STATUTORY RULES OF NORTHERN IRELAND

2008 No. 38

ANIMALS

ANIMAL HEALTH

The Bluetongue Order (Northern Ireland) 2008

Made - - - -	*1st February 2008*
Coming into operation	*22nd February 2008*

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(**1**) and it appears to the Department of Agriculture and Rural Development that it is expedient for the reference to Commission Regulation (EC) No. 1266/2007(**2**) to be construed as references to that Regulation as amended from time to time.

The Department of Agriculture and Rural Development(**3**) makes the following Order in exercise of the powers conferred by paragraph 1A of Schedule 2 to the European Communities Act 1972 (**4**) and Articles 5(1), 10(6), 12(1), 14, 19, 20, 44, 46(7A) and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(**5**):

PART I

INTRODUCTION

Citation and commencement

1. This Order may be cited as the Bluetongue Order (Northern Ireland) 2008 shall come into operation on 22nd February 2008.

Interpretation

2.—(1) In this Order—

"animal" means a ruminating animal, and "carcase", "embryo", "ovum" and "semen" mean the carcase, embryo, ovum and semen of such an animal;

(**1**) 1972 c.68
(**2**) O.J. No. L 283, 27.10.2007, p. 37
(**3**) Formerly the Department of Agriculture for Northern Ireland: see S.I. 1999/283 (N.I. 1), Art. 3(4)
(**4**) Paragraph 1A was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51)
(**5**) S.I.1981/1115 (N.I.22) as amended by S.I. 1984/702 (N.I.) Art.17 and S.I. 1994/1891 (N.I. 6) Art.20, 22 and 23

"premises" includes any place;

"confirmation of the disease" means a declaration by the Department that the bluetongue virus is circulating in a specific area;

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

"the Directive" means Commission Directive 2000/75/EC laying down specific provisions for the control and eradication of bluetongue;

"the Regulation" means Commission Regulation 1266/2007 on implementing rules for Council Directive 2000/75/EC as regards the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue;

"the disease" means bluetongue;

"diseased" means affected with the disease;

"Divisional Veterinary Officer" means a Divisional Veterinary Officer of the Department appointed for the time being by the Department to receive information about animals or carcases diseased or suspected of being diseased for the area in which such animals or carcases are situated;

"keeper" means any natural or legal person having ownership of, or charged with keeping animals, whether or not for financial reward;

"midge" means an insect of the genus *Culicoides;* and

"sentinel animal" means an animal that does not have antibodies to the bluetongue virus when first introduced or retained at the premises and is used for surveillance for the bluetongue virus.

(2) Any authorisation, licence, notice or direction under this Order must be in writing, may be subject to conditions and may be amended, suspended or revoked by notice in writing at any time.

(3) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to this Order as it applies to an Act of the Northern Ireland Assembly.

Exemptions

3. This Order does not apply to the bluetongue virus possessed under a licence issued under the Specified Animal Pathogens Order (Northern Ireland) 1999(**7**).

PART II

SUSPECTED AND CONFIRMED BLUETONGUE

Initial requirements where bluetongue is known or suspected

4.—(1) The owner or keeper of any animal or carcase, or any person who examines or inspects any animal or carcase, who knows or suspects that the animal or carcase is infected with bluetongue, shall—

(a) immediately notify the Divisional Veterinary Officer; and

(b) refrain from moving any animal or carcase on or off the premises where the animal or carcase known to be or suspected of being diseased is located, except under the authority of and in accordance with the conditions of a licence granted by the Department.

(**6**) 1954 c.33 (NI)
(**7**) S. R. 1999 No.434

(2) Any person who analyses a sample taken from any animal or carcase and who finds evidence of antibodies to, or antigens or nucleic acids of, the bluetongue virus or any evidence of vaccination for bluetongue must immediately notify the Divisional Veterinary Officer.

Notification by inspectors

5.—(1) If an inspector knows or suspects that the disease exists on any premises he shall immediately serve a notice on the occupier of those premises or on the keeper of any animals on those premises requiring that—

(a) no animal, ovum, semen or embryo enters or leaves the premises;

(b) an inventory of all animals on the premises is made, recording, for each species—

(i) the number dead,

(ii) the number alive which appear to the occupier or keeper to be infected with the disease, and

(iii) the number alive which do not appear to the occupier or keeper to be infected with the disease;

(c) this inventory is kept up to date;

(d) all animals on the premises are kept indoors or as directed by an inspector; and

(e) the premises and animals on them are subject to the midge control measures specified in the notice.

(2) The person making the inventory must keep it for at least two years.

(3) A veterinary inspector or an inspector authorised by the Department may also serve a notice on the occupier of premises whose location, geographical situation or contacts with premises where the disease is known or suspected to exist provide grounds for suspecting the existence of the disease, exposure to it or the presence of midges there.

(4) Notices may be served under paragraphs (1) and (3) whether or not notification has been given under Article 4.

Confirmation of bluetongue on premises

6.—(1) Once a veterinary inspector is satisfied that bluetongue exists on any premises he may serve a notice on the occupier of those premises—

(a) confirming the existence of bluetongue on the premises;

(b) notifying the occupier that notwithstanding Article 4, it is unnecessary to notify any further suspected cases of bluetongue on the premises to the Divisional Veterinary Officer; and

(c) removing some or all of the restrictions imposed by the notice served under Article 5.

(2) The veterinary inspector may also serve a notice on the occupier that notwithstanding Article 4, it is unnecessary to notify the Divisional Veterinary Officer of any further evidence of bluetongue, or vaccination for bluetongue, from the affected premises.

Powers of veterinary inspectors and officers

7.—(1) Where a notice has been served under Article 5, a veterinary inspector (and, other than in the case of examination of an animal, an inspector or an officer authorised by the Department) upon entering the premises may—

(a) examine any animal, carcase or thing on those premises;

(b) require the detention, isolation, housing, restraint or treatment of any animal on those premises;

(c) carry out an epidemiological investigation relevant to the control of bluetongue;

(d) make such tests and take samples (including blood samples) from any animal, carcase or thing on those premises as he may consider necessary for the purpose of diagnosis or epidemiological investigation;

(e) mark for identification purposes any animal, carcase or thing on those premises;

(f) collect midges from those premises and set traps on those premises for the collection of midges;

(g) implement such other vector control measures on those premises as he deems necessary;

(h) require the destruction, burial, disposal or treatment of any thing on those premises;

(i) require the cleansing and disinfection of any part of the premises or of any person, animal or thing on those premises; and

(j) require the occupier, any veterinary surgeon who has attended any animal on those premises and any other person who has been in charge of or in contact with any such animal to inform him of any other animal or other premises with which any such animal may have come into contact.

(2) Where a notice has been served under Article 5 in respect of any premises, an inspector authorised by the Department may implement such other control measures on those premises as the Department may deem necessary.

Temporary control zones

8.—(1) If an inspector suspects that the bluetongue virus exists on any premises, the Department may declare a temporary control zone.

(2) If the Department has reasonable grounds for suspecting that the disease exists in animals within such part of Great Britain or the Republic of Ireland as may entail the risk of the introduction or spread of the disease into Northern Ireland, it may declare Northern Ireland or such area therein as may be specified in the declaration to be a temporary control zone.

(3) The location and size of the temporary control zone shall be such as the Department considers appropriate to prevent the spread of the disease.

(4) Where a temporary control zone has been established, a person shall not move any animal on to or off premises in the zone except under the authority of and in accordance with the conditions of a licence granted by the Department.

(5) Nothing in paragraph (1) shall deem any part of any premises outside Northern Ireland to be within a temporary control zone.

Measures when the disease is confirmed

9.—(1) On confirmation that the disease is circulating, the Department, being satisfied on epidemiological, geographical, ecological or meteorological grounds that it is appropriate for disease control purposes, shall declare an area to be a control zone.

(2) The control zone must include the infected premises, and be of such size as the Department considers appropriate for disease control purposes.

(3) A person shall not move an animal to or from premises in a control zone except under the authority of and in accordance with the conditions of a licence granted by the Department.

Restrictions in protection and surveillance zones

10.—(1) On confirmation of the disease in Northern Ireland the Department shall—