
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 42

**The Foot-and-Mouth Disease
Regulations (Northern Ireland) 2006**

PART II

NOTIFICATION, SUSPICION AND INVESTIGATION OF DISEASE

Notification of disease or suspected disease

8.—(1) Subject to paragraph (5) a person who has in his possession or charge an animal or carcase which is infected or suspected of being infected shall immediately notify the Divisional Veterinary Office.

(2) Subject to paragraph (5) a person who in the course of his occupation discovers that an animal or carcase not in his possession or charge is infected or suspected of being infected shall immediately notify the Divisional Veterinary Office.

(3) If the occupier of any premises notifies a Divisional Veterinary Officer under this regulation of an animal or carcase at those premises or becomes aware of such a notification, Schedule 1 shall then apply in respect of those premises.

(4) Without prejudice to paragraph (3), if a Divisional Veterinary Officer receives a notification under this regulation in relation to an animal or carcase from someone other than the occupier of the premises where the animal or carcase is located, he may serve a notice on the occupier informing him of the notification and Schedule 1 shall then apply in respect of those premises.

(5) Paragraphs (1) and (2) shall not apply to a person in possession of or carrying the disease pathogen in accordance with the terms of a licence granted under the Specified Animal Pathogens Order (Northern Ireland) 1999(1).

Notice of suspicion of disease

9.—(1) If an inspector knows or suspects that disease is present or has in the previous 56 days been present on any premises, he shall immediately serve a notice on the occupier stating that fact and Schedule 1 shall then apply in respect of those premises.

(2) If an inspector knows or suspects that an animal suspected of being contaminated is present or has within 56 days been present on any premises, he shall immediately serve a notice on the occupier stating that fact and Schedule 1 shall then apply in respect of those premises.

Suspicion of disease in an animal in transit

10.—(1) If an inspector knows or suspects that an animal in transit is infected or contaminated he shall immediately serve a notice on the keeper of the animal(if present) and on the person in charge of the vehicle in which it is carried—

- (a) stating that fact;
- (b) directing the transport of the animal and any animal with it to such premises as he considers fit; and
- (c) detaining any vehicle, equipment or other thing suspected of contamination at a suitable place until it has been cleansed and disinfected in accordance with any direction given by the inspector.

(2) The inspector shall immediately serve a notice under regulation 9 on the occupier of premises—

- (a) from which the animals originated; and
- (b) to which animals are directed on their arrival,

stating that those premises are under restriction and Schedule 1 shall then apply in respect of those premises.

(3) Any expenses arising out of the transport of any animal (including for feeding, watering and other welfare) under this regulation shall be paid by its owner.

(4) The person in charge of any vehicle detained under paragraph (1)(c) shall cleanse and disinfect it without delay at his own expense in accordance with the Transport of Animals and Poultry (Cleansing and Disinfection) Order (Northern Ireland) 2000(2) and with any additional requirements an inspector imposes by serving a notice on him.

(5) The person in charge of any equipment or other thing detained under paragraph (1)(c) shall cleanse and disinfect it at his own expense and in accordance with the directions of an inspector.

Veterinary inquiry into the existence of disease and declaration of suspect premises and infected premises

11.—(1) The Chief Veterinary Officer shall ensure that the presence or suspicion of infection or contamination is investigated in accordance with this regulation by an inspector as soon as is reasonably practicable.

(2) The Chief Veterinary Officer shall ensure that the presence or absence of disease on any premises within a temporary control zone—

- (a) where an inspector has reasonable grounds for believing that disease is present or has been present in the preceding 56 days; or
- (b) where susceptible animals are kept or have in the 56 days before the declaration of that zone been kept,

is investigated in accordance with this regulation by an inspector as soon as is reasonably practicable.

(3) The inspector carrying out investigations in pursuance of this regulation shall take all steps he considers necessary to determine whether disease is present or has been present on the premises to which his investigations relate in the 56 days before the commencement of the investigation and any related circumstances.

(4) Subject to paragraph (5) in taking such steps he shall ensure that any samples necessary for that determination are taken.

(5) Sampling shall not be considered necessary on premises which the Chief Veterinary Officer considers to be epidemiologically linked with a primary source of disease for which samples have already been taken.

(6) The inspector carrying out investigations in pursuance of this regulation may mark any animal, carcase or other thing liable to spread disease found on the premises.

- (7) The occupier of any premises under such investigation shall—
- (a) make any records required for an investigation under this regulation available to the inspector investigating on demand; and
 - (b) give such information as he possesses to that inspector concerning—
 - (i) the diseased or suspected animal or carcase; and
 - (ii) any other animal or carcase or land or premises where animals are kept.

(8) If the inspector carrying out investigations in pursuance of this regulation considers it necessary to submit a serological sample for testing to determine whether disease exists or has within 56 days existed on the premises, he shall declare the premises to be suspect premises.

(9) If his opinion is that disease exists or has in the 56 days before the commencement of the investigation existed on any premises the inspector shall communicate to a Divisional Veterinary Officer that fact and his opinions on at least the following—

- (a) the earliest date disease was present there;
- (b) the origin of disease;
- (c) any other premises which may have been contaminated from the same origin;
- (d) the extent to which any animal other than bovine animals or swine may have been infected or contaminated;
- (e) any premises to or from which disease may have been carried;
- (f) any other premises which he suspects to be contaminated;
- (g) whether any premises under inquiry comprise two or more separate production units in accordance with paragraph 3A(7) of Part I of Schedule 2 to the Order⁽³⁾,

and in sub-paragraphs (c), (e) and (f) “premises” includes premises outside Northern Ireland.

(10) The Chief Veterinary Officer shall consider and may confirm every opinion communicated to him under this regulation.

(11) Where the Chief Veterinary Officer concludes after consideration of any opinion communicated to him under this regulation, that one or more of the criteria in Schedule 2 are satisfied in respect of any premises, he shall confirm the presence of the disease on the premises in question.

(12) If the Chief Veterinary Officer confirms disease at any premises the Department shall declare those premises to be infected premises.

(13) A declaration made under paragraph (8) or (12) this regulation shall be by notice served on the occupier.

(14) Any infected premises is an infected premises for the purposes of the Order.

Separate production units

12.—(1) The Department may by notice served on the occupier of any premises (other than infected premises) investigated under regulation 11 declare that they are to be regarded as two or more separate production units if the Chief Veterinary Officer advises at the time of the veterinary inquiry that in his opinion—

- (a) the premises comply with the criteria in sub-paragraphs (a) to (c) of paragraph 3A(7) of Part I of Schedule 2 to the Order; and
- (b) each of those paragraphs has applied continuously for at least—
 - (i) 28 days immediately prior to the date of the inquiry, if only bovine animals or swine have been on the premises within that period, or

(3) As inserted by S.R. 2006 No. 41

(ii) 42 days immediately prior to that date in any other case.

(2) A declaration under paragraph (1) shall identify and designate the boundaries of each separate unit and shall declare every separate unit which is free of disease to be a free unit.

(3) An unit shall cease to be a free unit on—

- (a) variation of the notice declaring it such that it is no longer declared to be a free unit; or
- (b) revocation of the notice.

Tracing of possible disease spread

13.—(1) The Department shall declare premises (other than infected premises) to be suspect premises where the Chief Veterinary Officer advises that he suspects them of contamination from premises already declared to be suspect or infected premises or from a suspected case of disease outside Northern Ireland.

(2) The Department shall declare premises (other than infected premises or suspect premises) to be contact premises where the Chief Veterinary Officer advises either—

- (a) that disease may have been carried there from any premises; or
- (b) that disease may have been carried to any premises from there,

and in sub-paragraphs (a) and (b) “premises” includes premises outside Northern Ireland.

(3) A declaration under this regulation shall be by notice served on the occupier.

(4) The Department shall ensure that any premises declared to be suspect premises or contact premises under this regulation are subjected to investigation in accordance with regulation 11 as soon as is reasonably practicable.

(5) Where, following a declaration under regulation 12(1), premises are to be regarded as consisting of separate production units the Department shall amend any declaration under paragraph (2) to specify to or from which units disease may have been carried and only those units so specified shall form the contact premises.

(6) Schedule 1 applies to suspect premises or contact premises declared under this regulation.

Maintenance of measures in respect of premises

14.—(1) If premises are declared to be infected premises, they shall no longer be suspect premises or contact premises.

(2) Schedule 1 shall continue to apply to premises if they are declared to be infected premises.

(3) The Department shall not revoke any notice declaring premises to be suspect premises until there is no longer any suspicion of infection or contamination there.

(4) The Department shall not revoke any notice declaring premises to be contact premises until there is no longer any suspicion that disease may have been carried there or from there.

(5) The Department shall not revoke any notice declaring premises to be infected premises until completion of the final cleansing and disinfection measures in paragraphs 5 to 7 of Part II of Schedule 3.

Declaration of a temporary control zone

15.—(1) On the declaration of any suspect premises the Department shall also declare an area around those premises of such size as it considers fit to prevent the spread of disease to be a contemporary control zone.

(2) If the Department is satisfied that an animal or carcass in the Republic of Ireland is suspected of being infected or contaminated, it may declare a temporary control zone in such part of Northern Ireland and of such size as it considers fit to prevent the spread of disease.

(3) An area shall remain a temporary control zone (or part of one) until—

- (a) it becomes part of a protection zone or a surveillance zone; or
- (b) the Department is advised by the Chief Veterinary Officer that he no longer suspects infection there.

(4) If the Department is advised as mentioned in paragraph (3)(b)—

- (a) It shall revoke the declaration creating the temporary control zone in question if the area comprises the whole of that zone; or
- (b) If the area does not comprise the whole of that zone, it shall amend the declaration so as to exclude that area.

(5) Any amendment or revocation of a declaration creating a temporary control zone shall refer to that declaration and state the date and time it is to take effect.

(6) Any premises which are partly inside and partly outside a temporary control zone shall be deemed to be wholly inside it.

(7) Nothing in paragraph (6) shall deem any part of a premises outside Northern Ireland to be inside a temporary control zone.

Measures applicable in respect of a temporary control zone

16.—(1) A person shall not move any susceptible animal into or out of a temporary control zone, except where the movement is—

- (a) through the zone without stopping; or
- (b) necessary to complete a journey started before the creation of the zone.

(2) Subject to paragraph (3), a person shall not move any susceptible animal from or to premises in a temporary control zone (without leaving that zone) except to complete a journey started before the creation of that zone or under the authority of a licence granted by the Department.

(3) The Department may, after considering the factors in paragraph (4), declare that instead of the restriction in paragraph (2) all the following measures apply in a temporary control zone—

- (a) the occupier of any premises in the zone where susceptible animals are kept shall create and maintain a record in accordance with paragraph 1 of Schedule 1;
- (b) the occupier of any premises in the zone where susceptible animals are kept shall isolate animals in accordance with paragraph 3 of Schedule 1 and comply with the requirements of any notice served on him under that paragraph;
- (c) Paragraphs 4 to 7 and 10 and 11 of that Schedule shall apply to premises in the zone where susceptible animals are kept.

(4) When considering a declaration under paragraph (3), the Department shall take into account the following factors in respect of the temporary control zone—

- (a) the density of the population of susceptible animals;
- (b) the intensity of movements of animals or persons having contact with susceptible animals;
- (c) any suspected delay in detecting suspicion of infection or contamination;
- (d) the information available to it as to the possible origin and method of introduction of the disease virus; and
- (e) any other factor it considers relevant in deciding whether such a declaration will help prevent the spread of disease and is reasonable in the circumstances.

- (5) The measures in paragraphs (2) and (3) apply—
- (a) subject to regulation 19(2)(b), and
 - (b) in addition to any requirement or restriction which applies in any part of a temporary control zone because that part falls within—
 - (i) a vaccination zone or vaccination surveillance zone, or
 - (ii) a wild animal infected zone.

Supplementary measures in respect of a temporary control zone: straying of susceptible animals

17.—(1) The owner or keeper of a susceptible animal in a temporary control zone shall take all such steps as are necessary to prevent it from straying from the premises on which it is kept.

(2) An inspector may detain any stray or feral susceptible animal found in a temporary control zone.

Declaration of supplementary movement control zone

18.—(1) When a temporary control zone has been declared, the Department may also declare a supplementary movement control zone which—

- (a) shall be of such size as it considers fit to prevent the spread of disease; and
 - (b) shall include that temporary control zone.
- (2) An area shall remain a supplementary movement control zone (or part of one) until—
- (a) it becomes part of a protection zone or a surveillance zone;
 - (b) the declaration of the temporary control zone included within it ceases to have effect;
 - (c) the Department amends the declaration of the supplementary movement control zone so as to exclude that area; or
 - (d) the Department revokes the declaration of the supplementary movement control zone.
- (3) Any amendment or revocation of a declaration creating a supplementary movement control zone shall refer to that declaration and state the date and time it is to take effect.
- (4) Any premises which are partly inside and partly outside a supplementary movement control zone shall be deemed to be wholly inside it.
- (5) Nothing in paragraph (4) shall deem any part of a premises outside Northern Ireland to be inside a supplementary movement control zone.
- (6) A supplementary movement control zone applies in respect of—
- (a) susceptible animals; and
 - (b) any class of non-susceptible animal specified in the declaration in question during a period also specified in that declaration which shall not exceed 72 hours from the time the declaration was made unless justified by exceptional circumstances.

Measures applicable in respect of a supplementary movement control zone

19.—(1) A person shall not move an animal in respect of which a supplementary movement control zone applies from or to any premises in a such a zone or into or out of such a zone except where the movement is—

- (a) through the zone without stopping;
- (b) necessary to complete a journey started before the creation of the zone; or

- (c) the movement of a horse for veterinary treatment under the authority of a licence granted by the Department.
- (2) Paragraph (1) applies—
 - (a) without prejudice to regulation 16(1); or
 - (b) in a temporary control zone in place of regulation 16(2) or, where there was a declaration of measures in a temporary control zone under regulation 16(3), in place of paragraph 4 of Schedule 1; and
 - (c) in addition to any requirement or restriction which applies in any part of a temporary control zone or a supplementary movement control zone because that part falls within—
 - (i) a vaccination zone or vaccination surveillance zone, or
 - (ii) a wild animal infected area.
- (3) When granting a licence under paragraph (1)(c) the Department shall take account of the recommended measures in paragraph 2.1 of Annex VI to the Directive.