

2013 No. 244

ANIMALS

ANIMAL HEALTH

**The African Horse Sickness Regulations (Northern Ireland)
2013**

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The Department of Agriculture and Rural Development is a department designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the common agricultural policy of the European Union and makes these Regulations in exercise of the powers conferred by that section.

PART I INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the African Horse Sickness Regulations (Northern Ireland) 2013 and come into operation on 18th November 2013.

Interpretation

2.—(1) In these Regulations—

“carcase” means a carcase or part of a carcase of a horse, but does not include a sample taken from a carcase;

“contact premises” means premises that have an epidemiological connection with infected premises, including those that due to their proximity to infected premises the Department considers have an epidemiological connection with infected premises;

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

“horse” means any animal of the family Equidae and includes crossings of those animals;

“infected premises” means premises that have been declared to be infected premises under regulation 9(8) or 10(7);

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

“the Order” means the Diseases of Animals (Northern Ireland) Order 1981^(c) as amended;

“premises” includes any place;

“suspect premises” means premises that have been designated as suspect premises under regulation 8(2);

“thing” means any thing by or by means of which African horse sickness virus might be carried or transmitted and includes manure, bedding, feed, equipment, vehicles and genetic material;

“vector” means an insect of the genus *Culicoides* or any other species of arthropod capable of transmitting African horse sickness virus.

(2) In these Regulations, a reference to a notified horse or carcase is a reference to a horse or a carcase (as the case may be) which is the subject of a notification given under regulation 5(1).

(3) The Interpretation Act (Northern Ireland) 1954^(d) applies to these Regulations as it applies to an Act of the Assembly.

(a) S.I. 2000/2812

(b) 1972 c. 68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), section 27(1)(a) and the European Union (Amendment) Act 2008 (c. 7), section 3(3) and Part I of the Schedule.

(c) 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 and the Diseases of Animals Act (N.I.) 2010 c. 1

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

References to occupier

3.—(1) In these Regulations a reference to an occupier of premises includes a reference to a person who has ownership or charge of a horse on the premises.

(2) Any notice required or authorised under these Regulations to be served on the occupier of premises may be served on any person appearing to the person serving the notice to be the occupier.

(3) Where a notice has been served on a person referred to in paragraph (2), any reference in these Regulations to the occupier or, as the case may be, any other occupier of the premises includes a reference to that person.

(4) Where the occupier of premises is required to comply with any obligation under or by virtue of these Regulations, any other occupier of the premises shall give the occupier such assistance as is reasonably required to enable such compliance.

(5) Where the occupier of premises has been served with a notice under these Regulations, the occupier shall take reasonable steps to inform (orally or otherwise) any other occupier of the premises and any other person entering the premises of any restrictions on the movement to or from the premises of any horse, carcase or thing arising from the service of the notice.

(6) A notice required or authorised under these Regulations to be served on the occupier of premises may (in addition to it being served on the occupier) be served on any other occupier of the premises.

Exemptions

4. These Regulations do not apply—

- (a) to anything done under the terms of a licence granted under the Specified Animal Pathogens Order (Northern Ireland) 2008(a); or
- (b) at any border inspection post within the meaning of, and for so long as it remains approved for the purposes of, regulation 11 of the Trade in Animals and Related Products Regulations (Northern Ireland) 2011(b).

PART II

NOTIFICATION OF SUSPICION OF AFRICAN HORSE SICKNESS

Notification requirements

5.—(1) Any person who suspects that a horse or carcase is infected with African horse sickness virus shall immediately notify the Department.

(2) Any person who examines a sample taken from a horse or carcase and who—

- (a) suspects that the horse or carcase is infected with African horse sickness virus; or
- (b) detects evidence of antibodies to, or antigens of, that virus,

shall immediately notify the Department.

(3) Paragraphs (1) and (2) are subject to paragraph (5).

(4) A veterinary inspector may serve a notice on any occupier of infected premises indicating that any further suspected cases of African horse sickness virus on those premises need not be notified to the Department for so long as the notice remains in force.

(5) Where a notice has been served under paragraph (4)—

- (a) paragraph (1) does not apply in relation to any horse or carcase on the infected premises, and

(a) S.R. 2008 No. 336, as amended by S.R. 2010 No. 24

(b) S.R. 2011 No. 438

- (b) paragraph (2) does not apply in relation to any sample taken from a horse or carcass on the infected premises,

for so long as the notice remains in force.

(6) Unless earlier revoked by a veterinary inspector, a notice served under paragraph (4) ceases to be in force when the notice declaring the premises to be infected premises served under regulation 9(8) or 10(7) (as the case may be) is revoked by a veterinary inspector or by virtue of regulation 12(2).

PART III

SUSPICION AND CONFIRMATION OF AFRICAN HORSE SICKNESS

Scope of Part III

6. This Part does not apply in relation to slaughterhouses or non-captive horses.

Initial controls following notification

7.—(1) This regulation applies where the Department receives a notification under regulation 5(1) and a veterinary inspector considers that further investigation relating to the possible presence of African horse sickness virus is necessary.

(2) A veterinary inspector shall inform (orally or otherwise) the person who gave the notification that further investigation is necessary.

(3) Where that person has been so informed, the controls in paragraph (7) apply in relation to the premises where the notified horse or carcass (as the case may be) is located.

(4) Where those premises are not the premises where the notified horse is normally kept or, in the case of a notified carcass, the horse before it died was normally kept, a veterinary inspector may also inform (orally or otherwise) the occupier of those premises that further investigation is necessary.

(5) Where that occupier has been so informed, the controls in paragraph (7), other than in subparagraph (a)(i), apply in relation to those other premises.

(6) A veterinary inspector—

- (a) shall go to the premises where the notified horse or carcass is located and examine that horse or carcass, and may examine any other horse or carcass there;
- (b) where paragraph (4) applies, may go to those other premises and examine any horse or carcass there.

(7) The controls are that—

- (a) any person in possession or charge of a notified horse or carcass shall ensure that—
 - (i) the notified horse or carcass is not moved from the premises where it is located;
 - (ii) no thing is moved from the premises;
 - (iii) no other horse or carcass is moved from or to the premises, except that any horse normally kept at the premises may return there; and
- (b) if required by a veterinary inspector and to the extent that it is practicable to do so the occupier shall ensure that—
 - (i) all horses are moved away from any part of the premises where most vectors are likely to be present;
 - (ii) areas which may be breeding grounds for vectors are identified and any available vector control measures directed by a veterinary inspector are implemented.

(8) The controls imposed under this regulation continue to apply until—

- (a) a veterinary inspector confirms (orally or otherwise) to any occupier of the premises that the presence of African horse sickness virus on the premises is not suspected; or
- (b) the premises become suspect premises^(a).

Imposing measures on suspicion of disease

8.—(1) This regulation applies where an inspector suspects that a horse or carcass that is or has been infected with African horse sickness virus is or has been on any premises (whether following a notification under regulation 5(1) or otherwise).

(2) The inspector may serve a notice on the occupier designating those premises as suspect premises, at which point the measures in Schedule 1 have effect^(b).

(3) Such a notice served in relation to contact premises shall specify that the premises are contact premises.

(4) A notice served under paragraph (2) may require the occupier to erect and maintain such signs on the premises as may be required by a veterinary inspector.

(5) Where a notice has been served under paragraph (2) a veterinary inspector shall—

- (a) as far as is reasonably practicable assess places likely to facilitate the survival of the vectors, or to accommodate them, and the practicality of using appropriate vector control measures in such places;
- (b) begin an epidemiological inquiry to try to establish at least—
 - (i) the length of time that African horse sickness virus may have existed in horses on the premises;
 - (ii) the origin of that virus;
 - (iii) the identification of other premises on which there are horses which may have become infected;
 - (iv) the presence and distribution of vectors;
 - (v) the movement of any horse to or from the premises or any carcasses removed from them; and
 - (vi) the possibility that non-captive horses may be involved in the spread of the virus,

and continue the inquiry until these matters have been established so far as is practicable or the possible presence of African horse sickness virus has been discounted.

Measures following suspicion – premises other than contact premises

9.—(1) This regulation applies where premises, other than contact premises, are designated as suspect premises.

(2) A veterinary inspector shall take all reasonable steps to establish whether or not African horse sickness virus is present.

(3) For the purposes of paragraph (2), a veterinary inspector may, if the Department considers it necessary, take and have tested samples from any horse or carcass that is, or has previously been, on the premises.

(4) If the Department is satisfied following the steps referred to in paragraph (2) that it is no longer appropriate for the premises to remain designated as suspect premises, a veterinary inspector shall revoke the notice served under regulation 8(2).

(5) Where that notice is revoked, the measures in Schedule 1 cease to have effect, except for the purposes of paragraph 1(4)(a) of that Schedule (duty to keep records for 6 months following revocation of notice).

(a) At which point other measures have effect: see regulation 8(2).
 (b) See also the power of the Department under regulation 16 to declare a temporary control zone.

(6) If the Department is satisfied following tests under this regulation that there are seropositive horses on the premises, a veterinary inspector shall continue to monitor as appropriate horses on the premises, and may take further samples and have them tested.

(7) Paragraph (8) applies if the Department is satisfied as a result of any test carried out under this regulation or any clinical signs in any horse on the premises that African horse sickness virus is present in a horse or carcase or on the premises.

(8) Where this paragraph applies, a veterinary inspector shall serve a notice on the occupier declaring the premises to be infected premises^(a).

(9) Where a notice has been served under paragraph (8), the measures in Schedule 1 continue to have effect.

(10) The notice served under paragraph (8) may require the occupier to erect and maintain such signs on the premises as may be required by a veterinary inspector.

(11) If the Department considers it necessary to reduce the risk of spread of African horse sickness virus, the notice served under paragraph (8) may require measures additional to those in Schedule 1 and paragraph (10).

Measures following suspicion – contact premises

10.—(1) This regulation applies where contact premises are designated as suspect premises.

(2) If any horse on the premises shows clinical signs of African horse sickness virus during the relevant period, a veterinary inspector—

- (a) shall take samples from it and have them tested; and
- (b) may take samples from any other horse or carcase on the premises and have them tested.

(3) If no horse on the premises shows clinical signs of African horse sickness, a veterinary inspector—

- (a) shall monitor as appropriate all horses on the premises until the end of the relevant period; and
- (b) may take samples from any horse or carcase on the premises and have them tested.

(4) If no horse on the premises has shown clinical signs of African horse sickness at any time during the relevant period and the Department is satisfied following any tests under this regulation that it is no longer appropriate for the premises to remain designated as suspect premises, a veterinary inspector shall revoke the notice served under regulation 8(2).

(5) Where that notice is revoked, the measures in Schedule 1 cease to have an effect, except for the purposes of paragraph 1(4)(a) of that Schedule.

(6) Paragraph (7) applies where the Department is satisfied as a result of—

- (a) any test carried out under this regulation;
- (b) any clinical signs in any horse on the premises; or
- (c) any epidemiological connection to infected premises,

that African horse sickness virus is present in a horse or carcase or on the premises.

(7) Where this paragraph applies, a veterinary inspector shall serve a notice on the occupier declaring the premises to be infected premises^(b).

(8) Where a notice has been served under paragraph (7), the measures in Schedule 1 continue to have effect.

(9) The notice served under paragraph (7) may require the occupier to erect and maintain such signs on the premises as may be required by a veterinary inspector.

(a) See also the power of the Department under regulation 17 to declare a control zone, protection zone and surveillance zone.

(b) See also the power of the Department under regulation 17 to declare a control zone, protection zone and surveillance zone.

(10) If the Department considers it necessary to reduce the risk of spread of African horse sickness virus, the notice may require measures additional to those in Schedule 1 and paragraph (9).

(11) In this regulation, “the relevant period” is the period determined by the Department to be necessary for establishing whether or not African horse sickness is present in a horse or carcase on the premises.

Powers to prevent horses from being brought onto other premises

11.—(1) This regulation applies where premises are infected premises and the Department considers that due to the risk of African horse sickness virus spreading it is appropriate to prevent horses from being brought onto other premises.

(2) The Department may serve a notice on the occupier of those other premises imposing the prohibition in paragraph (3).

(3) The prohibition is that no person may move any horse onto the premises for such period as may be specified in the notice, except under the authority of a licence granted by a veterinary inspector or an inspector acting under the direction of a veterinary inspector.

(4) The Department shall revoke any notice served under paragraph (2) if satisfied, having regard to the epidemiological risk, that the prohibition is no longer required.

(5) The notice may require the main occupier to erect and maintain such signs on the premises as may be required by a veterinary inspector.

Revocation of notices declaring premises to be infected premises

12.—(1) A veterinary inspector shall not revoke a notice declaring premises to be infected premises unless the Department is satisfied that there is minimal risk of further infection from those premises.

(2) If not earlier revoked by a veterinary inspector, a notice declaring premises to be infected is revoked when the premises to which the notice relates cease to be within any zone declared under Part VI.

(3) Where a notice declaring premises to be infected premises is revoked by a veterinary inspector or by virtue of paragraph (2), the measures in Schedule 1 cease to have effect, except for the purposes of paragraph 1(4)(a) of that Schedule.

PART IV

SLAUGHTERHOUSES

Imposition of initial controls at slaughterhouses

13.—(1) This regulation applies—

(a) where—

(i) the Department is notified under regulation 5(1) that it is suspected that a horse or carcase at a slaughterhouse is infected with African horse sickness virus; and

(ii) a veterinary inspector considers that further investigation relating to the possible presence of African horse sickness virus is necessary; or

(b) where for any other reason a veterinary inspector considers that further investigation relating to the possible presence of African horse sickness virus at a slaughterhouse is necessary.

(2) Where paragraph 1(a) applies a veterinary inspector shall inform (orally or otherwise) the person who gave notification that further investigation is necessary, and the controls in paragraph (5) then apply.

(3) A veterinary inspector shall go to the slaughterhouse and examine the notified horse or carcass, and may examine any other horse or carcass there as the veterinary inspector considers appropriate.

(4) Where paragraph 1(b) applies a veterinary inspector may by notice served on the person in charge of the slaughterhouse impose the controls in paragraph (5).

(5) The controls are that the person in charge of the slaughterhouse shall ensure that—

- (a) no horse or carcass is removed from the slaughterhouse;
- (b) any notified horse and any other horse from the same premises as the notified horse is not slaughtered unless authorised by a veterinary inspector; and
- (c) if any notified horse or any horse from the same premises as a notified horse has already been, or is subsequently, slaughtered or has died, its carcass is specifically identified and retained at the slaughterhouse until a veterinary inspector has examined it, and taken samples if considered necessary.

Actions following examination

14.—(1) This regulation applies where a veterinary inspector has acted under regulation 13(3).

(2) If the veterinary inspector is satisfied that African horse sickness virus does not exist in any horse or carcass at the slaughterhouse, the veterinary inspector shall confirm this (orally or otherwise) to the person in charge of the slaughterhouse.

(3) If the presence of African horse sickness virus cannot be ruled out, a veterinary inspector—

- (a) may by notice served on the person in charge of the slaughterhouse vary the controls applicable under regulation 13(2) or imposed by notice under regulation 13(4),
- (b) may take samples and test them to establish the presence of that virus at the slaughterhouse(a).

(4) If the Department is satisfied that tests carried out under this regulation demonstrate that African horse sickness virus is not present in the slaughterhouse, a veterinary inspector shall confirm this (orally or otherwise) to the person in charge of the slaughterhouse.

(5) Paragraph (6) applies where the Department is satisfied as a result of—

- (a) any test carried out under this regulation; or
- (b) any clinical signs in any horse at the slaughterhouse or any other premises where any horse at the slaughterhouse has recently been,

that African horse sickness virus is present in a horse or carcass at the slaughterhouse.

(6) Where this paragraph applies, the Department shall ensure that all carcasses of infected horses are disposed of in such a way as to avoid the risk of spread of African horse sickness virus(b).

(7) Where confirmation is given under paragraph (2) or (4), or following the disposal of carcasses under paragraph (6)—

- (a) any controls applicable under regulation 13(2) (and, where applicable, as varied under paragraph (3)(a)) cease to have effect,
- (b) any notice served under regulation 13(4) (and, where applicable, as varied under paragraph (3)(a)) is revoked.

(a) See also the power of the Department under regulation 16 to declare a temporary control zone.

(b) See also the power of the Department under regulation 17 to declare a control zone, protection zone and surveillance zone.

PART V

NON-CAPTIVE HORSES

Suspicion relating to non-captive horses

15.—(1) This regulation applies where a veterinary inspector suspects that a non-captive horse may be infected with African horse sickness virus.

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

(3) Where a veterinary inspector concludes that African horse sickness virus is likely to be present in such a horse the Department shall take such steps as the Department considers appropriate (which may include the declaration of an infection zone under regulation 18) to reduce the risk of that virus spreading to other horses.

(4) For the purposes of paragraph (3), a veterinary inspector may by notice served on the occupier of the premises impose restrictions on the movement of horses or impose such other measures in relation to those premises that the Department considers necessary.

(5) The steps referred to in paragraph (2) or (3) need not be taken if the Department is satisfied that taking those steps is not likely to reduce the risk of African horse sickness virus spreading.

(6) A veterinary inspector and, when acting under the direction of a veterinary inspector, an inspector, another officer of the Department or any other person with the necessary expertise may enter any premises (except any premises used wholly or mainly as a private dwelling house) to—

- (a) undertake surveillance of non-captive horses;
- (b) capture and detain them;
- (c) vaccinate them;
- (d) take samples from them;
- (e) kill them if the Department is satisfied that it is necessary for the control of African horse sickness, and in particular if—
 - (i) it is not reasonably practicable to take samples from them without killing them;
 - (ii) it is not reasonably practicable to detain them pending the results of any testing or sampling;
 - (iii) they are spreading or may spread African horse sickness virus or are at risk of acquiring African horse sickness virus.

PART VI

AREA CONTROLS

Temporary control zone

16.—(1) This regulation applies where premises are suspect premises or where a veterinary inspector has taken samples under regulation 14(3) from a horse or carcase at a slaughterhouse.

(2) Where the Department considers it necessary to reduce the risk of spread of African horse sickness virus, a temporary control zone may be declared by the Department around the suspect premises or the slaughterhouse (as the case may be).

(3) The temporary control zone shall be of such size as the Department considers necessary having regard to the risk of spread of African horse sickness virus.

(4) Within the temporary control zone no person may move any horse or carcase to or from premises or anything off premises, except under the authority of a licence granted by a veterinary inspector.

(5) If the Department considers it necessary to reduce the risk of spread of African horse sickness virus, the Department may in the declaration of the temporary control zone impose any other measures.

Control zone, protection zone and surveillance zone

17.—(1) This regulation applies where premises are infected premises or where tests under regulation 14 indicate the existence of African horse sickness virus in a horse or carcase at a slaughterhouse.

(2) The Department may declare a control zone and in addition may declare a protection zone or surveillance zone around the infected premises or the slaughterhouse (as the case may be).

(3) The control zone shall have a radius of at least 20 kilometres, the protection zone shall have a radius of at least 100 kilometres and the surveillance zone shall have a radius of at least 150 kilometres, each centred on the part of the premises that the Department considers most appropriate for disease control.

(4) The Department shall ensure that within these zones—

(a) premises that contain horses are identified as soon as practicable.

(b) a veterinary inspector visits in a systematic way all such premises, and—

(i) inspects and as necessary examines the horses; and

(ii) collects and tests such samples as the veterinary inspector considers necessary.

(5) Schedule 1 sets out measures that apply to premises situated in a control zone and Schedule 2 sets out measures that apply in a protection zone and in a surveillance zone.

(6) When the control zone is revoked, the measures in Schedule 1 cease to have effect, except for the purposes of paragraph 1(4)(a) of that Schedule.

(7) The Department may declare that any other measure considered necessary to reduce the risk of the spread of African horse sickness virus, applies in respect of the whole or any part of the control zone, protection zone or surveillance zone.

Infection zones

18.—(1) This regulation applies where a veterinary inspector concludes that African horse sickness virus is likely to be present in a non-captive horse.

(2) The Department may declare an infection zone of such size as the Department considers necessary to reduce the risk of spread of African horse sickness virus.

(3) The Department may declare—

(a) restrictions on the movement of horses into or out of the infection zone;

(b) that any other measure considered necessary to reduce the risk of spread of African horse sickness virus applies in respect of the whole or any part of the infection zone.

Declaration of zones where African horse sickness is suspected or confirmed outside Northern Ireland

19.—(1) This regulation applies where—

(a) the presence of African horse sickness virus is suspected or officially confirmed for the purposes of Council Directive 92/35/EEC laying down rules and measures to combat African horse sickness^(a) outside Northern Ireland, and

(b) the Department considers that there is a risk of spread of African horse sickness virus to Northern Ireland.

(2) The Department may declare in Northern Ireland any of the following—

(a) O.J. No. 157, 10.6.1992, p. 19

- (a) a temporary control zone;
- (b) a control zone;
- (c) a protection zone;
- (d) a surveillance zone;
- (e) an infection zone.

(3) Any zone declared under this regulation shall be of such size as the Department considers necessary to reduce the risk of spread of African horse sickness virus.

(4) Regulations 16(4) and (5), 17(5) to (7) and 18(3) apply to any zone declared under this regulation as if it were a zone declared under regulation 16, 17 or 18.

Declaration of zones

20.—(1) A declaration of a zone under these Regulations—

- (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) Unless the Department states otherwise in any declaration of a zone, any movement which is prohibited but has already started when such a declaration comes into force may be completed.

(3) Any person on whom a restriction or other measure is imposed by virtue of a declaration under regulation 16(5) or 17(7) shall comply with it.

(4) In deciding to amend or revoke any declaration of a zone, the Department shall have regard to the epidemiological situation and the measures necessary to control the spread of African horse sickness virus.

Premises straddling zones

21.—(1) Premises partly inside and partly outside a temporary control zone declared under regulation 16 or 19 are treated as being inside the temporary control zone.

(2) Premises partly inside and partly outside a control zone declared under regulation 17 or 19 are treated as being inside the control zone.

(3) Premises partly inside and partly outside a protection zone declared under regulation 17 or 19 in an area other than in a control zone are treated as being inside the protection zone.

(4) Premises partly inside a surveillance zone declared under regulation 17 or 19 and partly in an area other than a protection zone are treated as being inside the surveillance zone.

(5) Premises partly inside and partly outside an infection zone declared under regulation 18 or 19 are treated as being inside the infection zone.

Publicity

22. 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; and
- (c) the dates of the declaration and ending of that zone.

PART VII

VACCINATION

Prohibition on vaccination

23. No person may vaccinate a horse against African horse sickness except in accordance with these Regulations or under the authority of a licence granted by a veterinary inspector.

Compulsory vaccination

24.—(1) The Department may declare a vaccination zone, other than in a surveillance zone.

(2) Subject to paragraph (4), where a vaccination zone has been declared, any occupier of premises inside that zone shall ensure the vaccination of horses on their premises in accordance with that declaration.

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

(4) A veterinary inspector may serve a notice on any person in possession or charge of a horse, other than one kept in a surveillance zone, requiring that person to vaccinate the horse in accordance with the notice (whether or not a vaccination zone has been declared under paragraph (1)).

Vaccinated horses

25.—(1) The owner of a horse that has been vaccinated against African horse sickness virus shall ensure that the horse is identified by way of a microchip and a record of such horse having been vaccinated is kept.

(2) A person shall not move a vaccinated horse from the premises where it was vaccinated until at least 60 days have elapsed since—

(a) the date of that vaccination; or

(b) if the vaccination includes a course of doses, the date of the final dose,

except under the authority of a licence granted by a veterinary inspector.

PART VIII

INSPECTION, ENFORCEMENT AND MISCELLANEOUS PROVISIONS

Notices

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

(2) A person shall comply with the terms of any notice served or given under these Regulations.

Licences

27.—(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 any horse or thing under the authority of a specific licence shall—

(a) carry the licence or a copy of it at all times during the movement; and

- (b) on demand by an inspector or an officer of the Department, produce the licence or a copy and allow a copy or extract to be taken.
- (3) Where a licence is required or authorised under these Regulations to be granted by a veterinary inspector, it may also be granted by an inspector acting under the direction of a veterinary inspector.
- (4) A person moving any horse or thing under the authority of a general licence shall—
 - (a) carry, at all times during the movement, a document containing details of—
 - (i) what is being transported, including the quantity;
 - (ii) the date of the movement;
 - (iii) the name of the person responsible for the horse or thing at the place of departure and at the place of destination;
 - (iv) the address of the place of departure and of the destination,
 - (b) on demand by an inspector or an officer of the Department, produce the document and allow a copy or extract to be taken; and
 - (c) keep the document for at least six months.
- (5) If a horse or thing 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 on those premises as are necessary to prevent the risk of spreading African horse sickness virus.

Powers of inspectors

- 28.**—(1) A lay magistrate may by signed warrant permit an inspector to enter any premises, if necessary by reasonable force, if the lay magistrate, on sworn information in writing, is satisfied—
- (a) that there are reasonable grounds to enter those premises for the purpose of executing or enforcing these Regulations; and
 - (b) that any of the conditions in paragraph (2) are met.
- (2) The conditions are—
- (a) entry to the premises has been, or is likely to be, refused, and notice of the intention to apply for a warrant has been given to the occupier;
 - (b) asking for admission to the premises, or giving such a notice, would defeat the object of the entry;
 - (c) entry is required urgently; or
 - (d) the premises are unoccupied or the occupier is temporarily absent.
- (3) A warrant is valid for three months.
- (4) An inspector may, on producing a duly authenticated authorisation if requested, enter any premises, vehicle, vessel or trailer (except any premises used wholly or mainly as a private dwelling house) at any reasonable hour for the purpose of executing or enforcing these Regulations.
- (5) An inspector entering any premises, vehicle, vessel or trailer may—
- (a) inspect any horse or thing there;
 - (b) take samples;
 - (c) seize and destroy any thing;
 - (d) detain or isolate any animal or thing;
 - (e) mark or microchip for identification purposes any animal or thing;
 - (f) carry out any inquiries, examinations and tests;
 - (g) undertake surveillance for vectors and implement vector control measures (including the introduction of any sentinel horse);
 - (h) have access to, inspect and copy any documents or records (in whatever form they are held) relevant 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;
- (j) require by notice served on the occupier of the premises—
 - (i) any animal to be marked or microchipped for identification purposes;
 - (ii) any animal or thing to be moved to a specified destination or to be moved to or kept in a particular part of the premises;
 - (iii) the undertaking of surveillance for the presence of insects;
 - (iv) the implementation of such vector control measures as the inspector considers practical and necessary;
 - (v) horses to be retained for use as sentinel horses or sentinel horses to be introduced onto those premises.

(6) Where an inspector has entered any premises, vehicle, vessel or trailer 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.

(7) The inspector may—

- (a) take any necessary equipment, sentinel horse or vehicle on to the premises;
- (b) be accompanied by—
 - (i) such other persons as the inspector considers necessary; and
 - (ii) any representative of the European Commission.

(8) Any power or obligation to take a sample and test it includes a power to—

- (a) re-test the sample; and
- (b) take further samples (from the animals or carcasses subject to that power) and test and re-test those samples.

(9) In this regulation, a sentinel horse is a horse used for surveillance for African horse sickness virus which does not have antibodies to that virus when introduced to or retained at the premises for that purpose.

Notice following a contravention on movement

29.—(1) If a horse has been moved to any premises in contravention of any provisions of these Regulations or any licence or notice served under these Regulations, a veterinary inspector may serve a notice on the occupier of the premises requiring—

- (a) that horse, or any other horse on the premises, to be detained on the premises; or
- (b) any horse on the premises to be moved to other premises specified in the notice.

(2) If a horse has been moved to other premises under such notice, a veterinary inspector may serve a notice on any occupier of those other premises imposing such movement restrictions relating to horses on those premises as the inspector considers necessary to reduce the risk of spreading African horse sickness virus.

Change of occupier of premises under restriction – access for welfare purposes

30. If there is a change of occupier of premises under restriction under these Regulations, the new occupier shall allow the owner of any horse on the premises or any person acting on behalf of the owner to enter the premises to feed or otherwise attend to the welfare of any horse during the period of restriction and for seven days following its end.

Powers of inspectors in case of default

31. If any 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.

Obstruction

32. A person shall not—

- (a) intentionally obstruct or impede anyone acting in the execution or enforcement of these Regulations;
- (b) without reasonable cause, proof of which lies on the person charged, fail to give to any person acting in the execution or enforcement of these Regulations any assistance or information that is reasonably required;
- (c) provide to anyone acting in the execution of these Regulations any information knowing it to be false or misleading or not believing it to be true; or
- (d) fail to produce a record when required to do so to any person acting in the execution or enforcement of these Regulations.

Offences and penalties

33.—(1) A person is guilty of an offence if that person fails to comply with any of the following provisions—

- (a) regulation 3(4) (occupier to give reasonable assistance to enable any other occupier to comply with obligations);
- (b) regulation 3(5) (occupier to take reasonable steps to inform other occupiers of movement restrictions arising from notice);
- (c) regulation 5(1) or (2) (requirement to notify Department of suspect horse or carcass etc);
- (d) regulation 7(7)(a)(i), (ii) or (iii) (prohibition on movement of notified horse carcass or thing; or other horses);
- (e) regulation 7(7)(b)(i) or (ii) (obligation to move horses and identify vectors etc);
- (f) regulation 11(3) (prohibition on persons moving horses onto premises);
- (g) regulation 13(5)(a), (b) or (c) (controls relating to slaughterhouses);
- (h) regulation 16(4) (prohibition on unlicensed movement within temporary control zone);
- (i) paragraph 1 of Schedule 2 (prohibition on unlicensed movement out of protection zone or out of surveillance zone to an area free from restrictions);
- (j) paragraph 2 of Schedule 2 (prohibition on unlicensed movement of asses etc or movement of horses showing clinical signs of African horse sickness);
- (k) regulation 20(3) (obligation to comply with restrictions and measures imposed by declaration under regulation 16(5) or 17(7));
- (l) regulation 23 (prohibition on vaccination);
- (m) regulation 24(2) (requirement to vaccinate in accordance with declaration of vaccination zone);
- (n) regulation 25(1) or (2) (requirement to identify vaccinated horse and to keep records; prohibition on unlicensed movement of vaccinated horse);
- (o) regulation 26(2) (requirement to comply with notice);
- (p) regulation 27(2)(a) or (b) (requirement to carry licence or copy; requirement to produce etc licence);
- (q) regulation 27(4)(a), (b) or (c) (requirement to carry document; requirement to produce etc document; requirement to keep document);
- (r) regulation 30 (obligation on new occupier to allow entry for purposes of feeding or welfare);
- (s) regulation 32 (obstruction);
- (t) paragraph 1, 2, or 4 of Schedule 1 (requirement to keep records etc; requirement as to housing of horses; requirement to implement vector control);

- (u) paragraph 3 of Schedule 1 (prohibition on unlicensed movement).
- (2) A person guilty of an offence 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.

Offences by bodies corporate

- 34.**—(1) If an offence under these Regulations committed by a body corporate is proved—
- (a) to have been committed with the consent or connivance of an officer; or
 - (b) to be attributable to any neglect on the part of an officer,
- the officer, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) In paragraph (1) “officer”, in relation to a body corporate, means—
- (a) a director, manager, secretary or other similar officer of the body; or
 - (b) a person purporting to act in any such capacity.
- (3) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with the member’s functions of management as it applies to an officer of a body corporate.

Offences by partnerships and unincorporated associations

- 35.**—(1) Proceedings for an offence under these Regulations alleged to have been committed by a partnership or an unincorporated association may be brought against the partnership or association in the name of the partnership or association.
- (2) For the purposes of such proceedings—
- (a) rules of court relating to the service of documents are to have effect as if the partnership or association were a body corporate; and
 - (b) section 18 of the Criminal Justice Act (Northern Ireland) 1945^(a) (procedure on charge) and Schedule 4 to the Magistrates’ Courts (Northern Ireland) Order 1981^(b) (corporations) apply in relation to the partnership or association as they apply in relation to a body corporate.
- (3) A fine imposed on a partnership or association on its conviction of an offence under these Regulations is to be paid out of the funds of the partnership or association.
- (4) If an offence under these Regulations committed by a partnership is proved—
- (a) to have been committed with the consent or connivance of; or
 - (b) to be attributable to any neglect on the part of, a partner,
- the partner, as well as the partnership, is guilty of the offence and is liable to be proceeded against and punished accordingly.
- (5) For these purposes, “partner” includes a person purporting to act as a partner.
- (6) If an offence under these Regulations committed by an unincorporated association is proved—
- (a) to have been committed with the consent or connivance of; or
 - (b) to be attributable to any neglect on the part of, an officer of the association,

(a) 1945 c. 15 (N.I.); section 18 was amended by the Magistrates’ Courts Act (Northern Ireland) 1964 (c. 21) and by the Justice (Northern Ireland) Act 2002 (c. 26), Schedule 12

(b) S.I. 1981/1675 (N.I. 26) (as amended)

the officer, as well as the association, is guilty of the offence and is liable to be proceeded against and punished accordingly.

(7) In paragraph (6), “officer”, in relation to an unincorporated association, means—

- (a) an officer of the association or a member of its governing body; or
- (b) a person purporting to act in such capacity.

Exceptional circumstances

36. The Department may for the purpose of ensuring the health or welfare of any horse—

- (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.

Amendment

37. In the Specified Diseases (Notification) Order (Northern Ireland) 2004^(a), in the Schedule (Specified Diseases) omit item 1 and the reference to “African horse sickness”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 11th October 2013.



K. Davey

A senior officer of the Department of Agriculture and Rural Development

(a) S.R. 2004 No. 248

SCHEDULE 1

Regulations 8(2), 9(9),
10(8) and 17(5)

MEASURES ON SUSPECT AND INFECTED PREMISES AND ON PREMISES IN A CONTROL ZONE

Records

- 1.—(1) The occupier shall keep a record of every horse on the premises.
- (2) The occupier shall take all reasonable steps to update the record to show the number of horses on the premises that—
- (a) have died;
 - (b) show clinical signs of African horse sickness;
 - (c) have been born since restrictions under these Regulations were placed on the premises;
and
 - (d) enter or leave the premises under licence.
- (3) The occupier shall ask any other occupier to report any changes in the details of their horses on the premises that are relevant to the record.
- (4) The occupier shall keep the record for at least six months after (as the case may be)—
- (a) the revocation of the notice served under regulation 8(2), 9(8), or 10(7), or
 - (b) the premises ceasing to be within the control zone,
- whichever is the later.

Housing of horses

2. The occupier shall ensure that every horse on the premises is kept—
- (a) so far as is practicable on the part or parts of the premises where it is likely to be less exposed to vectors; or
 - (b) as directed by a veterinary inspector.

Restriction on movement of horses, carcasses or things

3. A person shall not move any horse, carcase or thing to or from the premises, except under the authority of a licence issued by a veterinary inspector or an officer of the Department acting under the direction of a veterinary inspector.

Control of vectors

4. The occupier shall implement such practicable vector control measures as the veterinary inspector may require.

MEASURES IN A PROTECTION ZONE AND IN A SURVEILLANCE
ZONE

Movement out of a protection zone

1. No person may move any horse, or any semen, ovum or embryo of a horse—

- (a) out of a protection zone; or
- (b) out of a surveillance zone to an area outside any zone,

except under the authority of a licence granted by a veterinary inspector.

Movement from premises within a protection zone

2. No person may move from premises within a protection zone or a surveillance zone—

- (a) any ass, donkey, zebra, mule or other hybrid of these except under the authority of a licence granted by a veterinary inspector;
- (b) any other horse that shows clinical signs of African horse sickness on the day of the proposed move.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the provisions of Directive 92/35/EEC laying down control measures to combat African horse sickness virus (O.J. L No. 157, 10.6.1992, p. 19). They amend a provision of the Specified Diseases (Notification) Order (Northern Ireland) 2004 insofar as it applies to African horse sickness virus.

Part I is introductory.

Part II deals with notification of suspicion of African horse sickness virus.

Part III and Schedule 1 deal with premises where African horse sickness virus is suspected or confirmed. They also deal with premises which have a link with infected premises and make provision, following the declaration of premises as infected premises, to prevent horses from being brought onto other premises due to the risk of African horse sickness virus spreading.

Part IV deals with slaughterhouses.

Part V deals with suspicion relating to non-captive horses.

Part VI makes provision for the establishment of control, protection and surveillance zones. Schedule 1 applies in the control zone, and Schedule 2 applies to the protection and surveillance zone.

Part VII prohibits vaccination against African horse sickness virus except in the circumstances set out there.

Part VIII contains provisions relating to inspection and enforcement.

Breach of the Regulations is an offence punishable, on summary conviction, with a fine not exceeding the statutory maximum, imprisonment for a term not exceeding three months, or both, or, on conviction on indictment, with a fine or imprisonment for a term not exceeding six months, or both.

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