STATUTORY RULES OF NORTHERN IRELAND

2013 No. 244

ANIMALS

ANIMAL HEALTH

The African Horse Sickness Regulations (Northern Ireland) 2013

Made - - - -	*11th October 2013*
Coming into operation	*18th November 2013*

The Department of Agriculture and Rural Development is a department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Union and makes these Regulations in exercise of the powers conferred by that section.

PART I

INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the African Horse Sickness Regulations (Northern Ireland) 2013 and come into operation on 18th November 2013.

Interpretation

2.—(1) In these Regulations—

"carcase" means a carcase or part of a carcase of a horse, but does not include a sample taken from a carcase;

"contact premises" means premises that have an epidemiological connection with infected premises, including those that due to their proximity to infected premises the Department considers have an epidemiological connection with infected premises;

"the Department" means the Department of Agriculture and Rural Development;

(**1**) S.I. 2000/2812

(**2**) 1972 c. 68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), section 27(1)(a) and the European Union (Amendment) Act 2008 (c. 7), section 3(3) and Part I of the Schedule.

"horse" means any animal of the family Equidae and includes crossings of those animals;

"infected premises" means premises that have been declared to be infected premises under regulation 9(8) or 10(7);

"inspector" means a person appointed to be an inspector for the purposes of these Regulations by the Department and includes a veterinary inspector;

"the Order" means the Diseases of Animals (Northern Ireland) Order 1981(**3**) as amended;

"premises" includes any place;

"suspect premises" means premises that have been designated as suspect premises under regulation 8(2);

"thing" means any thing by or by means of which African horse sickness virus might be carried or transmitted and includes manure, bedding, feed, equipment, vehicles and genetic material;

"vector" means an insect of the genus *Culicoides* or any other species of arthropod capable of transmitting African horse sickness virus.

(2) In these Regulations, a reference to a notified horse or carcase is a reference to a horse or a carcase (as the case may be) which is the subject of a notification given under regulation 5(1).

(3) The Interpretation Act (Northern Ireland) 1954(**4**) applies to these Regulations as it applies to an Act of the Assembly.

References to occupier

3.—(1) In these Regulations a reference to an occupier of premises includes a reference to a person who has ownership or charge of a horse on the premises.

(2) Any notice required or authorised under these Regulations to be served on the occupier of premises may be served on any person appearing to the person serving the notice to be the occupier.

(3) Where a notice has been served on a person referred to in paragraph (2), any reference in these Regulations to the occupier or, as the case may be, any other occupier of the premises includes a reference to that person.

(4) Where the occupier of premises is required to comply with any obligation under or by virtue of these Regulations, any other occupier of the premises shall give the occupier such assistance as is reasonably required to enable such compliance.

(5) Where the occupier of premises has been served with a notice under these Regulations, the occupier shall take reasonable steps to inform (orally or otherwise) any other occupier of the premises and any other person entering the premises of any restrictions on the movement to or from the premises of any horse, carcase or thing arising from the service of the notice.

(6) A notice required or authorised under these Regulations to be served on the occupier of premises may (in addition to it being served on the occupier) be served on any other occupier of the premises.

Exemptions

4. These Regulations do not apply—

(a) to anything done under the terms of a licence granted under the Specified Animal Pathogens Order (Northern Ireland) 2008(**5**); or

(**3**) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I.2) Article 17, S.I. 1994/1891 (N.I.6) Articles 20 and 23, S.R. 1994 No. 11, S.R. 2004 No. 362 and S.R. 2006 No. 41 and the Diseases of Animals Act (N.I.) 2010 c. 1
(**4**) 1954 c. 33 (N.I.)
(**5**) S.R. 2008 No. 336, as amended by S.R. 2010 No. 24

(b) at any border inspection post within the meaning of, and for so long as it remains approved for the purposes of, regulation 11 of the Trade in Animals and Related Products Regulations (Northern Ireland) 2011(**6**).

PART II

NOTIFICATION OF SUSPICION OF AFRICAN HORSE SICKNESS

Notification requirements

5.—(1) Any person who suspects that a horse or carcase is infected with African horse sickness virus shall immediately notify the Department.

(2) Any person who examines a sample taken from a horse or carcase and who—

(a) suspects that the horse or carcase is infected with African horse sickness virus; or

(b) detects evidence of antibodies to, or antigens of, that virus,

shall immediately notify the Department.

(3) Paragraphs (1) and (2) are subject to paragraph (5).

(4) A veterinary inspector may serve a notice on any occupier of infected premises indicating that any further suspected cases of African horse sickness virus on those premises need not be notified to the Department for so long as the notice remains in force.

(5) Where a notice has been served under paragraph (4)—

(a) paragraph (1) does not apply in relation to any horse or carcase on the infected premises, and

(b) paragraph (2) does not apply in relation to any sample taken from a horse or carcase on the infected premises,

for so long as the notice remains in force.

(6) Unless earlier revoked by a veterinary inspector, a notice served under paragraph (4) ceases to be in force when the notice declaring the premises to be infected premises served under regulation 9(8) or 10(7) (as the case may be) is revoked by a veterinary inspector or by virtue of regulation 12(2).

PART III

SUSPICION AND CONFIRMATION OF AFRICAN HORSE SICKNESS

Scope of Part III

6. This Part does not apply in relation to slaughterhouses or non-captive horses.

Initial controls following notification

7.—(1) This regulation applies where the Department receives a notification under regulation 5(1) and a veterinary inspector considers that further investigation relating to the possible presence of African horse sickness virus is necessary.

(**6**) S.R. 2011 No. 438

(2) A veterinary inspector shall inform (orally or otherwise) the person who gave the notification that further investigation is necessary.

(3) Where that person has been so informed, the controls in paragraph (7) apply in relation to the premises where the notified horse or carcase (as the case may be) is located.

(4) Where those premises are not the premises where the notified horse is normally kept or, in the case of a notified carcase, the horse before it died was normally kept, a veterinary inspector may also inform (orally or otherwise) the occupier of those premises that further investigation is necessary.

(5) Where that occupier has been so informed, the controls in paragraph (7), other than in sub-paragraph (a)(i), apply in relation to those other premises.

(6) A veterinary inspector—

(a) shall go to the premises where the notified horse or carcase is located and examine that horse or carcase, and may examine any other horse or carcase there;

(b) where paragraph (4) applies, may go to those other premises and examine any horse or carcase there.

(7) The controls are that—

(a) any person in possession or charge of a notified horse or carcase shall ensure that—

(i) the notified horse or carcase is not moved from the premises where it is located;

(ii) no thing is moved from the premises;

(iii) no other horse or carcase is moved from or to the premises, except that any horse normally kept at the premises may return there; and

(b) if required by a veterinary inspector and to the extent that it is practicable to do so the occupier shall ensure that—

(i) all horses are moved away from any part of the premises where most vectors are likely to be present;

(ii) areas which may be breeding grounds for vectors are identified and any available vector control measures directed by a veterinary inspector are implemented.

(8) The controls imposed under this regulation continue to apply until—

(a) a veterinary inspector confirms (orally or otherwise) to any occupier of the premises that the presence of African horse sickness virus on the premises is not suspected; or

(b) the premises become suspect premises(**7**).

Imposing measures on suspicion of disease

8.—(1) This regulation applies where an inspector suspects that a horse or carcase that is or has been infected with African horse sickness virus is or has been on any premises (whether following a notification under regulation 5(1) or otherwise).

(2) The inspector may serve a notice on the occupier designating those premises as suspect premises, at which point the measures in Schedule 1 have effect(**8**).

(3) Such a notice served in relation to contact premises shall specify that the premises are contact premises.

(4) A notice served under paragraph (2) may require the occupier to erect and maintain such signs on the premises as may be required by a veterinary inspector.

(5) Where a notice has been served under paragraph (2) a veterinary inspector shall—

(**7**) At which point other measures have effect: see regulation 8(2).
(**8**) See also the power of the Department under regulation 16 to declare a temporary control zone.

(a) as far as is reasonably practicable assess places likely to facilitate the survival of the vectors, or to accommodate them, and the practicality of using appropriate vector control measures in such places;

(b) begin an epidemiological inquiry to try to establish at least—

(i) the length of time that African horse sickness virus may have existed in horses on the premises;

(ii) the origin of that virus;

(iii) the identification of other premises on which there are horses which may have become infected;

(iv) the presence and distribution of vectors;

(v) the movement of any horse to or from the premises or any carcases removed from them; and

(vi) the possibility that non-captive horses may be involved in the spread of the virus,

and continue the inquiry until these matters have been established so far as is practicable or the possible presence of African horse sickness virus has been discounted.

Measures following suspicion – premises other than contact premises

9.—(1) This regulation applies where premises, other than contact premises, are designated as suspect premises.

(2) A veterinary inspector shall take all reasonable steps to establish whether or not African horse sickness virus is present.

(3) For the purposes of paragraph (2), a veterinary inspector may, if the Department considers it necessary, take and have tested samples from any horse or carcase that is, or has previously been, on the premises.

(4) If the Department is satisfied following the steps referred to in paragraph (2) that it is no longer appropriate for the premises to remain designated as suspect premises, a veterinary inspector shall revoke the notice served under regulation 8(2).

(5) Where that notice is revoked, the measures in Schedule 1 cease to have effect, except for the purposes of paragraph 1(4)(a) of that Schedule (duty to keep records for 6 months following revocation of notice).

(6) If the Department is satisfied following tests under this regulation that there are seropositive horses on the premises, a veterinary inspector shall continue to monitor as appropriate horses on the premises, and may take further samples and have them tested.

(7) Paragraph (8) applies if the Department is satisfied as a result of any test carried out under this regulation or any clinical signs in any horse on the premises that African horse sickness virus is present in a horse or carcase or on the premises.

(8) Where this paragraph applies, a veterinary inspector shall serve a notice on the occupier declaring the premises to be infected premises(**9**).

(9) Where a notice has been served under paragraph (8), the measures in Schedule 1 continue to have effect.

(10) The notice served under paragraph (8) may require the occupier to erect and maintain such signs on the premises as may be required by a veterinary inspector.

(**9**) See also the power of the Department under regulation 17 to declare a control zone, protection zone and surveillance zone.