



STATUTORY INSTRUMENTS.

S.I. No. 734 of 2021



AVIAN INFLUENZA (TEMPORARY MEASURES) (NO. 7)
REGULATIONS 2021

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The Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on him 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, makes the following regulations:

1. (1) These Regulations may be cited as the Avian Influenza (Temporary Measures) (No.7) Regulations 2021.

(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 1”, “surveillance zone 2” and “surveillance zone 3”) and Schedule 2 (“protection zone 1”, “protection zone 2”, “protection zone 3”, “protection zone 4” and “protection zone 5”).

3. Land or premises—

(a) that lies partly within protection zone 1, partly within protection zone 2, partly within protection zone 3, protection zone 4 or partly within protection zone 5 and partly within surveillance zone 1, partly within surveillance zone 2 or partly within surveillance zone 3 is deemed to lie wholly within protection zone 1, protection zone 2, protection zone 3, protection zone 4 or protection zone 5, as the case may be, and

(b) subject to paragraph (a), that lies partly within surveillance zone 1, partly within surveillance zone 2 or partly within surveillance zone 3 and partly outside such surveillance zone is deemed to lie wholly within surveillance zone 1, surveillance zone 2 or surveillance zone 3, as the case may be.

4. (1) A person shall not move, or cause or permit another person to move, poultry, other captive birds, eggs, carcasses, poultry litter or poultry manure –

(a) from the land or premises where they are situated, or

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

- (b) onto land or premises situated within an area described in either Schedule 1 or Schedule 2,

except in accordance with a licence issued by an authorised officer.

(2) A person shall not have poultry, other captive birds, eggs, carcasses, 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 an authorised officer.

(4) A person shall not move poultry, other captive birds or eggs that have been moved from land or premises situated 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) Paragraph (4) does not apply to table eggs.

5. 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.

6. (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 an authorised officer.

(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 an authorised officer.

7. 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.

8. 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) comes from land or premises that is situated outside an area mentioned in Regulation 2,
- (b) is stored and or transported separately from poultry meat that comes from premises situate an area mentioned in Regulation 2, and
- (c) is transported directly to a place situate outside an area mentioned in Regulation 2.

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 an authorized officer may determine.

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

(3) A licence granted under animal health and welfare regulations relating to avian influenza made on or after 20 November 2021, including the Regulations revoked by Regulation 17, that is in force immediately before the making of these Regulations remains in force, is deemed to have been granted under the corresponding provision of these Regulations and may be dealt with in accordance with paragraph (2).

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 2009².

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) (No. 6) Regulations 2021 are revoked.

² O.J. L 200 of 14.11.2009, 1; <http://data.europa.eu/eli/reg/2009/1069/oj>

Schedule 1³*Regulation 2***Part 1****Surveillance zone 1**

That part of the Counties of Cavan and Monaghan that comprises the townlands of –

- (a) the Electoral Divisions of Cormeen, Knappagh, Shercock, Corranearry (apart from the townlands of Corragarry, Latully, Tonyhull, Kilnacrew, Killycloghan, Latsey), Cootehill Rural (apart from the townlands of Bellamont Forest, Coragh, Lisawaum, Lisnasaran, Dung, Drumbarkey, Drumsivney, Lislea, Drumman, Campstown, Lattyloo, Keeghan, Dinginavanty, Leamgeltan, Tonymacgilduff, Drumgill, Corfad, Muff), Taghart (apart from the townlands of Nolagh, Crossmakeelan, Taghart South), the townlands of Lisdonan, Knockbride, Drumeague, Drumamuck Glebe in the Electoral Division of Skeagh, and the townland of Killan in the Electoral Division of Bailieborough, all in County Cavan, and
- (b) the Electoral Divisions of Clontibret, Cremartin, Ballybay Urban, Ballybay Rural, Anny, Drumgurra, Broomfield, Annayalla (apart from townlands situate in protection zone 4), Carrickaslane (apart from townlands situate in protection zone 4), Castleblayney Rural (apart from townlands situate in protection zone 4), Church Hill (apart from townlands situate in protection zone 4), the townlands of Drumgolat, Feddans, Drumbeg, Listinny, Shanmullagh, Annaseeragh, Ennis, Mullans, Clerran, Tirmacmoe, Moy Etra, Moy Otra, Corcaskea, Bryanlitter, Tullybuck, Lisaginny situate in the Electoral Division of Castleshane, the townland of Ballycronin situate in the Electoral Division of Rathwallace, the townlands of Corfad, Corlongford, Cussaboy, Corraviller, Derrylusk, Cornahoe, Cornanagh, Tiromedan, Cordolough, Coohy, Corfinlough, Derryhallagh, Lennan, Drumroosk, Cargagheramer, Drumlongfield, Cornanure situate in the Electoral Division of Tullycorbet, the townland of Maghernacharny situate in the Electoral Division of Lisnaveane, the townlands of Corkeeran, Glen, Drumlona situate in the Electoral Division of Dawsongrove, the townlands of Beagh, Greaghlone, Comertagh, Drumcarrow, Cornalaragh, Doagh, Greaghawillin (Richey), Greaghawillin (Jackson) (situate in the Electoral Division of Drumcarrow the townlands of Bocks Lower, Bocks Middle, Bocks Upper, Drumberagh, Aghacloghan, Killarue, Cashlan West, Lisdoonan, Dunaree, Dunaree Latin, Brackly, Drumlurg situate in the Electoral Division of in the Electoral

³ For illustrative purposes only, a map indicating the surveillance zones and the protection zones is available on the website of the Department of Agriculture, Food and the Marine.

Division of Bocks, the townlands of Crossalare, Dooraa, Tusker, Monyglan, Cornacrew, Cullentraghduff situate in the Electoral Division of in the Electoral Division of Crossalare, the Electoral Division of Creeve (apart from the townlands situate in protection zone 1), the Electoral Division of Carrickatee (apart from the townlands situate in protection zone 1), the Electoral Division of Bellatrain (apart from the townlands situate in protection zone 1), the Electoral Division of Raferagh (apart from the townlands situate in protection zone 1), and the Electoral Division of Corracharra (apart from the townlands situate in protection zone 1), all in county Monaghan.

Part 2

Surveillance zone 2

That part of the County of Monaghan that comprises the Electoral Divisions of Derrygorry (apart from townlands situate in protection zone 3), Shanmullagh (apart from townlands situate in protection zone 3), Figullar (apart from townlands situate in protection zone 3 or protection zone 5), Ankettel Grove (apart from townlands situate in protection zone 5), Emyvale (apart from townlands situate in protection zone 5), Bragan, Killylough, Tedavnet, Enagh (apart from townlands situate in protection zone 5), Glaslough, Tehallen (apart from the townlands of Garran Itra, Annacramph, Fedoo, Killycarnan, Dromore and Clonlonan), the townlands of Knockaconny, Tullyhirm and Coolshannagh all situate in the Electoral Division of Monaghan Rural, the townlands of Tonystackan, Knocknalun, Drumscor and Aghnameena all situate in the Electoral Division of Sheskin, the townlands of Stracunnion, Drumdesco, Carrowhatta, Cussee and Drumbier all situate in the Electoral Division of Scotstown, and the Electoral Division of Bellanode (apart from the townlands of Tullycroman, Rosefield, Aghaboy, Killyleen, Mullynahinch, Point, Tullybryan, Kilnahaltar, Aghalisk, Drumacaslan, Lisbane, Annagola, Annaghervy, Drummaconor, Corcreeghy, Brandrum, Ballyleck and Trimadown).

Part 3

Surveillance zone 3

That part of the County of Cavan that comprises the Electoral Divisions of Ardue (apart from the townlands of Greaghrahan, Cranaghan, Killywilly, Ardue, Tomassan, Drumrush, Camalier, Tirgormley, Kilcoerby and Drumgart), Kilcooney, Belturbet, Grilly, Castlesaunders (apart from the townlands situate in protection zone 4), Redhill, that part of the Electoral division of Drumcarn that comprises the townlands of Killoughter, Drumeens, Claragh, Treehog, Mullalougher, Annaghoash, Ardamagh, Mullacroghery, Coolcanadas and Dresternagh)), the Electoral Divisions of Ballyhaise, Clonervy, Cavan Rural (apart from the townlands situate in protection zone 4), Cavan Urban, Killykeen (apart from the townlands of Drumheel, Caughoo and Corgannon), Crossdoney

(apart from the townlands of Kevit Lower, Shantully, Lismore Demesne, Cornamucklagh, Newtown, Drumbar, Coonoskan, Farranseer, Clonnafean, Drumcoghill, Shancor, Cloncosse and Aghaknock), Killeshandra (apart from the townlands of Aghabane, Derrindrehid, Aghavadrin, Cappagh, Derry and Creenagh Glebe), the Electoral Division of Milltown, that part of the Electoral Division of Carn that comprises the townlands of Kildallan, Bocade Glebe, Clarahpottle, Listiernan and Carn, and the townlands of Tullyhumphrey, and Clonfad and Cornapaste

Schedule 2

Regulation 2

Part 1

Protection zone 1

That part of the County of Monaghan) that comprises the townlands of Corhelshinagh, Corlat, Corlea, Corracharra, Cortaghart, Cortober, Crossduff, Derrygoony, Dooraa, Drumcanon, Drumcunnion, Drumgor, Fairtaghy, Faraghy, Formil (adjacent to the townlands of Lurgachamlough and Tievaleny), Garrybane, Garryduff, Kilkit, Lackan, Lattacrom, Lisinisky, Lurgachamlough, Mullanalt, Rebane, Shantonagh, Shantony, Tooa and Tullyrain.

Part 2

Protection zone 2

That part of the County of Monaghan that comprises the townlands of Lisdrumgormly, Latnakelly, Annaclough, Croghan, Tattyreagh North, Lisnagreeve, Cornahoe Upper and Drumgallon, in the Electoral District of Annayallla, the townlands of Carrickaslane, Killycracken, Corrintra, Erryroe, Creaghanroe, Tullynamalra, Tullynagrow, Tullinearly and Lurganboy, in the Electoral Division of Carrickaslane, the townlands of Loughbrattoge, Doocharn, Drollagh, Tallintrat, Tattinlieve, Tullycaghny, Liseenan, Mullyash, Drumacrib, Aghnadamph, Alsmeed, Tavanaska and Lurganearly, in the Electoral District of Mullyash, and the townlands of Errybane, Drumleek North, Oram, Drumaliss, Lurganmore, Lisdonny, Moy, Drumagelvin, Tullyharnett, Drumleek South, Formil, Drumnakill, Tullyrahan, Tullycollive, Tullynahattina, Tullycoora, Tullyvanus, Tullintlisny and Skerrymore in the Electoral Division of Church Hill.

Part 3

Protection zone 3

That part of the County of Monaghan that comprises the townlands of Aghaderry, Aghadruncru, Aghnavar, Ardingny, Cavan (Moutray), Clonacullen, Clonisboyle, Corgreenan, Creaghan, Derrygorry, Dernagola, Drumartigan, Drumbirn, Esker, Girfin, Ivy Hill, Killybrone, Killydreen, Killyhoman, Killyreask, Killyslavan, Lisroosky, Moy, Kullanacask, Mullanacross, Mullaghnahegny, Mullanafinnog, Mullanderg, Mullynure, Raflacony, Skinnahergna, Tavanagh and Urlish.

Part 4

Protection zone 4

That part of the County of Cavan that comprises the Electoral Divisions of Carrafin (apart from the townlands of Killaghmeen, Derryhoo, Tullyanog, Portacloghan, Fawlaght and Feugh (Maxwell)), the Electoral Division of Butler's Bridge (apart from the townlands of Corracreeny, Drumharid and Curraghanoe) that part of the the Electoral Division of Castlesaunderson that comprises the townlands of Portlawney, Bessbrook, Drumalure beg, Cormacmullan, Drumalure More, and that part of the the Electoral Division of Cavan Rural that comprises the townlands of Derryheen, Derredis Lower, Derredis Upper, Drummullig and Rahultan.

Part 5

Protection zone 5

That part of the County of Monaghan that comprises the townlands of –

- (a) Carrigans, Derryhallagh, Gortmoney, Creevelea, Derryhea, Tonycoogan, Rarutagh, Inishdevlin, Derrynashallog, Drummully, Crumconnelly, Davagh Otra, Tonynumery, Kiltubbrid, Dungillick, Dunmadigan, Sogher, Brackagh, Killybressal, Lenagh, Shanco, Lisavargy, Brackagh, Kilnagullan, Curkin, Lisgrew, Aghliskeevan, Attiduff, Mullabryan, Knockconan, Lisseagh and Killycorran, all in the Electoral Division of Ankettel Grove,
- (b) Corlattallan, Annagh, Knockakirwan, Corclare, Kilnageer, Tonyfohanan, Killakeady, Killymurray, Mulladermot, Killeanaly, Aghnaha, Drumturk and Dernahatten, , all in the Electoral Division of Figullar,
- (c) Desert,, Knockphubble, Killyrean, Knockknsave, Kilcooly, Tiramoan, Derrylea, Emy, Derrygassan Lower, Deryygassan

Upper, Portinaghy, Tully, Cornacreeve, Scarnageeragh (or Emyvale), , all in the Electoral Division of Emyvale, and

(d) Foxhole and Dundonagh in the Electoral Division of Enagh.



GIVEN under the Official Seal of the Minister for
Agriculture, Food and the Marine,
18 December, 2021.

JUNE FANNING,

An officer authorised to authenticate the Seal of the
Minister.

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 applied in counties Cavan and Monaghan to facilitate the control and eradication of avian influenza. The Regulations revoke the Avian Influenza (Temporary Measures) (No. 6) Regulations 2021, with appropriate savers.

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