STATUTORY RULES OF NORTHERN IRELAND

2006 No. 41

EUROPEAN COMMUNITIES

ANIMALS

The Diseases of Animals (Amendment) 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**).

Citation and commencement

1. These Regulations may be cited as the Diseases of Animals (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 23rd February 2006.

Interpretation

2.—(1) In these Regulations "the 1981 Order" means the Diseases of Animals (Northern Ireland) Order 1981(**3**).

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

Amendment of the Diseases of Animals (Northern Ireland) Order 1981

3. After paragraph 3 of Part I of Schedule 2 to the 1981 Order there shall be inserted—

> "**3A.**—(1) This paragraph applies to any premises which are declared by the Department to be infected premises under any provision which gives effect in relation to Northern Ireland to Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease(**5**).

(**1**) Formerly the Department of Agriculture for Northern Ireland: *see*S.I. 1999/283 (N.I.)Art. 3(4)
(**2**) 1972 c. 68
(**3**) S.I. 1981/1115 (N.I. 22)
(**4**) 1954 c. 33 (N.I.)
(**5**) O.J. No. L306, 22.11.2003, p1

(2) Subject to sub-paragraphs (3) and (5), the Department must cause to be slaughtered all susceptible animals on the premises.

(3) The Department may decide not to slaughter susceptible animals kept in—

(a) a laboratory, zoo, wildlife park or other premises keeping animals principally for the purposes of display or education of the public, or an enclosed area principally used for shooting; or

(b) the premises of a body, institute or centre which—

(i) keeps animals only for the purposes of conservation, display and education of the public, or scientific research or breeding of such animals for research, and

(ii) is approved by the Department in relation to those animals in accordance with any provision which gives effect in relation to Northern Ireland to Article 13(2) of Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in certain animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(1) to Directive 1990/425/EEC(**6**); or

(c) other premises keeping susceptible animals for scientific purposes or purposes related to conservation of species or farm animal genetic resources.

(4) The Department shall not make a decision under sub-paragraph (3) unless it is satisfied that—

(a) basic European Community interests are not endangered (and in particular it shall take into account any threat of the spread of foot-and-mouth disease to other member States); and

(b) the measures in place to prevent any risk of spreading foot-and-mouth disease virus are adequate.

(5) If the premises consist of two or more separate production units (by virtue of a declaration under sub-paragraph (6)), the Department may decide not to slaughter susceptible animals on free units of those premises.

(6) The Department may by notice served on the occupier declare in respect of any premises that those premises are to be regarded as two or more separate production units and may declare every separate unit which is free from disease to be a free unit.

(7) A declaration under sub-paragraph (6) shall not be made unless the Chief Veterinary Officer advises at the time of a veterinary inquiry into the premises that in his opinion—

(a) the structure, including the administration, and size of the premises allow for each separate unit, a complete separation of housing and keeping for their susceptible animals, including air space;

(b) the operations on each separate unit, and in particular stable and pasture management, milking, feeding, and removal of dung or manure are completely separated and carried out by different personnel;

(c) the machinery, non-susceptible working animals, equipment, installations, instruments and disinfection facilities used in each separate unit are completely separate; and

(d) each of sub-paragraphs (a) to (c) has applied continuously for at least—

(**6**) O.J. No. L268, 14.9.1992, p54