STATUTORY RULES OF NORTHERN IRELAND

2009 No. 223

ANIMALS

ANIMAL HEALTH

The Swine Vesicular Disease Regulations (Northern Ireland) 2009

Made - - - -	*3rd June 2009*
Coming into operation	*30th June 2009*

The Department of Agriculture and Rural Development, being 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 Community, makes the following Regulations in exercise of the powers conferred by section 2(2) of that Act.

PART I

INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Swine Vesicular Disease Regulations (Northern Ireland) 2009 and come into operation on 30th June 2009.

Interpretation

2.—(1) In these Regulations—

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

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

"infected premises" means any premises declared as such by the Department under Part III;

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

"livestock" means hoofed animals other than horses;

(**1**) S.I. 2000/2812
(**2**) 1972 c. 68

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

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

"premises" includes any place

"sentinel pig" means a pig that does not have antibodies to the swine vesicular disease virus when first introduced or retained at the premises and is used for surveillance for the swine vesicular disease virus;

"seropositive pig" means a pig that is not a restricted pig but is required by the Department to be slaughtered in a slaughterhouse due to antibodies against swine vesicular disease virus being identified in that pig;

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

References to occupier

3.—(1) Subject to regulation 4 any notice or declaration required or authorised under these Regulations to be served on the occupier of premises may be served on a person appearing to the person serving the notice or declaration to have day-to-day responsibility for the premises or for any pigs on the premises.

(2) Where a notice or declaration has been served on a person referred to in paragraph (1), any reference in these Regulations to an occupier shall be read as being a reference to that person.

Notices and declarations

4.—(1) Any notice or declaration required or authorised under these Regulations 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 or declaration may 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.

(3) If the name or address of any occupier of premises on whom a notice or declaration is to be served under these Regulations cannot, after reasonable inquiry, be ascertained, the notice or declaration may be served by leaving it conspicuously affixed to a building or object on the premises.

Licences

5.—(1) A licence granted under these Regulations 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,

and failure to do so is an offence.

(**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

(**4**) 1954 c. 33 (N.I.)

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

(a) carry, at all times during the movement, a consignment note 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 consignment note and allow a copy or extract to be taken, and

(c) keep the consignment note for at least six 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 these Regulations.

(5) If a pig has been moved to premises under a licence, a veterinary inspector may serve a notice on the occupier of the premises of destination imposing such movement restrictions relating to pigs on those premises as are necessary to prevent the risk of spreading swine vesicular disease virus, and failure to comply with such a notice is an offence.

Disinfection

6. Disinfection under these Regulations shall be carried out with a disinfectant which is—

(a) approved under the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 2008 (**5**); and

(b) used in accordance with the manufacturer's instructions or recommendations (if any) and in particular, if use is recommended before any date, used before that date.

Application

7.—(1) These Regulations shall not apply to—

(a) anything done under the terms of a licence granted under the Specified Animal Pathogens Order (Northern Ireland) 2008(**6**),

(b) any border inspection post, quarantine centre or quarantine facility approved under the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006(**7**),

(2) Parts III and IV of these Regulations do not apply in any period during which action is being taken under the Foot-and-Mouth Disease Regulations (Northern Ireland) 2006(**8**).

PART II

NOTIFICATION OF SUSPICION OF SWINE VESICULAR DISEASE

Notification of suspicion of disease

8.—(1) A person who—

(**5**) S.R. 2008 No. 272
(**6**) S.R 2008 No. 336
(**7**) S.R. 2006 No. 401 (as amended by S.R. 2007 No. 327, S.R. 2008 No. 53 and S.R. 2009 No. 86)
(**8**) S.R. 2006 No. 42

(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 infected or the carcase to be contaminated with swine vesicular 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 swine vesicular disease virus, or

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

shall immediately notify the Department.

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

PART III

SUSPICION AND CONFIRMATION OF SWINE VESICULAR DISEASE

CHAPTER 1

Scope of Part III and initial controls

Scope of Part III

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

Initial controls following notification

10.—(1) This regulation shall apply where the Department is notified under regulation 8(1) of a suspect pig or carcase and a veterinary inspector considers that further investigation relating to the possible presence of swine vesicular disease is necessary.

(2) The veterinary inspector shall orally or otherwise inform the person reporting the suspect pig or carcase that further investigation is necessary, and the controls in paragraph (3) 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,

(b) no other pig or carcase or any thing likely to spread swine vesicular 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 swine vesicular disease virus,

takes all necessary biosecurity precautions to reduce the risk of spreading swine vesicular disease virus before leaving the premises.

(5) This regulation shall apply until—

(a) a veterinary inspector serves a notice on the occupier under these Regulations declaring the premises to be suspect premises, or

(b) a veterinary inspector confirms (orally or otherwise) that the presence of swine vesicular disease virus on the premises is not suspected.

CHAPTER 2

Action on suspicion of disease and declaration of infected premises

Imposing measures on suspicion of disease

11. Where an inspector suspects that a pig that is or has been infected with swine vesicular disease virus is on any premises (whether or not following a notification under these Regulations), or premises are contaminated with swine vesicular disease virus the inspector shall—

(a) serve a notice on the occupier declaring those premises to be suspect premises;

(b) impose the measures in Schedule 1, and

(c) ensure that warning signs prohibiting entry are erected at suitable points around the premises.

Epidemiological inquiry

12. A veterinary inspector shall begin an epidemiological inquiry to establish—

(a) the length of time that swine vesicular disease virus may have existed on the premises described in Regulation 11(a),

(b) the origin of that virus,

(c) the identification of other premises contaminated with that virus from the same source,

(d) the movement of any person or thing that could have carried that virus to or from the premises, and

(e) the possibility that pigs living in the wild may be involved in the spread of the virus,

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

Measures following suspicion

13.—(1) This regulation shall apply where a veterinary inspector suspects that swine vesicular disease virus exists on any premises but this suspicion does not arise out of the fact that the premises have an epidemiological link with infected premises.

(2) Following service of a notice on the occupier on suspicion of swine vesicular disease, a veterinary inspector shall take all reasonable steps to establish whether or not the suspicion is correct.

(3) These shall include taking samples from any pigs on the premises (if there are any) and having them tested.

(4) When premises do not have pigs on them when the notice is served, the veterinary inspector may take samples from the pigs or carcases that have been on the premises, and may take environmental samples from the premises.

(5) If the tests carried out under paragraphs (3) and (4) demonstrate that—

(a) swine vesicular disease virus is in a pig or on the premises, or

(b) the premises contain pigs that are seropositive for swine vesicular disease and in addition those pigs or other pigs on the premises show clinical signs of swine vesicular disease,

the Department shall serve a notice on the occupier declaring the premises to be infected premises.