**1994 No. 199**

# ANIMALS

## Aujeszky's Disease Scheme Order (Northern Ireland) 1994

*Made* . . . . . *25th May 1994*

*Coming into operation* . . *1st September 1994*

The Department of Agriculture, in exercise of the powers conferred on it by Article 8(1) and (2) of the Diseases of Animals (Northern Ireland) Order 1981(**a**) and of every other power enabling it in that behalf, having consulted with the bodies which appeared to it to be substantially representative of the interests concerned and with the approval of the Department of Finance and Personnel(**b**) hereby makes the following Order:

*Citation and commencement*

**1.** This Order may be cited as the Aujeszky's Disease Scheme Order (Northern Ireland) 1994 and shall come into operation on 1st September 1994.

*Aujeszky's Disease Scheme*

**2.** For the purposes of keeping pigs, so far as practicable, free from Aujeszky's Disease and controlling and, so far as practicable, reducing the incidence of that disease the Department hereby makes the Scheme set out in the Schedule.

Sealed with the Official Seal of the Department of Agriculture on 25th May 1994.

(L.S.) *P. T. Toal*
Assistant Secretary

The Department of Finance and Personnel hereby approves the foregoing Order.

Sealed with the Official Seal of the Department of Finance and Personnel on 25th May 1994.

(L.S.) *D. Thomson*
Assistant Secretary

---

(a) S.I. 1981/1115 (N.I. 22)
(b) Formerly the Department of Finance. *See* S.I. 1982/338 (N.I. 6) Art. 3

**Aujeszky's Disease Scheme (Northern Ireland) 1994**

*Citation*

1. This Scheme may be cited as the Aujeszky's Disease Scheme (Northern Ireland) 1994.

*Interpretation*

2.—(1) In this Scheme:

"approved laboratory" means the laboratory of the Department situated at Stoney Road, Belfast;

"Aujeszky's Disease free holding" means any registered holding to which that pig health status has been allocated in accordance with paragraph 4(2)(*b*);

"Aujeszky's Disease Register" shall be construed in accordance with paragraph 3(1);

"authorised officer" means an inspector, veterinary inspector or other person authorised by the Department to exercise powers under this Scheme;

"holding" means any premises occupied as a unit for agricultural or any other purposes, but does not include any premises used for a market, fair, exhibition or sale of pigs or any slaughterhouse;

"holding number" shall be construed in accordance with paragraph 3(3);

"Officially Aujeszky's Disease free holding" means any registered holding to which that pig health status has been allocated under paragraph 4(2)(*a*);

"premises" means any land, building, shed, pen or place where pigs or carcases are kept or are suspected on reasonable grounds of being kept;

"primary status holding" means any registered holding to which that pig health status has been allocated in accordance with paragraph 4(2)(*c*);

"product licence" means a product licence valid in Northern Ireland and issued under the provisions of the Medicines Act 1968(**a**);

"registered" in relation to any holding means registered in the Aujeszky's Disease Register;

"samples" means samples of blood taken from a pig;

"the Order" means the Aujeszky's Disease Order (Northern Ireland) 1994(**b**);

"vaccine" means a vaccine in respect of which there is a current valid product licence permitting its sale or supply for use against the disease.

(2) Other expressions in this Scheme which are also used in the Order shall have the same meaning as in the Order.

*Registration of holding*

3.—(1) The Department shall keep a register (to be known as "the Aujeszky's Disease Register") of holdings where pigs are kept.

(2) A person shall not keep pigs on any holding unless that holding is for the time being registered.

---

(**a**) c. 67
(**b**) S.R. 1994 No. 198

(3) Where the occupier of any holding applies in writing to the Department for the registration of that holding the Department shall, subject to sub-paragraph (4), so register that holding and issue to him a certificate allocating to the holding a distinguishing number (hereinafter referred to as "a holding number").

(4) The Department shall refuse to register any holding unless all the particulars specified in Annex 1 are notified to it in writing.

(5) The occupier of any registered holding shall, as soon as is practicable, notify the Department in writing of any change in the particulars previously notified to it under this paragraph.

(6) Where any registered holding ceases to be used for the keeping of pigs, the occupier of that holding shall, as soon as is practicable, notify the Department of that fact and the Department shall thereupon cancel the registration of that holding.

*Pig health status of registered holdings*

4.—(1) The Department shall from time to time allocate to each registered holding a particular pig health status in accordance with paragraph (2).

(2) A registered holding shall be allocated the pig health status of—

(*a*) an Officially Aujeszky's Disease free holding, where the conditions set out in Part I of Annex 2 are satisfied in relation to it;

(*b*) an Aujeszky's Disease free holding, where

(i) the conditions set out in Part II of Annex 2 are satisfied in relation to it; or

(ii) the conditions set out in Part I of Annex 2 would have been satisfied in relation to it but for the fact that permitted pigs (within the meaning of that Part) kept on the holding were not kept in isolation in accordance with paragraph 4 of that Part;

(*c*) a primary status holding in any other case.

*Sampling by veterinary surgeons and veterinary inspectors*

5.—(1) The Department may, by notice in writing served on the occupier of a registered holding, require him to cause a veterinary surgeon, or some other person acting under the direction of a veterinary surgeon, to take such samples from pigs on that holding as may be specified in the notice.

(2) Where a person has caused any sample to be taken in pursuance of sub-paragraph (1), he shall ensure that the veterinary surgeon who took that sample, or under whose direction it was taken, submits the sample to the approved laboratory and has identified it in such manner as to enable the laboratory to know:—

(*a*) what type of sample it is;

(*b*) the address of the holding where it was taken;

(*c*) the holding number of the holding and the particular pig health status allocated to it in accordance with paragraph 4;

(*d*) if appropriate, the individual number of the pig from which the sample was taken; and

(*e*) the name and address of that veterinary surgeon.

(3) The Department may revoke, suspend or vary any notice served on any person under sub-paragraph (1) by serving a further notice in writing on the same person.

(4) Where a notice is served on any person under this paragraph he shall comply with the requirements thereof.

(5) A veterinary surgeon or veterinary inspector who examines or handles a pig or carcase and suspects that it is diseased shall, in addition to giving notice to a Divisional Veterinary Officer under Article 6(2) of the Order, take such samples from the pig or carcase as may be necessary for diagnostic purposes and shall forward them forthwith to the Department together with a report on his examination of the pig or carcase.

*Powers of authorised officers*

6.—(1) An authorised officer may take such samples from or carry out such other tests or examinations in relation to a pig or carcase kept on any premises as he thinks necessary for the purposes of this Scheme.

(2) For the purposes of taking any samples or the carrying out of any tests or examinations under sub-paragraph (1), an authorised officer may at any time and upon production if so required of his authority, enter on or into any premises.

(3) The occupier of any premises entered by an authorised officer under sub-paragraph (2), and any person in possession or charge of any pigs or carcases on those premises, shall provide such reasonable facilities and comply with such reasonable requirements of the officer as may be necessary to facilitate the exercise of his powers under sub-paragraph (1).

*Testing of samples*

7.—(1) Where a sample taken under paragraph 5 or 6 is submitted to the approved laboratory, the person in charge of that laboratory shall subject the sample, or cause it to be subjected, to tests for the presence of disease.

(2) The Department shall notify the results of any test to which a sample was subjected in pursuance of sub-paragraph (1) to the person who submitted the sample and the occupier of the holding where the pig or carcase from which the sample was taken was kept.

*Treatment of pigs*

8.—(1) Subject to sub-paragraph (2), a person who keeps pigs on any registered holding shall treat them with a vaccine in accordance with the product licence for that vaccine.

(2) The requirements of sub-paragraph (1) shall not apply in relation to:—

(*a*) any pigs kept on an Officially Aujeszky's Disease free holding;

(*b*) such pigs as are exempted therefrom by the Department in writing.

(3) Where a person is required under sub-paragraph (1) to treat any pig but fails to do so, the Department may, without prejudice to any proceedings for an offence arising out of such default, carry out, or cause to be carried out, such treatment as is required under sub-paragraph (1) and the amount of any expenses reasonably incurred by the Department in carrying out such treatment shall be recoverable from him as a civil debt.

(4) Veterinary Surgeons prescribing or supplying any vaccine shall within 7 days of the end of each month make a return to the Department of the vaccines prescribed or supplied and such returns shall be in the form provided by the Department for the purpose.