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## STATUTORY INSTRUMENTS

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# 2003 No. 2913

## The African Swine Fever (England) Order 2003

### Title, commencement and application

1.—(1) This Order may be cited as the African Swine Fever (England) Order 2003 and shall come into force on 5th December 2003.

(2) This Order applies in England.

### Interpretation

2.—(1) In this Order—

“carcase” means a pig carcase and includes part of a carcase;

“the CVO” means the Chief Veterinary Officer for Great Britain;

“the disease” means African swine fever;

“Divisional Veterinary Manager” means the person appointed for the time being by the Secretary of State for Environment, Food and Rural Affairs to receive information about infected or suspected animals or carcases for the area in which such animals or carcases are located;

“feral pig” means a pig which is not kept or bred on a holding and is not in a slaughterhouse, knacker’s yard or means of transport;

“holding” means any place where any pig is bred or kept on a permanent or temporary basis or has been so kept at any time during the previous 56 days but does not include a slaughterhouse, knacker’s yard, means of transport or fenced area where feral pigs are kept and may be hunted;

“infected holding” means a holding where the CVO has confirmed that the disease is present;

“knacker’s yard” means any premises used in connection with the business of slaughtering, flaying or cutting up animals whose flesh is not intended for human consumption;

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

“slaughterhouse” means any building, premises or place (other than a farmed game handling facility) used for slaughtering animals the flesh of which is intended for sale for human consumption, and includes any place available in connection therewith for the confinement of animals while awaiting slaughter there;

“suspected holding” means a holding in relation to which a notice under article 5 has been served;

“the virus” means the African swine fever virus;

“vector” means a tick of the species *Ornithodoros erraticus*, or any other tick of the genus *Ornithodoros* which, in the opinion of the CVO, is capable of transmitting African swine fever.

(2) For the purposes of this Order—

(i) a pig or carcase is suspected of being infected with the disease if it has clinical signs or post-mortem lesions consistent with the effects of the virus or if the results of a diagnostic test indicate the possible presence of the virus in that animal or carcase;

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- (ii) a pig or carcase is infected with the disease if the CVO determines that it is infected on the basis of clinical signs, post-mortem lesions or the result of a diagnostic test and any epidemiological circumstances.

### Exemptions

3. This Order shall not apply in respect of the presence of the virus in circumstances where a licence has been issued under article 4 of the Specified Animal Pathogens Order 1998 <sup>M1</sup>.

#### Marginal Citations

M1 S.I. 1998/463.

### Notification of the disease

- 4.—(1) Any person who suspects the disease in any pig or carcase which is—
- (a) in his possession; or
  - (b) under his charge; or
  - (c) being examined or inspected by him,

shall immediately notify the Divisional Veterinary Manager.

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

(3) No person shall move any pig or carcase suspected of being infected with the disease, nor any meat, pig product, semen, ovum or embryo of pigs, animal feeding stuff, manure or slurry or any other utensils, material, waste or other thing likely to transmit the disease, from the holding or other place on which it is found, unless that holding or other place has been visited by a veterinary inspector and the veterinary inspector has either imposed restrictions under article 5 or notified that person that he does not consider it necessary to do so.

### Measures while the suspicion of the disease is being investigated

5.—(1) Where a veterinary inspector suspects that the disease may exist or may within the previous 56 days have existed on any holding, slaughterhouse, knacker's yard, any other place or means of transport whether or not notification has been given under article 4, he shall—

- (a) serve a notice—
  - (i) on the occupier of a holding imposing the restrictions and requirements set out in paragraphs (2) and (3); or
  - (ii) on the occupier of the slaughterhouse or knacker's yard or the person appearing to him to be in charge of the means of transport, imposing such of the restrictions and requirements set out in paragraphs (2) and (3) as appear to the veterinary inspector to be appropriate; and
- (b) carry out an investigation to confirm or rule out the presence of the disease.

(2) When a notice is served under paragraph (1) the occupier shall—

- (a) prepare, under the direction of a veterinary inspector, a record by category of—
  - (i) the number of pigs;
  - (ii) the number of live pigs which appear to be free of disease;

- (iii) the number of live pigs which appear to have the disease;
    - (iv) the number of pigs that died in the 56 days prior to the date of the notice;
  - (b) ensure that the record is kept up to date to take account of pigs that are born or die during the period that restrictions and requirements under this paragraph and paragraph (3) are in force and to record the number of pigs which fall sick having been previously apparently free of disease;
  - (c) produce the record to an inspector on request;
  - (d) ensure that all pigs on the premises are kept in their living quarters or some other place specified in the notice;
  - (e) ensure that, in accordance with any instructions given by a veterinary inspector, appropriate means of disinfection are placed at the entrances and exits to those parts of the premises in which pigs are being kept and of the premises themselves.
- (3) When a notice has been served under paragraph (1) no person shall—
- (a) move any pigs on to or off the premises except in accordance with a licence issued by a veterinary inspector and the occupier shall ensure that pigs are unable to stray from or on to the premises;
  - (b) move any meat, carcase, pig product, semen, ovum or embryo of pigs, or any animal feed, utensil, material or waste or other thing likely to transmit the disease from the premises, except in accordance with a licence issued by an inspector;
  - (c) come on to or off the premises except in accordance with a licence issued by a veterinary inspector;
  - (d) move any vehicle on to or off the premises except in accordance with a licence issued by a veterinary inspector.
- (4) Where a veterinary inspector has grounds for suspecting the presence of vectors on particular premises in consequence of their location, geographical situation or contacts with other premises where the disease is known or suspected to exist (in England or elsewhere), he or an inspector acting under his direction, may serve a notice of the grounds on the occupier of the particular premises, and thereupon a veterinary inspector, an inspector acting in accordance with a veterinary inspector's direction or an officer of the Secretary of State may enter the particular premises.

#### **Further measures where a notice has been served under article 5**

6. Where a notice has been served under article 5, a veterinary inspector may, by further notice served on the occupier of the holding, slaughterhouse, knacker's yard, any other place or on the person appearing to him to be in charge of a means of transport—
- (a) prohibit the movement of any other species of animal on to or off the premises;
  - (b) require the occupier to take all reasonable measures to destroy rodents and insects on the premises;
  - (c) require the occupier or the person appearing to him to be in charge of the means of transport to cleanse and disinfect the premises or means of transport at his own expense or at the expense of the Secretary of State in such a manner as may be specified in the notice, and within such time as may be so specified; and
  - (d) in the case of a means of transport, require it to be—
    - (i) taken to a destination specified in the notice,
    - (ii) unloaded, cleansed and disinfected and, if necessary, subjected to an acaricide as specified in the notice, and

- (iii) if so specified, unloaded, cleansed and disinfected and subjected to the acaricide under the supervision of a veterinary inspector.

#### **Measures where the disease is confirmed on a holding**

7.—(1) Where the CVO has confirmed that the disease is present on a holding, a veterinary inspector shall serve a notice under this article on the occupier of that holding requiring him to ensure that the restrictions and requirements contained in article 5 are complied with unless a notice under article 5 has already been served, in which case the restrictions and requirements contained in it will remain in force until they are either varied or removed by a veterinary inspector.

(2) On and after such confirmation a veterinary inspector may also by notice require the implementation of such of the measures set out in article 6 as he thinks fit.

#### **Measures where the disease is confirmed in a slaughterhouse, knacker's yard or on a means of transport**

8. Where the CVO has confirmed that the disease is present in a slaughterhouse, knacker's yard or on a means of transport, a veterinary inspector may serve a notice on the occupier of the slaughterhouse, knacker's yard or person in charge of the means of transport requiring him to ensure that—

- (a) in the case of a slaughterhouse or knacker's yard, all buildings, equipment and vehicles specified in the notice, are cleansed and disinfected and, if necessary, subjected to an acaricide in accordance with the instructions, and under the supervision, of a veterinary inspector;
- (b) in the case of a means of transport, it is taken to a destination, unloaded, cleansed and disinfected and, if necessary, subjected to an acaricide in accordance with the instructions, and under the supervision, of a veterinary inspector;
- (c) no pigs are reintroduced to the slaughterhouse, knacker's yard or means of transport until at least 24 hours after completion of the cleansing and disinfection operations, and, where undertaken, the application of an acaricide carried out in accordance with paragraph (a) or (b) above.

#### **Measures that apply in respect of holdings from or to which the disease may have been transmitted**

9.—(1) Where, following an investigation into the epidemiology of the disease on a holding, a veterinary inspector considers that the disease on an infected or suspected holding may, for any reason, have been transmitted from or to other premises, he may serve a notice under article 5 on the occupier of those premises.

(2) Where disease has been found in animals or carcasses in a slaughterhouse, knacker's yard or on a means of transport, a veterinary inspector may serve a notice under article 5 on the occupier of any premises from which the infected animals or carcasses in that slaughterhouse, knacker's yard or means of transport, have come directly or indirectly within the previous 56 days or, in the case of a means of transport, any premises to which the means of transport has since travelled.

#### **Temporary control zone**

10.—(1) Following the service of a notice under article 5, the Secretary of State may, by declaratory order, establish a zone to be known as a "temporary control zone".

(2) When a temporary control zone has been established in Wales or Scotland which touches the border with England the Secretary of State may, as she considers necessary, establish an associated temporary control zone in England.

(3) The location and size of the temporary control zone shall be such as the Secretary of State considers necessary to prevent the spread of disease.

(4) Where a temporary control zone has been established, no person shall—

(a) move any pig off a holding, slaughterhouse or knacker's yard in the zone except in accordance with a licence issued by a veterinary inspector or an inspector acting in accordance with the directions of a veterinary inspector;

(b) move any cattle, sheep, goat, or other ruminating animal off any holding, slaughterhouse or knacker's yard in the zone which has pigs in it except in accordance with a licence issued by a veterinary inspector or an inspector acting in accordance with the directions of a veterinary inspector; or

(c) move any pig out of the zone.

(5) The restriction in paragraph (4)(c) shall not apply to pigs which are loaded onto a vehicle outside the zone and transported through it without the vehicle being loaded or unloaded inside the zone.

(6) Any holding, slaughterhouse or knacker's yard which is partly inside and partly outside a temporary control zone shall be deemed to be wholly inside that zone.

### **Protection and surveillance zones**

**11.**—(1) Upon confirmation of disease on premises by the CVO, the Secretary of State shall by declaratory order, establish an infected area comprising a zone to be known as a “protection zone” and a zone to be known as a “surveillance zone”.

(2) The protection zone shall cover an area with a radius of at least three kilometres contained in a surveillance zone covering an area with a radius of at least ten kilometres, the centre point of each being the holding, slaughterhouse or knacker's yard where disease has been confirmed.

(3) Part I of Schedule 1 shall apply in a protection zone and Part II of Schedule 1 shall apply in a surveillance zone.

(4) Upon confirmation of the disease on a holding, slaughterhouse or knacker's yard in Wales or Scotland, the Secretary of State shall, where appropriate, by declaratory order, establish an infected area in England so that there is a protection zone in England within a radius of at least three kilometres contained in a surveillance zone with a radius of at least ten kilometres, the centre point of each being the holding, slaughterhouse or knacker's yard in Wales or Scotland where the disease was confirmed.

(5) The Secretary of State may take such steps as she considers necessary to ensure that all persons in an infected area are made fully aware of the restrictions in force, including exhibiting notices or signs on property situated within the infected area.

(6) Any holding, slaughterhouse or knacker's yard which is partly inside and partly outside a surveillance or protection zone shall be deemed to be wholly inside that zone.

### **Cleansing and disinfection**

**12.**—(1) Disinfection under this Order shall be carried out with a disinfectant approved for the purpose under the Diseases of Animals (Approved Disinfectants) Order 1978 <sup>M2</sup>.

(2) Acaricides used pursuant to this Order shall be ones in relation to which approval and consent has been given under the Control of Pesticides Regulations 1986 <sup>M3</sup> or authorised under the Biocidal Products Regulations 2001 <sup>M4</sup>.

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(3) Cleansing and disinfection operations and, where appropriate, the application of an acaricide on premises shall be carried out under the supervision of a veterinary inspector or an inspector in accordance with the directions of a veterinary inspector.

#### **Marginal Citations**

- M2** [S.I. 1978/32](#), relevant amending instruments are [S.I. 1978/934](#) and [S.I. 1997/2347](#).  
**M3** [S.I. 1986/1510](#), amended by [S.I. 1997/188](#), 2001/880.  
**M4** [S.I. 2001/880](#), to which there are amendments not relevant to this Order.

### **Feral pig investigation zone**

**13.**—(1) Where the Secretary of State has reason to suspect that the disease exists in feral pigs in England or when a feral pig investigation zone has been established in Wales or Scotland which touches the border with England, the Secretary of State may, by declaratory order, establish a feral pig investigation zone within England to which the provisions of paragraph (3) apply.

(2) The feral pig investigation zone shall cover such area as the Secretary of State considers necessary to enable her to carry out an investigation to confirm or rule out the presence of the disease.

(3) Any person who shoots, or finds the carcase of, a feral pig in the feral pig investigation zone, shall immediately inform the Divisional Veterinary Manager and if that person has shot the pig he shall keep the carcase for at least 24 hours after informing the Divisional Veterinary Manager and make it available to the Divisional Veterinary Manager for any sampling or testing which the Divisional Veterinary Manager may consider appropriate.

### **Measures where the disease is confirmed in a feral pig**

**14.**—(1) Where the presence of the disease is confirmed in a feral pig in England or an infected area is declared in Scotland or Wales touching the border with England, the Secretary of State may by declaratory order, establish an infected area within England of sufficient size to cover the area where the disease is suspected to be present.

(2) The declaratory order in paragraph (1) may impose any or all of the restrictions and requirements of Schedule 2 in the infected area and may also suspend the hunting and ban the feeding of feral pigs in that area.

(3) The Secretary of State may take such steps as she considers necessary to ensure that all persons in an infected area are made fully aware of the restrictions and requirements in force in the infected area including requiring occupiers of properties situated within that area to exhibit signs or notices.

(4) The Secretary of State may by declaratory order impose a ban on the establishment of new holdings in an infected area.

(5) The Secretary of State may by declaratory order impose a ban on pig breeding in an infected area except in accordance with a licence issued by a veterinary inspector.

(6) Any holding which is partly inside and partly outside an infected area shall be deemed to be wholly inside that area.

### **Vaccines**

**15.** No person shall administer an African swine fever vaccine to any pig unless authorised to do so by the Secretary of State.

### **Compliance with notices etc.**

16.—(1) Any notice or licence under this Order shall be in writing, may be general or specific, may be subject to conditions and may be amended, suspended or revoked by notice in writing at any time and, in particular, may be suspended or revoked if the issuing authority is of the reasonable opinion that the provisions of this Order are not being complied with.

(2) If any person fails to comply with any requirement of this Order or any instruction given, or notice or licence served under it, an inspector may, without prejudice to any proceedings for an offence arising as a consequence of that failure, enter premises and take such action as may be necessary to ensure that the requirements, instruction, notice or licence is complied with or carried out.

(3) The Secretary of State or the local authority may recover, as a civil debt, any expenses incurred by an inspector under paragraph (2) from the person in default.

### **Powers of inspectors and veterinary inspectors**

17.—(1) A veterinary inspector who enters premises under this Order may—

- (a) examine any animal, carcase or thing;
- (b) make such tests and take such samples (including blood samples) from any animal, carcase or thing as he may consider necessary for the purpose of diagnosis;
- (c) mark for identification purposes any animal, carcase or thing;
- (d) undertake surveillance for the presence of vectors;
- (e) implement such vector control measures as he deems necessary;
- (f) require the destruction, burial, disposal or treatment of any thing;
- (g) require the occupier, any veterinary surgeon who has attended any animal on the premises and any other person who has been in charge of or in contact with any such animal to inform him of any other animal or other premises with which such animal may have come into contact;
- (h) require the occupier of any premises to exhibit the notices or signs referred to in article 11(5).

(2) An inspector or other officer of the Secretary of State who enters premises under this Order may—

- (a) take with him—
  - (i) a vehicle (provided entry with such a vehicle is reasonably practicable);
  - (ii) such equipment as he considers necessary; and
  - (iii) such other person as he considers necessary for any purpose in relation to the execution and enforcement of this Order;
- (b) undertake surveillance for the presence of vectors under the direction of a veterinary inspector; and
- (c) implement such vector control measures as a veterinary inspector may deem necessary.

### **Enforcement**

18.—(1) Except where otherwise provided, the provisions of this Order shall be executed and enforced by the local authority.

(2) The Secretary of State may direct, in relation to cases of a particular description or any particular case, that an enforcement duty imposed on a local authority under this article shall be discharged by the Secretary of State and not by the local authority.

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## Revocations

19. The African Swine Fever Order 1980 <sup>M5</sup> is hereby revoked in so far as it applies in England.

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### Marginal Citations

**M5** [S.I. 1980/145](#), as amended by [S.I. 1993/3119](#).

13th November 2003

*Ben Bradshaw*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs



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**Changes and effects yet to be applied to :**

- Sch. 1 Pt. 1 para. 9 words substituted by [S.I. 2009/2713 art. 2\(1\)Sch. 1](#)
- Sch. 1 Pt. 2 para. 11 words substituted by [S.I. 2009/2713 art. 2\(1\)Sch. 1](#)
- Sch. 2 Pt. 1 para. 5 words substituted by [S.I. 2009/2713 art. 2\(1\)Sch. 1](#)
- Sch. 2 Pt. 2 para. 3 words substituted by [S.I. 2009/2713 art. 2\(1\)Sch. 1](#)
- art. 2(1) words revoked by [S.I. 2009/2713 art. 2\(2\)Sch. 2](#)
- art. 4(1)(2) words substituted by [S.I. 2009/2713 art. 2\(1\)Sch. 1](#)
- art. 12(2) words substituted by [S.I. 2013/1506 Sch. 5 para. 4](#)
- art. 13(3) words substituted by [S.I. 2009/2713 art. 2\(1\)Sch. 1](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- Order revoked by [S.I. 2014/1894 Sch. 5](#)