
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 43

The Foot-and-Mouth Disease (Control of Vaccination) Regulations (Northern Ireland) 2006

PART I
INTRODUCTION

Citation and commencement

1. These Regulations may be cited as The Foot-and-Mouth Disease (Control of Vaccination) Regulations (Northern Ireland) 2006 and shall come into operation on 23rd February 2006.

Interpretation

2.—(1) In these Regulations—

“animal” means cattle, sheep and goats, all other ruminating animals and swine and any other kind of four-footed beast;

“animal product” means anything originating or made (whether in whole or in part) from an animal or from a carcase;

“bovine animal” includes buffalo and bison;

“carcase” means the carcase of an animal and includes part of a carcase, and the meat, bones, hide, skin, hooves, offal or other part of an animal, separately or otherwise, or any portion thereof;

“Database” means the operational computerised database set up under Council Regulation 1760/2000⁽¹⁾

“the Department” means the Department of Agriculture and Rural Development;

“disease” means foot-and-mouth disease;

“fresh meat” means meat, including chilled or frozen meat, which has not undergone any preserving process and includes meat vacuum wrapped or wrapped in a controlled atmosphere;

“health marked” means bearing the health mark required by article 5(2) of Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption⁽²⁾ and the expression “health mark” shall be construed accordingly;

“identification marked” means bearing the identification mark required by article 5(1) of Regulation (EC) No. 853/2004 of the European Parliament and the Council laying down

⁽¹⁾ O.J. No. L2001, 11.8.2000, p. 1

⁽²⁾ O.J. No. L139, 30.4.2004, p. 206. The revised text of the Regulation is contained in a corrigendum (O.J. No. L226, 25.6.2004, p83)

specific hygiene rules for food of animal origin⁽³⁾ and the expression “identification mark shall be construed accordingly;

“incubation period” means—

- (a) for cattle, pigs and other bovine animals and swine, 14 days; and
- (b) for other susceptible animals, 21 days;

“infected premises” means any premises declared to be infected premises under regulation 11(12) of the FMD Regulations;

“inspector” means a person appointed to be an inspector for the purposes of these Regulations by the Department;

“keeper” means any person responsible for animals, whether on a permanent or temporary basis, but does not include a person who is responsible for animals solely because he is transporting them;

“meat preparation” means fresh meat, including meat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes insufficient to modify the internal muscle fibre structure of the meat and thus to eliminate the characteristics of fresh meat;

“mechanically separated meat” means the product obtained by removing meat from flesh-bearing bones after boning, using mechanical means resulting in the loss or modification of the muscle fibre structure;

“milk” includes cream, separated milk, skimmed milk and buttermilk;

“milk product” includes butter, cheese, whey, yoghurt and any other product the main constituent of which is milk;

“minced meat” means boned meat that has been minced into fragments and contains less than 1% salt;

“occupier” means, in relation to any premises, the person in charge of those premises;

“the Order” means the Diseases of Animals (Northern Ireland) Order 1981⁽⁴⁾;

“overstamped” means in relation to a health marked or identification marked item bearing an additional diagonal cross consisting of two straight lines intersecting at the centre of the health or identification mark and allowing the information there to remain legible (whether or not that additional cross is applied by the same stamp as the mark);

“phase 1” means, in respect of a vaccination zone, the period of time commencing with the declaration of that vaccination zone and ending with a declaration under regulation 22(1);

“phase 2” means, in respect of a vaccination zone, the period of time commencing with the end of phase 1 and ending with a declaration under regulation 22(2);

“phase 3” means, in respect of a vaccination zone, the period of time commencing with the end of phase 2 and ending with a declaration under regulation 22(4);

“premises” includes any land, building or other place;

“protection zone” has the same meaning as in the FMD Regulations;

“protective vaccination” means vaccination carried out on premises in a vaccination zone to protect susceptible animals within that zone against airborne spread or spread through fomites of the disease virus and where the vaccinated animals are not intended to be slaughtered to prevent the spread of disease;

(3) O.J. No. L139, 30.4.2004, p. 55. The revised text of the Regulation is contained in a corrigendum (O.J. No. L226, 25.6.2004, p22)

(4) S.I.1981/1115 (N.I.22) as amended by S.I. 1984/702 (N.I.2) Article 17, S.I. 1994/1891 (N.I.6) Articles 20 and 23, S.R. 1994 No. 11, S.R. 2004 No.362 and S.R. 2006 No. 41

- “public highway” means a highway maintainable at the public expense;
- “raw milk” means milk that has not been heated to more than 40°C or undergone any treatment that has an equivalent effect;
- “the FMD Regulations” means The Foot and Mouth Disease Regulations (Northern Ireland) 2006(5);
- “reactor premises” means premises declared to be reactor premises under regulation 23(3)(b);
- “sell” means sell to the final consumer or user and “sale” in the expression “consign for sale” shall be construed accordingly;
- “slaughter” means any process which causes the death of an animal;
- “slaughterhouse” means an establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption and which—
- (a) is approved or conditionally approved under article 31(2) of Regulation (EC) No. 882/2004 of the European parliament and of the Council on official controls performed to ensure the verification of feed and food law, animal health and animal welfare rules(6); or
 - (b) although lacking the approval or conditional approval that it requires under article 4(3) of Regulation (EC) No. 853/2004 was, on 31st December 2005, operating as a licensed slaughterhouse under the Food Hygiene Regulations (Northern Ireland) 2006(7) or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995(8);
- “suppressive vaccination” means vaccination carried out in a premises or area where there is an urgent need to prevent the spread of disease outside the premises or area by reducing the quantity of circulating disease virus there and where the vaccinated animals are intended for slaughter to prevent the spread of disease;
- “surveillance zone” has the same meaning as in the FMD Regulations;
- “susceptible animal” means cattle, sheep, goat, deer, camel, llama, alpaca, guanaco, vicuna, any other ruminant, any swine (that is, a member of the suborder *Suina* of the order *Artiodactyla*), elephant or rodent (other than a pet rodent);
- “temporary control zone” has the same meaning as in the FMD Regulations;
- “vaccinate” means treat a susceptible animal with hyperimmune serum or vaccine against disease and “vaccination”, “vaccinated” and “unvaccinated” shall be construed accordingly;
- “vaccination surveillance zone” means a vaccination surveillance zone declared under regulation 13(1), 14(2) or 14(3);
- “vaccination zone” means a vaccination zone declared under regulation 13(1);
- “vehicle” means any means of transport and includes—
- (a) a trailer, semi-trailer or other thing which is designed or adapted to be towed by another vehicle;
 - (b) anything on a vehicle;
 - (c) a detachable part of a vehicle;
 - (d) a container or other structure designed or adapted to be carried by or on a vehicle.

(5) S.R. 2005 No.42

(6) O.J. No. L165, 30.4.2004, p. 1. The revised text of the Regulation is contained in a corrigendum (O.J. No. L191, 28.5.2004, p.1)

(7) S.R. 2006 No. 3

(8) S.R. 1995 No. 396 as amended by S.R. 1997 No. 496, S.R. 1998 No. 237, S.R. 2000 No. 78, S.R. 2000 No. 191 and S.R. 2002 No. 217

(2) In these Regulations “specified for vaccination” means specified as an animal to be vaccinated in a decision to undertake a vaccination programme undertaken in accordance with regulation 9(2).

(3) References in these Regulations to “animals originating in”, in respect of a vaccination zone mean—

- (a) an animal kept in the vaccination zone after declaration of the zone; and
- (b) an animal which was kept within the boundaries of the vaccination zone at any time during the period—
 - (i) beginning 21 days before the declaration of the vaccination zone; and
 - (ii) ending with that declaration,

and the expression “susceptible animal originating in” shall be construed accordingly.

(4) The Interpretation Act (Northern Ireland) 1954(9) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Premises comprising common or unenclosed land

3. For the purposes of these Regulations—

- (a) common or unenclosed land forms separate premises from other land unless—
 - (i) the parcels of land adjoin, and
 - (ii) all animals kept on each parcel of land are in the charge of the same keeper;
- (b) a notice which is to be served on the occupier of premises wholly or partially comprising any common or unenclosed land is validly served if served on every keeper of animals kept there (so far as those persons are reasonably ascertainable);
- (c) a requirement or restriction imposed on the occupier of premises wholly or partially comprising any common or unenclosed land applies to every keeper of animals kept there.

Licences and declarations

4.—(1) A licence granted to any person under these Regulations—

- (a) shall be in writing;
- (b) may, in addition to any conditions authorized by other provisions of these Regulations, be made subject to such conditions as the Department considers necessary to prevent the spread of disease; and
- (c) may be amended, suspended or revoked in writing at any time.

(2) A declaration under these Regulations shall be in writing.

(3) Any amendment or revocation of a declaration shall be made by further declaration.

Notices

5.—(1) A notice served on any person under these Regulations—

- (a) shall be in writing; and
- (b) may be amended or revoked by further notice in writing at any time.

(2) A notice which—

- (a) is served on the occupier of premises; and
- (b) imposes a requirement or restriction in respect of those premises,

shall contain a description of those premises sufficient to enable the extent of the premises to be ascertained.

(3) Such a description may be amended in writing by an inspector if he is satisfied that it does not describe an appropriate area for the purposes of investigating and monitoring the spread of disease in respect of animals which are usually kept together.

Dissemination of information concerning restrictions and requirements

6.—(1) The Department shall take such steps as it considers fit to ensure that licences, declarations and notices are brought to the attention of those who may be affected by them as soon as is reasonably practicably.

(2) The Department shall also ensure that—

- (a) the extent of any zone declared under these Regulations;
- (b) the nature of the restrictions and requirements applicable within the zone; and
- (c) the date of its declaration; and
- (d) the date that declaration ceases to have effect in respect of the zone or any part of it,

are publicised.

Disinfection

7. Disinfection under these Regulations shall be carried out with a disinfectant which is—

- (a) approved for use for the purpose of these Regulations and the FMD Regulations by the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972⁽¹⁰⁾;
- (b) used in accordance with the manufacturer's instructions or recommendations (if any) and in particular, if use is recommended before any date, used before that date.

PART II

THE VACCINATION PROGRAMME

Prohibition on vaccination except under licence

8.—(1) A person shall not vaccinate an animal except under the authority of a licence granted by the Department permitting suppressive vaccination or protective vaccination.

(2) Paragraph (1) does not apply to—

- (a) anything done under the authority of a licence granted under Article 4 of the Specified Animal Pathogens Order (Northern Ireland) 1999⁽¹¹⁾;
- (b) the administration of a vaccine in accordance with an animal test certificate granted under regulation 8 of the Veterinary Medicines Regulations 2005⁽¹²⁾; or
- (c) vaccination caused by the Department under regulation 16.

Factors informing a decision to permit suppressive vaccination or protective vaccination

9.—(1) The Department shall take into account the following factors in deciding whether to permit suppressive vaccination or protective vaccination—

⁽¹⁰⁾ S.R. 1972 No. 16 as amended by SR&O 1975 No.69, S.R. 1995 No.467 and S.R. 2006 No.42

⁽¹¹⁾ S.R. 1999 No. 434

⁽¹²⁾ S.I. 2005/2745

- (a) the risk of an outbreak of disease—
 - (i) in Northern Ireland becoming widespread within Northern Ireland, the United Kingdom or the Republic of Ireland;
 - (ii) outside Northern Ireland spreading to Northern Ireland with an imported susceptible animal, carcase or other thing liable to spread disease;
 - (iii) spreading from Northern Ireland with an exported susceptible animal, carcase or other thing liable to spread disease; or
 - (iv) spreading to or from Northern Ireland because of the prevailing meteorological conditions;
- (b) any threat from disease to animals in—
 - (i) a laboratory, zoo, wildlife park or other premises where susceptible animals are kept principally for the purposes of display and education of the public, or an enclosed area principally used for shooting;
 - (ii) premises not falling within sub-paragraph (a) of a body, institute or centre which—
 - (aa) keeps susceptible animals only for the purposes of conservation, display and education of the public, or scientific research or breeding of such animals for research, and
 - (bb) is approved in relation to those animals under regulation 9 of the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2005(13);
 - (iii) other premises where susceptible animals are kept for scientific purposes or purposes related to conservation of species or farm animal genetic resources;
- (c) the criteria in Annex X of Council Directive 2003/85/EC on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/665/EEC and amending Directive 92/46/EEC(14);
- (d) other means of preventing the spread of disease available to it;
- (e) in the case of suppressive vaccination, whether such vaccination is necessary urgently to prevent the spread of disease from a premises or geographical area by reducing the quantity of circulating disease virus there; and
- (f) in the case of protective vaccination—
 - (i) whether such vaccination in the proposed vaccination zone will protect susceptible animals in that zone against airborne spread or spread through fomites of the disease virus, and
 - (ii) the effect of the measures which would apply in the vaccination zone and vaccination surveillance zone on persons and animals there.

(2) Where, having taken those factors into account, the Department considers that permitting suppressive vaccination or protective vaccination is the most appropriate means of preventing the spread of disease, it shall undertake a vaccination programme.

(3) If the Department decides to undertake a vaccination programme it shall grant one or more licences permitting suppressive vaccination or protective vaccination.

Form of the decision to undertake a vaccination programme

10.—(1) The decision to undertake a vaccination programme shall be given in writing.

(13) S.R. 2005 No. 78 as amended by S.R. 2005 No. 446

(14) O.J. No. L306, 22.11.2003, p1

- (2) The decision shall contain the following information about the vaccination programme—
- (a) whether it is a programme of suppressive or of protective vaccination;
 - (b) the place or geographical area where it is to be undertaken;
 - (c) specification of the animal required to be vaccinated (including its species and age);
 - (d) the intended duration of the programme;
 - (e) notification of the prohibition on movement of animals and animal products in regulation 12(2);
 - (f) the form of the eartag to be affixed and records to be made under regulation 17;
 - (g) the person who will carry out the programme;
 - (h) such other information (if any) as the Department considers necessary to inform those who may be affected by the vaccination programme.

(3) Any decision of the Department which results in a change to the information in subparagraph (2) shall also be given in writing.

(4) The Department shall take such steps as it considers fit to bring a decision referred to in paragraph (1) or (3) to the attention of those who may be affected by it.

Licences permitting suppressive vaccination or protective vaccination

11.—(1) A licence permitting suppressive or protective vaccination shall not authorise vaccination outside a vaccination zone.

(2) A licence permitting suppressive or protective vaccination shall not authorise vaccination in a vaccination surveillance zone.

Facilitation of vaccination

12.—(1) The keeper of any animal specified in a decision to undertake a vaccination programme shall, when required by an inspector or a person acting at his direction—

- (a) state (if required, in writing) the species, ages, and numbers of the animals for which he is responsible;
- (b) submit any such animal for vaccination at such time and in such place as required by that inspector or by that person;

(2) Except under the authority of a licence granted by the Department a person shall not move from any premises where any animal specified in a decision to undertake a vaccination programme is kept—

- (a) any animal, or
- (b) any animal product produced on the premises from a susceptible animal,

before all the animals so specified have been vaccinated.

Declaration of a vaccination zone and of a vaccination surveillance zone on suppressive or protective vaccination in Northern Ireland

13.—(1) Where the Department decides to undertake a programme of suppressive or protective vaccination it shall, at the same time, declare any place or geographical area where it is to be undertaken to be a vaccination zone and shall also declare a vaccination surveillance zone.

- (2) A declaration under paragraph (1) shall designate—
- (a) the extent of the vaccination zone;
 - (b) the extent of the vaccination surveillance zone,

(3) A vaccination surveillance zone declared under paragraph (1) shall extend from the vaccination zone for at least ten kilometres and otherwise shall be of such size as the Department considers fit to prevent the spread of disease.

(4) If the Department decides to vary the place or geographical area where a programme of suppressive or protective vaccination is to be undertaken it shall amend the declaration under paragraph (1) so that the vaccination zone comprises the place or geographical area as varied.

Declaration of a vaccination surveillance zone on suppressive or protective vaccination in the Republic of Ireland

14.—(1) This regulation applies where a programme of vaccination is to be undertaken in the Republic of Ireland.

(2) Where this regulation applies and any part of the programme of vaccination is to be undertaken within ten kilometres of the border with Northern Ireland, the Department shall declare a vaccination surveillance zone in Northern Ireland, of such size as it thinks fit to prevent the spread of disease.

(3) Where this regulation applies and a zone having equivalent effect to a vaccination surveillance zone has been declared in the Republic of Ireland abutting the border with Northern Ireland, the Department may declare a vaccination surveillance zone in Northern Ireland.

(4) Subject to paragraph (5), a vaccination surveillance zone declared under this regulation shall be of such size as the Department thinks fit to prevent the spread of disease.

(5) A declaration under this regulation shall specify the extent of the vaccination surveillance zone and the Department shall ensure that any such zone—

- (a) abuts the border of the Republic of Ireland; and
- (b) extends from that border such that its boundary is at least ten kilometres from the perimeter of any zone having equivalent effect to a vaccination zone in the Republic of Ireland.

Vaccination zones and vaccination surveillance zones: general provisions

15.—(1) Any premises which are partly inside and partly outside a vaccination zone shall be deemed to be wholly within it.

(2) Any premises which are partly inside and partly outside a vaccination surveillance zone shall be deemed to be wholly within it (except premises which are also partly within a vaccination zone).

(3) An area shall remain a vaccination zone or a vaccination surveillance zone (or part of one) until the Department—

- (a) amends the declaration creating it so as to exclude that area; or
- (b) revokes that declaration.

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

(5) Nothing in paragraph (1) shall deem any part of a premises lying outside Northern Ireland to be within a vaccination zone.

Power to vaccinate an animal

16. For the purpose of preventing the spread of disease the Department may cause the vaccination of any animal—

- (a) which has been in contact with a diseased animal;
- (b) which appears to the Department to be or to have been in any way exposed to the infection or disease; or

- (c) which is in a vaccination zone or a protection zone.

Identification of vaccinated animals

17.—(1) The Department shall provide to every person vaccinating an animal under regulation 16 or issued with a licence permitting suppressive vaccination or protective vaccination, sufficient eartags to affix an eartag to every animal which may be vaccinated under that licence.

(2) Each eartag shall carry such information as the Department considers necessary to identify the animal to which it is affixed as a vaccinated animal.

(3) Any person vaccinating an animal referred to in paragraph (1) shall—

- (a) identify it immediately after vaccination by affixing an eartag;
- (b) make a written record of that vaccination containing the following information—
 - (i) the date,
 - (ii) the place,
 - (iii) a description of the animal;

- (c) ensure that the Department and the keeper of the animal receives a copy of that record; and
- (d) retain that record for a period of six years.

(4) Records shall be in a form approved by the Department.

(5) Every person provided with eartags under this regulation shall return unused eartags to the Department on demand and without delay.

(6) A person vaccinating an animal shall ensure that in the case of any animal to which paragraph (1) applies, the fact that the animal has been vaccinated shall inform the Department to enable the vaccination to be recorded on the Department's database.

Removal of eartags and missing eartags

18.—(1) A person shall not remove an eartag affixed under regulation 17.

(2) Subject to paragraph (4), if the keeper of a vaccinated animal discovers that its eartag is missing he shall notify the Department in writing without delay.

(3) On receipt of a notification under this regulation, the Department shall—

- (a) arrange for a new eartag to be affixed to the vaccinated animal; or
- (b) if affixing an eartag would cause unnecessary pain and suffering, arrange for the animal to be identified as vaccinated by applying a permanent indelible mark.

(4) Any person who knows or suspects that an animal has been vaccinated but is not bearing an eartag or a mark applied under paragraph (3)(b) shall immediately notify the keeper of that animal and the Divisional Veterinary Officer.

Sale and slaughter of vaccinated animals

19. A person shall not sell a vaccinated animal or send such an animal for slaughter unless its bears an eartag affixed under these Regulations, or a mark applied under regulation 18(3)(b).

Failure to vaccinate animals specified for vaccination

20.—(1) Any person (other than an inspector) who knows or suspects that an animal has been specified for vaccination but was not vaccinated at the time when it should have been shall immediately notify the keeper of that animal and the Divisional Veterinary Officer.

(2) If an inspector suspects that an animal has been specified for vaccination but was not vaccinated at the time it should have been he shall arrange for that animal to be vaccinated as soon as is reasonably practicable.

Carcases of animals specified for vaccination

21.—(1) If an inspector knows or suspects that a carcase is of a vaccinated animal and is intended for sale (whether before or after processing into any animal product), but is not being dealt with as the carcase of a vaccinated animal he may serve a notice on the person in charge of the carcase requiring him to arrange for its disposal.

(2) If an inspector knows or suspects that a carcase is of an animal specified for vaccination which has not been vaccinated (whether before or after processing into any animal product), he shall serve a notice on the person in charge of the carcase requiring him to deal with it at all times as if it was the carcase of a vaccinated animal.

Time phases and measures applicable in respect of a vaccination zone

22.—(1) After 30 days have elapsed since all animals in a vaccination zone specified for vaccination in a decision to undertake a programme of vaccination have been vaccinated, the Department may declare the end of phase 1 and the commencement of phase 2 and the declaration shall specify the date and time it is to take effect.

(2) On completion of the measures in sub-paragraphs (a) to (d) of regulation 24 in every reactor premises in a vaccination zone, the Department shall declare the end of phase 2 and the commencement of phase 3 and the declaration shall specify the date and time it is to take effect.

(3) Notwithstanding paragraph (2), the Department may, before completion of those measures in every reactor premises, serve a notice on the occupier of any premises classified as free of disease under regulation 23(3) stating that it shall enter phase 3 and phase 3 shall be deemed to have commenced in respect of that premises on such service.

(4) The Department may declare the end of phase 3 when it is satisfied that the disease has been eradicated in Northern Ireland.

(5) Subject to regulation 24, the provisions of the Schedule apply in respect of a vaccination zone without prejudice to any requirements or restrictions applying in any part of it because that part falls within a protection zone or a surveillance zone.

Survey and classification of premises during phase 2

23.—(1) The Department shall ensure that during phase 2 a clinical and serological survey of all premises in the vaccination zone where a susceptible animal is kept is carried out in accordance with the method set out in paragraph (2).

(2) The method referred to in paragraph (1) is that all susceptible animals in the vaccination zone are clinically inspected; and either—

- (a) testing for infection with the disease virus by an assay for antibodies against non-structural proteins of the disease virus is carried out on a selection of susceptible animals; or
- (b) testing for antibodies against non-structural proteins of the disease virus is carried out on samples from all vaccinated animals and their unvaccinated offspring.

(3) The Department shall ensure that during phase 2 all premises in the vaccination zone where susceptible animals are kept are classified according to the outcome of the survey referred to in paragraph (1) and the criteria in Schedule 2 to the FMD Regulations—

- (a) as infected premises, where the premises contain at least one susceptible animal in which the presence of the disease virus is confirmed, as infected premises;

- (b) as reactor premises where the premises contain at least one susceptible animal suspected of being infected but where further testing including all susceptible animals on the premises confirmed the absence of circulating disease virus; or
 - (c) as free of disease.
- (4) Where premises are classified as reactor premises under paragraph (3)(b), the Department shall serve a notice on the occupier declaring the premises to be reactor premises.
- (5) Where premises are classified as free of disease under paragraph (3)(c), the Department shall serve a notice on the occupier declaring the premises to be free of disease.
- (6) A person carrying out a clinical examination or serological sampling shall do so in accordance with the requirements of Annex III of the Directive.
- (7) A person carrying out a diagnostic test shall do so in accordance with the requirements of Annex XIII of the Directive.

Measures applicable to reactor premises

24. The following measures apply to reactor premises—

- (a) the Department shall ensure that susceptible animals which have tested positive to at least one of the tests in regulation 23(2) are slaughtered on the premises;
- (b) the Department may by notice served on the occupier direct that other susceptible animals on the premises shall be slaughtered;
- (c) the occupier shall dispose of the carcasses of any susceptible animals slaughtered on the premises in accordance with the directions of an inspector;
- (d) the Department shall ensure that the premises are cleansed and disinfected in accordance with Schedule 3 to the FMD Regulations;
- (e) a person shall not restock the premises except under the authority of a licence granted by the Department and in accordance with Schedule 4 to the FMD Regulations.

Measures applying in a vaccination surveillance zone

25.—(1) A person shall not move any susceptible animal within or out of a vaccination surveillance zone except—

- (a) within the premises on which it is kept; or
- (b) under the authority of a licence granted by the Department.

(2) This regulation applies in addition to any requirements or restrictions applying in any part of a vaccination surveillance zone because that part falls within a protection zone or a surveillance zone.

Duty of the Department to erect signs

26. The Department shall ensure that the boundaries of every vaccination zone and vaccination surveillance zone are indicated by signs erected in a conspicuous position on all roads entering the zones on which it considers susceptible animals are likely to be moved.

Intra-Community trade of a vaccinated animal

27. A person shall not send any vaccinated animal for intra-Community trade.

PART III

GENERAL AND SUPPLEMENTARY PROVISIONS

Cleansing and disinfection of vehicles: provision of facilities, equipment and materials

28.—(1) A person carrying out disinfection or cleansing and disinfection under these Regulations shall do so in accordance with the requirements of the Transport of Animals (Cleansing and Disinfection) Order (Northern Ireland) 2000(15).

(2) In addition to the requirements of paragraph (1);

- (a) the wheels, mudguards and wheel arches of a means of transport shall be cleansed whether or not they are soiled and whether or not the animals were transported in a container; and
- (b) every part of a means of transport required to be cleansed shall also be disinfected;

(3) Where cleansing and disinfection of vehicles is required at any premises by or under these Regulations, the occupier of those premises shall provide adequate facilities and proper equipment and materials for that cleansing and disinfection.

Marks applied under these Regulations

29. A person shall not remove, obscure or erase a mark applied to any animal, animal product, vehicle or other thing under these Regulations without the written authority of an inspector.

Change of occupation of premises under restriction

30.—(1) This regulation applies if the keeper of any animal or poultry is unable to move it from premises on the termination of his right of occupation because of a restriction imposed by or under these Regulations and continues to apply for 7 days after the last restriction is removed.

(2) Where this regulation applies, the person entitled to occupation of the premises on that termination shall—

- (a) provide such facilities for feeding, tending or otherwise using the animal or poultry (including selling it) as the keeper may reasonably require, and
- (b) allow entry to the premises to that keeper and any person authorised by him at reasonable times for feeding, tending or otherwise using the animal or poultry.

(3) If the keeper is unable or unwilling to feed or tend the animal or poultry, the person entitled to occupation of the premises shall take such steps as are necessary to ensure it is properly fed and tended.

(4) The keeper of the animal or poultry is liable to pay any reasonable costs incurred by a person feeding or tending it under this regulation, or providing facilities for feeding, tending or otherwise using it under this regulation.

Reasonable assistance

31. A person required to give assistance or information to a person acting in the execution of these Regulations for the performance of his functions under them shall, unless he has reasonable cause, do so without delay.

False information

32. A person shall not furnish information which he knows to be false or misleading to a person acting in the execution of these Regulations.

Production of records

33.—(1) A person required to produce a record by a person acting in the execution of these Regulations shall do so without delay.

- (2) On production, a person acting in the execution of these Regulations may—
- (a) copy any records, in whatever form they may be held; or
 - (b) remove any records to enable them to be copied, or where they are kept electronically, require them to be produced in a form which may be taken away.
- (3) A person removing records under this regulation shall give a written receipt for them.

Compliance with notices and directions

34.—(1) A notice served under these Regulations shall be complied with at the expense of the person on whom it is served, except where otherwise provided in that notice.

(2) A direction given under these Regulations shall be complied with at the expense of the person to whom it is given, except where otherwise provided in a written direction of the Department.

Slaughter of vaccinated animals

35. The power conferred by paragraph 3B of part 1 of Schedule 2 to the Order extends to taking any action—

- (a) which is required to enable any such animal to be slaughtered; or
- (b) which is otherwise required in connection with the slaughter.

Powers of inspectors

36.—(1) The following provisions of the Order shall apply as if these Regulations were an order made under the Order—

- (a) Article 46 (general power of inspectors);
- (b) Article 46A (powers of inspectors relating to Community obligations); and
- (c) Article 48 (power to detain vessels and aircraft).

(2) An inspector may stop, detain and inspect any vehicle to ascertain whether the provisions of any of these Regulations are being complied with within—

- (a) a vaccination zone; or
- (b) a vaccination surveillance zone.

(3) For the purpose of preventing the spread of disease an inspector may at any time enter any land or premises for the purpose of ascertaining whether a power conferred under these Regulations to cause an animal to be vaccinated should be exercised.

(4) An inspector may at any time enter any land or premises for the purpose of ascertaining whether a power conferred under these Regulations to cause an animal to be slaughtered should be exercised.

Production of licences

37. Every person issued with a licence under these Regulations shall, while executing the licensed activity, carry the licence and produce it to an inspector on demand.

General powers of inspectors to take action to prevent the spread of disease

38.—(1) This regulation applies in every vaccination zone and vaccination surveillance zone.

(2) Where this regulation applies, an inspector may, if he considers it necessary to prevent the spread of disease, require—

- (a) the detention and isolation of any vehicle, equipment or other thing and its subsequent cleansing and disinfection by serving a notice requiring such action on the occupier of the premises where it is present, or on the person in charge it;
- (b) the cleansing and disinfection of any premises or other place in accordance with Schedule 3 to the FMD Regulations by serving a notice requiring it on the occupier of those premises or that place;
- (c) the removal, laundering, cleansing and disinfection or disposal of the clothing or footwear of any person by serving a notice on him;
- (d) any person to cleanse himself by serving a notice on him;
- (e) the detention or isolation in a specified place of any animal or poultry by serving a notice on the occupier of the premises where it is present, or on its keeper;
- (f) the separation of any animal or poultry from other animals or poultry by serving a notice on the occupier of the premises where it is present, or on its keeper.

(3) A notice under this regulation may contain such directions and conditions as the person serving it considers necessary to prevent the spread of disease.

Powers of inspectors in case of default

39.—(1) Where a person fails to comply with a requirement imposed by or under these Regulations, an inspector may take any steps he considers necessary to ensure the requirement is met.

(2) Where a person acts in contravention of a requirement imposed by or under these Regulations, an inspector may take any steps he considers necessary to rectify the situation so as to prevent the spread of disease.

(3) In taking steps under paragraphs (1) or (2) an inspector may seize and detain any animal moved, kept or otherwise dealt with in contravention of a restriction or requirement imposed by or under these Regulations.

(4) In taking steps under paragraph (2), an inspector may direct any person to take or refrain from specified action in respect of any place, animal, poultry, vehicle, animal product or other thing.

(5) The person in default shall reimburse any reasonable expenses incurred by the Department in taking such steps and any such amount is recoverable as a civil debt.

Enforcement, offences and proceedings

40. The following provisions of the Order shall apply as if these Regulations were an order made under the Order—

- (a) Article 18(6) and (7) (general provisions relative to slaughter and compensation) and the Diseases of Animals (Valuation) Order (Northern Ireland) 1989(16);

- (b) Article 42 (functions of constables);
- (c) Article 52 (offences);
- (d) Article 54 (defences and evidence);
- (e) Article 55 (extension of time for bringing summary proceedings);
- (f) Article 56 (venue);
- (g) Article 57 (proceedings under Customs Acts for unlawful landing or shipping).

Offences: no knowledge of restriction or requirement

41. A person shall not be guilty of failing to comply with a restriction or requirement which applies because of the declaration of—

- (a) a vaccination zone; or
- (b) a vaccination surveillance zone,

if he shows to the court's satisfaction that he did not know of that restriction or requirement and that he could not with reasonable diligence have obtained knowledge of it.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 17th February 2006.

L.S.

Liam McKibben
A senior officer of the
Department of Agriculture and Rural
Development