



STATUTORY INSTRUMENTS.

S.I. No. 672 of 2021



AVIAN INFLUENZA (TEMPORARY MEASURES) (NO. 5)
REGULATIONS 2021

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I, CHARLIE MC CONALOGUE, 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 Regulations may be cited as the Avian Influenza (Temporary Measures) (No.5) 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) and (3), 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” and “protection zone 4”).

3. Land or premises—

(a) that lies partly within protection zone 1, partly within protection zone 2, partly within protection zone 3 or partly within protection zone 4 and partly within surveillance zone 1, surveillance zone 2 or surveillance zone 3 is deemed to lie wholly within protection zone 1, protection zone 2, protection zone 3, or protection zone 4, 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 situate within an area described in 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.

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 situate outside surveillance zone 1, surveillance zone 2, protection zone 1, protection zone 2 or protection zone 3,
- (b) is stored and or transported separately from poultry meat that comes from premises situate within surveillance zone 1 or surveillance zone 2, protection zone 1, protection zone 2 or protection zone 3, and

- (c) is transported directly to a place situate outside surveillance zone 1 or surveillance zone 2, protection zone 1, protection zone 2 or protection zone 3.

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 the Avian Influenza (Temporary Measures) Regulations 2021, the Avian Influenza (Temporary Measures) (No.2) Regulations 2021, the Avian Influenza (Temporary Measures) (No.3) Regulations 2021 or 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.

² O.J. L 200 of 14,11.2009, 1; <http://data.europa.eu/eli/reg/2009/1069/oj>

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. 4) Regulations 2021 are revoked.

Schedule 1³

Regulation 2

Part 1

Surveillance Zone 1

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

- (a) Corraghy, Coskemduff, Crilea, Crocklusty, Croley, Cullies, Darkley, Derry, Doohallat, Drokaghbane, Drumamuck Glebe, Drumavail South, Drumbrade, Drumcondra, Drumhillagh North, Druminnick, Drumlom, Drumlumman, Drumrooghill, Gallonreagh, Kilclogha, Kilcrossbeg, Killaliss, Killaquill, Killatee, Killycleare, Killymacaran, Killyrue, Kinnes, Knappagh, Knockateane, Knocknalosset, Laraweehan, Latterriff, Lecks, Lisaderg, Corweelis, Lisataggart, Lisclogher, Lisdoagh, Lisdrumfad, Lisdrumskea, Lisnaclea, Lisnadarragh, Lisnageer,

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

Lisnagoon, Lurganboy, Maghernacaldry, Mayo, Moyduff, Mullaghard, Mullan, Mullybrack, Potlereagh, Rabane, Ralaghan, Shinan, Skerrig, Tievenaveagh, Tullybrick and Tullyunshin, all in County Cavan, and

- (b) Acres, Aghacloghan, Agheralane, Aghmekerr, Aghnamullen, Aghnaskew, Annagleve, Annahaia, Ananeese, Anny, Anveyerg, Ardragh, Balladian, Beagh, Binmore, Bocks Lower, Bocks Middle, Bocks Upper, Boraghy, Bowelk, Brackly, Cabragh, Caragbane, Caraghdoo, Caraghmore, Cargaghoge, Carnaveagh, Carrickadooey, Carrickaldragh, Carrickartagh, Carrickatee, Carrickaveilty, Carrickinare, Cashlan West, Clare Oghill, Clogher, Clonacullion, Clonaneor, Clossagh Beg, Clossagh More, Comertagh, Coolfore, Coolmannan, Cooltrim, Cooltrimegish, Coose, Coraghy, Corbane, Corbrack, Corcreeghagh, Corderrybane, Cordevlis, Corduff, Corfad, Corgreagh, Corkashybane, Corkashyduff, Corkeeran, Cormeen, Cornacarrow, Cornacreve, Cornahoe, Cornalaragh, Cornamaucklagh South, Cornamucklaglass, Cornanure, Cornasassonagh, Corrabofin, Corraskea, Corravoo, Corrinenty, Corrybrannan, Corryhagan, Corryloan, Corsilloga, Cortannel, Corvackan, Corvally, Corwillin, Creeve, Crinkill, Croassalare, Cullentraghduff, Cumry, Dernaglug, Derry, Derryisland, Derrynaloobinagh, Derryroosk, Derryvalley, Doohamlat, Drumar, Drumberagh, Drumcreeghan, Drumfaltra, Drumgarra, Drumgowna, Drumgrole, Drumguillew Lower, Drumguillew Upper, Drumgurra, Drumhawan, Drumhillagh, Drumillard, Drumlane, Drumlongfield, Drumlood, Drumlurg, Drummuck, Drumod, Drumsfelt, Dunaree, Dunaree Latin, Dunmakenna, Dunmaurice, Edenanay, Edenaneane, Edenbrone, Edenforan, Fartagorman, Fincarn, Glen, Gortlanna, Gragarnagh, Greagh, Greaghawillin (Jackson), Greaghawillin (Richey), Greaghlane, Greaghlatacapple, Greaghlone, Greaghnaroo, Kednagullion, Keenogbane, Keenogduf, Killarue, Killycrom, Killyliss, Knappagh, Knockavolis, Knocknamaddy, Lackafin, Lagan, Laragh, Latton, Lattonfasky, Leagh, Lisacullion, Lisdoonan, Lisdrumcleve, Lisdrumturk, Lisduff, Lisgillan, Lisgorran, Lisirril, Lisnadarragh, Lisnafeddaly, Lisnagallaigh, Lisnalong, Lurgangreen, Maghernaharny, Maghon, Modeese, Monagor, Monantin, Money, Monintin, Monyglen, Mountain Lodge Demesne, Mountcarmel, Moyle Beg, Moyle More, Moyleduck, Mullaghcroghery, Mullanagore, Mullanary Glebe, Oghill, Ouvry, Peast, Raferagh, Rausker, Raw, Reduff, Roo, Rossollus, Shanco, Shane, Shankill, Sheetrim, Sra, Sreenty, Tamlat, Tattybrack, Tattygare, Tattyreagh South, Terrygreeghan, Tirnadrola, Tonyglassan, Tonyscallan, Toome, Tossy, Tullycarragh, Tullyglass, Tullynahinnera, Tullynamalra, Tullynanegish, Tusker, Ullinagh, Ummerafree, Drumavaddy, Mullyash, Connaburry, Grig, Lurganearly, Lisnagreeve, Tullyvin, Tomogrow, Tullintlisny, Aghadreenan, Agheeshal, Annadrumman, Annagh, Annaglogh, Annahale, Annalittin,

Annayalla, Ardkirk, Billeady, Brackagh (adjacent to the townlands of Lisaquill and Cornagall), Brackagh (adjacent to the townlands of Corrakeen and Devlin), Bree, Carrickagarvan, Carrickanure, Carrickaslane, Cashel, Cavanaguillagh, Cloghan, Clonavogy, Comaghy, Concra, Connabury, Coolatragh, Coolskeagh, Corcullioncrew, Corlagan South, Corleadargan, Corlealackagh,, Corleanamaddy, Cornagall, Cornahawla, Cornahoe Upper, Cornalough, Corracloghan, Corragarry or Sruell, Corragarta, Corrakeen, Corratanty, Corrateean, Corrinary, Corrinshigo, Corrintra, Creaghanroe, Cremartin, Croaghan, Derrycreevy, Doocharn, Drumacon, Drumavaddy, Drumcrew, Drumgallan, Drumganus Lower, Drumganus Upper, Drumgoose, Drumgristin Lower, Drumharriff North, Drumillard Big, Drumillard Little, Drumlandrick, Drumquill, Dunfelimy, Formil (adjacent to the townlands of Knockavolis and Drumavaddy), Garradevlin, Glasdrumman East, Gorteens, Grig, Keeneraboy, Killycard, Killycracken, Killygola, Kinnagin, Knocknaneen, Knockreagh Lower, Knockreagh Upper, Lackagh, ,Latnakelly, Lemgare, Lisagore, ,Lisaquill, Lisdrumgormly, Lislanyl, Lismagunshin, Lisnagreeve, Longfield, Loughbrattoge, Lurganboy, Maghernakill, Moneyvolan, Monygorbet, Moraghy, Mullaghaneen, Mullaghduff, Onomy, Tassan, Tattyreagh North, Tomogrow, Tonagh, Tonyglassan, Toome, Tullanacrunat, Tullanacrunat North, Tullinearly, Toullyanacrunat South, Tullycollive, Tullynageer, Tullynagrow, Tullyskerry and Tullyvin, all in County Monaghan.

Part 2

Surveillance Zone 2

That part of the County of Monaghan that comprises the townlands of Aghaliskeevan, Aghamackalinn, Aghnaha, Annagh, Ardkirk, Astrish Beg, Astrish More, Attiduff, Ballynahon, Brackagh, Bragan, Caldavet, Cavan (Cope), Cavanleckagh, Cavanmore, Carrigans, Cloghernagh, Cloghfin, Clonkeen, Coolberrin, Coraghbrack, Corclare, Corlattallan, Cornacreeve, Cornaheive, Cornanure, Corry, Corryarbeg, Crossnacaldoo, Curkin, Davagh Etra, DavaghOtra, Dernacoo, Dernadarriff, Dernahatten, Dernahinch, Derna losset, Dernalosset, Dernamuck, Dernaved, Derrilla, Derrygassan Lower, Derrygassan Upper, Derrygola, Derryhee, Derryhellan, Derryrellan, Derrykinard, Derrykinnigh Beg, Derrykinnigh More, Derrylea, Derrylea Beg, Derrylea More, Derrynarget, Derrynashallog, Derryveagh, Drumarrell, Drumbristan, Drumcondra, Drumconnelly, Drumfernasky, Drumfurrer, Drumlester, Drummully, Drumturk, Dundian, Dungillick, Dunmadigan, Edenmore, Elvey, Emy, Figanny, Figullar, Glasmullagh, Glebe, Glen Beg, Glen More, Golan, Gorticleave, Greagh, Inishdevlin, Kilfahavon, Killakeady, Killanny, Killeanaly, Killybern, Killybreen, Killybressal, Kilycarran, Killycooly, Kilycorran, Killydonagh, Killyfaragh, Killylaragh, Killyleck (Anketell), Killyleck (Lucas), Killylough, Killyloughavoy,

Killymurry, Killyrean Lower, Killyrean Upper, Kilnageer, Kilnagullan, Kiltubbrid, Knockabeany, Knockakirwan, Knockaphubble, Knockconan, Knockcor, Knocknacarne, Knocknagrave, Knocknasave, Latgee, Lenagh, Lisavargy, Lisgrew, Liskenna, Lisseagh, Luppan, Monmurry, Mount Anketell, Mullabryan, Mulladermot, Mullaghboy, Mullaghcor, Mullaghmore, Mullagh Otra, Mullaghsealsana, Mullan, Mullananalog, Portinaghy, Pullis, Ralaghan, Rakelly, Rarutagh, Scarnageeragh Or Emyvale, Shanco, Shanmullagh, Sogher, Tamlat, Tiramoan, Tireran, Tonintlieve, Tonyclea, Tonycoogan, Tonyfinnigan, Tonyfohanan, Tonynumery, Tonyshandeny, Tonysillogagh and Tully.

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, Ardagh, Mullacrogery, 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, Clonose and Aghaknock), Killeshandra (apart from the townlands of Aghabane, Derrindrehid, Aghavadrin, Cappagh, Derry and Greenagh 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 Mullyash, Lurganearly, Tullintlisny, Drumleek South, Tullyharnet, Drumallis, Tullynahattina, Tullyvanua, Tullycoora, Liseenan, Drumleek North, Tullyrahan, Tattinlieve, Formil (adjacent to the townlands of Drumacrib and Drumagelvin), Drumacrib, Oram, Skerrymore, Lurganmore, Tullycaghny, Drumakill, Aghnadamph, Tullynamalra, Lisdonny, Moy, Erryroe, Drumagelvin, Alsmeed, Annyart, Drollagh and Tullycollive.

Part 3

Protection zone 3

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

Part 4

Protection zone 4

That part of the county of Cavan that comprises the Electoral Division 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



GIVEN under my Official Seal,
7 December, 2021.

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 applied in counties Cavan and Monaghan to facilitate the control and eradication of avian influenza.

BAILE ÁTHA CLIATH
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