STATUTORY RULES OF NORTHERN IRELAND

2012 No. 65

ANIMALS

The Aujeszky's Disease Order (Northern Ireland) 2012

Made - - - - 22nd February 2012

Coming into operation 19th March 2012

The Department of Agriculture and Rural Development [F1], makes the following Order in exercise of the powers conferred by Articles 5(1), 8A, 10(6), 12(1), 14, 19, 44, 46(7A) and (7B), 60(1) and paragraph 10 of Part 1of Schedule 2 to the Diseases of Animals (Northern Ireland) Order 1981 [F2].

F1 Formerly the Department of Agriculture for Northern Ireland see the Departments Order 1999 S.I. 1999/283 (N.I. 1) Article 3(4)

F2 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 19, 22 to 24 and Schedule, S.R. 2002 No. 225 and S.R. 2006 No.41, the Diseases of Animals Act (NI) 2010 ch.1

PART 1

INTRODUCTION

Citation and commencement

1. This Order may be cited as the Aujeszky's Disease Order (Northern Ireland) 2012 and shall come into operation on 19th March 2012.

Interpretation

2.—(1) In this Order—

"Aujeszky's Disease Virus" means the presence of Aujeszky's Disease in a pig or carcase or a premises is contaminated with the virus;

"approved disinfectant" means a disinfectant approved by the Department under the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 2008 [F3];

"breeding pig" means any sow, boar or gilt which is at least 6 months of age;

"carcase" means a carcase or part of a carcase of a pig;

"disease" means Aujeszky's Disease and "diseased" means showing clinical, pathological or serological evidence of Aujeszky's Disease ;

"feedingstuff" means any substance used for feeding pigs and includes any ingredient used in the preparation of pig feedingstuff;

"holding code" means an alphanumeric code, allocated by the Department under article 4(2) of the Pigs (Records, Identification and Movements) Order (Northern Ireland) 2012 [F4];

"infected premises" means any premises declared to be infected under article 9;

"inspector" means a person who is authorised by the Department to exercise powers under this Order; and includes a veterinary inspector;

"keeper" means any person having care and control of pigs, whether on a temporary or permanent basis, but does not include a person who only transports pigs;

"pig" means any animal of the *suidae* family;

"premises" means premises where pigs or carcases are or have been kept or are suspected of being or having been kept;

"product" means any meat, offal, dung or other substance directly derived from a pig, whether mixed with any other substance or not and includes any bedding used by pigs;

"samples" means any samples taken from a pig or carcase;

"suspected" in relation to any pigs, carcases or premises means suspected of being infected with Aujeszky's Disease or contaminated with Aujeszky's Disease virus.

(2) Other expressions used in this Order which are also used in the Aujeszky's Disease Scheme Order (Northern Ireland) 2012 [F5] shall have the same meaning as in that Scheme.

F3 S.R. 2008 No. 272
F4 S.R. 2012 No. 67
F5 S.R. 2012 No. 66

Notices

3.—(1) Any notice required or authorised under this Order to be served on any person shall be in writing and may be amended, suspended or revoked in writing at any time.

(2) Any such notice shall be served by—

(a) delivering it to the person;

(b) leaving it at the person's usual or last known address; or

(c) sending it by post to the person at that address.

Licences

4.—(1) A licence granted under this Order shall be in writing and may be—

(a) general or specific;

(b) subject to conditions; and

(c) amended, suspended or revoked in writing at any time.

(2) A person moving anything under the authority of a specific licence shall—

(a) carry the licence or a copy of it at all times during the movement;

(b) on demand by an inspector or an officer of the Department, produce the licence or copy and allow a copy or extract to be taken;

(c) keep the licence for twelve months,

and failure to do so is an offence.

(3) A person moving anything under the authority of a general licence shall—

(a) carry, at all times during the movement, a movement document under article 14 of the Pigs (Records, Identification and Movement) Order (Northern Ireland) 2012 [F6] containing details of —

(i) what is being transported, including the quantity;

(ii) the date of the movement;

(iii) the names of the consignor and consignee;

(iv) the address of the place from which the movement started and of the destination;

(b) on demand by an inspector or an officer of the Department, produce the movement document and allow a copy or extract to be taken; and

(c) keep the movement document for twelve months,

and failure to do so is an offence.

(4) It is an offence to fail to comply with a condition of a licence granted under this Order.

F6 S.R. 2012 No. 67

PART 2

NOTIFICATION OF SUSPICION OF AUJESZKY'S DISEASE

Notification of suspicion of disease

5.—(1) A person who—

(a) is in possession or in charge of a pig or carcase; or

(b) inspects or examines a pig or carcase; and

(c) suspects the pig to be diseased or the pig or carcase to be contaminated with Aujeszky's disease virus,

shall immediately notify the Department.

(2) A person who examines a sample taken from a pig or carcase and who—

(a) suspects that it is contaminated with Aujeszky's disease virus; or

(b) detects pathological evidence of Aujeszky's Disease Virus or evidence of antibodies to, or antigens of, that virus,

shall immediately notify the Department.

(3) Failure to comply with this article is an offence.

(4) Information required to be given under paragraph (1) or (2) shall include—

(a) the address of the premises on which the pig or carcase was kept;

(b) the name and address of the keeper;

(c) where it relates to a breeding pig or the carcase of a breeding pig, the individual identification mark of that pig; and

(d) the holding code of the keeper.

PART 3

SUSPICION AND CONFIRMATION OF AUJESZKY'S DISEASE

CHAPTER 1

Scope of Part II and initial controls

Scope of PART II

6. This Part applies to all premises other than slaughterhouses.

Initial Controls following notification

7.—(1) This article shall apply where the Department is notified under article 5 of a suspect pig or carcase and a veterinary inspector considers that further investigation relating to the possible presence of disease is necessary.

(2) The veterinary inspector shall orally or by notice inform the keeper of the suspect pig or carcase that further investigation is necessary, and the controls in paragraph (3) and (4) then apply.

(3) Except as permitted in writing by a veterinary inspector, the person in possession or charge of a notified pig or carcase shall ensure that—

(a) the notified pig or carcase is not moved from the premises where it is; and

(b) no other pig or carcase or anything likely to spread Aujeszky's Disease virus is moved from or to those premises, and

failure to do so is an offence.

(4) Except as permitted in writing by a veterinary inspector, the person in possession or charge of a notified pig or carcase shall ensure that any person—

(a) who has been in contact with any pig or carcase on the premises; or

(b) has been on any part of the premises that may be contaminated with Aujeszky's Disease virus,

takes all biosecurity precautions notified by the inspector under paragraph (2) to reduce the risk of spreading disease or Aujeszky's Disease virus, before leaving the premises.

(5) This article shall apply until a veterinary inspector confirms by notice that the controls in paragraph (3) and (4) no longer apply.

Imposing measures on suspicion of disease

8.—(1) This article applies where an inspector suspects—

(a) that a pig is diseased or a pig or carcase is or has been infected with Aujeszky's Disease virus; or

(b) Aujeszky's Disease virus may be present in the premises.

(2) The inspector shall serve a notice on the keeper or on the owner or the occupier of the premises if different, declaring those premises to be suspect infected premises.

CHAPTER 2

Action on suspicion of disease and declaration of infected premises

Disease investigation

9.—(1) A veterinary inspector shall begin an investigation in any suspect infected premises to establish whether the Aujeszky's Disease virus is present. This shall include taking samples from any pigs or carcases on the premises and having them tested **[**F7at a designated laboratory in accordance with Annex III of Commission Decision 2008/185/EC, as amended by Commission Implementing Decision (EU) 2016/1782**]**.

(2) If the tests carried out under paragraph 1 demonstrate that Aujeszky's Disease virus is present, the veterinary inspector shall serve a notice on the keeper, or if different from the keeper the owner or occupier of the premises, declaring those premises to be an infected premises and imposing the measures in Schedule 1.

(3) If the tests carried out under paragraph 1 do not demonstrate the presence of Aujeszky's Disease virus and the veterinary inspector is satisfied following the investigation that no Aujeszky's Disease virus is present, the Department shall revoke the notice served under article 8(2).

F7 Words in art. 9(1) substituted (11.4.2019) by The Animal Health and Welfare (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/82), reg. 1, **Sch. 3 para. 33**

Notice of intended slaughter

10. Where the Department proposes to cause any pig to be slaughtered, an inspector shall serve a notice of intended slaughter on the keeper of the pig informing the keeper of the proposed slaughter.

Epidemiological investigation

11. Where a veterinary inspector considers it appropriate the Department shall begin an epidemiological investigation to establish—

(a) the length of time that the Aujeszky's disease virus may have existed on the suspect or infected premises;

(b) the movements of pigs into and out of the premises over a period of time determined by the veterinary inspector;

(c) the origin of that disease or Aujeszky's disease virus;

(d) the identification of other premises contaminated with Aujeszky's disease virus from the same source;

(e) the movement of any person or thing that could have carried that Aujeszky's disease virus to or from the premises; and

(f) the possibility that pigs living in the wild may be involved in the spread of the disease,

and shall continue the investigation until these have been established so far as is practicable or the possibility of disease has been discounted.

Imposing measures on suspicion of disease relating to pigs living in the wild

12. A veterinary inspector and, when acting under the direction of a veterinary inspector, an inspector or any officer of the Department may—

(a) undertake surveillance for pigs living in the wild;