



STATUTORY INSTRUMENTS.

S.I. No. 305 of 2024



CONTROL OF SALMONELLA REGULATIONS 2024

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CONTROL OF SALMONELLA REGULATIONS 2024

I, CHARLIE MCCONALOGUE, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by sections 36 and 36A (inserted by the Greyhound Racing Act 2019 (No. 15 of 2019)) of the Animal Health and Welfare Act 2013 (No. 15 of 2013) and so far as it relates to Regulation 11 of these Regulations, section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving full effect to Regulation 2160/2003 of the European Parliament and of the Council of 17 November, 2003¹, Commission Regulation 200/2010 of 10 March 2010², Commission Regulation 200/2012 of 8 March 2012³, Commission Regulation 1190/2012 of 12 December 2012⁴ and Commission Regulation 517/2011 of 25 May 2011⁵, make the following regulations:

Citation

1. These are the Control of *Salmonella* Regulations 2024.

Interpretation

2. (1) In these Regulations—

“Act” means Animal Health and Welfare Act 2013;

“flock” means all poultry of the same health status kept on the same premises or in the same enclosure and constituting a single epidemiological unit. In housed poultry this will include all birds sharing the same airspace;

“holder” in relation to a laboratory approval includes a person employed by the holder;

“*Salmonella*” means—

- (a) in the case of broiler breeding flocks, *Salmonella* Enteritidis, *Salmonella* Typhimurium, including monophasic *Salmonella* Typhimurium, *Salmonella* Hadar, *Salmonella* Infantis, or *Salmonella* Virchow, o
- (b) in the case of broiler flocks (other than breeding flocks), rearing flocks, laying flocks, turkey fattening flocks or turkey breeding flocks, *Salmonella* Enteritidis or *Salmonella* Typhimurium, including monophasic *Salmonella* Typhimurium.

(2) A word or expression that is used in an act of the institutions of the European Union cited in Regulation 5 of these Regulations and that is also used

¹ *O.J. L 325, 12.12.2003, 1*; EUR-Lex - 32003R2160 - EN - EUR-Lex (europa.eu)

² *O.J. L 61, 11.3.2010, 1*; EUR-Lex - 32010R0200 - EN - EUR-Lex (europa.eu)

³ *O.J. L 71, 9.3.2012, 31*; EUR-Lex - 32012R0200 - EN - EUR-Lex (europa.eu)

⁴ *O.J. L 340, 13.12.2012, 29*; EUR-Lex - 32012R1190 - EN - EUR-Lex (europa.eu)

⁵ *O.J. L 138, 26.5.2011, 45*; EUR-Lex - 32011R0517 - EN - EUR-Lex (europa.eu)

in these Regulations has in these Regulations the same meaning as in the act of the institutions of the European Union in which it occurs.

Application

3. These regulations do not apply to—
 - (a) a primary producer engaged in the direct supply of eggs from a flock of hens not exceeding 50 birds, to a final consumer or retail establishments directly supplying the final consumer, located no more than 100 kilometres from the flock,
 - (b) a primary producer engaged in the slaughter on the premises of no more than 1,000 broilers in any week and no more than 10,000 in any year, that are supplied to the final consumer or to a retail establishment supplying the meat directly to the final consumer, located no more than 100 kilometres from the flock,
 - (c) a primary producer engaged in the slaughter on the premises of no more than 100 turkeys in any week and no more than 1,000 in any year, and that are supplied to the final consumer or to a retail establishment supplying the meat directly to the final consumer, located no more than 100 kilometres from the flock, or
 - (d) a broiler breeding or turkey breeding flock not exceeding 250 birds.

Samples

4. The owner or person in charge of a flock shall ensure that—
 - (a) samples are taken at the land or premises on which the flock is kept, and
 - (b) each sample and each record relating to it is dealt with,in accordance with Regulation 5.

Sampling framework

5. Samples shall be taken and tested in accordance with the framework set out in—
 - (a) Annex II to Regulation 2160/2003 of the European Parliament and of the Council of 17 November 2003,
 - (b) the Annex to Commission Regulation 200/2010 of 10 March 2010,
 - (c) the Annex to Commission Regulation 517/2011 of 25 May 2011,
 - (d) the Annex to Commission Regulation 1190/2012 of 12 December 2012, or, as the case may be,
 - (e) the Annex to Commission Regulation 200/2012 of 8 March 2012.

Laboratory approval

6. (1) A person shall not operate a laboratory for the purposes of these Regulations, or an act of the institutions of the European Union mentioned in Regulation 5, other than in accordance with an approval granted by the Minister (“laboratory approval”).

(2) An application for laboratory approval shall be made in a form and contain any information that the Minister may require.

(3) The Minister shall not consider an application for laboratory approval unless the application contains all the material and particulars sought and is accompanied by the fee (if any) set in accordance with section 73 of the Act.

(4) The holder of a laboratory approval shall make such returns to the Minister as the Minister may require.

(5) The Minister may issue a laboratory approval, revoke, or suspend a laboratory approval, attach conditions to an approval or refuse an application.

(6) Without prejudice to the generality of paragraph (6), a condition to a laboratory approval may relate to—

- (a) methods and standards of analysis,
- (b) security and integrity of samples during transport, storage, and analysis,
- (c) the maintenance, form, and content of records, and
- (d) reports to be made to the Minister.

(7) If the Minister proposes to revoke or suspend a laboratory approval or refuse an application, he or she shall—

- (a) notify the holder of a laboratory approval or applicant in writing of the proposal and of the reasons for the proposal, and that he or she may make representations to the Minister in relation to the proposal within 14 days of the notification,
- (b) consider any representations duly made before deciding whether to proceed with, modify or annul the proposal, and
- (c) notify the holder of a laboratory approval or applicant of the decision and the reasons for the decision.

(8) If the Minister is of the opinion that it is necessary for the protection of human or animal health, he or she may suspend or revoke an approval in accordance with paragraph (9).

(9) If the Minister proposes to revoke or suspend a laboratory approval or refuse an application for a purpose mentioned in paragraph (8), he or she shall—

- (a) notify the holder of a laboratory approval in writing of the decision and of the reasons for the decision, and that he or she may make representations to the Minister in relation to the decision within 14 days of the notification,
- (b) consider any representations duly made before deciding whether to affirm, modify or annul the decision, and

- (c) notify the holder of a laboratory approval or applicant of the decision and the reasons for the decision.

(10) If the Minister grants a laboratory approval, he or she may specify a date on which that approval expires.

(11) A laboratory approval granted under the Regulations revoked by Regulation 13 that is in force immediately before the commencement of these Regulations remains in force and may be dealt with as if granted under these Regulations.

Obligations of laboratories

7. (1) The holder of a laboratory approval in respect of a laboratory to which a sample is submitted shall ensure that—

- (a) the sample is tested as soon as practicable for the presence of *Salmonella* in accordance with a method approved by the Minister,
- (b) the result of the test is reported in writing as soon as practicable to the person who submitted the sample, and
- (c) if *Salmonella* is detected, the Minister is immediately informed of the result followed by written confirmation within 24 hours.

(2) The holder of a laboratory approval shall—

- (a) apply quality control systems that conform to the current EN/ISO standard,
- (b) regularly participate in collaborative testing organised or coordinated by the National Reference Laboratory, and
- (c) comply with all conditions applicable to the laboratory as notified to the holder of the laboratory approval by the Minister at the time of approval or subsequently.

Control measures

8. (1) If *Salmonella* is detected in a flock, the owner or person in charge shall not move, or cause or permit another person to move eggs, poultry or poultry meat from the land or premises where the eggs, poultry or poultry meat is located without the consent in writing of an authorised officer.

(2) A person shall not have a thing that has been moved in contravention of this paragraph in his or her possession or under his or her control.

(3) If *Salmonella* is detected in a flock, the owner or person in charge shall take all necessary steps to ensure that all non-incubated eggs are destroyed or treated in a manner that guarantees the elimination of *Salmonella*, and in the case of breeding flocks of *Gallus gallus* or turkeys, all birds in the flock are slaughtered.

(4) If *Salmonella* is detected in a flock, the owner or person in charge shall take all necessary steps to ensure that all hatching eggs are destroyed or treated,

a product derived from poultry referred to in paragraph (1) which are not destined for human consumption are used or disposed of in accordance with Regulation (EU) 1609/2009 of the European Parliament and of the Council of 21 October 2009.

(5) If an authorised officer consents in accordance with paragraph (1), the authorised officer may specify the place or manner in which the birds should be slaughtered or destroyed or the manner in which eggs should be destroyed or treated and nobody shall deal with the birds or eggs except in accordance with such specification.

(6) If birds, products, or eggs are destroyed and disposed of under this Regulation, the owner or person in charge shall ensure that the land and premises concerned is cleansed and disinfected, including safe disposal of manure and litter, in accordance with procedures (if any) laid down by an authorised officer.

(7) A person shall not restock land or premises referred to in paragraph (3) and (4) unless an authorised officer certifies in writing that he or she is satisfied that all reasonable precautions have been taken to ensure the elimination of *Salmonella*.

Records

9. The owner or person in charge of a flock shall keep, and retain for a period of at least three years, a record of the movement of birds and eggs, including—

- (a) the date of the movement,
- (b) the number of birds, or eggs moved,
- (c) the identity of the building or group of buildings into which or from which the birds or eggs were moved,
- (d) name and address of the land or premises from which incoming birds and eggs were brought, and
- (e) name and address of the land or premises to which out-going birds and eggs were sent.

Tampering with sample, etc.

10. (1) A person shall not—
 - (a) tamper or otherwise interfere with any sample taken for the purposes of these Regulations or an act of the institutions of the European Union mentioned in Regulation 5,
 - (b) tamper or otherwise interfere with any poultry, poultry meat or eggs so as to procure that any sample of it taken for the purposes of these Regulations or an act of the institutions of the European Union mentioned in Regulation 5, does not correctly represent the poultry, poultry meat or eggs, or the produce from which the sample was derived,

- (c) treat or allow treatment of any bird which causes any sample to be invalid.

Penal Provisions

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

Contravention of EU Regulation

12. A contravention of, or failure to comply with a provision of an act of the institutions of the European Union mentioned in Regulation 5 is a breach to which section 36A (inserted by the Greyhound Racing Act 2019) of the Act applies.

Revocations

13. The following are revoked:

- (a) the European Communities (Control of Salmonella in breeding Flocks of Domestic Fowl) Regulations 2006 (S.I. No. 706 of 2006),
- (b) the European Communities (Control of Salmonella in Laying Flocks of Domestic Fowl) Regulation 2008 (S.I. No. 247 of 2008).
- (c) the European Communities (Control of Salmonella in Broilers) Regulations 2009 (S.I. No. 64 of 2009), and
- (d) the European Communities (Control of Salmonella in turkeys) Regulation 2010 (S.I. No. 99 of 2010).



GIVEN under my Official Seal,
19 June, 2024.

CHARLIE MCCONALOGUE,
Minister for Agriculture, Food and the Marine.

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

These Regulations give effect to EU legislation on the control of Salmonella in broiler breeding flocks, broiler flocks, rearing flocks, laying flocks, turkey fattening flocks and turkey breeding flocks.

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