STATUTORY RULES OF NORTHERN IRELAND

2006 No. 42

ANIMALS

ANIMAL HEALTH

The Foot-and-Mouth Disease 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 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 gathering" means an event at which animals are brought together, including a market, show or fair, but not any occasion at which animals are brought together on the premises on which they are kept;

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

(**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

"associated protection zone" means, in relation to a surveillance zone, the protection zone centred on the same premises as that surveillance zone;

"bovine animal" includes buffalo and bison;

"Chief Veterinary Officer" means the Chief Veterinary Officer of the Department;

"collecting centre" means premises used for the intermediate reception of animals intended to be moved elsewhere;

"contact premises" means any premises declared to be contact premises under regulation 13(2);

"contaminated" means directly or indirectly exposed to disease and "contamination" shall be construed accordingly;

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

"the Directive" means Council Directive 2003/85/EC on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/665/EEC and amending Directive 92/46/EEC(**3**);

"disease" means foot-and-mouth disease;

"Divisional Veterinary Officer" means a Divisional Veterinary Officer of the Department;

"free unit" means a separate epidemiological production unit declared to be a free unit under sub-paragraph 3A(6) of Part I of Schedule 2 to the Order(**4**) or under regulation 12;

"fresh meat" means meat, including offal, which has not undergone any preserving process other than chilling, freezing or quick freezing, including meat that is 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(**5**) and "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 of the Council laying down specific hygiene rules for food of animal origin(**6**) and "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" means affected with disease and "infection" shall be construed accordingly;

"infected premises" means any premises declared to be infected premises under regulation 11(12);

"infection date" means, in respect of any premises, the date confirmed by the Chief Veterinary Officer under regulation 11(10) as the earliest date disease was present there;

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

(**3**) O.J. No. L306, 22.11.2003, p.1
(**4**) As inserted by S.R. 2006 No. 41
(**5**) 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).
(**6**) 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).

"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 process insufficient to modify its internal muscle fibre structure of the meat and thus to eliminate the characteristics of fresh meat;

"meat product" means a processed product resulting from the processing of meat or from the further processing of such processed products, so that the cut surface shows that the product no longer has 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, yoghurt, whey 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(**7**);

"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 mark 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);

"poultry" means all species of birds belonging to the orders listed in Part II of Schedule 1 to the Order;

"premises" includes land, with or without buildings;

"protection zone" means a protection zone declared under regulation 29 or 30;

"public highway" means a highway maintainable at 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;

"restricted zone" means a restricted zone declared under regulation 35;

"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—

(c) 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

(d) 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

(**7**) 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 2006 No. 41

(**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)

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**);

"supplementary movement control zone" means a supplementary movement control zone declared under regulation 18(1);

"surveillance zone" means a surveillance zone declared under regulation 29 or 30;

"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);

"suspected of being infected" means exhibiting clinical symptoms or showing post-mortem lesions or reactions to laboratory tests such that the presence of disease may reasonably be suspected;

"suspect premises" means any declared to be suspect premises under regulation 11(8) or 13(1);

"temporary control zone" means a temporary control zone declared under regulation 15(1) or (2);

"used litter" means any substance which has been used for the bedding of animals;

"vaccinate" means treat with hyperimmune serum or vaccine against the disease;

"vaccination surveillance zone" means a vaccination surveillance zone declared under regulation 13(1), 14(2) or 14(3) of the Foot-and-Mouth Disease (Control of Vaccination) Regulations (Northern Ireland) 2006(**11**);

"a vaccination zone" means a vaccination zone declared under regulation 13(1) of the Foot-and-Mouth Disease (Control of Vaccination) Regulations (Northern Ireland) 2006;

"vehicle" means any means of transport and includes—

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

(f) anything on a vehicle;

(g) a detachable part of a vehicle;

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

"wild animal" means an animal of a susceptible species living outside premises as defined in the Directive;

"wild animal infected zone" means a wild animal infected zone declared under regulation 37(1).

(2) References in these Regulations to "susceptible animals originating in" in respect of a protection zone or surveillance zone or "susceptible animals originating on" in respect of infected premises mean—

(a) susceptible animals kept in the protection zone or surveillance zone (after the declaration of the zone) or on the infected premises, as the case may be; and

(b) susceptible animals which were kept within the boundaries of the protection or surveillance zone or on the infected premises at any time during the period—

(i) beginning 21 days before the following date—

(aa) in the case of a protection zone, the earliest infection date on premises there;

(**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

(**11**) S.R. 2006 No. 43

(bb) in the case of a surveillance zone, the earliest infection date on premises in the associated protection zone;

(cc) in the case of infected premises, the infection date; and

(ii) ending with the declaration of the protection zone, surveillance zone or infected premises, as the case may be.

(3) References in these Regulations to "susceptible animals originating in" in respect of a vaccination or temporary control zone or "susceptible animals originating on" in respect of suspect premises or contact premises mean—

(a) susceptible animals kept in the vaccination zone or temporary control zone (after the declaration of the zone) or on the suspect premises or contact premises, as the case may be; and

(b) susceptible animals which were kept within the boundaries of the vaccination zone or temporary control zone or on the suspect premises or contact premises at any time during the period—

(i) beginning 21 days before the declaration of the vaccination zone or temporary control zone or suspect premises or contact premises, as the case may be, and

(ii) ending with that declaration.

(4) The Interpretation Act (Northern Ireland) 1954(**12**) 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 person;

(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 authorised by other provisions of these Regulations, be made subject to such conditions as the Department considers necessary to prevent the spread of disease; and

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

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

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

(**12**) 1954 c. 33 (N.I.)