
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 223

The Swine Vesicular Disease
Regulations (Northern Ireland) 2009

PART I
INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Swine Vesicular Disease Regulations (Northern Ireland) 2009 and come into operation on 30th June 2009.

Interpretation

2.—(1) In these Regulations—

“carcase” means a carcase or part of a carcase of a pig;

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

“infected premises” means any premises declared as such by the Department under Part III;

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

“livestock” means hoofed animals other than horses;

“the Order” means the Diseases of Animals (Northern Ireland) Order 1981(1);

“pig” means any animal of the *suidae* family;

“premises” includes any place

“sentinel pig” means a pig that does not have antibodies to the swine vesicular disease virus when first introduced or retained at the premises and is used for surveillance for the swine vesicular disease virus;

“seropositive pig” means a pig that is not a restricted pig but is required by the Department to be slaughtered in a slaughterhouse due to antibodies against swine vesicular disease virus being identified in that pig;

(2) The Interpretation Act (Northern Ireland) 1954(2) shall apply to these Regulations as it applies to an Act of the Assembly.

References to occupier

3.—(1) Subject to regulation 4 any notice or declaration required or authorised under these Regulations to be served on the occupier of premises may be served on a person appearing to the

(1) 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

(2) 1954 c. 33 (N.I.)

person serving the notice or declaration to have day-to-day responsibility for the premises or for any pigs on the premises.

(2) Where a notice or declaration has been served on a person referred to in paragraph (1), any reference in these Regulations to an occupier shall be read as being a reference to that person.

Notices and declarations

4.—(1) Any notice or declaration required or authorised under these Regulations to be served on any person shall be in writing and may be amended, suspended or revoked in writing at any time.

(2) Any such notice or declaration may be served by—

- (a) delivering it to the person;
- (b) leaving it at the person's usual or last known address; or
- (c) sending it by post to the person at that address.

(3) If the name or address of any occupier of premises on whom a notice or declaration is to be served under these Regulations cannot, after reasonable inquiry, be ascertained, the notice or declaration may be served by leaving it conspicuously affixed to a building or object on the premises.

Licences

5.—(1) A licence granted under these Regulations shall be in writing and may be—

- (a) general or specific;
- (b) subject to conditions; and
- (c) amended, suspended or revoked in writing at any time.

(2) A person moving anything under the authority of a specific licence shall—

- (a) carry the licence or a copy of it at all times during the movement,
- (b) on demand by an inspector or an officer of the Department, produce the licence or copy and allow a copy or extract to be taken,

and failure to do so is an offence.

(3) A person moving anything under the authority of a general licence shall—

- (a) carry, at all times during the movement, a consignment note containing details of—
 - (i) what is being transported, including the quantity,
 - (ii) the date of the movement,
 - (iii) the names of the consignor and consignee,
 - (iv) the address of the place from which the movement started and of the destination,
- (b) on demand by an inspector or an officer of the Department, produce the consignment note and allow a copy or extract to be taken, and
- (c) keep the consignment note for at least six months,

and failure to do so is an offence.

(4) It is an offence to fail to comply with a condition of a licence granted under these Regulations.

(5) If a pig has been moved to premises under a licence, a veterinary inspector may serve a notice on the occupier of the premises of destination imposing such movement restrictions relating to pigs on those premises as are necessary to prevent the risk of spreading swine vesicular disease virus, and failure to comply with such a notice is an offence.

Disinfection

6. Disinfection under these Regulations shall be carried out with a disinfectant which is—
- (a) approved under the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 2008 **(3)**; and
 - (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.

Application

- 7.—(1) These Regulations shall not apply to—
- (a) anything done under the terms of a licence granted under the Specified Animal Pathogens Order (Northern Ireland) 2008**(4)**,
 - (b) any border inspection post, quarantine centre or quarantine facility approved under the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006**(5)**,
- (2) Parts III and IV of these Regulations do not apply in any period during which action is being taken under the Foot-and-Mouth Disease Regulations (Northern Ireland) 2006**(6)**.

PART II

NOTIFICATION OF SUSPICION OF SWINE VESICULAR DISEASE

Notification of suspicion of disease

- 8.—(1) A person who—
- (a) is in possession or in charge of a pig or carcase; or
 - (b) inspects or examines a pig or carcase; and
 - (c) suspects the pig to be infected or the carcase to be contaminated with swine vesicular disease virus,

shall immediately notify the Department.

- (2) A person who examines a sample taken from a pig or carcase and who—
- (a) suspects that it is contaminated with swine vesicular disease virus, or
 - (b) detects evidence of antibodies to, or antigens of, that virus,

shall immediately notify the Department.

- (3) Failure to comply with this regulation is an offence.

(3) S.R. 2008 No. 272

(4) S.R. 2008 No. 336

(5) S.R. 2006 No. 401 (as amended by S.R. 2007 No. 327, S.R. 2008 No. 53 and S.R. 2009 No. 86)

(6) S.R. 2006 No. 42

PART III

SUSPICION AND CONFIRMATION OF SWINE VESICULAR DISEASE

CHAPTER 1

Scope of Part III and initial controls

Scope of Part III

9. This Part applies to all premises other than slaughterhouses.

Initial controls following notification

10.—(1) This regulation shall apply where the Department is notified under regulation 8(1) of a suspect pig or carcass and a veterinary inspector considers that further investigation relating to the possible presence of swine vesicular disease is necessary.

(2) The veterinary inspector shall orally or otherwise inform the person reporting the suspect pig or carcass that further investigation is necessary, and the controls in paragraph (3) then apply.

(3) Except as permitted in writing by a veterinary inspector, the person in possession or charge of a notified pig or carcass shall ensure that—

- (a) the notified pig or carcass is not moved from the premises where it is,
- (b) no other pig or carcass or any thing likely to spread swine vesicular disease virus is moved from or to those premises, and

failure to do so is an offence.

(4) Except as permitted in writing by a veterinary inspector, the person in possession or charge of a notified pig or carcass shall ensure that any person —

- (a) who has been in contact with any pig or carcass on the premises; or
- (b) has been on any part of the premises that may be contaminated with swine vesicular disease virus,

takes all necessary biosecurity precautions to reduce the risk of spreading swine vesicular disease virus before leaving the premises.

(5) This regulation shall apply until—

- (a) a veterinary inspector serves a notice on the occupier under these Regulations declaring the premises to be suspect premises, or
- (b) a veterinary inspector confirms (orally or otherwise) that the presence of swine vesicular disease virus on the premises is not suspected.

CHAPTER 2

Action on suspicion of disease and declaration of infected premises

Imposing measures on suspicion of disease

11. Where an inspector suspects that a pig that is or has been infected with swine vesicular disease virus is on any premises (whether or not following a notification under these Regulations), or premises are contaminated with swine vesicular disease virus the inspector shall—

- (a) serve a notice on the occupier declaring those premises to be suspect premises;
- (b) impose the measures in Schedule 1, and

- (c) ensure that warning signs prohibiting entry are erected at suitable points around the premises.

Epidemiological inquiry

12. A veterinary inspector shall begin an epidemiological inquiry to establish—

- (a) the length of time that swine vesicular disease virus may have existed on the premises described in Regulation 11(a),
- (b) the origin of that virus,
- (c) the identification of other premises contaminated with that virus from the same source,
- (d) the movement of any person or thing that could have carried that virus to or from the premises, and
- (e) the possibility that pigs living in the wild may be involved in the spread of the virus,

and shall continue the inquiry until these have been established so far as is practicable or the possibility of disease has been discounted.

Measures following suspicion

13.—(1) This regulation shall apply where a veterinary inspector suspects that swine vesicular disease virus exists on any premises but this suspicion does not arise out of the fact that the premises have an epidemiological link with infected premises.

(2) Following service of a notice on the occupier on suspicion of swine vesicular disease, a veterinary inspector shall take all reasonable steps to establish whether or not the suspicion is correct.

(3) These shall include taking samples from any pigs on the premises (if there are any) and having them tested.

(4) When premises do not have pigs on them when the notice is served, the veterinary inspector may take samples from the pigs or carcasses that have been on the premises, and may take environmental samples from the premises.

(5) If the tests carried out under paragraphs (3) and (4) demonstrate that—

- (a) swine vesicular disease virus is in a pig or on the premises, or
- (b) the premises contain pigs that are seropositive for swine vesicular disease and in addition those pigs or other pigs on the premises show clinical signs of swine vesicular disease,

the Department shall serve a notice on the occupier declaring the premises to be infected premises.

(6) If the tests carried out under paragraph (3) demonstrate that there are seropositive pigs on the premises, but none of the pigs on the premises shows clinical signs of swine vesicular disease, the Department shall—

- (a) continue to monitor the premises and take further samples and test those samples, with an interval of 28 days at least between the samples taken when disease was first suspected and the samples taken under this sub-paragraph,
- (b) declare the premises to be infected premises if the test on the further samples shows that swine vesicular disease virus exists in a pig on the premises,
- (c) ensure that all pigs that have tested seropositive are—
 - (i) killed and destroyed under the supervision of an inspector, or
 - (ii) slaughtered in a slaughterhouse designated for the purpose by the Department where they are kept and slaughtered separately from other pigs,

and the Department shall remove the measures in Schedule 1 once all seropositive pigs have been killed or removed from the premises.

(7) If the tests at paragraphs (3) and (4) demonstrate that there is no swine vesicular disease virus in a pig or on the premises and that there are no seropositive pigs on the premises the veterinary inspector shall remove the measures in Schedule 1.

Measures following suspicion – contact premises

14.—(1) This regulation applies where a veterinary inspector suspects that swine vesicular disease virus exists on any premises and this suspicion arises out of the fact that the premises have an epidemiological link with infected premises.

(2) If any pig on the suspect premises shows clinical signs of swine vesicular disease the Department shall, by notice served on the occupier, declare the suspect premises to be infected premises.

(3) If no pig on the suspect premises shows clinical signs of swine vesicular disease the Department shall assess the risk of swine vesicular disease virus being present on the suspect premises, taking account of the degree of contact between the suspect premises and the infected premises, and on the basis of the assessment shall—

- (a) kill all the pigs on the suspect premises without further confirmation of the existence of the disease on those premises and without declaring the premises to be infected premises, or
- (b) monitor the premises for at least 28 days.

(4) The Department shall, by notice served on the occupier, declare the suspect premises to be infected premises if tests demonstrate that the premises—

- (a) contain or contained a pig that is infected with swine vesicular disease virus, or
- (b) contain a pig that is seropositive for swine vesicular disease virus,

(5) If the Department does not declare the premises to be infected premises the Department shall assess when the measures in Schedule 1 may be removed.

(6) On the basis of the assessment the Department shall decide what actions (including if necessary cleansing and disinfection and re-stocking with sentinel pigs) shall be carried out before the measures in Schedule 1 can be removed, and notify the occupier of these (if all the pigs were not killed on the premises, the measures in Schedule 1 may not be removed during the 28 day monitoring period).

(7) The Department shall remove the measures when satisfied that the actions notified to the occupier have been carried out.

Declaration of infected premises where premises are close to a confirmed outbreak

15. If pigs on any premises show clinical signs of swine vesicular disease and there are infected premises sufficiently close to the premises for the Department to be satisfied that the premises are also infected a veterinary inspector shall—

- (a) by notice served on the occupier, declare those premises as infected premises;
- (b) impose the measures in Schedule 1, and
- (c) ensure that warning signs prohibiting entry are erected at suitable points around the premises,

without declaring the premises to be suspect premises.

Suspicion relating to pigs living in the wild

16.—(1) This regulation applies where a veterinary inspector suspects that a pig living in the wild is infected with swine vesicular disease virus.

(2) A veterinary inspector shall take all reasonable steps to establish whether or not the suspicion is correct.

(3) Where a veterinary inspector concludes that swine vesicular disease virus is likely to be present in a pig living in the wild, the Department shall take appropriate action to minimise the risk of that virus spreading to domestic pigs.

Conditions and warning signs

17.—(1) It is an offence not to comply with any of the measures in Schedule 1.

(2) The measures in Schedule 1 shall remain in place until the Department serves a notice on the occupier of the premises revoking them.

(3) When a warning sign has been erected under this Part, the occupier of the premises shall ensure that it is properly maintained, and failure to do so is an offence.

(4) It is an offence to remove a warning sign erected under this Part except under the authority of a veterinary inspector.

(5) A veterinary inspector may only authorise the removal of the warning signs when the measures in Schedule 1 are revoked.

Separate production units

18.—(1) The Department may by notice served on the occupier of any premises (other than infected premises) declare that they are to be regarded as two or more separate production units if the Chief Veterinary Officer advises that in his opinion the premises comply with the requirements of Article 7 of Council Directive [92/119/EEC](#)(7).

(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) A 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.

CHAPTER 3

Killing pigs and initial cleansing and disinfection

Killing pigs on the infected premises

19. The Department shall immediately on declaring infected premises, kill all the pigs on the premises.

Removal of carcasses and initial cleansing

20.—(1) The Department shall—

- (a) remove all carcasses, tissue and blood from the infected premises; and
- (b) dispose of them in such a way as to avoid the risk of swine vesicular disease virus spreading.

(7) O.J. No. L 62, 15.3.1993, p. 69 as last amended by Council Directive [2008/73/EC](#) (O.J. No. L219, 14.8.2008, p. 40)

(2) The Department shall treat with disinfectant—

- (a) all parts of the premises (other than fields, slurry lagoons and other parts of the premises where the disinfectant would have no effect) and all equipment to which the pigs have had access, and
- (b) anything contaminated during killing,

and ensure that disinfectant remains on the treated surfaces for at least 24 hours.

Conservation and related measures

21.—(1) The Department may decide not to kill pigs—

- (a) kept in—
 - (i) a zoo or wildlife park; or
 - (ii) premises approved for the purposes of intra-Community trade in porcine semen, ova or embryos;
- (b) kept for—
 - (i) display;
 - (ii) educational purposes;
 - (iii) scientific research or breeding for such research; or
 - (iv) purposes related to conservation of species or genetic resource.

(2) Where the Department decides not to kill such pigs, a veterinary inspector may serve a notice on the occupier of the premises on which they are kept detailing the biosecurity arrangements that the occupier must follow to reduce the risk of spread of swine vesicular disease virus, and failure to comply with such a notice is an offence.

CHAPTER 4

Removal of measures in Schedule 1 from infected premises

Removal of restrictions from infected premises

22.—(1) Unless otherwise provided for in these Regulations, a veterinary inspector may not serve a notice on the occupier revoking the measures in Schedule 1 on infected premises until the Department is satisfied that sufficient time has elapsed for the virus to have decayed naturally to the extent that it will no longer infect pigs.

(2) A veterinary inspector may serve a notice on the occupier revoking the measures in Schedule 1 before that time in parts of the premises capable of being cleansed and disinfected if—

- (a) the premises have been cleansed and disinfected to the satisfaction of the veterinary inspector, and
- (b) the premises have been tested for the existence of swine vesicular disease virus using sentinel pigs with negative results.

Cleansing and disinfection

23. Cleansing and disinfection shall be carried out in such a way as to minimise the risk of spread or survival of swine vesicular disease virus.

Method of cleansing and disinfection

24.—(1) The cleansing and disinfection shall be carried out in accordance with a notice served on the occupier by a veterinary inspector.

- (2) The notice shall if necessary include requirements for—
- (a) the treatment of manure, bedding and feed so as to inactivate the virus;
 - (b) the removal of grease and other dirt from all surfaces by soaking with a degreasing agent followed by washing the surfaces with water ;
 - (c) spraying all surfaces with disinfectant (or treating them with a flame gun) and repeating after 14 days; and
 - (d) repairing damaged floors and walls.

Testing with sentinel pigs

25.—(1) After cleansing and disinfection have been carried out in accordance with the notice, a veterinary inspector shall certify in writing that the cleansing and disinfection has been carried out in a satisfactory manner.

(2) The premises shall then be tested for the swine vesicular disease virus using sentinel pigs.

(3) The number of sentinel pigs shall be limited to the minimum necessary for the test.

(4) Sentinel pigs may not be introduced until at least 28 days after the certificate has been issued, and shall be introduced in accordance with a licence granted by the Department.

(5) The sentinel pigs shall have been tested at the expense of the occupier before being brought on to the premises and found to be negative for the presence of antibodies against swine vesicular disease virus.

(6) The veterinary inspector shall ensure that the sentinel pigs are placed throughout the premises in sufficient numbers such that it is reasonable to expect any residual virus to affect one or more of the sentinel pigs.

(7) The pigs shall be examined 28 days after having been placed on the premises, and sampled for serological testing by a veterinary inspector.

(8) If none of the sentinel pigs shows clinical signs of swine vesicular disease or has developed antibodies against swine vesicular disease virus, the veterinary inspector shall remove restrictions from those parts of the premises.

(9) As an alternative to introducing the minimum number of sentinel pigs, the Department may grant a licence to introduce an unlimited number of sentinel pigs, but in this case—

- (a) paragraphs (4), (5) and (6) apply in relation to the introduction of the sentinel pigs;
- (b) all the sentinel pigs shall arrive within a period of 8 days;
- (c) they shall come from premises situated outside a protection zone or surveillance zone;
- (d) a veterinary inspector shall clinically examine all the sentinel pigs, and sample and carry out a serological test on a statistically valid number of sentinel pigs, at the earliest 28 days after the arrival of the last sentinel pig; and
- (e) even if none of the sentinel pigs shows clinical signs of swine vesicular disease a veterinary inspector may not revoke the restrictions until 60 days after the arrival of the last sentinel pig.

Secondary cleansing and disinfection

26.—(1) Irrespective of whether or not pigs are to be brought on to the premises again, the Department may serve a notice on an occupier requiring that secondary cleansing and disinfection

of the premises is carried out as specified in the notice, and failure to comply with the notice is an offence.

(2) The notice shall specify a reasonable period within which the secondary cleansing and disinfection shall be carried out.

(3) If the notice is not complied with the Department may arrange for the notice to be complied with.

PART IV SLAUGHTERHOUSES

Controls in a slaughterhouse following notification

27.—(1) This regulation applies where—

- (a) the Department is notified under regulation 8(1) of a suspect pig or carcase in a slaughterhouse; and
- (b) a veterinary inspector considers that further investigation relating to the possible presence of swine vesicular disease is necessary.

(2) The veterinary inspector shall orally or otherwise inform the person reporting the suspect pig or carcase that further investigation is necessary, and paragraph (3) shall apply.

(3) The occupier of the slaughterhouse shall ensure that, unless approved by a veterinary inspector—

- (a) no pig may be moved into the slaughterhouse;
- (b) any live suspect pig, live pig from the same premises as the suspect pig and any pigs they have had contact with shall be kept alive until slaughtered under regulation 28; and
- (c) if any of those pigs have been slaughtered, the carcasses and any carcasses that they have been in contact with shall be moved to a part of the slaughterhouse where they can be isolated; and
- (d) that they are kept there and do not come into contact with other pigs or carcasses,

and failure to do so is an offence

(4) Subject to regulation 28 these controls shall continue to apply until a veterinary inspector has confirmed that they shall cease to have effect.

Action following the imposition of controls

28.—(1) After the imposition of the controls following notification of suspicion of swine vesicular disease in a slaughterhouse a veterinary inspector shall immediately examine the suspect pigs or carcasses at the slaughterhouse.

(2) If the veterinary inspector is satisfied that swine vesicular disease does not exist in the slaughterhouse the veterinary inspector shall confirm this orally or otherwise and the controls in regulation 27 shall cease to have effect.

(3) A veterinary inspector who suspects that swine vesicular disease exists in the slaughterhouse shall by notice served on the occupier require that—

- (a) all live suspect pigs;
- (b) live pigs from the same premises as the suspect pigs; and
- (c) any pigs with which they have had contact;

are slaughtered separately from other pigs, and the carcasses stored separately from carcasses of other pigs, and failure to comply with the notice is an offence.

(4) The veterinary inspector shall take samples (the samples may be from pigs and carcasses at the slaughterhouse and samples from the premises of origin of the suspect pigs) and test them to establish whether or not swine vesicular disease is present in the slaughterhouse.

(5) If the test results are negative the veterinary inspector shall confirm this by notice served on the occupier and the controls in regulation 27 shall cease to have effect.

(6) A veterinary inspector may revoke the restrictions in regulation 27(3)(a) at any time if the slaughterhouse has been cleansed and disinfected in accordance with a notice served under regulation 24(1) on the occupier by a veterinary inspector.

(7) If the test results confirm the existence of swine vesicular disease virus in the slaughterhouse (whether or not there is evidence of swine vesicular disease on the premises that the pigs have come from)—

- (a) the Department shall seize and dispose of the carcasses isolated under regulation 27(3)(c); and
- (b) the occupier shall ensure that the parts of the slaughterhouse used to store the carcasses of the pigs slaughtered under this regulation are not used until the occupier has cleansed and disinfected them to the satisfaction of the veterinary inspector, and failure to comply with this provision is an offence.

PART V

AREA CONTROLS

Protection, surveillance and movement restriction zones

- 29.**—(1) This regulation applies where the Department confirms premises as infected premises.
- (2) Subject to paragraph (3) the Department—
- (a) shall declare a protection zone and a surveillance zone around the infected premises, and
 - (b) may declare a movement restriction zone.
- (3) The Department may declare a zone where the infected premises are—
- (a) a slaughterhouse,
 - (b) a veterinary surgery where a pig has been brought for examination, or
 - (c) any other place to which a pig has been brought temporarily and which the Department does not consider to be the centre of infection,
- (4) A protection zone shall have a radius of at least three kilometres and a surveillance zone shall have a radius of at least ten kilometres, both centred on the part of the premises that the Department considers most appropriate for disease control purposes.
- (5) The Department shall ensure that—
- (a) premises within a protection zone or a surveillance zone that contain pigs are identified as soon as possible,
 - (b) a veterinary inspector visits all such premises that are within a protection zone, as soon as possible and—
 - (i) inspects and if necessary examines all the pigs at the premises; and
 - (ii) collects such samples as the veterinary inspector considers necessary.

(6) Schedule 2 shall apply in protection zones and surveillance zones, and it is an offence to fail to comply with any of these measures.

(7) The Department may declare any other measures necessary to prevent, so far as is reasonably practicable, the spread of swine vesicular disease virus apply in respect of the whole or any part of any protection zone or surveillance zone.

(8) Any premises—

- (a) partly inside and partly outside a protection zone shall be deemed to be wholly inside that zone;
- (b) partly inside a surveillance zone and partly in an area other than a protection zone shall be deemed to be wholly inside the surveillance zone;
- (c) partly inside a movement restriction zone and partly in an area other than a protection or surveillance zone shall be deemed to be wholly inside the movement restriction zone.

(9) When the Department ends any protection zone, the area that formed that protection zone shall become part of the surveillance zone.

(10) Nothing in paragraph (8) shall deem any part of a premises lying outside Northern Ireland to be within a protection, surveillance or movement restriction zone.

Movement restriction zones

30.—(1) A movement restriction zone—

- (a) shall be in such part of Northern Ireland and of such size as the Department considers necessary to reduce the spread of swine vesicular disease virus; and
- (b) does not include any area in the protection or surveillance zone.

(2) It is an offence to move a pig off any premises in the movement restriction zone except in accordance with a licence granted by the Department.

Declaration of protection zones and surveillance zones on confirmation of the disease in Northern Ireland

31.—(1) A declaration of a zone under this Part—

- (a) shall be in writing;
- (b) shall designate the extent of the zone being declared;
- (c) may be amended or revoked by further declaration at any time.

(2) In the case of a protection zone or a surveillance zone, the Department shall not revoke the declaration of the zone until—

- (a) all necessary cleansing and disinfection has been carried out at all premises in the zone on which swine vesicular disease has been confirmed;
- (b) all premises with pigs have been visited by a veterinary inspector, who has—
 - (i) inspected and as necessary examined the pigs; and
 - (ii) collected such samples as the Department considers necessary; and
- (c) all samples have been tested with negative results.

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

Declaration of protection zones and surveillance zones on confirmation of the disease in the Republic of Ireland

32.—(1) If the Department is satisfied that the disease is present on premises (other than a slaughterhouse) in the Republic of Ireland—

- (a) it shall declare an area to be a protection zone if those premises are situated within three kilometres of the border with Northern Ireland; and
- (b) it shall declare an area to be a surveillance zone if those premises are situated within ten kilometres of that border.

(2) If the Department is satisfied that the disease is present at—

- (a) any premises in the Republic of Ireland situated more than ten kilometres from the border with Northern Ireland, or
- (b) a slaughterhouse or border inspection post in the Republic of Ireland situated within ten kilometres of the border with Northern Ireland,

it may declare an area to be a protection zone, or an area to be a surveillance zone, or both, in Northern Ireland.

(3) Subject to paragraph (4), a protection zone or surveillance zone declared under this regulation shall be of such size as the Department considers fit so as to prevent the spread of disease.

(4) A declaration under this regulation shall designate the extent of any protection zone or surveillance zone declared and the Department shall ensure that—

- (a) any such zone abuts the border with the Republic of Ireland;
- (b) any protection zone extends from that border such that its boundary is at least three kilometres from the infected premises;
- (c) any surveillance zone extends from that border such that its boundary is at least ten kilometres from the infected premises.

Publicity

33.—(1) The Department shall publicise—

- (a) the extent of any zone declared under these Regulations;
- (b) the nature of the restrictions and requirements relating to the zone;
- (c) the dates of the declaration and ending of that zone.

(2) The Department shall where necessary erect signs where a road enters a protection or surveillance zone indicating the existence of the zone.

PART VI VACCINATION

Prohibition on vaccination

34. It is an offence to vaccinate a pig against swine vesicular disease except—

- (a) in accordance with regulation 35, or
- (b) under the authority of a licence granted by the Department.

Vaccination zone

35.—(1) The Department may declare a vaccination zone in which all occupiers of premises inside the zone containing a pig shall ensure the vaccination of those pigs in accordance with that declaration.

(2) An occupier who fails to vaccinate a pig in accordance with the declaration commits an offence.

(3) Premises partly inside and partly outside a vaccination zone are treated as being inside the zone.

(4) In the case of pigs outside a vaccination zone, or if a vaccination zone has not been declared, a veterinary inspector may serve a notice on an occupier of a premises containing a pig requiring that occupier to ensure that the pig is vaccinated in accordance with the notice, and failure to comply with the notice is an offence.

(5) Nothing in paragraph (3) shall deem any part of a premises lying outside Northern Ireland to be within a vaccination zone.

Vaccinated pigs

36.—(1) A person vaccinating a pig against swine vesicular disease shall ensure that the pig is identified as having been so vaccinated.

(2) If the vaccination was as a result of the declaration of a vaccination zone, a person may not move a vaccinated pig outside the zone except to a slaughterhouse designated for the purpose by the Department where it shall be kept and slaughtered separately from unvaccinated pigs.

(3) Otherwise a person may not move a vaccinated pig from the premises on which it was vaccinated (or, if the licence permitted vaccination in an area, from the area where vaccination is permitted) except to a slaughterhouse designated for the purpose by the Department where it shall be kept and slaughtered separately from unvaccinated pigs.

(4) It is an offence to fail to comply with this regulation.

PART VII

INSPECTION, ENFORCEMENT AND MISCELLANEOUS PROVISIONS

Powers of an inspector

37.—(1) An inspector may, on producing a duly authenticated authorisation if required, enter any premises at any reasonable hour for the purpose of enforcing these Regulations, and for these purposes “premises” includes a vehicle or trailer.

(2) An inspector entering premises may—

- (a) inspect the premises, container and any plant, machinery or equipment;
- (b) take samples;
- (c) seize any thing and destroy any thing that may spread the swine vesicular disease virus;
- (d) detain or isolate any animal or thing;
- (e) mark for identification purposes any animal or thing;
- (f) require any animal or thing (including a vehicle) to be moved to a specified destination;
- (g) carry out any inquiries, examinations and tests;

- (h) have access to, and inspect and copy any documents or records (in whatever form they are held) relating to these Regulations, and remove them to enable them to be copied;
 - (i) inspect and check the operation of any computer and any associated apparatus or material that is or has been in use in connection with records; and
 - (j) require the cleansing and disinfection of any part of the premises or any thing.
- (3) Where an inspector has entered any premises and it is not reasonably practicable to determine whether documents on those premises are relevant to these Regulations, the inspector may seize them to ascertain whether or not they are relevant.
- (4) The inspector may be accompanied by—
- (a) such other persons as the inspector considers necessary, and
 - (b) any representative of the European Commission acting for the purpose of the enforcement of a Community obligation.
- (5) The following provisions of the Order shall apply as if these Regulations were an order made under the Order—
- (a) Article 46 (general powers of inspectors);
 - (b) Article 46A (powers of inspectors relating to Community obligations);
 - (c) Article 48 (power to detain vessels and aircraft).

Pigs living in the wild

- 38.** A veterinary inspector and, when acting under the direction of a veterinary inspector, an inspector or any officer of the Department or any other person with the necessary expertise may—
- (a) undertake surveillance for such pigs;
 - (b) capture such a pig;
 - (c) take samples from such a pig;
 - (d) kill such a pig if the veterinary inspector is satisfied that—
 - (i) it is not possible to take samples from such a pig without killing it; or
 - (ii) it is spreading or may spread swine vesicular disease to other pigs.

Notices relating to movement

- 39.**—(1) If a pig has been moved in contravention of any provision of these Regulations or any licence or notice served under these Regulations, an inspector may serve a notice on the occupier of the premises—
- (a) detaining the pig on the premises, and any other pig on the premises, or
 - (b) requiring the occupier to move any pig on the premises to other premises specified in the notice.
- (2) If a pig has been moved to premises under such notice, a veterinary inspector may serve a notice on the occupier of the premises of destination imposing such movement restrictions relating to a pig on those premises as is necessary to prevent the risk of spreading swine vesicular disease virus.
- (3) Failure to comply with such a notice is an offence.

Suspension or restriction of rights of way in a protection zone

- 40.**—(1) With the prior written consent of the Department an inspector may suspend or restrict the exercise of a right of way (including a public footpath) in a protection zone by causing a sign to that effect to be appropriately displayed.

(2) It is an offence to remove or alter a sign displayed under this regulation except at the direction of an inspector.

(3) The suspension or restriction shall continue until—

- (a) the protection zone is ended, or
- (b) all relevant notices are removed under the direction of an inspector.

Powers of inspectors in case of default

41. If a person fails to comply with a requirement in or under these Regulations, an inspector may take such steps as that inspector considers necessary to ensure the requirement is met at the expense of that person.

Change of occupier of premises under restriction

42. If there is a change of occupier of premises under restriction under these Regulations, the new occupier shall allow the old occupier to enter the premises to feed any animal during the period of restriction and for 7 days following its end, and failure to do so is an offence.

Obstruction

43.—(1) A person shall not—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information that that person may require under these Regulations;
- (c) furnish to any person acting in the execution of these Regulations any information knowing it to be false or misleading; or
- (d) fail to produce a record when required to do so by any person acting in the execution of these Regulations.

(2) It is an offence to fail to comply with this regulation.

Offences and penalties

44. A person guilty of an offence under these Regulations is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or both, or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding six months or both.

Compensation and proceedings

45. 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);
- (b) Article 42 (functions of constables);
- (c) Article 54 (defences and evidence);
- (d) Article 55 (extension of time for bringing summary proceedings).

Exceptional circumstances

46. The Department may for the purpose of ensuring the health or welfare of any animal—
- (a) license a person to carry out any action that is otherwise prohibited under these Regulations; or
 - (b) exempt a person, by notice, from any requirement under these Regulations.

Revocation

47. The Swine Vesicular Disease Order (Northern Ireland) 1973(8) is hereby revoked.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 3rd June 2009



C. McMaster
A senior officer of the Department of Agriculture
and Rural Development