, Mullavannog, Skeagh, Skervan, Thornhill, all in the Electoral Division of Drumsnat
- (g) the Electoral Division of Drummully except for the townlands of Annaghraw and Clontask,
- (h) the townlands of Briscarnagh, Derrins and Lurganboy, all in the Electoral Division of Killynenagh,
- (i) the townlands of Aghagaw, Allagesh, Annagh, Annyeeb, Aughnahunshin, Corrinshigo, Crenlough, Drumslavog, Formoyle, Gortmore North, Graffagh, Killytur, Killydonnelly, Tirnaskea South and Mullatagorry, all in the Electoral Division of Scotstown,
- (j) the townlands of Cornacreeve, Cornaguillagh, Derrynahesco, Derryallaghan, Derrynasell West, Kilmore West, Lennagh, Milligan and Sruveel, all in the Electoral Division of Sheskin,
- (k) the townlands of Carolina, Crover, Drumaghakeel, Drumskelt, Drumgristin, Feagh, and Mullymagaraghan, all in the Electoral Division of Aghabog, and
- (l) the townlands Aghnahola, Annaveagh, Annies, Carnroe, Cavanreagh, Cavany, Coolnacarte, Corraskea, Drumgarran, Drumreenagh, Duntrim, Hilton Demense, Killyfargy, Lisarearke, Lisnalee and Skerrick East, all of the Electoral Division of Currin.

⁴ For illustrative purposes only, a map indicating the surveillance zone and the protection zone is available on the website of the Department of Agriculture, Food and the Marine.

Schedule 2

Regulation 2

Protection zone

That part of the County of Monaghan) that comprises the townlands of-

- (a) Largy, lying partly in the Electoral Division of Clones Rural and partly in the Electoral Division of Clones Urban,
- (b) Aghafin, Altartate Glebe, Burdautien, Carney's Island, Carrivatragh, Cavan, Clonkirk, Clonkeen (Cole), Corraghy, Creevaghy, Drumard, Edenaforan, Gortnawhinny, Legnakelly, Leonard's Island, Liseggerton, Lisnaroe Near, Lisoarty, Longfield, Magheranure, Mullanacloy, Shanamullen South, Tanderagee, Tirnahinch Near, Tirnahinch Far, all in the Electoral Division of Clones Rural, and
- (c) Carrickmore, Drumadagory and Drumaddarainy, all in the Electoral Division of St. Tierney



GIVEN under my Official Seal,
22 November, 2022.

CHARLIE MCCONALOGUE,
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 provide for precautionary measures to be taken in surveillance and protection zones established in County Monaghan to facilitate the control and eradication of avian influenza.

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