
WELSH STATUTORY INSTRUMENTS

2003 No. 3273

The African Swine Fever (Wales) Order 2003

Title, commencement and application

1.—(1) This Order is called the African Swine Fever (Wales) Order 2003 and comes into force on 15th December 2003.

(2) This Order applies in relation to Wales.

Interpretation

2.—(1) In this Order —

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

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

“the disease” (“*y clefyd*”) means African 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 carcases for the area in which such animals or carcases 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 at any time during the previous 56 days but does not include a slaughterhouse, knacker’s yard or means of transport or fenced area 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;

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“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;

“vector” (“*fector*”) means a tick of the species *Ornithodoros erraticus*, or any other tick of the genus *Ornithodoros* which, in the opinion of the Chief Veterinary Officer, is capable of transmitting African swine fever;

“the virus” (“*y feirws*”) means the African 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 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;
- (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 result 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 when a licence has been issued under article 4 of 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 must 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 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 or she does not consider it necessary to do so.

Measures while suspicion of the disease is being investigated

5.—(1) A veterinary inspector who 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 a means of transport, whether or not notification has been given under article 4, must—

- (a) serve a notice
 - (i) on the occupier of the holding imposing the restrictions and requirements set out in paragraphs (2) and (3); or
 - (ii) on the occupier of a slaughterhouse or knacker's yard or the person appearing to be in charge of a means of transport imposing such of the restrictions and requirements set out in paragraphs (2) and (3) below 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 must

- (a) prepare under the direction of a veterinary inspector a record by category of —
 - (i) the number of pigs;

(1) S.I.1998/463.

- (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 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 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 on to or off the holding except in accordance with a licence issued by a veterinary inspector.

(4) When a veterinary inspector has grounds for suspecting the presence of vectors on particular premises in consequence of their location, geographical situation or contacts with premises where the disease is known or suspected to exist (in Wales or elsewhere), that veterinary inspector, or an inspector acting under his or her direction, may serve a notice 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 National Assembly or of the Secretary of State may enter the particular premises.

Further measures when a notice has been served under article 5

6. When 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 or any 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 or the person appearing to be in charge of the means of transport to cleanse and disinfect the premises or 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; 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 when the disease is confirmed on a holding

7.—(1) When 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 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 as are set out in article 6 as he or she thinks fit.

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

8. When 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 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, when necessary, the application of an acaricide, 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) When, 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 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 National Assembly 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 England which touches the border with Wales the National Assembly may, as it considers necessary, establish such an associated temporary control zone in Wales.

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

(4) 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.

(5) The restriction in paragraph (4)(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 inside the zone.

(6) Any holding, slaughterhouse or knacker's yard which is partly inside and partly outside a temporary control zone is to 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 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 is to 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 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 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 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) S.I. 1978/32 as amended.

(2) Acaricides used pursuant to this Order must be registered under the Control of Pesticides Regulations 1986(3) or authorised under the Biocidal Products Regulations 2001(4).

(3) Cleansing and disinfection operations and, when appropriate, the application of an acaricide on premises 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) When, the National Assembly has reason to suspect that the disease exists in feral pigs in Wales or when a feral pig investigation zone has been established in England which touches the border with Wales, the National Assembly 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 is to cover such area as the National Assembly 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 carcass 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 carcass 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 when the disease is confirmed in a feral pig

14.—(1) When 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 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) 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 National Assembly 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 requiring occupiers of properties situated within that area to exhibit signs or notices.

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

(5) The National Assembly 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 is to be deemed to be wholly inside that area.

Vaccines

15. No person may administer an African swine fever vaccine to any pig.

Compliance

16.—(1) Any notice or licence under this Order must 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.

(3) S.I. 1986/1510 as amended

(4) S.I. 2001/880, to which there are amendments not relevant to this Order.

(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, 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. 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 he or she considers 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 any vector control he or she 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 or her 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 National Assembly who enters premises may—

- (a) take with him or her—
 - (i) a vehicle (provided entry with such a vehicle is reasonably practicable);
 - (ii) such equipment as he or she considers necessary; and
 - (iii) such other person as he or she 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 are to be executed and enforced by the local authority.

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

Revocations

19. The African Swine Fever Order 1980(5) is hereby revoked in so far as it applies to Wales.

Signed on behalf of the National Assembly for Wales

10th December 2003

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

Signed

Department for the Environment, Food and
Rural Affairs
13th December 2003

Ben Bradshaw
Parliamentary Under-Secretary of State,