

1994 No. 198

ANIMALS

Aujeszký's Disease 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 Articles 4, 5(1), 10(6), 12(1), 14, 19, 44 and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(a) and of every other power enabling it in that behalf, hereby makes the following Order:—

PART I

INTRODUCTORY

Citation and commencement

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

Interpretation

2.—(1) In this Order—

“approved disinfectant” means a disinfectant approved for the time being by the Department under the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972(b);

“breeding pig” means any sow, boar or gilt which is at least 6 months of age;

“carcase” means the carcase of any pig;

“disease” means Aujeszký's Disease and “diseased” means showing clinical, pathological or serological evidence of disease;

“feedingstuff” means any feedingstuff whatsoever its derivation and includes any ingredient used in the preparation of a feedingstuff;

“individual number” in relation to any pig means the individual number marked on it in accordance with paragraph 1(b) of Schedule 1;

“infected place” means a place declared by the Department to be infected with disease in accordance with Article 8;

“product” means any meat, offal, dung or other substance directly derived from a pig, whether mixed with any other substance or not and includes any bedding used by pigs;

(a) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Article 17 and by S.R. 1993 No. 43

(b) S.R. & O (N.I.) 1972 No. 16 as amended by S.R. 1975 No. 69

“suspected” in relation to any pig means suspected of being affected with disease.

(2) Other expressions used in this Order which are also used in the Aujeszky's Disease Scheme Order (Northern Ireland) 1994(a) shall have the same meaning as in that Scheme.

PART II

IDENTIFICATION OF PIGS AND MOVEMENT CONTROL

Identification of pigs

3.—(1) The owner of each pig kept on a registered holding shall identify it in accordance with Schedule 1 when it attains the age of six months or before it is moved from the holding, whichever is sooner.

(2) A person shall not alter, remove, obliterate, deface or duplicate or attempt to alter, remove, obliterate, deface or duplicate any holding number or individual number marked on a pig in accordance with paragraph (1).

Eradication area

4. It is hereby declared that Northern Ireland, being an area in respect of which the Department is satisfied that a substantial majority of the pigs therein are free from disease, is an eradication area for the purposes of Article 4 of the Diseases of Animals (Northern Ireland) Order 1981.

Movement controls

5.—(1) A person shall not move any pig or cause or permit it to be moved—

- (a) from or onto any holding except under and in accordance with the conditions of a licence issued by the Department; or
- (b) from or onto any premises used for a market, fair, exhibition or sale of pigs except under and in accordance with the conditions of a licence issued by the Department.

(2) Where it is a condition of any licence issued under paragraph (1)(a) that any pig the movement of which is authorised by that licence be accompanied by any particular document—

- (a) the consignor of the pig shall retain a copy of that document for a period of a year from the date of the movement and shall submit a further copy to the Department as soon as possible; and
- (b) the consignee of the pig shall retain the document for a period of a year from the date of the movement and shall on demand make it available for inspection by an inspector and permit him to take a copy of any such document.

(a) S.R. 1994 No. 199

(3) Where it is a condition of any licence issued under paragraph (1)(b) that any pig the movement of which is authorised by that licence be accompanied by any particular document the person in charge of any premises used for a market, fair, exhibition or sale of pigs shall submit to the Department—

- (a) where the pig is being moved onto the premises, the original of that document; or
- (b) where the pig is being moved from the premises a copy of that document;

as soon as practicable after the movement is complete.

PART III

ANIMAL HEALTH CONTROLS

Notification of disease

6.—(1) Every person having in his possession or under his charge a pig or carcase which is diseased or suspected shall with all practicable speed give notice thereof to a Divisional Veterinary Officer.

(2) Any person who examines or handles any pig or carcase and suspects that the pig or carcase is diseased shall, with all practicable speed give notice thereof to a Divisional Veterinary Officer.

(3) A notice required to be given under paragraph (1) or (2) shall include—

- (a) the address of the premises on which was kept the pig or carcase to which it relates;
- (b) the name and address of the occupier of those premises; and
- (c) where it relates to a breeding pig or the carcase of a breeding pig, the individual number of that pig.

Movement of diseased or suspected pigs and removal of carcasses

7.—(1) Where the Department knows or suspects that a pig or carcase is diseased it may serve a notice on the occupier of the premises on which it is kept informing him of the fact.

(2) The person on whom a notice is served under paragraph (1) shall:—

- (a) detain the pig or carcase to which it relates on the premises or such part thereof as may be specified in the notice;
- (b) not move any carcase or any feedingstuff, litter or dung which has or may have been in contact with the diseased or suspected pig or carcase, from the premises except under the authority of and in accordance with the conditions of a licence issued by the Department; and
- (c) not move any vehicle, machinery or equipment which has or may have been in contact with any pig or carcase, feedingstuff, litter or dung described in sub-paragraph (a) or (b) from the premises until it has been thoroughly washed, cleansed and disinfected with an approved disinfectant.

(3) Any restriction imposed pursuant to a notice served under paragraph (1) shall remain in force until the notice is revoked or until the premises concerned are declared to be an infected place.

Declaration of infected place

8.—(1) Where, as a result of a laboratory test on any sample, it appears to the Department that any pig or carcase is diseased, the Department may serve a notice on the owner or occupier of any premises on which the pig or carcase has at any time been kept declaring those premises to be an infected place.

(2) The Department may, by the same notice as is referred to in paragraph (1) or by a further notice served in like manner, do any or all of the following that is to say:—

- (a) prohibit the movement of any carcase, feedingstuff, litter or product onto or out of the infected place except under the authority of and in accordance with the conditions of a licence issued by the Department;
- (b) prohibit the movement onto or out of the infected place of any vehicle, machinery or equipment which has been in contact with a diseased pig or carcase, or with anything used for or about a diseased pig or carcase, until such vehicle, machinery or equipment has been thoroughly washed, cleansed and disinfected with an approved disinfectant; and
- (c) require that any litter, dung, liquid manure, equipment or other thing shall be treated or disposed of as an inspector may direct.

(3) The person on whom any notice is served under this Article or Article 10 shall comply with the requirements of that notice and such other requirements regarding isolation and segregation of stock on the infected place as may, in the opinion of an inspector, be necessary to prevent the spread of disease.

Marking of pigs

9.—(1) A veterinary inspector may for identification purposes paint, stamp, or clip any mark on any pig or may permanently mark a pig.

(2) A person shall not alter, remove, obliterate, deface or duplicate or attempt to alter, remove, obliterate, deface or duplicate any mark referred to in paragraph (1).

Cleansing and disinfection

10.—(1) A veterinary inspector may, by notice in writing served on the owner or occupier of an infected place—

- (a) require him to cleanse and disinfect with an approved disinfectant—
 - (i) that place or such part of it as may be specified in the notice; and
 - (ii) any receptacle or vehicle used for the confinement or removal of pigs or the removal of any carcase, product or feedingstuff from that place; and
- (b) require any person being in an infected place to—

- (i) wear both overall clothing and boots which are capable of being cleansed and disinfected; and
- (ii) cleanse and disinfect with an approved disinfectant such clothing and boots and any equipment, utensil, appliance or other things used in connection with pigs, carcasses, products or feedingstuff therein, at such time and in such manner as may be specified in the notice.

(2) Where any person on whom the notice served under paragraph (1) fails to comply with the requirements thereof 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 cleansing and disinfection as is required in the notice.

Revocation, suspension and variation of licences and notices

11. The Department may revoke, suspend or vary any licence issued under Articles 5, 7 or 8 or any notice served under Articles 7, 8 or 10 by serving a notice in writing on the person to whom the licence was granted or a further notice in writing on the person on whom the first notice was served, as the case may be.

PART IV

REGULATION OF MARKETS, FAIRS, EXHIBITIONS AND SALES OF PIGS

Regulation of markets, fairs, exhibitions and sales of pigs

12.—(1) The district council or other person in charge of premises used for any market, fair, exhibition or sale of pigs shall not permit any pig moved onto those premises under the authorization of a licence granted under Article 5(1)(b) to enter those premises unless it is accompanied by such documents (if any) as may be required as a condition of that licence.

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

(L.S.)

P. T. Toal

Assistant Secretary

Identification of Pigs

1. The pig shall be clearly marked with:—
 - (a) the holding number of the holding on which it is kept; and
 - (b) in the case of a breeding pig, with an individual number (of not more than 4 characters) to distinguish it from any other pig marked with the same holding number.

2. The holding and, if appropriate, the individual number shall be marked on the pig by means of a tattoo or on a tag attached to its ear.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order in conjunction with the Aujeszky's Disease Scheme (Northern Ireland) 1994 ('the Scheme') provides for the control and eradication of Aujeszky's Disease in pigs in Northern Ireland. In particular it establishes Northern Ireland as an eradication area (Article 4) and provides for:—

- (a) the identification of all pigs kept on or moved from a holding registered under the Scheme (Article 3 and Schedule 1);
- (b) the prohibition on movement of pigs onto or off any holding or any premises used for a market, fair, exhibition or sale of pigs except in accordance with a licence issued by the Department (Article 5);
- (c) the notification of the presence or suspected presence of disease by owners of pigs and anyone who examines or handles pigs or carcasses of pigs (Article 6);
- (d) the serving of a notice by the Department on the occupier of any premises where a diseased or suspected animal or carcase is kept requiring the occupier to detain the animal or carcase and not to move from the premises any carcase, feedingstuff, litter or dung which may have come into contact with the pig or carcase except under licence from the Department or any vehicle, machinery or equipment which may have come into contact with the pig or carcase unless it is cleansed and disinfected (Article 7);
- (e) the declaration of an infected place where laboratory tests confirm the presence of disease and the consequences of such declarations (Article 8);
- (f) the marking of pigs by veterinary inspectors (Article 9);
- (g) the serving of a notice by the Department requiring the cleansing and disinfection of infected places and receptacles and vehicles used for the confinement or removal of pigs, carcasses, products or feedingstuffs from that place (Article 10);
- (h) the prohibition of the movement of pigs onto any premises used as a market, fair, exhibition or sale of pigs unless they are accompanied by the appropriate documentation (Article 12).

Any person who without lawful authority or excuse, proof of which shall lie on him, contravenes any provision of the Order shall be guilty of an offence against the Diseases of Animals (N.I.) Order 1981. The penalty on summary conviction is a fine at level 5 on the standard scale (currently £2,000) or in the case of an offence committed with respect to more than 5 animals, a fine at level 3 on the standard scale (currently £400) for each animal; or in the case of an offence committed in relation to carcasses or other inanimate things a fine at level 5 on the standard scale (currently £2,000) together with a fine at level 3 on the standard scale (currently £400) in respect of each 508 kilograms in weight of the carcase or other things after the first 508 kilograms.