STATUTORY RULES OF NORTHERN IRELAND

2006 No. 43

ANIMALS

ANIMAL HEALTH

The Foot-and-Mouth Disease (Control of Vaccination) Regulations (Northern Ireland) 2006

Made - - - -	*17th February 2006*
Coming into operation	*23rd February 2006*

The Department of Agriculture and Rural Development(**1**), makes the following Regulations in exercise of the powers conferred on it by section 2(2) of the European Communities Act 1972(**2**).

PART I

INTRODUCTION

Citation and commencement

1. These Regulations may be cited as The Foot-and-Mouth Disease (Control of Vaccination) Regulations (Northern Ireland) 2006 and shall come into operation on 23rd February 2006.

Interpretation

2.—(1) In these Regulations—

"animal" means cattle, sheep and goats, all other ruminating animals and swine and any other kind of four-footed beast;

"animal product" means anything originating or made (whether in whole or in part) from an animal or from a carcase;

"bovine animal" includes buffalo and bison;

"carcase" means the carcase of an animal and includes part of a carcase, and the meat, bones, hide, skin, hooves, offal or other part of an animal, separately or otherwise, or any portion thereof;

(**1**) The Department of Agriculture for Northern Ireland: was renamed the Department of Agriculture and Rural Development by Article. 3(4) of the departments Order 1999 (S.I.1999/283 (N.I.))

(**2**) 1972 c. 68

"Database" means the operational computerised database set up under Council Regulation 1760/2000(**3**)

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

"disease" means foot-and-mouth disease;

"fresh meat" means meat, including chilled or frozen meat, which has not undergone any preserving process and includes meat vacuum wrapped or wrapped in a controlled atmosphere;

"health marked" means bearing the health mark required by article 5(2) of Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(**4**) and the expression "health mark" shall be construed accordingly;

"identification marked" means bearing the identification mark required by article 5(1) of Regulation (EC) No. 853/2004 of the European Parliament and the Council laying down specific hygiene rules for food of animal origin(**5**) and the expression "identification mark shall be construed accordingly;

"incubation period" means—

(a) for cattle, pigs and other bovine animals and swine, 14 days; and

(b) for other susceptible animals, 21 days;

"infected premises" means any premises declared to be infected premises under regulation 11(12) of the FMD Regulations;

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

"keeper" means any person responsible for animals, whether on a permanent or temporary basis, but does not include a person who is responsible for animals solely because he is transporting them;

"meat preparation" means fresh meat, including meat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes insufficient to modify the internal muscle fibre structure of the meat and thus to eliminate the characteristics of fresh meat;

"mechanically separated meat" means the product obtained by removing meat from flesh-bearing bones after boning, using mechanical means resulting in the loss or modification of the muscle fibre structure;

"milk" includes cream, separated milk, skimmed milk and buttermilk;

"milk product" includes butter, cheese, whey, yoghurt and any other product the main constituent of which is milk;

"minced meat" means boned meat that has been minced into fragments and contains less than 1% salt;

"occupier" means, in relation to any premises, the person in charge of those premises;

"the Order" means the Diseases of Animals (Northern Ireland) Order 1981(**6**);

"overstamped" means in relation to a health marked or identification marked item bearing an additional diagonal cross consisting of two straight lines intersecting at the centre of the health

(**3**) O.J. No. L2001, 11.8.2000, p. 1
(**4**) O.J. No. L139, 30.4.2004, p. 206. The revised text of the Regulation is contained in a corrigendum (O.J. No. L226, 25.6.2004, p83)
(**5**) O.J. No. L139, 30.4.2004, p. 55. The revised text of the Regulation is contained in a corrigendum (O.J. No. L226, 25.6.2004, p22)
(**6**) 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

or identification mark and allowing the information there to remain legible (whether or not that additional cross is applied by the same stamp as the mark);

"phase 1" means, in respect of a vaccination zone, the period of time commencing with the declaration of that vaccination zone and ending with a declaration under regulation 22(1);

"phase 2" means, in respect of a vaccination zone, the period of time commencing with the end of phase 1 and ending with a declaration under regulation 22(2);

"phase 3" means, in respect of a vaccination zone, the period of time commencing with the end of phase 2 and ending with a declaration under regulation 22(4);

"premises" includes any land, building or other place;

"protection zone" has the same meaning as in the FMD Regulations;

"protective vaccination" means vaccination carried out on premises in a vaccination zone to protect susceptible animals within that zone against airborne spread or spread through fomites of the disease virus and where the vaccinated animals are not intended to be slaughtered to prevent the spread of disease;

"public highway" means a highway maintainable at the public expense;

"raw milk" means milk that has not been heated to more than 40°C or undergone any treatment that has an equivalent effect;

"the FMD Regulations" means The Foot and Mouth Disease Regulations (Northern Ireland) 2006(**7**);

"reactor premises" means premises declared to be reactor premises under regulation 23(3)(b);

"sell" means sell to the final consumer or user and "sale" in the expression "consign for sale" shall be construed accordingly;

"slaughter" means any process which causes the death of an animal;

"slaughterhouse" means an establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption and which—

(a) is approved or conditionally approved under article 31(2) of Regulation (EC) No. 882/2004 of the European parliament and of the Council on official controls performed to ensure the verification of feed and food law, animal health and animal welfare rules(**8**); or

(b) although lacking the approval or conditional approval that it requires under article 4(3) of Regulation (EC) No. 853/2004 was, on 31st December 2005, operating as a licensed slaughterhouse under the Food Hygiene Regulations (Northern Ireland) 2006(**9**) or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995(**10**);

"suppressive vaccination" means vaccination carried out in a premises or area where there is an urgent need to prevent the spread of disease outside the premises or area by reducing the quantity of circulating disease virus there and where the vaccinated animals are intended for slaughter to prevent the spread of disease;

"surveillance zone" has the same meaning as in the FMD Regulations;

"susceptible animal" means cattle, sheep, goat, deer, camel, llama, alpaca, guanaco, vicuna, any other ruminant, any swine (that is, a member of the suborder *Suina* of the order *Artiodactyla*), elephant or rodent (other than a pet rodent);

(**7**) S.R. 2005 No.42
(**8**) O.J. No. L165, 30.4.2004, p. 1. The revised text of the Regulation is contained in a corrigendum (O.J. No. L191, 28.5.2004, p.1)
(**9**) S.R. 2006 No. 3
(**10**) S.R. 1995 No. 396 as amended by S.R. 1997 No. 496, S.R. 1998 No. 237, S.R. 2000 No. 78, S.R. 2000 No. 191 and S.R 2002 No. 217

"temporary control zone" has the same meaning as in the FMD Regulations;

"vaccinate" means treat a susceptible animal with hyperimmune serum or vaccine against disease and "vaccination", "vaccinated" and "unvaccinated" shall be construed accordingly;

"vaccination surveillance zone" means a vaccination surveillance zone declared under regulation 13(1), 14(2) or 14(3);

"vaccination zone" means a vaccination zone declared under regulation 13(1);

"vehicle" means any means of transport and includes—

(a) a trailer, semi-trailer or other thing which is designed or adapted to be towed by another vehicle;

(b) anything on a vehicle;

(c) a detachable part of a vehicle;

(d) a container or other structure designed or adapted to be carried by or on a vehicle.

(2) In these Regulations "specified for vaccination" means specified as an animal to be vaccinated in a decision to undertake a vaccination programme undertaken in accordance with regulation 9(2).

(3) References in these Regulations to "animals originating in", in respect of a vaccination zone mean—

(a) an animal kept in the vaccination zone after declaration of the zone; and

(b) an animal which was kept within the boundaries of the vaccination zone at any time during the period—

(i) beginning 21 days before the declaration of the vaccination zone; and

(ii) ending with that declaration,

and the expression "susceptible animal originating in" shall be construed accordingly.

(4) The Interpretation Act (Northern Ireland) 1954(**11**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Premises comprising common or unenclosed land

3. For the purposes of these Regulations—

(a) common or unenclosed land forms separate premises from other land unless—

(i) the parcels of land adjoin, and

(ii) all animals kept on each parcel of land are in the charge of the same keeper;

(b) a notice which is to be served on the occupier of premises wholly or partially comprising any common or unenclosed land is validly served if served on every keeper of animals kept there (so far as those persons are reasonably ascertainable);

(c) a requirement or restriction imposed on the occupier of premises wholly or partially comprising any common or unenclosed land applies to every keeper of animals kept there.

Licences and declarations

4.—(1) A licence granted to any person under these Regulations—

(a) shall be in writing;

(b) may, in addition to any conditions authorized by other provisions of these Regulations, be made subject to such conditions as the Department considers necessary to prevent the spread of disease; and

(**11**) 1954 c. 33 (N.I.)

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

(2) A declaration under these Regulations shall be in writing.

(3) Any amendment or revocation of a declaration shall be made by further declaration.

Notices

5.—(1) A notice served on any person under these Regulations—

(a) shall be in writing; and

(b) may be amended or revoked by further notice in writing at any time.

(2) A notice which—

(a) is served on the occupier of premises; and

(b) imposes a requirement or restriction in respect of those premises,

shall contain a description of those premises sufficient to enable the extent of the premises to be ascertained.

(3) Such a description may be amended in writing by an inspector if he is satisfied that it does not describe an appropriate area for the purposes of investigating and monitoring the spread of disease in respect of animals which are usually kept together.

Dissemination of information concerning restrictions and requirements

6.—(1) The Department shall take such steps as it considers fit to ensure that licences, declarations and notices are brought to the attention of those who may be affected by them as soon as is reasonably practicably.

(2) The Department shall also ensure that—

(a) the extent of any zone declared under these Regulations;

(b) the nature of the restrictions and requirements applicable within the zone; and

(c) the date of its declaration; and

(d) the date that declaration ceases to have effect in respect of the zone or any part of it,

are publicised.

Disinfection

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

(a) approved for use for the purpose of these Regulations and the FMD Regulations by the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972(**12**);

(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.

(**12**) S.R. 1972 No. 16 as amended by SR&O 1975 No.69, S.R. 1995 No.467 and S.R. 2006 No.42