
WELSH STATUTORY INSTRUMENTS

2003 No. 2456

The Classical Swine Fever (Wales) Order 2003

Title, Commencement and application

1.—(1) This Order is called the Classical Swine Fever (Wales) Order 2003 and comes into force on 1st October 2003.

(2) This Order applies to Wales only.

Interpretation

2.—(1) In this Order, unless the context otherwise requires —

“carcase” (“*carcas*”) means a pig carcase and includes part of a carcase;

“the Chief Veterinary Officer” (“*y Prif Swyddog Meddygol*”) means the Chief Veterinary Officer for Great Britain;

“the disease” (“*y clefyd*”) means classical swine fever;

“Divisional Veterinary Manager” (“*Rheolwr Milfeddygol Rhanbarthol*”) means the person appointed for the time being by the Secretary of State to receive information about infected or suspected animals or carcasses for the area in which such animals or carcasses are located;

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

“holding” (“*daliad*”) means any place where any pig is bred or kept on a permanent or temporary basis or has been kept within 56 days but does not include a slaughterhouse, knacker’s yard or means of transport or fenced areas where feral pigs are kept and may be hunted;

“infected holding” (“*daliad heintiedig*”) means a holding where the Chief Veterinary Officer has confirmed that the disease is present;

“knacker’s yard” (“*abwyfa*”) 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” (“*mochyn*”) means an animal of the *suidae* family;

“slaughterhouse” (“*lladd-dy*”) means any building, premises or place (other than a farmed game handling facility) 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” (“*daliad a amheuir*”) means a holding in relation to which a notice under article 5 has been served;

“the virus” (“*y feirws*”) means the classical swine fever virus.

(2) For the purposes of this Order—

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

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

Exemptions

3. This Order does not apply in respect of the presence of the virus in circumstances which are authorised by a licence issued under the Specified Animal Pathogens Order 1998(1).

Notification of the disease

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

must 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 may 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 or waste likely to transmit the disease, from the holding or other place on which it was found, until that holding or other place has been visited by a veterinary inspector and the veterinary inspector has either imposed restrictions under this Order or notified the person in charge of the suspected pig or carcase that he or she does not consider it necessary to do so.

Measures while the suspicion of disease is being investigated

5.—(1) A veterinary inspector who suspects that the disease may exist or may within 56 days have existed on any holding or other place or on a means of transport, whether or not notification has been given under article 4, must—

- (a) serve a notice on the occupier of the holding imposing the restrictions and requirements set out in paragraph 3; 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 must —

- (a) co-operate with any veterinary inspector in the preparation of 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 which have died;
- (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 under this paragraph 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;

(1) S.I.1998/463.

- (e) ensure that, in accordance with any instructions given by a veterinary inspector, appropriate means of disinfection are placed at the entrances and exits of 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 may—
- (a) move any pigs onto or off the premises except in accordance with a licence issued by a veterinary inspector and the occupier must ensure that pigs are unable to stray from or on to the premises;
 - (b) move any meat, pig 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 onto or off the holding except in accordance with a licence issued by a veterinary inspector.

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 or other place or on the person appearing to him or her to be in charge of the 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 to cleanse and disinfect the premises or the person appearing to be in charge of the means of transport at his or her 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;
- (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 as specified in the notice; and
 - (iii) if so specified, unloaded, cleansed and disinfected under the supervision of a veterinary inspector.

Measures where the disease is confirmed on a holding

7.—(1) Where the Chief Veterinary Officer has confirmed that the disease is present on a holding, a veterinary inspector must serve a notice under this article on the occupier of that holding requiring him or her to ensure that the restrictions and requirements contained in article 5 are complied with unless a notice under article 5 has already been served; and

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

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

8. Where the Chief Veterinary Officer 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 or her 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 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 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 carried out in accordance with sub-paragraph (a) and (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 or she may serve a notice under article 5 on the occupier of those premises.

(2) Where disease has been found in animals 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 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 National Assembly for Wales may, by declaratory Order, establish a zone to be known as a "temporary control zone".

(2) The location and size of the temporary control zone shall be such as the National Assembly for Wales considers necessary to prevent the spread of disease.

(3) Where a temporary control zone has been established, no person may —

- (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.

(4) The restriction in paragraph (3)(c) does not apply to pigs which are loaded onto a vehicle outside the zone and transported through it without the vehicle being loaded or unloaded.

(5) When a temporary control zone has been established in England which touches the border with Wales the National Assembly for Wales may, as it considers necessary, establish such an associated temporary control zone in Wales;

(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 by the Chief Veterinary Officer, the National Assembly for Wales must 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 applies in a protection zone and Part II of Schedule 1 applies in a surveillance zone.

(4) Upon confirmation of the disease on a holding slaughterhouse or knacker’s yard in England, which is within 10 kilometres of the border with Wales, the National Assembly for Wales must, by declaratory Order, establish an infected area in Wales so that there is a protection zone with a radius of at least three kilometres contained in a surveillance zone of at least 10 kilometres, the centre point of each being the holding in England where the disease was confirmed.

(5) The National Assembly for Wales may take such steps as it 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 is deemed to be wholly inside that or zone.

Cleansing and disinfection

12.—(1) Disinfection under this Order must be carried out with a disinfectant approved for the purpose under the Diseases of Animals (Approved Disinfectants) Order 1978(2).

(2) Cleansing and disinfection operations on buildings must be carried out under the supervision of a veterinary inspector or an inspector in accordance with the directions of a veterinary inspector.

Feral pig investigation zone

13.—(1) Where, the National Assembly for Wales has reason to suspect that the disease exists in feral pigs in Wales or where a feral pig investigation zone has been established in England which touches the border with Wales, the National Assembly for Wales must, by declaratory Order, establish a feral pig investigation zone within Wales to which the provisions of paragraph (3) apply.

(2) The feral pig investigation zone shall cover such area as the National Assembly for Wales considers necessary to enable it 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, must inform the Divisional Veterinary Manager. If that person has shot the pig he or she must keep the carcase for 24 hours 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 Wales, or an infected area is declared in England which touches the border with Wales, the National Assembly for Wales must by declaratory Order, establish an infected area within Wales of sufficient size to cover the area where the disease is suspected to be present.

(2) S.I. 1978/32 as amended.

(2) The National Assembly for Wales may apply 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 National Assembly for Wales may take such steps as it 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 exhibiting notices or signs on property situated within that area.

(4) 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 a classical swine fever vaccine to any pig.

Compliance with notices etc.

16.—(1) Any notice or licence under this Order shall be in writing, may be general or specific, be made subject to conditions and may be amended, suspended or revoked 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, take such action as may be necessary to ensure that the requirements, instruction, notice or licence is complied with or carried out.

(3) The National Assembly for Wales, 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.

General Powers of Inspectors and Veterinary Inspectors

17. An inspector or veterinary inspector or other officer of the National Assembly for Wales or the Secretary of State who enters premises under this Order may take with him or her—

- (a) a vehicle (provided entry with such a vehicle is reasonably practicable);
- (b) such equipment as he or she considers necessary; and
- (c) such other person as he or she considers necessary for any purpose in relation to the execution and enforcement of this Order.

Enforcement

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

(2) The National Assembly for Wales or 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 is to be discharged by the National Assembly for Wales or the Secretary of State (as the case may be) and not by the local authority.

Revocations

19. The following Orders are hereby revoked in so far as they apply to Wales —

- (a) the Swine Fever (Infected Areas Restrictions) Order 1956(3);

(b) the Swine Fever Order 1963(4).

Signed on behalf of the National Assembly for Wales

23rd September 2003

D. Elis-Thomas
The Presiding Officer of the National Assembly

24th September 2003

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