

2003 No. 55

ANIMALS

Blue Tongue Order (Northern Ireland) 2003

Made - - - - - *6th February 2003*

Coming into operation *19th February 2003*

The Department of Agriculture and Rural Development(a), in exercise of the powers conferred on it by Articles 5(1), 10(6), 12(1), 14, 19, 20, 44, 46(7A) and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(b) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Blue Tongue Order (Northern Ireland) 2003 and shall come into operation on 19th February 2003.

Interpretation

2.—(1) In this Order –

“animal” means a ruminating animal;

“carcase” means the carcase of a ruminating animal;

“confirmation of disease” means a declaration by the Department that the blue tongue virus is circulating in a specific area;

“the disease” means blue tongue;

“diseased” means affected with the disease;

“Divisional Veterinary Officer” means a Divisional Veterinary Officer of the Department appointed for the time being by the Department to receive information about animals or carcasses diseased or suspected of being diseased for the area in which such animals or carcasses are situated;

“embryo” means the embryo of a ruminating animal;

“infected area” means an area declared by the Department under Article 10(1) to be an area infected with the disease;

“keeper” means any natural or legal person having ownership of, or charged with keeping animals, whether or not for financial reward;

“ovum” means the ovum of a ruminating animal;

“premises” includes land, vehicles, vessels and aircraft;

“semen” means the semen of a ruminating animal;

(a) Formerly the Department of Agriculture: *see* S.I. 1999/283 (N.I. 1), Art. 3(4)

(b) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Art.17 and S.I. 1994/1891 (N.I. 6) Arts. 20, 22 and 23

“sentinel animals” means animals which do not have antibodies to the disease and which are used for surveillance for it;

“thing” includes a carcass, embryo, ovum, semen, fodder, litter, dung, straw, slurry, utensil, pen, hurdle, vehicle, equipment and clothing;

“vector” means an insect of the species *Culicoides imicola* or any other insect of the genus *Culicoides* which, in the opinion of the Chief Veterinary Officer, is capable of transmitting blue tongue;

“vessel” has the meaning given to “ship” by the Merchant Shipping Act 1995(a).

(2) Any approval, licence, notice or direction under this Order shall be in writing, may be subject to conditions and may be amended, suspended or revoked by notice in writing at any time.

Exemption for activities authorised under the Specified Animal Pathogens Order (Northern Ireland) 1999

3. This Order shall not apply to anything authorised by a licence granted under Article 4 of the Specified Animal Pathogens Order (Northern Ireland) 1999(b) in respect of the disease.

Vaccination against the disease

4. A person shall not vaccinate an animal against the disease unless authorised by the Department.

Initial requirements where disease is known or suspected to exist

5.—(1) Any person who knows or suspects that any animal or carcass in his possession, under his charge or being examined or inspected by him is diseased, shall –

- (a) immediately notify the Divisional Veterinary Officer; and
- (b) refrain from moving any animal or carcass on or off the premises where the animal or carcass known to be or suspected as being diseased is located, except under and in accordance with the conditions of a licence granted by the Department.

(2) Any person who analyses samples taken from any animal or carcass and who finds evidence of antibodies or antigens to the disease or to any vaccine for the disease shall immediately notify the Divisional Veterinary Officer.

Isolation of animals

6. The occupier of any premises or any keeper who knows or suspects that any animal or carcass in his possession or under his charge is diseased shall, where this is practicable, ensure that all animals on the premises are kept indoors.

Notification by inspectors

7.—(1) If an inspector knows or suspects that the disease exists on any premises, he shall immediately serve a notice on the occupier of those premises or on the keeper of any animals on those premises requiring that –

- (a) no animal, carcass, ovum, semen or embryo enters or leaves the premises;
- (b) an inventory of all animals on the premises is kept, recording, for each species –
 - (i) the number dead;
 - (ii) the number alive which appear to the occupier or keeper to be infected with the disease; and
 - (iii) the number alive which do not appear to the occupier or keeper to be infected with the disease;

(a) 1995 c. 21 s. 170
(b) S.R. 1999 No. 434

- (c) this inventory is kept up to date to take account of animals which are born or die and is produced to an inspector on request;
- (d) all animals on the premises are kept indoors or as directed by an inspector;
- (e) the premises and animals on them are subject to such vector control measures as an inspector may direct;
- (f) carcasses are destroyed, buried or disposed of as an inspector may direct.

(2) A veterinary inspector or an inspector acting under the direction of a veterinary inspector may also serve such a notice on the occupier of premises whose location, geographical situation or contacts with premises where the disease is known or suspected to exist provide grounds for suspecting the existence of the disease, exposure to it or the presence of vectors there.

(3) Notices may be served under paragraphs (1) and (2) whether or not notification has been given under Article 5.

Powers of inspectors

8.—(1) Where a notice has been served under Article 7 in respect of any premises a veterinary inspector may –

- (a) examine any animal, carcass or thing on those premises;
- (b) require the detention, isolation, restraint or treatment of any animal on those premises;
- (c) make such tests and take such samples (including blood samples) from any animal, carcass or thing on those premises as he may consider necessary for the purpose of diagnosis;
- (d) mark for identification purposes any animal, carcass or thing on those premises;
- (e) collect vectors from those premises and set traps on those premises for the collection of vectors;
- (f) implement such other vector control measures on those premises as he deems necessary;
- (g) require the destruction, burial, disposal or treatment of any thing on those premises;
- (h) require the cleansing and disinfection of any part of those premises or of any person, animal or thing on those premises; and
- (i) require the occupier, any veterinary surgeon who has attended any animal on those premises and any other person who has been in charge of or in contact with any such animal to inform him of any other animal or other premises with which any such animal may have come into contact.

(2) Where a notice has been served under Article 7 in respect of any premises, an inspector acting under the direction of a veterinary inspector may –

- (a) collect vectors from those premises and set traps on those premises for the collection of vectors; and
- (b) implement such other control measures on those premises as a veterinary inspector may deem necessary.

Measures when the disease is confirmed

9.—(1) On confirmation of disease, a veterinary inspector or an inspector acting under the direction of a veterinary inspector shall serve notices on the occupiers of all premises or on the keepers of animals on those premises within –

- (a) a 20 kilometre radius of premises where the disease is known to exist; or
- (b) such other area as the Chief Veterinary Officer may decide having regard to epidemiological, geographical, ecological and meteorological factors.

(2) Such notice shall require the occupier to comply with some or all of the requirements set out in Articles 7 and 8 and with any other requirements which the veterinary inspector considers necessary.

- (3) Such notice need not be served on those already notified under Article 7.

Declaration of infected area

10.—(1) If the Department has reasonable grounds for suspecting that the disease exists in animals within Northern Ireland or within such part of Great Britain or the Republic of Ireland as may entail the risk of the introduction or spread of that disease into Northern Ireland, it may declare Northern Ireland or such area therein as may be specified in the declaration to be an area infected with the disease.

(2) A declaration under paragraph (1) –

- (a) shall be made in writing and published in such manner and to such extent as it appears to the Department to be sufficient to bring the terms of the declaration to the attention of those persons likely to be affected by it;
- (b) shall specify the date on which it shall come into operation and shall remain in operation until revoked by a further declaration made by the Department declaring the area concerned to be free from disease; and
- (c) may be varied by the Department and such variation shall be in writing and published, so far as is practicable, in the same manner as the declaration.

(3) Any premises which are partly within an infected area shall be deemed to be wholly within that area.

(4) Nothing in paragraph (3) shall deem any area outside Northern Ireland to be part of an infected area.

(5) The Department may exhibit placards, handbills or warning notices in, or in the immediate neighbourhood of, an area declared to be infected under paragraph (1) advising of the fact of such declaration.

(6) A person shall not alter, remove, obliterate or deface any placard, handbill or warning notice referred to in paragraph (5).

(7) In an infected area a person shall not –

- (a) move any animal, carcase, ovum, semen or embryo from the premises on which they are kept, or
- (b) move any animal, carcase, ovum, semen or embryo on public or private roads (other than the service roads of premises),

except under and in accordance with the conditions of a licence granted by an inspector in accordance with the advice of the Chief Veterinary Officer.

Powers of inspectors in an infected area

11.—(1) When an infected area has been declared, veterinary inspectors and inspectors shall, in respect of premises within the infected area, have the powers they have under Article 8.

(2) A veterinary inspector may also –

- (a) require the occupier of premises in an infected area or the keeper of any animal on those premises to allow the vaccination of any animal kept there; and
- (b) require the occupier or keeper to retain animals for use as sentinel animals or to allow the introduction of sentinel animals onto those premises.

General duties of occupiers, keepers etc.

12.—(1) Unless otherwise authorised by a licence granted by the Department, an occupier of premises to which this Order applies and a keeper of any animal on such premises shall –

- (a) comply with requirements in notices served on them;
- (b) allow an inspector to enter premises referred to in notices served upon them;
- (c) compile and maintain such records as an inspector may reasonably require and produce such records on request to an inspector who may take a copy or extract therefrom;
- (d) refrain from damaging, interfering with or removing any traps set for the collection of vectors;

- (e) refrain from defacing, obliterating or removing any mark made by a veterinary inspector under Article 8; and
 - (f) provide such reasonable assistance and information as an inspector may reasonably require for the purpose of carrying out his functions under this Order.
- (2) A person shall comply with any requirement imposed on him under Article 8(1)(h) to (j) or 11.

Powers of inspectors in case of default

13. If a person served with a notice under this Order fails to comply with any requirement of such a notice, an inspector may, without prejudice to any proceedings for an offence arising out of such default, take all such steps as may be necessary to ensure that such requirement is met.

Revocation

14. The Specified Diseases (Notification and Movement Restrictions) Order (Northern Ireland) 1997^(a) is revoked insofar as it applies to blue tongue.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 6th February 2003.

(L.S.)

L. G. McKibben

A senior officer of the Department of Agriculture and Rural Development

^(a) S.R. 1997 No. 352

EXPLANATORY NOTE

(This note is not part of the Order.)

1. This Order implements Council Directive 2000/75/EC laying down specific provisions for the control and eradication of blue tongue (O.J. No. L327, 22.12.2000, p. 74).

2. Articles 1 and 2 contain introductory provisions, including definitions of certain terms used in the Order. Article 3 provides that certain activities authorised under the Specified Animal Pathogens Order (Northern Ireland) 1999 are not covered by the Order. Article 4 prohibits unauthorised vaccination against the disease.

3. Articles 5 to 8 concern measures to be taken when blue tongue is known or suspected to exist on premises. Articles 5 and 6 provide for notification to be given to the Divisional Veterinary Officer and for the isolation of animals when disease is known to exist or is suspected. Article 7 provides for the service of notices by inspectors requiring compliance with certain restrictions. Article 8 sets out the powers of inspectors.

4. Articles 9 to 11 concern measures to be taken when an outbreak of blue tongue has been confirmed. Article 9 provides for the service of notices. Articles 10 and 11 provide for the declaration of infected areas and the provisions which are to apply in infected areas.

5. Article 12 sets out the general duties of occupiers, keepers and others under the Order. Article 13 sets out the powers of inspectors when the requirements in notices served by them are not complied with. Article 14 revokes the Specified Diseases (Notification and Movement Restrictions) Order (Northern Ireland) 1997 insofar as it applies to blue tongue.

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