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STATUTORY RULES OF NORTHERN IRELAND

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**2006 No. 42**

**ANIMALS**

**ANIMAL HEALTH**

**The Foot-and-Mouth Disease  
Regulations (Northern Ireland) 2006**

*Made* - - - - *17th February 2006*

*Coming into operation* *23rd February 2006*

The Department of Agriculture and Rural Development<sup>(1)</sup>, makes the following Regulations in exercise of the powers conferred on it by section 2(2) of the European Communities Act 1972<sup>(2)</sup>.

**PART I**

**INTRODUCTION**

**Citation and commencement**

1. These Regulations may be cited as The Foot-and-Mouth Disease Regulations (Northern Ireland) 2006 and shall come into operation on 23rd February 2006.

**Interpretation**

2. (1) In these Regulations—

“animal” means cattle, sheep and goats, all other ruminating animals and swine and any other kind of four-footed beast;

“animal gathering” means an event at which animals are brought together, including a market, show or fair, but not any occasion at which animals are brought together on the premises on which they are kept;

“animal product” means anything originating or made (whether in whole or in part) from an animal or from a carcass;

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(1) The Department of Agriculture for Northern Ireland: was renamed the Department of Agriculture and Rural Development by Article. 3(4) of the departments Order 1999 (S.I.1999/283 (N.I.))

(2) 1972 c. 68

“associated protection zone” means, in relation to a surveillance zone, the protection zone centred on the same premises as that surveillance zone;

“bovine animal” includes buffalo and bison;

“Chief Veterinary Officer” means the Chief Veterinary Officer of the Department;

“collecting centre” means premises used for the intermediate reception of animals intended to be moved elsewhere;

“contact premises” means any premises declared to be contact premises under regulation 13(2);

“contaminated” means directly or indirectly exposed to disease and “contamination” shall be construed accordingly;

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

“the Directive” means Council Directive [2003/85/EC](#) on Community measures for the control of foot-and-mouth disease repealing Directive [85/511/EEC](#) and Decisions [89/531/EEC](#) and [91/665/EEC](#) and amending Directive [92/46/EEC](#)(**3**);

“disease” means foot-and-mouth disease;

“Divisional Veterinary Officer” means a Divisional Veterinary Officer of the Department;

“free unit” means a separate epidemiological production unit declared to be a free unit under sub-paragraph 3A(6) of Part I of Schedule 2 to the Order(**4**) or under regulation 12;

“fresh meat” means meat, including offal, which has not undergone any preserving process other than chilling, freezing or quick freezing, including meat that is vacuum wrapped or wrapped in a controlled atmosphere;

“health marked” means bearing the health mark required by article 5(2) of Regulation ([EC](#)) [No. 854/2004](#) of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(**5**) and “health mark” shall be construed accordingly;

“identification marked” means bearing the identification mark required by article 5(1) of Regulation ([EC](#)) [No. 853/2004](#) of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(**6**) and “identification mark” shall be construed accordingly;

“incubation period” means—

- (a) for cattle, pigs and other bovine animals and swine, 14 days; and
- (b) for other susceptible animals, 21 days;

“infected” means affected with disease and “infection” shall be construed accordingly;

“infected premises” means any premises declared to be infected premises under regulation 11(12);

“infection date” means, in respect of any premises, the date confirmed by the Chief Veterinary Officer under regulation 11(10) as the earliest date disease was present there;

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

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(3) O.J. No. L306, 22.11.2003, p.1

(4) As inserted by S.R. [2006 No. 41](#)

(5) O.J. No. L139, 30.4.2004, p.206. The revised text of the Regulation is contained in a corrigendum (O.J. No. L226, 25.6.2004, p83).

(6) O.J. No. L139, 30.4.2004, p.55. The revised text of the Regulation is contained in a corrigendum (O.J. No. L226, 25.6.2004, p22).

“keeper” means any person responsible for animals, whether on a permanent or temporary basis, but does not include a person who is responsible for animals solely because he is transporting them;

“meat preparation” means fresh meat, including meat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone process insufficient to modify its internal muscle fibre structure of the meat and thus to eliminate the characteristics of fresh meat;

“meat product” means a processed product resulting from the processing of meat or from the further processing of such processed products, so that the cut surface shows that the product no longer has the characteristics of fresh meat;

“mechanically separated meat” means the product obtained by removing meat from flesh-bearing bones after boning, using mechanical means resulting in the loss or modification of the muscle fibre structure;

“milk” includes cream, separated milk, skimmed milk and buttermilk;

“milk product” includes butter, cheese, yoghurt, whey and any other product the main constituent of which is milk;

“minced meat” means boned meat that has been minced into fragments and contains less than 1% salt;

“occupier” means, in relation to any premises, the person in charge of those premises;

“the Order” means the Diseases of Animals (Northern Ireland) Order 1981(7);

“overstamped” means in relation to a health marked or identification marked item bearing an additional diagonal cross consisting of two straight lines intersecting at the centre of the health mark or identification mark and allowing the information there to remain legible (whether or not that additional cross is applied by the same stamp as the mark);

“poultry” means all species of birds belonging to the orders listed in Part II of Schedule 1 to the Order;

“premises” includes land, with or without buildings;

“protection zone” means a protection zone declared under regulation 29 or 30;

“public highway” means a highway maintainable at public expense;

“raw milk” means milk that has not been heated to more than 40°C or undergone any treatment that has an equivalent effect;

“restricted zone” means a restricted zone declared under regulation 35;

“sell” means sell to the final consumer or user and “sale in the expression “consign for sale” shall be construed accordingly;

“slaughter” means any process which causes the death of an animal;

“slaughterhouse” means an establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption and which—

(c) is approved or conditionally approved under article 31(2) of Regulation (EC) No. 882/2004 of the European parliament and of the Council on official controls performed to ensure the verification of feed and food law, animal health and animal welfare rules(8), or

(d) although lacking the approval or conditional approval that it requires under article 4(3) of Regulation (EC) No. 853/2004 was, on 31st December 2005, operating as a licensed

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(7) 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 2006 No. 41

(8) O.J. No. L165, 30.4.2004, p.1. The revised text of the Regulation is contained in a corrigendum (O.J. No. L191, 28.5.2004, p.1)

slaughterhouse under the Food Hygiene Regulations (Northern Ireland) 2006 **(9)** or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995**(10)**;

“supplementary movement control zone” means a supplementary movement control zone declared under regulation 18(1);

“surveillance zone” means a surveillance zone declared under regulation 29 or 30;

“susceptible animal” means cattle, sheep, goat, deer, camel, llama, alpaca, guanaco, vicuna, any other ruminant, any swine (that is, a member of the suborder *Suina* of the order *Artiodactyla*), elephant or rodent (other than a pet rodent);

“suspected of being infected” means exhibiting clinical symptoms or showing post-mortem lesions or reactions to laboratory tests such that the presence of disease may reasonably be suspected;

“suspect premises” means any declared to be suspect premises under regulation 11(8) or 13(1);

“temporary control zone” means a temporary control zone declared under regulation 15(1) or (2);

“used litter” means any substance which has been used for the bedding of animals;

“vaccinate” means treat with hyperimmune serum or vaccine against the disease;

“vaccination surveillance zone” means a vaccination surveillance zone declared under regulation 13(1), 14(2) or 14(3) of the Foot-and-Mouth Disease (Control of Vaccination) Regulations (Northern Ireland) 2006**(11)**;

“a vaccination zone” means a vaccination zone declared under regulation 13(1) of the Foot-and-Mouth Disease (Control of Vaccination) Regulations (Northern Ireland) 2006;

“vehicle” means any means of transport and includes—

- (e) a trailer, semi-trailer or other thing which is designed or adapted to be towed by another vehicle;
- (f) anything on a vehicle;
- (g) a detachable part of a vehicle;
- (h) a container or other structure designed or adapted to be carried by or on a vehicle.

“wild animal” means an animal of a susceptible species living outside premises as defined in the Directive;

“wild animal infected zone” means a wild animal infected zone declared under regulation 37(1).

(2) References in these Regulations to “susceptible animals originating in” in respect of a protection zone or surveillance zone or “susceptible animals originating on” in respect of infected premises mean—

- (a) susceptible animals kept in the protection zone or surveillance zone (after the declaration of the zone) or on the infected premises, as the case may be; and
- (b) susceptible animals which were kept within the boundaries of the protection or surveillance zone or on the infected premises at any time during the period—
  - (i) beginning 21 days before the following date—
    - (aa) in the case of a protection zone, the earliest infection date on premises there;

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**(9)** S.R. 2006 No. 3

**(10)** (S.R. 1995 No. 396 as amended by S.R. 1997 No. 496, S.R. 1998 No. 237, S.R. 2000 No. 78, S.R. 2000 No. 191 and S.R. 2002 No. 217

**(11)** S.R. 2006 No. 43

- (bb) in the case of a surveillance zone, the earliest infection date on premises in the associated protection zone;
  - (cc) in the case of infected premises, the infection date; and
  - (ii) ending with the declaration of the protection zone, surveillance zone or infected premises, as the case may be.
- (3) References in these Regulations to “susceptible animals originating in” in respect of a vaccination or temporary control zone or “susceptible animals originating on” in respect of suspect premises or contact premises mean—
- (a) susceptible animals kept in the vaccination zone or temporary control zone (after the declaration of the zone) or on the suspect premises or contact premises, as the case may be; and
  - (b) susceptible animals which were kept within the boundaries of the vaccination zone or temporary control zone or on the suspect premises or contact premises at any time during the period—
    - (i) beginning 21 days before the declaration of the vaccination zone or temporary control zone or suspect premises or contact premises, as the case may be, and
    - (ii) ending with that declaration.
- (4) The Interpretation Act (Northern Ireland) 1954(12) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

### **Premises comprising common or unenclosed land**

3. For the purposes of these Regulations—
- (a) common or unenclosed land forms separate premises from other land unless—
    - (i) the parcels of land adjoin, and
    - (ii) all animals kept on each parcel of land are in the charge of the same person;
  - (b) a notice which is to be served on the occupier of premises wholly or partially comprising any common or unenclosed land is validly served if served on every keeper of animals kept there (so far as those persons are reasonably ascertainable);
  - (c) a requirement or restriction imposed on the occupier of premises wholly or partially comprising any common or unenclosed land applies to every keeper of animals kept there.

### **Licences and declarations**

4. (1) A licence granted to any person under these Regulations—
- (a) shall be in writing;
  - (b) may, in addition to any conditions authorised by other provisions of these Regulations, be made subject to such conditions as the Department considers necessary to prevent the spread of disease; and
  - (c) may be amended, suspended or revoked at any time.
- (2) A declaration made under these Regulations shall be in writing.
- (3) Any amendment to or revocation of a declaration shall be made by further declaration.

## Notices

5. (1) A notice served on any person under these Regulations may be amended or revoked in writing at any time.

(2) A notice which—

- (a) is served on the occupier of premises; and
- (b) imposes a requirement or restriction in respect of those premises,

shall contain a description of the premises sufficient to enable the extent of the premises to be ascertained.

(3) Such a description may be amended in writing by an inspector if he is satisfied that it does not describe an appropriate area for the purposes of investigating and monitoring the spread of disease in respect of animals which are usually kept together.

## Dissemination of information concerning prohibitions and requirements

6. (1) The Department shall take such steps as it considers fit to ensure that licences, declarations and notices are brought to the attention of those who may be affected by them as soon as is reasonably practicable.

(2) It shall also ensure that—

- (a) the extent of any zone declared under these Regulations;
- (b) the nature of the prohibitions and requirements applicable within the zone;
- (c) the date of its declaration; and
- (d) the date that declaration ceases to have effect in respect of the zone or any part of it,

are publicised.

## Disinfection

7. Disinfection under this Order shall be carried out with a disinfectant which is—

- (a) approved for use for the purpose of these regulations, the foot and Mouth Disease (Control of Vaccination) Regulations (Northern Ireland) and by the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972 (13); and
- (b) used in accordance with the manufacturer's instructions or recommendations (if any) and in particular, if use is recommended before any date, used before that date.

## PART II

### NOTIFICATION, SUSPICION AND INVESTIGATION OF DISEASE

#### Notification of disease or suspected disease

8. (1) Subject to paragraph (5) a person who has in his possession or charge an animal or carcase which is infected or suspected of being infected shall immediately notify the Divisional Veterinary Office.

(2) Subject to paragraph (5) a person who in the course of his occupation discovers that an animal or carcase not in his possession or charge is infected or suspected of being infected shall immediately notify the Divisional Veterinary Office.

(3) If the occupier of any premises notifies a Divisional Veterinary Officer under this regulation of an animal or carcase at those premises or becomes aware of such a notification, Schedule 1 shall then apply in respect of those premises.

(4) Without prejudice to paragraph (3), if a Divisional Veterinary Officer receives a notification under this regulation in relation to an animal or carcase from someone other than the occupier of the premises where the animal or carcase is located, he may serve a notice on the occupier informing him of the notification and Schedule 1 shall then apply in respect of those premises.

(5) Paragraphs (1) and (2) shall not apply to a person in possession of or carrying the disease pathogen in accordance with the terms of a licence granted under the Specified Animal Pathogens Order (Northern Ireland) 1999<sup>(14)</sup>.

### **Notice of suspicion of disease**

**9.** (1) If an inspector knows or suspects that disease is present or has in the previous 56 days been present on any premises, he shall immediately serve a notice on the occupier stating that fact and Schedule 1 shall then apply in respect of those premises.

(2) If an inspector knows or suspects that an animal suspected of being contaminated is present or has within 56 days been present on any premises, he shall immediately serve a notice on the occupier stating that fact and Schedule 1 shall then apply in respect of those premises.

### **Suspicion of disease in an animal in transit**

**10.** (1) If an inspector knows or suspects that an animal in transit is infected or contaminated he shall immediately serve a notice on the keeper of the animal(if present) and on the person in charge of the vehicle in which it is carried—

- (a) stating that fact;
- (b) directing the transport of the animal and any animal with it to such premises as he considers fit; and
- (c) detaining any vehicle, equipment or other thing suspected of contamination at a suitable place until it has been cleansed and disinfected in accordance with any direction given by the inspector.

(2) The inspector shall immediately serve a notice under regulation 9 on the occupier of premises

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- (a) from which the animals originated; and
- (b) to which animals are directed on their arrival,

stating that those premises are under restriction and Schedule 1 shall then apply in respect of those premises.

(3) Any expenses arising out of the transport of any animal (including for feeding, watering and other welfare) under this regulation shall be paid by its owner.

(4) The person in charge of any vehicle detained under paragraph (1)(c) shall cleanse and disinfect it without delay at his own expense in accordance with the Transport of Animals and Poultry (Cleansing and Disinfection) Order (Northern Ireland) 2000<sup>(15)</sup> and with any additional requirements an inspector imposes by serving a notice on him.

(5) The person in charge of any equipment or other thing detained under paragraph (1)(c) shall cleanse and disinfect it at his own expense and in accordance with the directions of an inspector.

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<sup>(14)</sup> S.R. 1999 No. 434

<sup>(15)</sup> S.R. 2000 No. 293

## **Veterinary inquiry into the existence of disease and declaration of suspect premises and infected premises**

11. (1) The Chief Veterinary Officer shall ensure that the presence or suspicion of infection or contamination is investigated in accordance with this regulation by an inspector as soon as is reasonably practicable.

(2) The Chief Veterinary Officer shall ensure that the presence or absence of disease on any premises within a temporary control zone—

- (a) where an inspector has reasonable grounds for believing that disease is present or has been present in the preceding 56 days; or
- (b) where susceptible animals are kept or have in the 56 days before the declaration of that zone been kept,

is investigated in accordance with this regulation by an inspector as soon as is reasonably practicable.

(3) The inspector carrying out investigations in pursuance of this regulation shall take all steps he considers necessary to determine whether disease is present or has been present on the premises to which his investigations relate in the 56 days before the commencement of the investigation and any related circumstances.

(4) Subject to paragraph (5) in taking such steps he shall ensure that any samples necessary for that determination are taken.

(5) Sampling shall not be considered necessary on premises which the Chief Veterinary Officer considers to be epidemiologically linked with a primary source of disease for which samples have already been taken.

(6) The inspector carrying out investigations in pursuance of this regulation may mark any animal, carcase or other thing liable to spread disease found on the premises.

(7) The occupier of any premises under such investigation shall—

- (a) make any records required for an investigation under this regulation available to the inspector investigating on demand; and
- (b) give such information as he possesses to that inspector concerning—
  - (i) the diseased or suspected animal or carcase; and
  - (ii) any other animal or carcase or land or premises where animals are kept.

(8) If the inspector carrying out investigations in pursuance of this regulation considers it necessary to submit a serological sample for testing to determine whether disease exists or has within 56 days existed on the premises, he shall declare the premises to be suspect premises.

(9) If his opinion is that disease exists or has in the 56 days before the commencement of the investigation existed on any premises the inspector shall communicate to a Divisional Veterinary Officer that fact and his opinions on at least the following—

- (a) the earliest date disease was present there;
- (b) the origin of disease;
- (c) any other premises which may have been contaminated from the same origin;
- (d) the extent to which any animal other than bovine animals or swine may have been infected or contaminated;
- (e) any premises to or from which disease may have been carried;
- (f) any other premises which he suspects to be contaminated;



(g) whether any premises under inquiry comprise two or more separate production units in accordance with paragraph 3A(7) of Part I of Schedule 2 to the Order<sup>(16)</sup>,

and in sub-paragraphs (c), (e) and (f) “premises” includes premises outside Northern Ireland.

(10) The Chief Veterinary Officer shall consider and may confirm every opinion communicated to him under this regulation.

(11) Where the Chief Veterinary Officer concludes after consideration of any opinion communicated to him under this regulation, that one or more of the criteria in Schedule 2 are satisfied in respect of any premises, he shall confirm the presence of the disease on the premises in question.

(12) If the Chief Veterinary Officer confirms disease at any premises the Department shall declare those premises to be infected premises.

(13) A declaration made under paragraph (8) or (12) this regulation shall be by notice served on the occupier.

(14) Any infected premises is an infected premises for the purposes of the Order.

### **Separate production units**

**12.** (1) The Department may by notice served on the occupier of any premises (other than infected premises) investigated under regulation 11 declare that they are to be regarded as two or more separate production units if the Chief Veterinary Officer advises at the time of the veterinary inquiry that in his opinion—

- (a) the premises comply with the criteria in sub-paragraphs (a) to (c) of paragraph 3A(7) of Part I of Schedule 2 to the Order; and
- (b) each of those paragraphs has applied continuously for at least—
  - (i) 28 days immediately prior to the date of the inquiry, if only bovine animals or swine have been on the premises within that period, or
  - (ii) 42 days immediately prior to that date in any other case.

(2) A declaration under paragraph (1) shall identify and designate the boundaries of each separate unit and shall declare every separate unit which is free of disease to be a free unit.

(3) An unit shall cease to be a free unit on—

- (a) variation of the notice declaring it such that it is no longer declared to be a free unit; or
- (b) revocation of the notice.

### **Tracing of possible disease spread**

**13.** (1) The Department shall declare premises (other than infected premises) to be suspect premises where the Chief Veterinary Officer advises that he suspects them of contamination from premises already declared to be suspect or infected premises or from a suspected case of disease outside Northern Ireland.

(2) The Department shall declare premises (other than infected premises or suspect premises) to be contact premises where the Chief Veterinary Officer advises either—

- (a) that disease may have been carried there from any premises; or
- (b) that disease may have been carried to any premises from there,

and in sub-paragraphs (a) and (b) “premises” includes premises outside Northern Ireland.

(3) A declaration under this regulation shall be by notice served on the occupier.

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(16) As inserted by S.R. 2006 No. 41

(4) The Department shall ensure that any premises declared to be suspect premises or contact premises under this regulation are subjected to investigation in accordance with regulation 11 as soon as is reasonably practicable.

(5) Where, following a declaration under regulation 12(1), premises are to be regarded as consisting of separate production units the Department shall amend any declaration under paragraph (2) to specify to or from which units disease may have been carried and only those units so specified shall form the contact premises.

(6) Schedule 1 applies to suspect premises or contact premises declared under this regulation.

### **Maintenance of measures in respect of premises**

**14.** (1) If premises are declared to be infected premises, they shall no longer be suspect premises or contact premises.

(2) Schedule 1 shall continue to apply to premises if they are declared to be infected premises.

(3) The Department shall not revoke any notice declaring premises to be suspect premises until there is no longer any suspicion of infection or contamination there.

(4) The Department shall not revoke any notice declaring premises to be contact premises until there is no longer any suspicion that disease may have been carried there or from there.

(5) The Department shall not revoke any notice declaring premises to be infected premises until completion of the final cleansing and disinfection measures in paragraphs 5 to 7 of Part II of Schedule 3.

### **Declaration of a temporary control zone**

**15.** (1) On the declaration of any suspect premises the Department shall also declare an area around those premises of such size as it considers fit to prevent the spread of disease to be a contemporary control zone.

(2) If the Department is satisfied that an animal or carcase in the Republic of Ireland is suspected of being infected or contaminated, it may declare a temporary control zone in such part of Northern Ireland and of such size as it considers fit to prevent the spread of disease.

(3) An area shall remain a temporary control zone (or part of one) until—

- (a) it becomes part of a protection zone or a surveillance zone; or
- (b) the Department is advised by the Chief Veterinary Officer that he no longer suspects infection there.

(4) If the Department is advised as mentioned in paragraph (3)(b)—

- (a) It shall revoke the declaration creating the temporary control zone in question if the area comprises the whole of that zone; or
- (b) If the area does not comprise the whole of that zone, it shall amend the declaration so as to exclude that area.

(5) Any amendment or revocation of a declaration creating a temporary control zone shall refer to that declaration and state the date and time it is to take effect.

(6) Any premises which are partly inside and partly outside a temporary control zone shall be deemed to be wholly inside it.

(7) Nothing in paragraph (6) shall deem any part of a premises outside Northern Ireland to be inside a temporary control zone.

### **Measures applicable in respect of a temporary control zone**

16. (1) A person shall not move any susceptible animal into or out of a temporary control zone, except where the movement is—

- (a) through the zone without stopping; or
- (b) necessary to complete a journey started before the creation of the zone.

(2) Subject to paragraph (3), a person shall not move any susceptible animal from or to premises in a temporary control zone (without leaving that zone) except to complete a journey started before the creation of that zone or under the authority of a licence granted by the Department.

(3) The Department may, after considering the factors in paragraph (4), declare that instead of the restriction in paragraph (2) all the following measures apply in a temporary control zone—

- (a) the occupier of any premises in the zone where susceptible animals are kept shall create and maintain a record in accordance with paragraph 1 of Schedule 1;
- (b) the occupier of any premises in the zone where susceptible animals are kept shall isolate animals in accordance with paragraph 3 of Schedule 1 and comply with the requirements of any notice served on him under that paragraph;
- (c) Paragraphs 4 to 7 and 10 and 11 of that Schedule shall apply to premises in the zone where susceptible animals are kept.

(4) When considering a declaration under paragraph (3), the Department shall take into account the following factors in respect of the temporary control zone—

- (a) the density of the population of susceptible animals;
- (b) the intensity of movements of animals or persons having contact with susceptible animals;
- (c) any suspected delay in detecting suspicion of infection or contamination;
- (d) the information available to it as to the possible origin and method of introduction of the disease virus; and
- (e) any other factor it considers relevant in deciding whether such a declaration will help prevent the spread of disease and is reasonable in the circumstances.

(5) The measures in paragraphs (2) and (3) apply—

- (a) subject to regulation 19(2)(b), and
- (b) in addition to any requirement or restriction which applies in any part of a temporary control zone because that part falls within—
  - (i) a vaccination zone or vaccination surveillance zone, or
  - (ii) a wild animal infected zone.

### **Supplementary measures in respect of a temporary control zone: straying of susceptible animals**

17. (1) The owner or keeper of a susceptible animal in a temporary control zone shall take all such steps as are necessary to prevent it from straying from the premises on which it is kept.

(2) An inspector may detain any stray or feral susceptible animal found in a temporary control zone.

### **Declaration of supplementary movement control zone**

18. (1) When a temporary control zone has been declared, the Department may also declare a supplementary movement control zone which—

- (a) shall be of such size as it considers fit to prevent the spread of disease; and

- (b) shall include that temporary control zone.
- (2) An area shall remain a supplementary movement control zone (or part of one) until—
  - (a) it becomes part of a protection zone or a surveillance zone;
  - (b) the declaration of the temporary control zone included within it ceases to have effect;
  - (c) the Department amends the declaration of the supplementary movement control zone so as to exclude that area; or
  - (d) the Department revokes the declaration of the supplementary movement control zone.
- (3) Any amendment or revocation of a declaration creating a supplementary movement control zone shall refer to that declaration and state the date and time it is to take effect.
- (4) Any premises which are partly inside and partly outside a supplementary movement control zone shall be deemed to be wholly inside it.
- (5) Nothing in paragraph (4) shall deem any part of a premises outside Northern Ireland to be inside a supplementary movement control zone.
- (6) A supplementary movement control zone applies in respect of—
  - (a) susceptible animals; and
  - (b) any class of non-susceptible animal specified in the declaration in question during a period also specified in that declaration which shall not exceed 72 hours from the time the declaration was made unless justified by exceptional circumstances.

#### **Measures applicable in respect of a supplementary movement control zone**

- 19.** (1) A person shall not move an animal in respect of which a supplementary movement control zone applies from or to any premises in a such a zone or into or out of such a zone except where the movement is—
- (a) through the zone without stopping;
  - (b) necessary to complete a journey started before the creation of the zone; or
  - (c) the movement of a horse for veterinary treatment under the authority of a licence granted by the Department.
- (2) Paragraph (1) applies—
- (a) without prejudice to regulation 16(1); or
  - (b) in a temporary control zone in place of regulation 16(2) or, where there was a declaration of measures in a temporary control zone under regulation 16(3), in place of paragraph 4 of Schedule 1; and
  - (c) in addition to any requirement or restriction which applies in any part of a temporary control zone or a supplementary movement control zone because that part falls within—
    - (i) a vaccination zone or vaccination surveillance zone, or
    - (ii) a wild animal infected area.
- (3) When granting a licence under paragraph (1)(c) the Department shall take account of the recommended measures in paragraph 2.1 of Annex VI to the Directive.

## PART III

### MEASURES FOLLOWING CONFIRMATION OF DISEASE

#### **Tracing of products originating on infected premises**

**20.** (1) The Department shall trace all milk, milk products, meat, meat products, carcasses, hides and skins and wool, semen, ova and embryos derived from susceptible animals originating on infected premises.

(2) After tracing any semen, ovum or embryo, the Department shall, by notice served on the person in charge of it, direct that person to dispose of it.

(3) After tracing any other item referred to in paragraph (1), the Department shall, by notice served on its owner, or if the owner is not readily ascertainable, the person in charge of it, direct the owner or that person to either—

- (a) arrange for such treatment as the Department considers necessary to ensure the destruction of the disease virus; or
- (b) dispose of it.

#### **Notice of intention to slaughter animals**

**21.** (1) Where the Department proposes to slaughter an animal under paragraph 3, 3A or 3B of Part 1 of Schedule 2 to the Order it shall serve notice of its intention to cause such slaughter—

- (a) on the occupier of the premises where the animal is kept; or
- (b) where the animal is in transit, on the person in charge of it.

(2) Paragraph (1) does not apply where the Department intends to cause the slaughter of a stray or feral animal detained by an inspector under regulation 17(2) or under paragraph 2(2) of Part I of Schedule 5 or paragraph 5(2) of Schedule 7.

#### **Sampling and clinical examination of a susceptible animal before slaughter**

**22.** Where the Department serves notice of its intention to cause the slaughter of a susceptible animal under paragraph 3, 3A or 3B of Part I of Schedule 2 to the Order, it shall ensure that any sampling and clinical examination it considers necessary to carry out under a veterinary inquiry in regulation 11 has been undertaken before, or immediately following, such slaughter.

#### **Place of slaughter**

**23.** (1) This regulation applies where the Department serves notice under regulation 21 of its intention to cause the slaughter of a susceptible animal under paragraph 3, 3A or 3B of Part I of Schedule 2 to the Order.

(2) Subject to paragraph (5) where the animal to be slaughtered is on particular premises, slaughter shall take place there without delay.

(3) Paragraph (2) shall not apply where—

- (a) in the opinion of the Department the slaughter on those premises would be an unsatisfactory method of preventing the spread of disease; or
- (b) the premises are a slaughterhouse.

(4) In the case referred to in paragraph (3) the Department may direct that slaughter be carried out at another place it considers satisfactory for the purpose of preventing the spread of disease.

(5) Where the animal to be slaughtered is in transit, it shall be transported to such place for slaughter as the Department may direct as soon as is reasonably practicable and before slaughter.

(6) In directing transport to any place under this regulation the Department shall grant a licence under Schedule 1 authorising movement of the animal, persons and vehicle necessary for that action under such conditions as it considers fit to minimise the risk of spread of disease.

#### **Slaughter: control of carcasses**

**24.** (1) This regulation applies to every carcase of a susceptible animal on premises where the Department has caused the slaughter of an animal under paragraph 3, 3A or 3B of Part I of Schedule 2 to the Order.

(2) A person shall not move any carcase to which this regulation applies from the premises except for disposal and under the authority of a licence granted by the Department.

(3) The Department shall ensure that every carcase to which this regulation applies is disposed of without undue delay, and in so ensuring—

- (a) It may serve a notice on the occupier requiring immediate disposal or disposal within a specified period; and
- (b) It shall grant any necessary licence under paragraph (2).

(4) A person shall not, except under the authority of a licence granted by the Department, dig up or cause to be dug up the carcase of any animal which has died of disease or has been slaughtered by the Department.

#### **Slaughter: control of faecal material**

**25.** (1) This regulation applies to premises where the Department has caused the slaughter of an animal under paragraph 3, 3A or 3B of Part I of Schedule 2 to the Order.

(2) A person shall not move any dung, manure, slurry or used litter of a susceptible animal from premises in relation to which this regulation applies except—

- (a) for disposal under the authority of a licence granted by the Department; or
- (b) where such material is from a slaughterhouse, for treatment in accordance with point 5 of Section II in Part A of Chapter III of Annex VIII to Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption, as amended<sup>(17)</sup>, and under the authority of a licence granted by the Department.

#### **Slaughter: isolation of things liable to spread disease**

**26.** (1) This regulation applies to the occupier of—

- (a) any premises, other than a slaughterhouse, where the Department has caused the slaughter of an animal under paragraph 3, 3A or 3B of Part I of Schedule 2 to the Order;
- (b) any premises, other than a slaughterhouse, where the Department has caused the slaughter of an animal under paragraph 3, 3A or 3B of Part I of Schedule 2 to the Order, in a case where it directs that this regulation applies; and
- (c) any slaughterhouse where the Department has caused the slaughter of an animal under The Foot-and-Mouth Disease (Control of Vaccination) Regulations (Northern Ireland) 2006 or the Order in a case where it directs that this regulation applies.

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<sup>(17)</sup> O.J. No. L273, 10.10.2002, p.1 as last amended by Commission Regulation (EC) No. 668/2004 (O.J. No. L112, 19.4.2004, p.1).

(2) Subject to paragraph (3) a person to whom this regulation applies shall isolate all milk, milk products, meat, meat products, carcasses, hides and skins, wool, semen, embryos, ova, slurry, manure, animal feed and used litter on the premises until—

- (a) the Department declares by notice served on that person that all such items are free of contamination; or
- (b) all such items have been treated in accordance with its directions; or
- (c) the Department grants a licence authorising any such item to be removed from the premises to be treated in accordance with Regulation (EC) No. 1774/2002 as amended.

(3) Paragraph (2) does not apply to milk on free units where this is authorised by a licence granted by the Department.

(4) A licence granted under paragraph (3) shall contain terms requiring that—

- (a) where it is for human consumption, the milk is subjected to one of the treatments in paragraph 3 of Part IV of Schedule 6; or
- (b) where it is not for human consumption, the milk is subjected to one of the treatments in paragraph 4 of Part IV of Schedule 6.

#### **Slaughter: cleansing and disinfection of premises other than slaughterhouses**

27. (1) This regulation applies to any premises, other than a slaughterhouse, where the Department has caused the slaughter of an animal under paragraph 3, 3A or 3B of Part I of Schedule 2 to the Order and to any vehicle on those premises after—

- (a) disposal of all carcasses from those premises in accordance with regulation 24; and
- (b) if regulation 26(2) applies, isolation of the items referred to in that paragraph.

(2) The Department shall ensure that every building, other part of the premises, vehicle used to carry a susceptible animal and any other thing or place on the premises normally used by an animal which may be contaminated is cleansed and disinfected in accordance with Schedule 3.

(3) The Department shall ensure that any part of the premises normally used by humans to the exclusion of an animal (including a dwelling) it suspects to be contaminated is cleansed and disinfected in accordance with Schedule 3.

#### **Slaughter; cleansing and disinfection of slaughterhouses**

28. (1) This regulation applies to a slaughterhouse where the Department has caused the slaughter of an animal under paragraph 3, 3A or 3B of Part 1 of Schedule 2 to the Order, and to any vehicle there, after—

- (a) the disposal of all carcasses in accordance with regulation 24; and
- (b) if the Department grants a licence under regulation 25(2), removal for disposal or treatment of the items referred to in that sub-paragraph.

(2) The Department shall ensure that every building and place, equipment, vehicle and other thing which may be contaminated on premises to which this regulation applies are cleansed and disinfected in accordance with Schedule 3.

(3) A person shall not move any animal onto the premises until at least 24 hours after completion of the final cleansing and disinfection measures in paragraphs 5 to 7 of Part II of Schedule 3.

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

**29.** (1) The Department shall, declare an area to be a protection zone and an area to be a surveillance zone in the circumstances mentioned in paragraph (2).

(2) The circumstances referred to in paragraph (1) are when the Chief Veterinary Officer confirms disease on premises in Northern Ireland, other than—

- (a) at a slaughterhouse; or
- (b) on premises to which infected or contaminated animals have been transported following a direction under regulation 10(1)(b).

(3) The Department may declare an area to be a protection zone in the circumstances mentioned in paragraph (4) and if it decides to do so, it shall also declare an area to be a surveillance zone.

(4) The circumstances referred to in paragraph (3), are when the Chief Veterinary Officer confirms the disease—

- (a) at a slaughterhouse in Northern Ireland;
- (b) on premises in Northern Ireland to which an infected or contaminated animal has been transported following a direction under regulation 10(1)(b); or
- (c) at premises in the Republic of Ireland.

(5) Subject to paragraph (6), a protection zone or surveillance zone declared under this regulation shall be of such size as the Department considers fit to prevent the spread of disease.

(6) A declaration under this regulation shall designate—

- (a) the extent of the protection zone which shall be centred on infected premises and of at least three kilometres minimum radius; and
- (b) the extent of the surveillance zone which shall be centred on the same premises and of at least ten kilometres minimum radius.

(7) The Department may declare by notice that any other measure it considers fit so as to prevent the spread of disease shall apply in respect of the whole or any part of any protection or surveillance zone and any such measure shall then apply in respect of that protection or surveillance zone or that part of it.

(8) The Department shall ensure that signs marking the boundaries of protection and surveillance zones are erected in a conspicuous position on roads entering those zones.

(9) The Department shall take such steps as it considers necessary to ensure that all persons within the zone are made fully aware of the restrictions in force in relation to that zone.

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

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

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

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

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



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

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

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

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

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

#### **Protection zones and surveillance zones: general provisions**

**31.** (1) Any premises which are partly inside and partly outside a protection zone shall be deemed to be wholly inside that zone.

(2) Any premises (except premises which are also partly inside a protection zone) which are partly inside and partly outside a surveillance zone shall be deemed to be wholly inside that zone.

(3) Any protection zone or surveillance zone is an infected area for the purposes of the Order.

(4) Nothing in paragraph (1) shall deem any part of a premises outside Northern Ireland to be inside a protection zone and nothing in paragraph (2) shall deem any such part of a premises to be inside a surveillance zone.

#### **Measures applicable in respect of protection zones and surveillance zones**

**32.** (1) The measures in Parts I and II of Schedule 5 apply in respect of a protection zone and those in Parts I and III of Schedule 5 apply in respect of a surveillance zone.

(2) The Department may declare that any other measure it considers fit so as to prevent the spread of disease applies in respect of the whole or any part of any protection zone or surveillance zone and any such measure shall then apply in respect of that protection zone or surveillance zone or that part of it.

(3) The Department shall not make a declaration under paragraph (2), unless it is satisfied that the measures to be applied by that declaration are—

- (a) necessary to prevent the spread of disease; and
- (b) a proportionate method of preventing such spread, taking into account the epidemiological, animal husbandry, commercial and social conditions in the protection zone or surveillance zone.

(4) The Department shall take into account the recommended measures in paragraph 2.2 of Annex VI to the Directive before restricting the movement of horses in a surveillance zone by a declaration under paragraph (2).

(5) An area shall remain a protection or surveillance zone until the declaration creating it is amended or revoked in accordance with regulation 34.

### **Veterinary inspection of premises in protection zones and surveillance zones**

**33.** (1) The Department shall ensure that every premises within a protection zone or a surveillance zone where susceptible animals are kept is inspected by an inspector as regularly as it considers fit to prevent the spread of disease.

(2) An inspector inspecting premises under this regulation shall ensure that the inspection includes—

- (a) clinical inspection of all susceptible animals; and
- (b) inspection of the records required to be created and maintained by paragraph 1 of Schedule 5.

### **Amendment and revocation of declarations creating protection zones and surveillance zones**

**34.** (1) The Department may, where it is satisfied that the conditions in paragraph (2) are met, amend the declaration creating a protection zone so that the area within its boundaries becomes part of the surveillance zone centred on the same premises.

(2) The conditions for amendment of a declaration creating a protection zone are—

- (a) at least 15 days have elapsed since the completion of any preliminary cleansing and disinfection in that protection zone; and
- (b) a survey of all susceptible animals to substantiate the absence of infection has been carried out on behalf of the Department in that protection zone with negative results.

(3) The Department may, where it is satisfied that the conditions in paragraph (4) are met, revoke the declaration creating a surveillance zone.

(4) The conditions for revocation of a declaration creating a surveillance zone are—

- (a) at least 30 days have elapsed since completion of any cleansing and disinfection in the area within the boundaries of that surveillance zone; and
- (b) if the declaration creating that surveillance zone also created a protection zone centred on the same premises, it has previously been amended so that the protection zone has become part of the surveillance zone;
- (c) if the declaration creating that surveillance zone did not create a protection zone centred on the same premises, any zone in the Republic of Ireland having equivalent effect to a protection zone and centred on the same premises as that surveillance zone is no longer in effect; and
- (d) a survey of susceptible animals to substantiate the absence of infection has been carried out in that surveillance zone since that amendment on behalf of the Department with negative results.

(5) An amendment or revocation under this regulation shall refer to the declaration creating the protection zone and surveillance zone and specify the date and time the amendment or revocation is to take effect.

(6) In this regulation, “preliminary cleansing and disinfection” means cleansing and disinfection undertaken in accordance with paragraphs 2 and 3 of Part II of Schedule 3 as required by regulations 27 and 28 and ending 24 hours after the application of disinfectant.

### **Declaration of a restricted zone**

**35.** (1) The Department shall declare a restricted zone if the Chief Veterinary Officer advises it that in his opinion disease has become extensive in Northern Ireland and the declaration of such a zone would prevent its spread.

(2) The Department may, on confirmation by the Chief Veterinary Officer of disease on premises in Northern Ireland, declare an area to be a restricted zone.

(3) A restricted zone shall be in such part of Northern Ireland and of such size as the Department considers fit to prevent the spread of disease, having considered a thorough epidemiological assessment of the situation.

(4) The epidemiological assessment shall include consideration of the of the possible time and probable location of introduction of disease to Northern Ireland, its possible spread and the probable period of time necessary to eradicate it.

(5) An area shall remain a restricted zone (or part of one) until—

- (a) such date as may be stated in the declaration;
- (b) the Department amends the declaration to exclude that area; or
- (c) the Department revokes the declaration.

(6) Any amendment or revocation of a declaration creating a restricted zone shall refer to that declaration and state the date and time it is to take effect.

(7) Subject to paragraph (8) any premises which are partly inside and partly outside a restricted zone shall be deemed to be wholly inside that restricted zone.

(8) Paragraph (7) does not apply to premises which are also partly inside—

- (a) a temporary control zone; or
- (b) a supplementary movement control zone;
- (c) a protection zone;
- (d) a surveillance zone;
- (e) a vaccination zone;
- (f) a vaccination surveillance zone; or
- (g) a wild animal infected zone.

(9) The Department shall take such steps as it considers necessary to ensure that all persons within the zone are made fully aware of the restrictions in force in relation to that zone.

(10) Nothing in paragraph (7) shall deem any part of a premises outside Northern Ireland to be part of a restricted zone.

### **Measures applicable in respect of a restricted zone**

**36.** (1) The measures in Schedule 7 apply in respect of a restricted zone in addition to any requirements or restriction applying in any part of it because that part falls within a zone listed in regulation 35(8).

(2) The Department may declare by notice any other measure it considers fit so as to prevent the spread of disease in respect of the whole or any part of any restricted zone and any such measure shall then apply in respect of that restricted zone or that part of it.

### **Presence of disease in a wild animal and declaration of a wild animal infected zone**

**37.** (1) The Department shall, on confirmation of the disease in a wild animal in Northern Ireland, declare an area to be a wild animal infected zone.

(2) The Department may, if it is satisfied that disease is present in a wild animal in the Republic of Ireland, declare a wild animal infected zone in Northern Ireland.

(3) A wild animal infected zone shall be in such part of Northern Ireland and of such size as the Department considers fit to prevent the spread of disease.

(4) An area shall remain a wild animal infected zone (or part of one) until—

- (a) such date as may be stated in the declaration;
- (b) the Department amends the declaration to exclude that area; or
- (c) the Department revokes the declaration.

(5) Any amendment or revocation of a declaration creating a wild animal infected zone shall refer to that declaration and state the date and time it is to take effect.

(6) Any premises which are partly inside and partly outside a wild animal infected zone shall be deemed to be wholly inside that zone.

(7) Nothing in paragraph (6) should deem any part of a premises outside Northern Ireland to be within a wild animal infected zone.

(8) Any wild animal infected zone is an infected area for the purposes of the Order.

#### **Measures applicable in a wild animal infected zone**

**38.** (1) The measures in Schedule 8 apply in respect of a wild animal infected area in addition to any measures applying in any part of it because that part falls within—

- (i) a protection zone;
- (ii) a surveillance zone;
- (iii) a vaccination zone; or
- (iv) a vaccination surveillance zone.

(2) The Department may declare that any other measure it considers fit so as to prevent the spread of disease applies in respect of the whole or any part of a wild animal infected zone and any such measure shall then apply in respect of that wild animal infected zone or part of it.

(3) The Department shall take such steps as it considers necessary to ensure that all persons within the zone are made fully aware of the restrictions in force in relation to that zone.

## **PART IV**

### **GENERAL AND SUPPLEMENTARY PROVISIONS**

#### **Production of licences**

**39.** (1) A person granted a licence under these Regulations shall, while executing the activity permitted by that licence, carry the licence and produce it to an inspector on demand.

(2) Paragraphs (3) and (4) apply where any of the following licences are granted for movement of susceptible animals between premises, unless that licence provides otherwise—

- (a) a licence for movement to or from premises in a temporary control zone under regulation 16(2) or paragraph 4 of Schedule 1 (movement of a susceptible animal);
- (b) a licence for movement to a slaughterhouse under paragraph 1 of Part II of Schedule 5 (movement of a susceptible animal from or to premises in a protection zone);
- (c) a licence for movement to a slaughterhouse under paragraph 1 of Part III of Schedule 5 (movement of an animal from premises in a surveillance zone);
- (d) a licence for movement to or from premises in a restricted zone under paragraph 1 of Schedule 7 (movement of a susceptible animal in a restricted zone).

(3) Where this paragraph applies, a person shall not unload susceptible animals on premises to which they are moved unless that person first gives the movement licence to the occupier of those premises or his authorised representative.

(4) Where this paragraph applies, the occupier of any premises to which susceptible animals are moved shall—

- (a) forward the movement licence without delay to the Divisional Veterinary Office and, in the case of the occupier of a slaughterhouse, provide a copy to any official veterinary officer appointed for those premises;
- (b) retain a copy of the licence for a period of six months and produce it on demand for inspection by an inspector;
- (c) in the case of the occupier of a collecting centre, ensure that sheep are marked or tagged in accordance with the directions of an inspector so as to enable the identity of the collecting centre and the premises from which they were moved to be established throughout their onward movement to a slaughterhouse.

#### **Further provision relating to certain premises**

**40.** (1) This regulation applies to the following premises—

- (a) a laboratory, zoo, wildlife park or other premises where susceptible animals are kept principally for the purposes of display and education of the public, or an enclosed area principally used for shooting;
- (b) premises not falling within (a) of a body, institute or centre which—
  - (i) keeps susceptible animals only for the purposes of conservation, display and education of the public, or scientific research or breeding of such animals for research, and
  - (ii) is approved in relation to those animals under regulation 9 of the Animal and Animal Products (Import and Export) Regulations (Northern Ireland) 2005(18);
- (c) other premises where susceptible animals are kept for scientific purposes or purposes related to conservation of species or farm animal genetic resources.

(2) The Department shall take such steps as it considers necessary to prevent the spread of disease to premises to which this regulation applies.

(3) In taking such steps, the Department may—

- (a) require the detention and isolation of any vehicle, equipment or other thing on premises to which this regulation applies and its subsequent cleansing and disinfection by serving a notice requiring such action on the occupier, or on the person in charge of the vehicle, equipment or other thing;
- (b) require the cleansing and disinfection of any premises to which this regulation applies in accordance with Schedule 3 by serving a notice requiring such action on the occupier;
- (c) require the removal, laundering, cleansing and disinfection or disposal of the clothing or footwear of any person by serving a notice on him;
- (d) require any person to cleanse himself by serving a notice on him;
- (e) require the detention or isolation in a specified place of any animal or poultry on premises to which this regulation applies by serving a notice on the occupier, or on its keeper;

- (f) require the separation of any animal or poultry from other animals or poultry on premises to which this regulation applies by serving a notice on the occupier of the premises, or on its keeper;
- (g) prohibit the movement of any animal from or to premises to which this regulation applies, or make such movement subject to the grant of a licence by serving a notice on the occupier prohibiting it or prohibiting it except under licence;
- (h) prohibit the movement of any person or persons on to premises to which this regulation applies and which are open to the public, or make such movement subject to the grant of a licence by serving a notice on the occupier prohibiting it or prohibiting it except under licence.

#### **Duty of the Department to erect signs**

41. The Department shall ensure that the boundaries of the following zones are indicated by signs erected in a conspicuous position on all roads entering the zones on which it considers susceptible animals are likely to be moved as soon as is reasonably practicable after declaration of the zones—

- (a) every temporary control zone;
- (b) every supplementary movement zone;
- (c) every protection zone;
- (d) every surveillance zone;
- (e) every restricted zone;
- (f) every wild animal infected zone.

#### **Cleansing and disinfection of vehicles transporting susceptible animals**

42. (1) Subject to paragraph (3) where cleansing and disinfection of any vehicle in accordance with this regulation is required, it shall be carried out in accordance with the Transport of Animals and Poultry (Cleansing and Disinfection) Order (Northern Ireland) 2000(19) and with any additional directions an inspector imposes by serving a notice on the person in charge of the vehicle.

(2) Such cleansing and disinfection shall be undertaken—

- (a) before loading; and
- (b) after unloading and before leaving the premises of destination.

(3) Such cleansing and disinfection shall also be undertaken after loading and before leaving the premises of origin in respect of the wheels and wheel arches only of the vehicle to ensure they are clean on leaving the premises.

(4) In addition to the requirements of paragraph (1);

- (a) the wheels, mudguards and wheel arches of a means of transport shall be cleansed whether or not they are soiled and whether or not the animals were transported in a container; and
- (b) every part of a means of transport required to be cleansed shall also be disinfected.

#### **Cleansing and disinfection of vehicles: provision of facilities, equipment and materials**

43. Where cleansing and disinfection of vehicles is required at any premises by these Regulations the occupier of those premises shall, at his own expense, provide adequate facilities and proper equipment and materials for that cleansing and disinfection.

### **Surveillance**

44. A person carrying out a clinical examination or serological sampling for the purposes of these Regulations shall do so in accordance with the requirements of Annex III of the Directive.

### **Testing**

45. A person carrying out a diagnostic test for the purposes of these Regulations shall do so in accordance with the requirements of Annex XIII of the Directive.

### **General conditions of movement**

46. An animal being moved in accordance with these Regulations or a licence granted under these Regulations shall be kept separate from all other animals except animals licensed to or from the same place and shall be moved by the nearest available route and without delay to the place of destination specified in the licence.

### **Restocking of premises following slaughter**

47. (1) This regulation applies to any premises where the Department has caused the slaughter under paragraph 3, 3A or 3B of Part I of Schedule 2 to the Order.

(2) A person shall not restock premises to which this regulation applies except under the authority of a licence granted by the Department and in accordance with the provisions of Schedule 4.

(3) A licence shall not be granted allowing restocking to commence—

- (a) on premises to which paragraph 2 of Part IV of Schedule 3 applies until one year has elapsed following completion of such cleansing and disinfection as is undertaken; or
- (b) on premises to which that paragraph does not apply, until 21 days after completion of the final cleansing and disinfection measures in paragraphs 5 to 7 of Part II of Schedule 3 on the premises.

### **Marks applied under these regulations**

48. A person shall not remove, obscure or erase a mark applied to any animal, carcase, animal product, vehicle or other thing under these Regulations unless an inspector has given written authority.

### **Change of occupation of premises under restriction**

49. (1) This regulation applies if the keeper of any animal or poultry is unable to move it from premises on the termination of his right of occupation because of a restriction imposed by or under these Regulations and continues to apply for 7 days after the last restriction is removed.

(2) Where this regulation applies, the person entitled to occupation of the premises on that termination shall—

- (a) provide such facilities for feeding, tending or otherwise using the animal or poultry (including selling it) as the keeper may reasonably require, and
- (b) allow entry to the premises to that keeper and any person authorised by him at reasonable times for feeding, tending or otherwise using the animal or poultry.

(3) If the keeper is unable or unwilling to feed or tend the animal or poultry, the person entitled to occupation of the premises shall ensure it is properly fed and tended.

(4) The keeper of the animal or poultry is liable to pay any reasonable costs incurred by a person under paragraph (3) in respect of the feeding or tending of it or otherwise using it under this regulation.

#### **Reasonable assistance**

**50.** A person required to give assistance or information to a person acting under these Regulations shall, unless he has reasonable cause, do so without delay.

#### **False information**

**51.** A person shall not furnish information which he knows to be false or misleading to a person acting under these Regulations.

#### **Production of records**

**52.** (1) A person required to produce a record by a person under these Regulations shall do so without delay.

(2) On such production, a person acting under these Regulations may—

- (a) copy any records, in whatever form they may be held;
- (b) remove any records to enable them to be copied, or where they are kept electronically, require them to be produced in a form which may be taken away.

(3) A person removing records under this regulation shall give a written receipt to the person in charge of them.

#### **Compliance with notices and directions**

**53.** (1) Any notice served under these Regulations shall be complied with at the expense of the person on whom it is served, except where otherwise provided in that notice.

(2) Any oral direction given under these Regulations shall be complied with at the expense of the person to whom it is given, except where otherwise provided in a written direction of the Department.

#### **Retention of records**

**54.** Any person making a record required by these Regulations shall retain it for the following period—

- (a) in the case of a record under paragraph 10 of Part I of Schedule 3, 6 years unless the record relates solely to cleansing and disinfection of a vehicle, in which case 6 months;
- (b) in the case of a record made under—
  - (i) paragraph 1 of Schedule 1;
  - (ii) paragraph 1 of Part I of Schedule 5; or
  - (iii) paragraph 2 of Schedule 8,

three years after the requirement to maintain records in the relevant paragraph ceases to have effect in relation to the premises in question.

#### **Power to prohibit entry to land or agricultural buildings in a protection zone**

**55.** (1) Subject to paragraph (2) an inspector may, notwithstanding the existence of any public footpath or other right of way, prohibit the entry of any person onto any premises in a protection zone by causing a notice to that effect to be displayed at every entrance to that premises.



- (2) A person other than—
- (a) the owner of any animal on that premises or a person authorised by him, who enters for the purpose of tending to that animal; or
  - (b) a person entering under the authority of a licence granted by an inspector,
- shall not enter any premises in respect of which a notice is displayed under paragraph (1).
- (3) A person shall not remove or alter any notice displayed under this regulation except at the direction of an inspector.
- (4) Any prohibition on entry to premises imposed under this regulation is revoked if the declaration creating the protection zone in question is amended in accordance with regulation 34 so that the protection zone becomes part of a surveillance zone.
- (5) Any prohibition on entry to premises imposed under this regulation may be revoked in whole or in part by—
- (a) the removal of all relevant notices in accordance with the directions of an inspector; or
  - (b) a declaration of the Department.

### **General powers of inspectors to take action to prevent the spread of disease**

- 56.** (1) This regulation applies to—
- (a) any zone declared under these Regulations; and
  - (b) any premises subject to restriction under these Regulations, that is to say—
    - (i) premises subject to Schedule 1 by virtue of regulation 8(3), 8(4), 9(1), 9(2) or 10(2),
    - (ii) suspect premises,
    - (iii) contact premises, and
    - (iv) infected premises.
- (2) Where this regulation applies, an inspector may, if he considers it necessary to prevent the spread of disease require—
- (a) the detention and isolation of any vehicle, equipment or other thing and its subsequent cleansing and disinfection by serving a notice requiring such action on the occupier of the premises where it is present, or on the person in charge of it;
  - (b) the cleansing and disinfection of any premises in accordance with the relevant requirements of Schedule 3 by serving a notice requiring such action on the occupier of those premises;
  - (c) require the removal, laundering, cleansing and disinfection or disposal of the clothing or footwear of any person by serving a notice on him;
  - (d) require any person to cleanse himself by serving a notice on him;
  - (e) the detention or isolation in a specified place of any animal or poultry by serving a notice on the occupier of the premises where it is present, or on its keeper;
  - (f) the separation of any animal or poultry from other animals or poultry by serving a notice requiring it on the occupier of the premises where it is present, or on its keeper.
- (3) A notice under this regulation may contain such directions and conditions as the person serving it considers necessary to prevent the spread of disease.

### **Powers of inspectors**

- 57.** (1) The following provisions of the Order shall apply as if these Regulations were an order made under the Order—

- (a) Article 46 (general powers of inspectors);
  - (b) Article 46A (powers of inspectors relating to Community obligations); and
  - (c) Article 48 (power to detain vessels and aircraft).
- (2) An inspector may stop, detain and inspect any vehicle in the following areas to ascertain whether any of the provisions of these Regulations are being complied with within—
- (a) any temporary control zone for the duration of its existence;
  - (b) any supplementary movement control zone for the duration of its existence;
  - (c) any protection zone for the duration of its existence;
  - (d) any surveillance zone for the duration of its existence;
  - (e) any restricted zone for the duration of its existence;
  - (f) any vaccination zone for the duration of its existence;
  - (g) any vaccination surveillance zone for the duration of its existence;
  - (h) any wild animal infected area for the duration of its existence.

#### **Powers of inspectors in case of default**

**58.** (1) Where a person fails to comply with a requirement of these Regulations or a licence granted or direction made or notice issued under them an inspector may take any steps he considers necessary to ensure the requirement is met.

(2) Where a person fails to comply with a requirement of these Regulations or a licence granted or direction made or notice issued under them an inspector may take any steps he considers necessary to rectify the situation so as to prevent the spread of disease.

(3) In taking steps under paragraphs (1) or (2) an inspector may seize any animal exposed, moved, kept or otherwise dealt with in contravention of these Regulations or a licence granted or direction made or notice issued under them and detain or dispose of it.

(4) In taking steps under paragraph (2), an inspector may direct any person to take or refrain from specified action in respect of any place, animal, poultry, vehicle, animal product or other thing.

(5) The person in default shall reimburse any reasonable expenses incurred by the Department in taking such steps and any such debt is recoverable summarily.

#### **Offences: no knowledge of restriction or requirement**

**59.** A person shall not be guilty of failing to comply with a restriction or requirement which applies because of the declaration of—

- (a) a temporary control zone,
- (b) a supplementary movement control zone,
- (c) a protection zone,
- (d) a surveillance zone,
- (e) a restricted zone, or
- (f) a wild animal infected zone,

if he shows to the court's satisfaction that he did not know of that restriction or requirement and that he could not with reasonable diligence have obtained knowledge of it.

### **Enforcement, offences and proceedings**

**60.** The following provisions of the Order shall apply as if these Regulations were an order made under the Order—

- (a) Article 18 (6) (general provisions relative to slaughter and compensation) and the Diseases of Animals (Valuation) Order (Northern Ireland) 1989<sup>(20)</sup>;
- (b) Article 42 (functions of constables);
- (c) Article 52 (offences);
- (d) Article 53 (defences and evidence);
- (e) Article 55 (extension of time for bringing summary proceedings);
- (f) Article 56 (venue);
- (g) Article 57 (proceedings under Customs Acts for unlawful landing or shipping).

## **PART V**

### **AMENDMENTS AND REVOCATIONS**

#### **Amendment to the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972**

**61.** In Article 3 of the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972<sup>(21)</sup>, for the definition of “special disease order” there shall be substituted,

““special disease order” means any order made or having effect under the Diseases of Animals (Northern Ireland) Order 1981 or any Regulations made or having effect under section 2(2) of the European Communities Act 1972 which deals with one or more particular special diseases;”.

#### **Revocations**

**62.** The Statutory Rules listed in Schedule 9 are hereby revoked to the extent specified in that Schedule.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 17th February 2006.

*Liam McKibben*  
A senior officer of the  
Department of Agriculture and Rural  
Development

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<sup>(20)</sup> S.R. 1989 No. 5

<sup>(21)</sup> S.R. 1972 No. 16 as amended by S.R. 1975 No. 69 and S.R. 1995 No. 467

SCHEDULE 1

Regulations 8(3), 8(4),9(1), 9(2),  
10(2),13(6), 14(2), 16(3), 23(6),39(2), 54  
and 56(1)

MEASURES APPLICABLE IN RESPECT OF PREMISES  
ON SUSPICION AND CONFIRMATION OF DISEASE

**Record keeping**

1. (1) Subject to sub-paragraph (4) the occupier shall create and maintain the following records in respect of the premises—
  - (a) the number of each species of animal;
  - (b) for each species of susceptible animal, the number of dead animals, the number suspected of being infected and the number suspected of being contaminated; and
  - (c) the stock of milk, milk products, meat, meat products, carcasses, hides and skins, wool, semen, embryos, ova, slurry, manure, fodder and used litter.
- (2) Records shall be kept in a form approved for the purpose by the Department.
- (3) The occupier shall maintain the records kept under paragraphs (1)(a) and (1)(b) by updating them within 24 hours of any change.
- (4) This paragraph does not apply to any person subject to paragraph 1 of Schedule 5.

**Signs publicising infection or suspicion**

2. (1) The Department may exhibit placards, handbills, or warning notices in, or in the immediate neighbourhood of, an area declared to be infected.
- (2) The occupier shall ensure that—
  - (a) any signs supplied by the Department are displayed in a conspicuous place at the main entrance to the premises or as directed by an inspector; or
  - (b) if no signs have been supplied by the Department, a sign reading “FOOT-AND-MOUTH DISEASE – KEEP OUT” in block letters at least 10cm high is erected and maintained at every entrance to the premises;
  - (c) a person shall not alter, remove, obliterate or deface any placard, handbill or warning notice referred to in sub-paragraph (1).

**Isolation, removal and detention of susceptible animals**

3. (1) The occupier shall ensure that a susceptible animal is isolated from any person not attending them and from non-susceptible animal.
- (2) On service of a notice by an inspector the occupier shall—
  - (a) isolate any specified animal or group of animals from any other animal on such part of the premises as is specified; or
  - (b) remove any specified animal or group of animals from such part of the premises as is specified and detain that animal or those animals on such other part of the premises as is specified.
- (3) A person shall not move any animals isolate or detained under a notice served under sub-paragraph (2) except under the authority of a licence granted by an inspector.

### **Movement of a susceptible animal**

4. (1) Subject to the provisions of this paragraph a person shall not move any susceptible animal from or to the premises.

(2) The prohibition in sub-paragraph (1) does not apply to a susceptible animal leaving contact premises (other than contact premises in a temporary control zone)—

- (a) under the authority of a licence granted by an inspector and after the incubation periods for all susceptible animals on the premises have elapsed, calculated from the date of imposition of the measures in this Schedule; or
- (b) where the movement is direct to a slaughterhouse for emergency slaughter and is under the authority of a licence granted by an inspector.

(3) An inspector shall not grant a licence under sub-paragraph (2)(b) unless he is satisfied that the animals to be moved have been clinically examined by a veterinary surgeon with a negative result and the slaughterhouse is the nearest slaughterhouse to the premises with capacity to slaughter the animals.

(4) A person in charge of a vehicle used to move susceptible animals under the authority of a licence granted under sub-paragraph (2)(b) shall ensure that it is cleansed and disinfected in accordance with regulation 42.

(5) Such cleansing and disinfection shall be undertaken—

- (a) before loading;
- (b) after loading and before leaving the premises of origin (the wheels and wheel arches of the vehicle only); and
- (c) after unloading and before leaving the premises of destination.

(6) The prohibition in sub-paragraph (1) does not apply to an animal entering or leaving a free unit (other than a free unit in a temporary control zone).

(7) The prohibition in sub-paragraph (1) does not apply to the movement of an animal leaving infected premises for slaughter under the authority of a licence granted by an inspector.

(8) The prohibition in sub-paragraph (1) does not apply to movement from one part of premises to another part of the same premises using a public highway not bordering other premises if it is authorised by a licence granted by an inspector.

### **Movement of things liable to spread disease**

5. (1) Subject to the provisions of this paragraph, a person shall not move from the premises any meat, carcase, meat product, milk, milk product, semen, ovum or embryo of a susceptible animal.

(2) Where the Department is satisfied that it is not reasonable to require milk to be kept on the premises, it may—

- (a) serve a notice requiring milk to be destroyed on the premises; or
- (b) grant a licence authorising milk to be transported from the premises to the nearest place available for disposal or treatment to destroy disease.

(3) Transport of milk under the authority of a licence granted under sub-paragraph (2)(b) shall be carried out in a vehicle which an inspector has approved as equipped to ensure that there is no risk of spreading disease.

(4) If the Department grants a licence under sub-paragraph (2)(b), it shall serve a notice on the person in charge of the premises to which milk is transported directing the method of disposal or treatment.

### **Movement of fodder etc.**

6. A person shall not move, or cause or permit to be moved from the premises, any fodder, utensils, wool, hide or skin, bristles, animal waste, slurry, manure, litter, pen, hurdle, vehicle or any other thing, either animate or inanimate, liable to transmit disease unless authorised to do so by a licence granted by the Department.

### **Movement of persons on to or off the premises**

7. A person shall not enter or leave the premises except where—
- (a) his principal residence is a dwelling on the premises;
  - (b) his place of employment is the premises;
  - (c) it is necessary for the provision of emergency services; or
  - (d) he is authorised to do so by a licence granted by the Department.

### **Cleansing and disinfection of clothing, etc**

8. (1) A person shall not enter or leave the premises—
- (a) wearing clothes or boots which are visibly soiled with mud, slurry, animal faeces, droppings, excretions or any similar matter; and
  - (b) without cleansing and disinfecting the outer surfaces of his footwear in accordance with the directions of an inspector.
- (2) A person shall not enter or leave the premises—
- (a) in which an infected or suspected animal or carcase is or has recently been kept; or
  - (b) in order to attend to or treat an animal,
- unless wearing clothing and footwear approved by an inspector.
- (3) A person shall not leave any part of the premises without having cleansed and disinfected his hands to the satisfaction of an inspector and having either—
- (a) thoroughly cleansed and disinfected his clothing and footwear to the satisfaction of an inspector; or
  - (b) removed such clothing and footwear for laundering, cleansing and disinfection or disposal as an inspector reasonably directs by notice served on that person.
- (4) A notice under sub-paragraph (3)(b) shall specify the required method of laundering, cleansing and disinfection or disposal.

### **Disinfection**

9. (1) The occupier shall provide and renew such clean water and means of disinfection as an inspector directs at every entrance to the premises and at every entrance to a building where susceptible animals are kept.
- (2) The occupier shall ensure that any slurry or shed washings are disinfected in accordance with the directions of an inspector before they are permitted to drain or escape from any part of the premises where an infected animal or an animal suspected of being infected or contaminated is or has been kept.

### **Movement of vehicles on to or off the premises**

10. A person shall not move any vehicle on to or off the premises unless the movement is—
- (a) it is necessary for the provision of emergency services, or

- (b) it is authorised by a licence granted by the Department.

### **Movement of non-susceptible animals**

11. A person shall not move from the premises a non-susceptible animal except under the authority of a licence granted by the Department.

### **Control of rodents**

12. The occupier shall take steps to destroy any rats, mice and other rodents on the premises (other than pet rats, mice and other rodents).

### **Movement of persons**

13. Where any land or premises are declared to be an infected premises—

- (a) all persons who have been on such land or premises within the previous 7 days shall within 24 hours of the publication of the declaration notify the fact to the inspector;
- (b) all persons who have moved or caused to be moved from such land or premises within the previous 28 days any animal, horse, ass, mule, live poultry, hare, rabbit, dog, carcass, milk, hay, straw, fodder, litter, dung, utensil or other thing either animate or inanimate shall within 24 hours after the publication of such declaration notify the fact to the inspector.

## SCHEDULE 2

Regulation 11(11)

### CRITERIA FOR CONFIRMING THE DISEASE

1. Disease virus has been isolated from an animal kept on the premises, any product derived from that animal, or its environment.

2. Clinical signs consistent with the disease are observed in an animal kept on the premises, and the viral antigen or viral ribonucleic acid (RNA) specific to one or more of the serotypes of the disease virus has been detected and identified in samples collected from the animal or animals of the same epidemiological group.

3. Clinical signs consistent with disease are observed in an animal kept on the premises and the animal or its cohorts have tested positive for antibody to the disease virus structural or non-structural proteins, (and in the case of antibodies to structural proteins previous vaccination, residual maternal antibodies or non-specific reactions can be excluded as possible causes of seropositivity).

4. Viral antigen or viral RNA specific to one or more of the serotypes of the disease virus has been detected and identified in samples collected from an animal kept on the premises and the animal is positive for antibody to disease virus structural or non-structural proteins (and in the case of antibodies to structural proteins previous vaccination, residual maternal antibodies or non-specific reactions can be excluded as possible causes of seropositivity).

5. An epidemiological link has been established to infected premises and at least one of the following conditions applies—

- (a) one or more animals kept on the premises are positive for antibody to the disease virus structural or non-structural proteins (and previous vaccination, residual maternal antibodies or non-specific reactions can be excluded as possible causes of seropositivity);

- (b) viral antigen or viral RNA specific to one of the serotypes of the disease virus has been detected and identified in samples collected from one or more animals kept on the premises;
- (c) serological evidence of active infection with the disease has been established in one or more susceptible animals (and previous vaccination, residual maternal antibodies or non-specific reactions can be excluded as possible causes or seropositivity) by detection of seroconversion from negative to positive for antibody to the disease virus structural or non-structural proteins (where a previous seronegative status cannot reasonably be expected, carried out in paired samples collected from the same animals on two or more occasions at least 5 days apart, in the case of structural proteins, and at least 21 days apart, in the case of non-structural proteins);
- (d) clinical signs consistent with the disease are observed in a susceptible animal kept on the premises.

SCHEDULE 3

Regulations 27(2), 28(2), 28(3)40(3), 54  
and 56(2)

CLEANSING AND DISINFECTION OF PREMISES AND VEHICLES

PART I

GENERAL PROCEDURES FOR CLEANSING AND  
DISINFECTION OF PREMISES AND VEHICLES

1. This Part applies to all cleansing and disinfection of premises (including cleansing and disinfection of vehicles, equipment and other things liable to spread disease on those premises).
2. The Department may by notice served on—
  - (a) the occupier of any premises; or
  - (b) the person in charge of any vehicle,direct that any cleansing and disinfection operation shall be carried out by that person either at his own expense or at the expense of the Department.
3. A person carrying out cleansing or disinfection under this Schedule shall do so in accordance with any additional directions given by an inspector.
4. Used litter and faecal matter shall be thoroughly soaked with disinfectant.
5. All surfaces which may be contaminated shall be brushed and scrubbed thoroughly, in particular floors, ramps, walls and the ground, followed by an application of disinfectant.
6. Equipment or other things obstructing thorough cleansing and disinfection shall be moved or dismantled where this is reasonably practicable.
7. Water used for cleansing shall be disposed of so as to minimise the risk of the spread of disease.
8. Washing of surfaces with liquids under pressure shall be carried out so as to minimise any risk of contamination.
9. Equipment, installations or other things which may be contaminated shall be cleansed and disinfected or destroyed.



10. (1) Every person carrying out a cleansing and disinfection operation shall ensure that a written record of it is made and those records are made available to an inspector on request.

(2) The record shall include the date and time of the operation.

(3) The person in charge of a vehicle which is cleansed and disinfected under this Schedule shall ensure that the record is kept with the vehicle at all times.

## PART II

### CLEANSING AND DISINFECTION OF INFECTED PREMISES

1. This Part applies to the cleansing and disinfection of premises which are infected premises.

#### CHAPTER 1

##### Preliminary disinfection of infected premises

2. Cleansing and disinfection shall be carried out during and immediately following slaughter so as to minimise the risk of disease spread and in accordance with the directions of an inspector.

3. Following slaughter—

(a) every carcase shall be sprayed with disinfectant;

(b) carcases shall be removed from the holding in covered, leak-proof containers;

(c) all parts of a holding which housed susceptible animals, and any buildings and yards or other surfaces which may have been contaminated during or after slaughter shall be sprayed with disinfectant.

4. Disinfectant shall not be removed for at least 24 hours after application.

#### CHAPTER 2

##### Final cleansing and disinfection of infected premises

5. Grease and dirt shall be removed from all surfaces by the application of a degreasing agent and washed with water or steam.

6. Following degreasing and washing with water or steam, disinfectant shall be reapplied.

7. At least seven days after the reapplication of disinfectant, the operations in paragraphs 5 and 6 shall be repeated, followed by final washing with water or steam.

## PART III

### DISINFECTION OF CONTAMINATED USED LITTER, MANURE AND SLURRY

1. This Part applies to the disinfection of contaminated litter, manure and slurry on a holding except to the extent that it is varied by a notice served on the occupier by the Department.

2. Unless otherwise directed by the Department by notice served on the occupier, the used litter and the solid phase of manure shall be—

(a) stacked to heat by adding 100kg granulated quick lime to each 1m<sup>3</sup> of material;

(b) heated to a temperature of at least 70°C throughout, sprayed with disinfectant and left for a period of at least 42 days;

(c) covered or re-stacked during the period referred to in (b) so as to ensure thermic treatment of all layers of the stack.

3. (1) Unless otherwise directed by the Department by notice served on the occupier slurry and the liquid phase of manure shall be stored for at least the period in sub-paragraph (2) after the last addition of infective material.

(2) The period for the purposes of sub-paragraph (1) is 42 days or such other period as the Department directs in writing having taken into account—

- (a) the extent of the contamination;
- (b) the weather conditions; and
- (c) the pH of the substance after disinfection and its likely effect on the disease virus.

## PART IV

### SPECIAL CASES

1. Where the Department is satisfied that cleansing and disinfection of premises cannot be completed in accordance with Parts I to III of this Schedule, it shall serve a notice on the occupier notifying him of that opinion and paragraph 2 of this Part of this Schedule shall apply to those premises.

2. Cleansing and disinfection of premises to which this paragraph applies shall be carried out in accordance with the directions of an inspector.

## SCHEDULE 4

Regulation 47(2)

### RESTOCKING OF PREMISES

## PART I

### GENERAL PRINCIPLES

1. (1) In this Schedule “vaccinated” means treated with hyperimmune serum or vaccine against disease and “unvaccinated” shall be construed accordingly.

(2) Paragraphs 2 to 5 apply subject to paragraphs 6 and 7.

2. An animal for restocking may only be introduced under the following conditions—

- (a) the animal shall not come from a temporary control zone, protection zone or surveillance zone or vaccination zone;
- (b) the Department must have confirmed by notice served on the occupier that it is satisfied that no residual disease virus can be detected in the animals on the basis of clinical signs (for bovine animals or swine) or laboratory investigations (for other species);
- (c) the animal shall either—
  - (i) originate in and come from a holding where there has been no confirmed case of the disease within 10 kilometres for at least 30 days; or
  - (ii) have been tested with negative results in an assay for the detection of antibodies against the disease virus carried out on samples taken prior to restocking.

3. During restocking animals shall be introduced into all units and buildings of the holding.

4. (1) Subject to sub-paragraph (2), during restocking each animal shall—
  - (a) be subject to clinical inspection every three days for the first 14 days following its introduction; and
  - (b) during the period from 15 to 28 days after its introduction, each animal shall be subject to clinical inspection once per week;
- (2) If no infected premises have been declared within 10 kilometres of any premises for at least 3 months before the commencement of restocking, the Department may, by notice served on the occupier of those premises, except those premises from the requirements of sub-paragraph (1).
5. Not earlier than 28 days after the last introduction, each animal shall be clinically examined by an inspector and samples tested for the presence of antibodies against the disease virus.

## PART II

### RESTOCKING OF PREMISES IN A VACCINATION ZONE

6. Instead of restocking in accordance with paragraphs 2 to 5, premises in a vaccination zone may be restocked if the following conditions are satisfied—
  - (a) an inspector of the Department has, within the 24 hours prior to introduction, carried out a clinical examination on every susceptible animal on the premises supplying an animal to be introduced without having identified signs of the disease;
  - (b) no animal to be introduced has come from a protection or surveillance zone;
  - (c) every animal to be introduced has been tested for antibodies against the disease by an inspector after the end of its incubation period with negative results or a serological survey shall have been completed on the animals to be introduced with negative results.

#### **Restocking of premises outside a vaccination zone with vaccinated animals: surveillance**

7. Where any vaccinated animal is to be introduced to premises outside a vaccination zone—
  - (a) it shall not be subject to paragraphs 2 to 5; and
  - (b) if the proportion of vaccinated animals in the animals to be introduced is 75% or greater, then not earlier than 28 days after the last introduction of susceptible animals to those premises, the Department shall ensure that the vaccinated animals are randomly tested for the detection of antibodies against non-structural proteins.

## PART III

### MOVEMENT OF SUSCEPTIBLE ANIMALS DURING RESTOCKING

8. During restocking, a person shall not move a susceptible animal from the premises.

## PART IV

### COMPLETION OF RESTOCKING

9. The Department shall declare the completion of restocking by notice served on the occupier if—

- (a) every introduced unvaccinated animal on the premises has undergone the examination and test in paragraph 5 with negative results and, where paragraph 7(b) applies, the tests in that sub-paragraph have been carried out with negative results; or
- (b) the conditions in paragraph 6 are satisfied.

SCHEDULE 5

Regulations 21(2), 32(1), 39(2), 54 and  
Schedule 1

MEASURES APPLICABLE IN RESPECT OF  
PROTECTION ZONES AND SURVEILLANCE ZONES

PART I

MEASURES APPLICABLE IN RESPECT OF BOTH  
PROTECTION ZONES AND SURVEILLANCE ZONES

**Record keeping in protection zones and surveillance zones**

1. (1) The occupier of every premises in a protection zone or surveillance zone where susceptible animals are kept shall create and maintain the following records in respect of the premises—
- (a) the number of each species of animal;
  - (b) for each species of susceptible animal, the number of dead, the number suspected of being infected and the number suspected of being contaminated;
  - (c) the stock of milk, milk products, meat, meat products, carcasses, hides and skins, wool, semen, embryos, ova, slurry, manure, fodder and used litter.
- (2) Records shall be kept in a form approved for the purpose by the Department.
- (3) The occupier shall maintain the records kept under sub-paragraphs (1)(a) and (1)(b) by updating them within 24 hours of any change.

**Straying of susceptible animals**

2. (1) The keeper of a susceptible animal in a protection zone or a surveillance zone shall take all such steps as are necessary to prevent it from straying from the premises on which it is kept.
- (2) An inspector may detain any stray or feral susceptible animal found in a protection zone or a surveillance zone.

**Control of dogs and poultry in protection zones and surveillance zones**

3. (1) The owner of any dog in a protection zone or a surveillance zone shall keep it under control by—
- (a) confining it in a dwelling house, kennel or other enclosure;
  - (b) securing it to a fixed object by a collar and chain; or
  - (c) accompanying it or ensuring that it is accompanied by a responsible person.

(2) An inspector or officer of the Police Service of Northern Ireland may seize any dog which is not kept under control in accordance with sub-paragraph (1) and deal with it as if it was a dog seized under the powers conferred by Article 23 of the Dogs (Northern Ireland) Order 1983(22).

(3) An inspector may if he considers any dog or poultry, not to be under control, by notice served on the occupier of the premises where it is kept require him to keep that dog or poultry under control, or to confine it to the part of the premises specified in the notice.

#### **Shearing or dipping sheep in a protection or surveillance zone**

4. (1) Subject to sub-paragraph (2), a person shall not—
- (a) shear or dip sheep; or
  - (b) handle fleeces or sheep during shearing or dipping,

in a protection zone or a surveillance zone except where authorised by a licence granted by an inspector.

(2) The prohibition in sub-paragraph (1) does not apply to the occupier of any premises or his employees (other than any person employed by him primarily for the purpose of shearing or dipping sheep) in respect of the shearing or dipping of sheep kept on those premises.

- (3) In this regulation—
- (a) “shearing” includes clipping and dagging; and
  - (b) “dipping” includes showering and jetting sheep with sheep dip.

#### **Ultrasound scanning of sheep in a protection or surveillance zone**

5. (1) Subject to sub-paragraph (2), a person shall not carry out ultrasound scanning of sheep in a protection zone or a surveillance zone except where authorised by a licence granted by an inspector.

(2) The prohibition in sub-paragraph (1) does not apply to the occupier of any premises or his employees (other than any person employed by him primarily for the purpose of carrying out ultrasound scanning of sheep) in respect of the carrying out of ultrasound scanning of sheep kept on those premises using ultrasound scanning equipment of which the occupier is the owner or person in charge.

#### **Semen, ova and embryos collected in a protection or surveillance zone**

6. (1) This paragraph applies to semen, ova and embryos collected from susceptible animals originating in a protection zone or surveillance zone.

- (2) A person shall not sell or consign for sale—
- (a) Any ova or embryos unless they comply with sub-paragraph (3); or
  - (b) any semen unless it complies with sub-paragraph (3) or (4).

(3) Semen, ova and embryos comply with this sub-paragraph if they satisfy the following requirements—

- (a) they are frozen;
- (b) they were collected and stored more than 21 days before the earliest infection date in the protection zone, or in the case of a surveillance zone, the associated protection zone;
- (c) they have at all times been stored separately from semen, ova and embryos which were not so collected and stored.

(4) Semen complies with this sub-paragraph if it satisfies the following requirements—

- (a) it is frozen;
- (b) it was collected and stored 21 or fewer days before the earliest infection date in the protection zone, or in the case of a surveillance zone, the associated protection zone, on or after that infection date;
- (c) it was at all times stored separately from semen which was not so collected and stored;
- (d) it is not sold or consigned for sale until the premises on which it was collected is no longer in a protection zone or surveillance zone;
- (e) an inspector of the Department certifies by notice served on the owner of the semen that he has—
  - (i) clinically examined all susceptible animals on the premises on which it was collected,
  - (ii) subjected a serological sample from each such animal to a test for disease with a negative result, and
  - (iii) subjected a serological sample taken from the donor animal 28 days or more after collection of the semen to a test for the detection of antibodies against disease with a negative result.

#### **Hides and skins from susceptible animals originating in a protection or surveillance zone**

7. (1) This paragraph applies to hides and skins of susceptible animals originating in a protection zone or surveillance zone.

(2) A person shall not sell or consign for sale any animal product to which this paragraph applies unless either—

- (a) it was—
  - (i) produced more than 21 days before the earliest infection date in the protection zone or in the case of a surveillance zone, the associated protection zone, and
  - (ii) at all times stored separately from hides and skins which were not so produced; or
- (b) it has been treated so that it falls within paragraph 2 of Part I of Schedule 6.

#### **Wool, ruminant hair and pig bristles from animals originating in a protection or surveillance zone**

8. (1) This paragraph applies to wool, ruminant hair and pig bristles from animals originating in a protection zone or a surveillance zone.

(2) A person shall not sell or consign for sale any animal product to which this paragraph applies unless either—

- (a) it was—
  - (i) produced more than 21 days before the earliest infection date in the protection zone, or in the case of a surveillance zone, the associated protection zone; and
  - (ii) at all times was stored separately from wool, ruminant hair and pig bristles which were not so produced; or
- (b) it has been treated so that it falls within paragraph 3 of Part I of Schedule 6.

#### **Other animal products produced in a protection or surveillance zone or from animals originating in such a zone**

9. (1) This paragraph applies to any animal product other than—

- (a) fresh meat, minced meat, mechanically separated meat and any meat preparation;
- (b) milk and any milk product;
- (c) semen, ova and embryos;
- (d) hides and skins; and
- (e) wool, ruminant hair and pig bristles,

if it is produced in a protection zone or surveillance zone from a susceptible animal, or from susceptible animals originating in a protection zone or surveillance zone.

(2) A person shall not sell or consign for sale an animal product to which this paragraph applies unless it satisfies one of the following requirements—

- (a) it was—
  - (i) produced more than 21 days before the earliest infection date in the protection zone, or in the case of a surveillance zone, the associated protection zone, and
  - (ii) at all times stored and transported separately from animal products not so produced;
- (b) it has been treated so that it falls within paragraph 4 of Part I of Schedule 6;
- (c) where it is referred to in one of paragraphs 5 to 9 of Part I of Schedule 6, it has been treated so that it falls within the paragraph in question;
- (d) it forms part of a composite product (that is, a manufactured or processed product containing more than one ingredient at least one of which is an animal product) and each ingredient which is an animal product—
  - (i) is referred to in a paragraph of Schedule 6 and has been treated so that it falls within that paragraph (either before manufacturing or processing, or as a part of the complete product); or
  - (ii) was not produced from a susceptible animal originating on infected premises, suspect premises or contact premises or in a temporary control zone, protection zone, surveillance zone or vaccination zone;
- (e) it is a packaged product ready for use by the end user which is—
  - (i) used as a reagent, reagent product, calibrator, kit or any other system (whether used alone or in combination),
  - (ii) intended to be used in vitro for the examination of samples of human or animal origin (with the exception of donated organs or blood), and
  - (iii) used solely or principally with a view to the diagnosis of a physiological state, state of health, disease or genetic abnormality or to determine safety and compatibility with reagents.

## PART II

### MEASURES APPLICABLE ONLY IN RESPECT OF A PROTECTION ZONE

#### **Movement of a susceptible animal from or to premises in a protection zone**

1. (1) Subject to the provisions of this paragraph, a person shall not move a susceptible animal from premises in a protection zone.

(2) The prohibition in sub-paragraph (1) does not apply to the transport of a susceptible animal for emergency slaughter under the authority of a licence granted by an inspector from premises in a protection zone direct to a slaughterhouse—

- (a) in the same protection zone, or
  - (b) if there is no slaughterhouse in that protection zone, outside the protection zone.
- (3) An inspector shall not grant a licence under sub-paragraph (2) unless he is satisfied that—
- (a) a veterinary inspector has within the previous 24 hours carried out a clinical examination on every susceptible animal on the premises, and
  - (b) there is no suspicion of infection or contamination on the premises.
- (4) The person in charge of any vehicle used to move susceptible animals under the authority of a licence granted under sub-paragraph (2) shall ensure that it is cleansed and disinfected without delay in accordance with regulation 42.
- (5) The prohibition in sub-paragraph (1) does not apply to the movement of an animal leaving infected premises for slaughter under the authority of a licence granted under sub-paragraph 4(7) of Schedule 1.
- (6) The prohibition in sub-paragraph (1) does not apply if the movement from one part of premises to another part of the same premises using a public highway and under the authority of a licence granted by an inspector.

**Movement of a non-susceptible animal from or to premises in a protection zone where a susceptible animal is kept**

2. (1) Subject to the provisions of this paragraph, a person shall not move a non-susceptible animal from or to premises in a protection zone where susceptible animals are kept.
- (2) The prohibition in sub-paragraph (1) does not apply to—
- (a) the movement of a pet animal which is not a susceptible animal;
  - (b) the movement of a horse under the terms of a licence granted by an inspector; or
  - (c) the movement from one part of premises to another part of the same premises using a public highway under the authority of a licence granted by an inspector.
- (3) Any inspector granting a licence under sub-paragraph (2)(b) shall take account of the recommended measures in paragraph 2.2 of Annex VI to the Directive.

**Movement of an animal into or out of a protection zone**

3. (1) Subject to the provisions of this paragraph, a person shall not move an animal into or out of a protection zone.
- (2) The prohibition in sub-paragraph (1) does not apply to—
- (a) movements permitted under paragraph 1 or 2 of this Part;
  - (b) the movement of a pet animal which is not a susceptible animal;
  - (c) the movement of a horse under the terms of a licence granted by an inspector;
  - (d) transport through the zone without stopping; or
  - (e) transport from outside the zone directly to a slaughterhouse in the zone for immediate slaughter there under the terms of a licence granted by an inspector.
- (3) An inspector granting a licence under sub-paragraph (2)(c) shall take account of the recommended measures in paragraph 2.2 of Annex VI to the Directive.
- (4) A licence granted under sub-paragraph (2)(e) shall—
- (a) certify that the premises on which the movement originates is outside the protection zone;
  - (b) specify the route to be taken.



(5) The person in charge of any vehicle used to transport animals under the authority of a licence granted under sub-paragraph (2)(e) shall—

- (a) ensure that it is cleansed and disinfected without delay in accordance with regulation 42 and any additional requirements an inspector may by written directions impose;
- (b) ensure such cleansing and disinfection is undertaken—
  - (i) before loading,
  - (ii) after loading and before leaving the premises of origin (the wheels and wheel arches of the vehicle only), and
  - (iii) after unloading and before leaving the slaughterhouse; and
- (c) make a record of the date and time of that cleansing and disinfection;
- (d) keep the record with the vehicle at all times; and
- (e) retain the record for 6 months after the last such cleansing and disinfection.

#### **Movement of vehicles from premises in a protection zone where a susceptible animal is kept**

4. A person shall not move any vehicle designed or adapted for the transport of animals from premises in a protection zone where a susceptible animal is kept except under the authority of a licence granted by an inspector.

#### **Control of animal gatherings in a protection zone**

5. A person shall not hold an animal gathering in a protection zone.

#### **Control of gatherings of people in a protection zone**

6. (1) A person shall not hold or take part in the following activities in a protection zone—

- (a) hunting including hunting any drag or other trail;
- (b) falconry, except under a licence granted by the Department;
- (c) point-to-point meetings;
- (d) stalking;
- (e) shooting game or other wildlife or deer, except that—
  - (i) the occupier of any land, members of his household, persons employed by him as beaters and any member of a shooting party of not more than three persons authorised by him, may shoot game, other wildlife or deer found on that land;
  - (ii) a person may shoot birds under the authority of a licence granted by the Department; and
  - (iii) a person may cull deer under the authority of a licence granted by the Department.

(2) Where holding any recreational or sporting activity may, in the opinion of the Department, spread disease, it may prohibit it by serving notice on the person responsible for the activity.

(3) In this paragraph “falconry” means the use of birds of the order *Falconiformae* to hunt for game or other wildlife.

#### **Breeding in a protection zone**

7. (1) A person shall not carry out breeding of a susceptible animal by means of itinerant service in a protection zone.

(2) A person shall not carry out artificial insemination of an animal or collect any embryo or ovum in a protection zone except in compliance with sub-paragraph (3) or (4).

(3) Artificial insemination of a susceptible animal complies with this sub-paragraph if it satisfies the following requirements—

- (a) it is carried out by the occupier of the premises where the animal is kept (or any employee of that occupier);
- (b) the semen used has not left the premises since the protection zone was declared, or was delivered to the occupier or his employee at a place outside the premises from a semen collection centre;
- (c) it is carried out using equipment which has been on the premises since the protection zone was declared.

(4) Artificial insemination of a non-susceptible animal or the collection of embryos, or ova from such an animal complies with this sub-paragraph if—

- (a) it is carried out by the occupier of the premises where the animal is kept (or any employee of that occupier), and
- (b) either no susceptible animals are kept on the premises or (in the case of artificial insemination only) it is carried out under the authority of a licence granted by the Department.

#### **Slaughter for private consumption in a protection zone**

8. A person shall not slaughter a susceptible animal on any premises in a protection zone for private consumption on those premises.

#### **Transport of fodder in a protection zone**

9. A person shall not transport fodder to premises in a protection zone where a susceptible animal is kept except under the authority of a licence granted by an inspector.

#### **Sale of fodder originating in a protection zone**

10. A person shall not sell or consign for sale fodder produced in a protection zone unless it satisfies one of the following requirements—

- (a) it was—
  - (i) produced more than 21 days before the earliest infection date in the protection zone, and
  - (ii) at all times stored and transported separately from other fodder and in such a way as to avoid contamination;
- (b) it is authorised for sale in that protection zone to the final user by a licence granted by an inspector;
- (c) it was produced on premises where a susceptible animal is not kept using raw materials also produced on such premises or raw materials produced outside the protection zone;
- (d) it is forage or straw falling within Part II of Schedule 6.

#### **Transport, treatment and spreading of dung, manure or slurry produced in a protection zone**

11. (1) This paragraph applies to dung, manure or slurry—

- (a) from premises in a protection zone where a susceptible animal is kept, or

- (b) collected from a vehicle carrying a susceptible animal from or within a protection zone.
- (2) A person shall not transport dung, manure or slurry to which this paragraph applies unless such transport complies with sub-paragraph (3) or (5), and with sub-paragraph (6).
- (3) Transport of dung, manure or slurry complies with this sub-paragraph where it is to a plant for treatment to destroy the disease virus and is authorised by a licence granted by an inspector.
- (4) The occupier of any premises to which manure is transported by authority of a licence granted under sub-paragraph (3) shall ensure that it is treated in accordance with point 5 of Section II in Part A of Annex VIII to Regulation (EC) No 1774/2002, as amended<sup>(23)</sup>.
- (5) Transport of dung, manure or slurry for spreading complies with this sub-paragraph if it satisfies the following requirements—
- (a) the dung, manure or slurry is for spreading on premises where a susceptible animal is not kept;
  - (b) the dung, manure or slurry was produced more than 21 days before the earliest infection date in the protection zone;
  - (c) where the dung, manure or slurry is from bovine animals or pigs—
    - (i) all animals on the premises where it was produced have been clinically examined by an inspector of the Department who is satisfied by such examination that they are free of infection, and
    - (ii) the dung, manure or slurry was produced at least 4 days before such examination;
- (6) Transport of dung, manure or slurry complies with this sub-paragraph if it is carried out in vehicles which are—
- (a) constructed and maintained so that there is no leakage of the load during transport; and
  - (b) cleansed and disinfected in accordance with the directions of an inspector, after loading and before leaving the premises of origin.
- (7) After transporting dung, manure or slurry under this paragraph, the person in charge of the vehicle shall ensure it is cleansed and disinfected in accordance with the directions of an inspector, after unloading or spreading and before leaving the premises of destination.
- (8) A person in charge of a vehicle to be cleansed and disinfected so as to comply with sub-paragraph (6) or under sub-paragraph (7) shall ensure that such cleansing and disinfection is carried out so that—
- (a) the exterior (including the wheels and wheel arches) is not marked with mud, dung, manure or similar matter on leaving the premises of origin or the premises of destination;
  - (b) the interior (excluding any driver or passenger compartment) is not so marked on leaving the premises of destination; and
  - (c) any additional requirements as an inspector directs are complied with.
- (9) A person shall not spread dung, manure or slurry to which this paragraph applies unless such spreading is authorised by a licence granted by an inspector and—
- (a) the dung, manure or slurry is spread from not more than 1 metre above the ground;
  - (b) if spread as a liquid spread is not discharged by equipment producing a jet or spray unless the discharge point is directed downwards at an angle of not less than 45° from the horizontal; and
  - (c) once spread is immediately incorporated into the ground.
- (10) Any licence granted under sub-paragraph (9) shall contain at least the following terms—

<sup>(23)</sup> O.J. No. L273, 10.10.2002, p.1 as last amended by Commission Regulation (EC) No. 668/2004 (O.J. No. L112, 19/4/2004. P.1)

- (a) designation of the fields on which dung, manure or slurry from bovine animals or pigs may be spread; and
- (b) designation of a distance from premises where a susceptible animal is kept within which dung, manure or slurry must not be spread.

**Fresh meat etc. derived from a susceptible animal originating in a protection zone**

12. (1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from susceptible animals originating in a protection zone.

(2) A person shall not sell or consign for sale meat to which this paragraph applies or move such meat out of a protection zone unless it has been produced in an establishment which—

- (a) it was produced more than 21 days before the earliest infection date in the protection zone;
- (b) after production, it was at all times stored and transported separately from products to which this paragraph applies produced on or after that date, and
- (c) it was health marked or identification marked and that mark was over stamped.

**Fresh meat etc. produced on premises in a protection zone**

13. (1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from susceptible animals and produced on premises in a protection zone.

(2) A person shall not sell or consign for sale meat to which this paragraph applies or move such meat out of a protection zone unless it has been produced in an establishment which—

- (a) is authorised by a licence granted by the Department imposing such conditions as it considers necessary to ensure strict veterinary control of the establishment;
- (b) processes only meat falling within sub-paragraph (3); and
- (c) at all times during the production process stores, identifies and transports products intended to be eligible for despatch outside the protection zone separately from those which are not, and in accordance with the directions of the Department.

(3) Meat falls within this sub-paragraph if—

- (a) it was either—
  - (i) produced in the protection zone more than 21 days before the earliest infection date there,
  - (ii) produced from animals reared and slaughtered outside a protection zone, or
  - (iii) produced from animals transported to the establishment under the authority of a licence granted under paragraph 3(2)(e) of this Part and slaughtered there; and
- (b) it is health marked or identification marked.

**Meat products produced from meat derived from a susceptible animal originating in a protection zone**

14. (1) This paragraph applies to meat products produced from meat derived from a susceptible animal originating in a protection zone.

(2) A person shall not sell or consign for sale any meat product to which this paragraph applies unless—

- (a) it was produced from fresh meat, minced meat, a meat preparation or mechanically separated meat which may be sold or consigned for sale because it complies with paragraph 12(2) of this Part; or

- (b) it was produced from fresh meat, minced meat, a meat preparation or mechanically separated meat which was—
  - (i) health marked or identification marked and that mark was overstamped,
  - (ii) transported in sealed containers to an establishment designated by the Department as authorised to trade meat from a protection zone, and
  - (iii) treated at that establishment so that it falls within paragraph 1 of Part I of Schedule 6.

**Milk and milk products produced from susceptible animals originating in a protection zone or on premises in a protection zone**

15. (1) A person shall not sell or consign for sale the milk of a susceptible animal originating in a protection zone or any milk product produced from such milk unless it complies with sub-paragraph (2) or (3).

(2) Milk and milk products comply with this sub-paragraph if—

- (a) they were produced more than 21 days before the earliest infection date in the protection zone; and
- (b) they have at all times been stored and transported separately from milk and milk products produced on or after that date.

(3) Milk and milk products comply with this sub-paragraph if—

- (a) they have been treated so as to fall within Part IV of Schedule 6; and
- (b) that treatment was carried out either—
  - (i) in the protection zone on premises which comply with sub-paragraph (6); or
  - (ii) outside the protection zone on such premises as the Department may direct.

(4) A person shall not sell or consign for sale the milk of a susceptible animal produced on premises in the protection zone or any milk product produced from such milk unless—

- (a) transport of raw milk from outside a protection zone to those premises complies with sub-paragraph (5); and
- (b) those premises comply with sub-paragraph (6).

(5) Transport of raw milk complies with this sub-paragraph if—

- (a) the vehicle was cleansed and disinfected on the premises of origin and before loading in accordance with the directions of an inspector; and
- (b) the vehicle did not enter any other premises in a protection zone where a susceptible animal is kept after that cleansing and disinfection.

(6) Premises comply with this sub-paragraph if they satisfy the following requirements—

- (a) they are authorised by a licence granted by the Department imposing such conditions as it considers necessary to ensure strict veterinary control;
- (b) they are operated so that all milk transported to the premises—
  - (i) complies with sub-paragraph (2) or sub-paragraph (3),
  - (ii) is transported to the premises for treatment so that it complies with sub-paragraph (3),  
or
  - (iii) is raw milk produced outside the protection zone;
- (c) they are operated so that milk on the premises and leaving the premises is clearly identified as eligible for sale outside the protection zone to the final consumer and is at all times stored and transported separately from raw milk and raw milk products which are not so eligible.

### **Collection, transport and processing of milk and milk products produced in a protection zone**

16. (1) A person shall not collect and transport milk produced on premises in a protection zone where a susceptible animal is kept out of that protection zone or process any such milk unless such transport complies with sub-paragraph (2) and is carried out in a vehicle which complies with sub-paragraph (3).

(2) Transport complies with this sub-paragraph if it is—

(a) transport of samples of raw milk—

(i) to a laboratory authorised in respect of disease under Article 4 of the Specified Animal Pathogens (Northern Ireland) Order 1999<sup>(24)</sup>, or

(ii) to another laboratory under the authority of a licence granted by an inspector; or

(b) transport to premises, other than a laboratory, under the authority of a licence granted by an inspector.

(3) A vehicle complies with this sub-paragraph if it—

(a) has been authorised to operate within the part of Northern Ireland in which the journey is to take place by a licence granted by the department; and

(b) has been marked so as to identify the geographical area in which it is authorised to operate in accordance with the directions of the Department.

(4) A licence granted under sub-paragraph (2)(b) shall specify the route to be taken and shall include a condition prohibiting the vehicle from entering any premises in the zone where a susceptible animal is kept for purposes other than to load milk.

(5) Any person transporting milk under the authority of a licence granted under sub-paragraph (2) shall ensure that—

(a) the vehicle used is constructed and maintained so that there is no leakage of milk during transport and is equipped to avoid aerosol dispersion during loading and unloading;

(b) before every loading, the vehicle is cleansed and disinfected in accordance with the directions of an inspector, and

(c) after every loading and before leaving the premises, the connection pipes, tyres, wheel cases and lower parts of the vehicle, and any spillage of milk, are cleansed and disinfected in accordance with the directions of an inspector.

(6) A person shall not process milk transported to a laboratory under this paragraph except under the authority of a licence granted by an inspector.

## **PART III**

### **MEASURES APPLICABLE ONLY IN RESPECT OF A SURVEILLANCE ZONE**

#### **Movement of an animal from premises in a surveillance zone**

1. (1) Subject to the provisions of this paragraph, a person shall not move a susceptible animal from premises within a surveillance zone.

(2) The prohibition in sub-paragraph (1) does not apply to the transport of a susceptible animal for emergency slaughter under the authority of a licence granted by an inspector from premises in a surveillance zone direct to a slaughterhouse—

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- (a) in the same surveillance zone, or
  - (b) where there is no slaughterhouse in that surveillance zone, outside the surveillance zone and its associated protection zone.
- (3) An inspector shall not grant a licence under sub-paragraph (2) unless he is satisfied that—
- (a) an inspector has within the previous 24 hours carried out a clinical examination of every susceptible animal on the premises, and
  - (b) there is no suspicion of infection or contamination on the premises.
- (4) The prohibition in sub-paragraph (1) does not apply to transport of a susceptible animal for slaughter under the authority of a licence granted by an inspector—
- (a) direct to a slaughterhouse outside that surveillance zone and its associated protection zone, or
  - (b) direct to a slaughterhouse in that surveillance zone.
- (5) An inspector shall not grant a licence under sub-paragraph (4) unless he is satisfied that—
- (a) the records required by paragraph 1 have been maintained in respect of the premises;
  - (b) a veterinary surgeon has within the previous 24 hours inspected every susceptible animal on the premises and has carried out a clinical examination of a representative sample of such susceptible animals; and
  - (c) there is no suspicion of infection or contamination on the premises.
- (6) An inspector shall not grant a licence under sub-paragraph (4)(a) unless he is also satisfied that—
- (a) there is no slaughterhouse within that surveillance zone with sufficient capacity to slaughter the animals; and
  - (b) the slaughterhouse at which slaughter is to take place is the nearest slaughterhouse outside the surveillance zone and its associated protection zone with such capacity.
- (7) A licence granted under sub-paragraph (2) or (4) may permit transport through the associated protection zone and in such case shall include a condition requiring that the vehicle travels through that protection zone without stopping.
- (8) The person in charge of any vehicle used to move susceptible animals under the authority of a licence granted under sub-paragraph (2) or (4) shall ensure that it is cleansed and disinfected in accordance regulation 42 and any additional requirements an inspector may by written directions impose.
- (9) The prohibition in sub-paragraph (1) does not apply to the leading of susceptible animals to pasture in a surveillance zone under the authority of a licence granted by an inspector.
- (10) A inspector shall not grant a licence under sub-paragraph (9) unless—
- (a) he is satisfied that a veterinary surgeon has examined all susceptible animals on the premises (including testing of samples) and concluded that there are no animals suspected of being infected or contaminated on the premises; and
  - (b) at least 15 days have elapsed since the most recent confirmed case of the disease in the associated protection zone; and
  - (c) the licence contains a term requiring that animals do not come into contact with susceptible animals from other premises.
- (11) The prohibition in sub-paragraph (1) does not apply to movement from one part of premises to another part of the same premises using a public highway under the authority of a licence granted by an inspector.

### **Control of animal gatherings and gatherings of people in a surveillance zone**

2. (1) A person shall not—

- (a) hold any animal gathering which includes susceptible animals in a surveillance zone; or
- (b) hold any gathering of people on premises in a surveillance zone in connection with the sale of any susceptible animal kept there at which more than two people (other than the owner or keeper of the animal and his representatives) are present,

except under the authority of a licence granted by the Department.

(2) A person shall not hold or take part in the following activities in a surveillance zone—

- (a) hunting including hunting any drag or other trail; or
- (b) stalking,

except under the authority of a licence granted by the Department.

(3) Subject to sub-paragraph (4), a person shall not shoot deer except under the authority of a licence granted by the Department.

(4) The occupier of any land, members of his household, persons employed by him as beaters and any member of a shooting party of not more than three persons authorised by him may shoot deer found on that land.

### **Fresh meat etc. derived from a susceptible animal originating in a surveillance zone**

3. (1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from a susceptible animal originating in a surveillance zone.

(2) A person shall not sell or consign for sale meat to which this paragraph applies or move such meat out of a surveillance zone unless—

- (a) it falls within sub-paragraph (3); or
- (b) it is meat (excluding heads, viscera and offals) which complies with sub-paragraph (4), (5) or (6);
- (c) it falls within sub-paragraph (7).

(3) Meat falls within this sub-paragraph if it satisfies the following requirements—

- (a) it was produced more than 21 days before the earliest infection date in the associated protection zone;
- (b) after production, it was at all times stored and transported separately from products to which this paragraph applies produced on or after that date;
- (c) it was health marked or identification marked and that mark was overstamped.

(4) Meat complies with this sub-paragraph if it is from ruminants and has been deboned so that it falls within paragraph 1 of Part III of Schedule 6 and from a carcass which has been matured such that it falls within paragraph 2 of Part III of Schedule 6.

(5) Meat complies with this sub-paragraph if—

- (a) the animal from which it was produced was resident on the same premises for at least 21 days before slaughter and was identified so as to allow the tracing of those premises, and
- (b) the meat has been clearly identified and detained under the supervision of the Department until any suspicion of infection on the premises of origin has been ruled out, but in any event for a period of at least 7 days.

(6) Meat complies with this sub-paragraph if—

- (a) the animal passed the 21 days before slaughter on the same premises during which no susceptible animal was introduced onto those premises;



- (b) samples taken within 48 hours before loading have been tested with negative result in an assay for the detection of antibodies against the disease virus; and
  - (c) the meat has been detained under the control of the Department for 24 hours and released only after a repeat inspection of the animals in the premises of origin has ruled out on clinical inspection the presence of infected animals or animals suspected of being infected.
- (7) Meat falls within this sub-paragraph if—
- (a) it is trimmed offal;
  - (b) it was health marked or identification marked and that mark was overstamped; and
  - (c) it was subsequently treated to form a meat product which falls within paragraph 1 of Part I of Schedule 6.
- (8) In this paragraph, “trimmed offal” means any of—
- (a) heart from which lymphatic glands, connective tissue and adhering fat has been completely removed;
  - (b) liver from which lymphatic glands, adhering connective tissue and fat has been completely removed;
  - (c) whole masseter muscles;
  - (d) tongues with epithelium and without bone, cartilage and tonsils;
  - (e) lungs from which the trachea and main bronchi and the mediastinal and bronchial lymphatic gland have been removed;
  - (f) other offal without bone or cartilage from which lymphatic glands, connective tissue, adhering fat and mucous membrane have been removed.

#### **Fresh meat etc. produced on premises in a surveillance zone**

4. (1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from susceptible animals and produced on premises in a surveillance zone.

(2) A person shall not sell or consign for sale meat to which this paragraph applies or move such meat out of a surveillance zone unless it has been produced in an establishment which—

- (a) is authorised by a licence granted by the Department imposing such conditions as it considers necessary to ensure strict veterinary control of the establishment;
- (b) processes only meat which complies with sub-paragraph (3);
- (c) at all times during the production process stores, identifies and transports products eligible for despatch outside the surveillance zone separately from those which are not and in accordance with the directions of the Department.

(3) Meat complies with this sub-paragraph if—

- (a) it was either—
  - (i) produced from an animal transported to the slaughterhouse from the surveillance zone and it falls within sub-paragraph 3(4), 3(5) or 3(6) of this Part, or
  - (ii) produced from an animal reared and slaughtered outside a surveillance zone and its associated protection zone; or
  - (iii) produced from an animal transported to the slaughterhouse from a protection zone under the authority of a licence granted under paragraph 3(2)(e) of Part II of this Schedule; and
- (b) it is health marked or identification marked.

**Meat products produced from meat derived from susceptible animals originating in a surveillance zone or produced on premises in a surveillance zone**

5. (1) This paragraph applies to meat products—
- (a) produced from meat derived from a susceptible animal originating in a surveillance zone; or
  - (b) produced on premises in a surveillance zone.
- (2) A person shall not sell or consign for sale any product to which this paragraph applies or move any such product out of a surveillance zone unless it complies with sub-paragraph (3) or (4).
- (3) Meat products comply with this sub-paragraph if they are produced from fresh meat, minced meat or a meat preparation or mechanically separated meat which was—
- (a) health marked or identification marked and that mark was over stamped;
  - (b) transported to an establishment designated by the Department as authorised to treat meat from a surveillance zone; and
  - (c) treated at that establishment to form a meat product which falls within paragraph 1 of Part I of Schedule 6.
- (4) Meat products comply with this sub-paragraph if they are produced in an establishment which—
- (a) is authorised by a licence granted by the Department imposing such conditions as she considers necessary to ensure strict veterinary control of the establishment;
  - (b) processes only meat falling within sub-paragraph 4(3);
  - (c) at all times during the production process stores, identifies and transports products eligible for despatch outside the surveillance zone separately from those which are not and in accordance with the directions of the Department.

**Milk and milk products produced from a susceptible animal originating in a surveillance zone or on premises in a surveillance zone**

6. (1) A person shall not sell or consign for sale the milk of a susceptible animal originating in a surveillance zone or any milk product produced from such milk unless it complies with sub-paragraph (2) or (3).
- (2) Milk and milk products comply with this sub-paragraph if—
- (a) they were produced more than 21 days before the earliest infection date in the associated protection zone; and
  - (b) they have at all times been stored and transported separately from milk and milk products produced on or after that date.
- (3) Milk and milk products comply with this sub-paragraph if—
- (a) they have been treated so as to fall within paragraph Part IV of Schedule 6; and
  - (b) that treatment was carried out either—
    - (i) in the surveillance zone on premises complying with sub-paragraph (6), or
    - (ii) outside any protection zone or surveillance zone on such premises as the Department may direct.
- (4) A person shall not sell or consign for sale the milk of a susceptible animal produced on premises in a surveillance zone or any milk product produced from such milk unless—
- (a) any transport of raw milk from outside the zone and its associated protection zone to those premises complies with sub-paragraph (5); and

- (b) those premises comply with sub-paragraph (6).
- (5) Transport of raw milk complies with this sub-paragraph if—
  - (a) the vehicle was cleansed and disinfected on the premises of origin and before loading in accordance with the directions of an inspector; and
  - (b) the vehicle did not enter any other premises in a protection or surveillance zone where a susceptible animal is kept since that cleansing and disinfection.
- (6) Premises comply with this sub-paragraph if they satisfy the following requirements—
  - (a) they are authorised by a licence granted by the Department imposing such conditions as it considers necessary to ensure strict veterinary control;
  - (b) they are operated so that all milk transported to the premises—
    - (i) complies with sub-paragraph (3), or
    - (ii) is transported to the premises for treatment so that it complies with sub-paragraph (3),
    - (iii) was produced outside the surveillance zone and its associated protection zone;
  - (c) they are operated so that milk on the premises and leaving the premises is clearly identified as eligible for sale outside the surveillance zone to the final consumer and is at all times stored and transported separately from milk and milk products which are not so eligible.

#### **Collection, transport and processing of raw milk produced in a surveillance zone**

7. (1) A person shall not collect and transport raw milk produced on premises in a surveillance zone where a susceptible animal is kept out of that surveillance zone or process any such milk unless such transport complies with sub-paragraph (2) and is carried out in a vehicle which complies with sub-paragraph (3).

- (2) Transport complies with this sub-paragraph if it is—
  - (a) transport of samples of raw milk—
    - (i) to a laboratory authorised in respect of disease under Article 4 of the Specified Animal Pathogens (Northern Ireland) Order 1999, or
    - (ii) to another laboratory under the authority of a licence granted by an inspector; or
  - (b) transport to premises other than a laboratory under the authority of a licence granted by an inspector.
- (3) A vehicle complies with this sub-paragraph if it—
  - (a) has been authorised to operate within the part of Northern Ireland in which the journey is to take place by a licence granted by the Department, and
  - (b) has been marked so as to identify the geographical area in which it is authorised to operate in accordance with the directions of the Department.
- (4) A licence granted under sub-paragraph (2)(b) shall specify the route to be taken and shall include a condition prohibiting the vehicle from entering any premises in the zone where a susceptible animal is kept for purposes other than to load milk.
- (5) Any person transporting milk under the authority of a licence granted under sub-paragraph (2) shall ensure that—
  - (a) the vehicle used is constructed and maintained so that there is no leakage of milk during transport and is equipped to avoid aerosol dispersion during loading and unloading;
  - (b) before every loading, the vehicle is cleansed and disinfected in accordance with the directions of an inspector, and

- (c) after loading and before leaving the premises, the connection pipes, tyres, wheel cases and lower parts of the vehicle, and any spillage of milk, are cleansed and disinfected in accordance with the directions of an inspector.
- (6) A person shall not process milk transported under this paragraph except under the authority of a licence granted by an inspector.

**Transport, treatment and spreading of dung, manure, slurry and litter produced in a surveillance zone**

- 8. (1) This paragraph applies to dung, manure, slurry and litter—
  - (a) from premises in a surveillance zone keeping susceptible animals; or
  - (b) collected from vehicles carrying susceptible animals from or within a surveillance zone.
- (2) A person shall not transport dung, manure or slurry to which this paragraph applies unless such transport complies with sub-paragraphs (3), (5) or (7), and with sub-paragraph (10).
- (3) Transport of dung, manure or slurry complies with this sub-paragraph where it is transported to an establishment for treatment to destroy the disease virus and under the authority of a licence granted by the Department.
- (4) The occupier of any premises to which dung, manure or slurry is transported by authority of a licence granted under sub-paragraph (3) shall ensure that it is treated in accordance with point 5 of Section II in Part A of Annex VIII to Regulation (EC) No 1774/2002 as amended.
- (5) Transport and spreading of dung, manure or slurry complies with this sub-paragraph if—
  - (a) the dung, manure or slurry is for spreading;
  - (b) the transport is under the authority of a licence granted by an inspector; and
  - (c) before grant of the licence an inspector has clinically examined all susceptible animals on the premises where it was produced and was satisfied by such examination that they are not suspected of infection.
- (6) A person shall not spread dung, manure or slurry to which this paragraph applies unless such spreading is authorised by a licence granted by an inspector and the dung, manure or slurry—
  - (a) is spread from not more than 1 metre above the ground;
  - (b) if spread as a liquid, is not discharged by equipment producing a jet or spray unless the discharge point is directed downwards at an angle of not less than 45° from the horizontal; and
  - (c) is immediately incorporated into the ground.
- (7) Transport of dung, manure or slurry complies with this sub-paragraph if—
  - (a) the dung, manure or slurry is for spreading;
  - (b) the transport is under the authority of a licence granted by an inspector; and
  - (c) before grant of the licence an inspector clinically inspected all susceptible animals on the premises where it was produced and was satisfied that they are not suspected of infection.
- (8) A person shall not spread dung, manure or slurry transported by authority of a licence granted under sub-paragraph (7) unless such spreading is authorised by a licence granted by an inspector and the dung, manure or slurry is injected into the ground.
- (9) Any licence granted under sub-paragraph (6) or (8) shall contain at least the following terms—
  - (a) designation of the areas within which the dung and manure must be spread;
  - (b) designation of a distance from other premises where a susceptible animal is kept within which dung, manure or slurry must not be spread.

(10) Transport of dung, manure or slurry complies with this sub-paragraph if it is carried out in a vehicle which is—

- (a) constructed and maintained so that there is no leakage of the load during transport; and
- (b) cleansed and disinfected in accordance with the directions of an inspector, after loading and before leaving the premises of origin.

(11) After transporting dung or manure under this paragraph, the person in charge of the vehicle shall ensure it is cleansed and disinfected in accordance with the directions of an inspector, after unloading or spreading and before leaving the premises of destination.

(12) The person in charge of a vehicle to be cleansed and disinfected so as to comply with sub-paragraph (10) or under sub-paragraph (11) shall ensure that such cleansing and disinfection is carried out so that—

- (a) the exterior (including the wheels and wheel arches) is not marked with mud, dung, manure or similar matter on leaving either premises;
- (b) the interior (excluding any driver or passenger compartment) is not so marked on leaving either premises; and
- (c) any additional requirements as an inspector directs are complied with.

## SCHEDULE 6

Regulation 26(3) and Schedule 5

### TREATMENTS TO ENSURE THE DESTRUCTION OF DISEASE VIRUS

#### PART I

#### PRODUCTS OF ANIMAL ORIGIN (OTHER THAN FRESH MEAT, MILK AND MILK PRODUCTS)

##### **Meat products**

1. Meat products fall within this paragraph if they have undergone any of the following treatments or are produced from meat which has undergone those treatments—

- (a) heat treatment in a hermetically sealed container at a level of at least Fo3;
- (b) heat treatment at a minimum temperature of 70°C, reached throughout the meat;
- (c) heat treatment in a hermetically sealed container to at least 60°C for a minimum of 4 hours, during which the core temperature must be at least 70°C for 30 minutes;
- (d) natural fermentation and maturation of not less than nine months, resulting in the following characteristics—
  - (i) Aw value of not more than 0.93; or
  - (ii) pH value of not more than 6.0;
- (e) heat treatment ensuring a core temperature of at least 65°C is reached for the time necessary to achieve a pasteurisation value equal to or more than 40.

##### **Hides and skins**

2. Hides and skins fall within this paragraph if they comply with the requirements in Article 20 of and points A(2)(c) or (d) of Chapter VI of Annex VIII to Regulation (EC) No 1774/2002 as amended.

**Wool, ruminant hair and pig bristles**

3. Wool, ruminant hair and pig bristles fall within this paragraph if they comply with the requirements in Article 20 of and point A(1) of Chapter VIII of Annex VIII to Regulation (EC) No 1774/2002 as amended.

**Animal products derived from susceptible animals**

4. Animal products derived from susceptible animals fall within this paragraph if they have undergone one of the following treatments—

- (a) heat treatment in a hermetically sealed container at a level of at least F<sub>0</sub>3;
- (b) heat treatment in which the centre temperature is raised to at least 70°C for at least 60 minutes.

**Blood and blood products**

5. Blood and blood products of a susceptible animal used for technical purposes (including pharmaceuticals, in vitro diagnostics and laboratory reagents) which have undergone any of the treatments referred to in point B3(e)(ii) of Chapter IV of Annex VIII to Regulation (EC) No 1774/2002 as amended.

**Lard and rendered fats**

6. Lard and rendered fats fall within this paragraph if they have undergone the heat treatment referred to in point B(2)(d)(iv) of Chapter IV of Annex VII to Regulation (EC) No 1774/2002 as amended.

**Petfood and dog chews**

7. Petfood and dog chews fall within this paragraph if they comply with the requirements of points B(2), (3) or (4) of Chapter II of Annex VIII to Regulation (EC) No 1774/2002 as amended.

**Game trophies of ungulates**

8. Game trophies of ungulates fall within this paragraph if they comply with the requirements of points A(1), (3) or (4) of Chapter VII of Annex VIII to Regulation (EC) No 1774/2002 as amended.

**Animal casings**

9. Animal casings fall within this paragraph if they have been cleaned, scraped and either salted with sodium chloride for 30 days or bleached or dried after scraping and were protected from recontamination after treatment.

## PART II

### PRODUCTS NOT OF ANIMAL ORIGIN

**Straw and forage**

1. Straw and forage falls within this paragraph if it has either—
  - (a) undergone the action of—

- (i) steam in a closed chamber for at least 10 minutes and at a minimum temperature of 80°C; or
  - (ii) formalin fumes (formaldehyde gas) produced in a chamber kept closed for at least 8 hours and at a minimum temperature of 19°C, at 35-40% concentration; or
- (b) has been stored in packages or bales under shelter on premises situated not closer than 2 kilometres to the nearest infected premises and kept at such premises until at least three months have elapsed following the completion of all cleansing and disinfection in the protection zone surrounding the nearest infected premises (and in any case not before the declaration creating that that protection zone has been amended in accordance with regulation 34 so that the protection zone becomes part of a surveillance zone).

## PART III

### FRESH MEAT

#### **De-boning**

1. Meat (together with diaphragms but excluding offal) is de-boned so that it falls within this paragraph if the bone and main accessible lymphatic glands have been removed.

#### **Maturation**

2. Carcasses are matured so that they fall within this paragraph if they—
- (a) have been matured at a temperature of more than 2°C for at least 24 hours; and
  - (b) have a pH value in the middle of Longissimus dorsi recorded at less than 6.0.

## PART IV

### MILK AND MILK PRODUCTS

#### **Milk and milk products for human consumption**

3. (1) Milk and milk products for human consumption that have been subjected to one of the following treatments—

- (a) sterilisation at a level of at least F<sub>03</sub>;
- (b) Ultra-High Temperature treatment at 132°C for at least one second;
- (c) High Temperature Short Time pasteurisation at 72°C for at least 15 seconds or any other pasteurisation treatment which achieves a negative reaction to a phosphatase test (with any pasteurisation under this paragraph applied twice to milk with a pH of 7.0 or above);
- (d) High Temperature Short Time pasteurisation at 72°C for at least 15 seconds or any other pasteurisation treatment which achieves a negative reaction to a phosphatase test and either
  - (i) lowering the pH below 6.0 for at least one hour, or
  - (ii) heating to 72°C or more combined with desiccation

(2) Milk products for human consumption produced from milk which has been subjected to one of the treatments in sub-paragraph (1).

### **Milk and milk products not intended for human consumption**

4. (1) Milk and milk products not intended for human consumption (including whey intended for susceptible animals) fall within this paragraph if they have undergone one of the following treatments—

- (a) sterilisation at a level of at least F<sub>03</sub>; or
- (b) Ultra-High Temperature treatment at 132°C for at least one second and either—
  - (i) lowering the pH below 6.0 for at least one hour, or
  - (ii) heating to 72°C or more combined with desiccation;
- (c) High Temperature Short Time pasteurisation, applied twice, at 72°C for at least 15 seconds or any other pasteurisation treatment which achieves a negative reaction to a phosphatase test; or
- (d) High Temperature Short Time pasteurisation at 72°C for at least 15 seconds or any other pasteurisation treatment which achieves a negative reaction to a phosphatase test and either—
  - (i) lowering the pH below 6.0 for at least one hour, or
  - (ii) heating to 72°C or more combined with desiccation.

(2) Milk products not for human consumption (other than whey intended for susceptible animals) fall within this paragraph if they are produced from milk which has been subjected to one of the treatments in sub-paragraph (1).

- (3) Whey intended for susceptible animals falls within this paragraph if it is—
  - (a) collected at least 16 hours after milk clotting; and,
  - (b) (if intended for feeding to pigs) has a recorded pH of less than 6.0 before leaving the establishment in which the milk has been treated.

## SCHEDULE 7

Regulations 36 and 39(2)

### MEASURES APPLICABLE IN RESPECT OF A RESTRICTED ZONE

#### **Movement of a susceptible animal in a restricted zone**

- 1. (1) Subject to sub-paragraph (3) a person shall not move a susceptible animal—
  - (a) from premises within a restricted zone; or
  - (b) into or out of a restricted zone,

except under the authority of a licence granted by the Department.

(2) The person in charge of any vehicle used to move a susceptible animal under such a licence shall ensure that it is cleansed and disinfected in accordance with regulation 42.

(3) This paragraph does not apply in any part of a restricted zone which is also part of a protection zone, surveillance zone or vaccination zone.

#### **Slaughter of a susceptible animal in a restricted zone**

2. Where a susceptible animal is moved to a slaughterhouse within a restricted zone, the occupier of the slaughterhouse shall ensure that it is slaughtered in accordance with any directions given by an inspector and in any case within 24 hours of arrival.



### **Control of products from slaughterhouses in a restricted zone**

3. (1) A person shall not move any carcase or animal product (unless intended for human consumption) or any manure, slurry or used litter from a slaughterhouse in a restricted zone except—

- (a) for disposal; or
- (b) under the authority of a licence granted by an inspector (which shall include a condition prohibiting any intermediate movement to any premises keeping a susceptible animal).

(2) A person transporting any thing under the authority of a licence granted under sub-paragraph (1)(b) shall—

- (a) do so in a covered drip-proof container or vehicle; and
- (b) cleanse and disinfect the vehicle, as soon as possible after unloading and in any event before re-use, in accordance with the directions of an inspector.

(3) The occupier of the premises to which any carcase or animal product is moved under this paragraph shall ensure that it is not brought into contact with, or fed to, any susceptible animal.

### **Control of carcasses in a restricted zone**

4. (1) A person shall not move any carcase of a susceptible animal (other than the carcase of an animal slaughtered for human consumption or the carcase of an animal suspected of having contracted Bovine Spongiform Encephalopathy or Scrapie destined for disposal) from premises in a restricted zone other than a slaughterhouse except under the authority of a licence granted by an inspector.

(2) The carcase of a deer which has been culled shall not be considered to have been slaughtered for human consumption.

### **Straying of a susceptible animal in a restricted zone**

5. (1) The keeper of a susceptible animal in a restricted zone shall take all such steps as are necessary to prevent it from straying from the premises on which it is kept.

(2) An inspector may detain any stray or feral susceptible animal found in a restricted zone.

### **Control of animal gatherings and gatherings of people in a restricted zone**

6. (1) Subject to sub-paragraphs (5) and (6) a person shall not—

- (a) hold an animal gathering which includes a susceptible animal in a restricted zone; or
- (b) hold any gathering of people on any holding in a restricted zone in connection with the sale of a susceptible animal kept there at which more than two people (other than the owner or keeper of the animal and his representatives) are present,

except under the authority of a licence granted by the Department.

(2) Subject to sub-paragraph (4) a person shall not hold or take part in the following activities in a restricted zone—

- (a) hunting including hunting any drag or other trail;
- (b) stalking;
- (c) horse racing and jumping competitions;
- (d) polo;
- (e) pigeon racing; and
- (f) the racing or coursing or the training for racing or coursing of any dogs or hounds and the pursuit of game and rabbits.

(3) Subject to sub-paragraph (4) and (5), a person shall not shoot deer except under the authority of a licence granted by the Department.

(4) The occupier of land, members of his household, persons employed by him as beaters and any member of a shooting party of not more than three persons authorised by him may shoot deer found on that land.

(5) Sub-paragraph (1) shall not be deemed to prohibit the racing or the training for racing of greyhounds on a licensed greyhound racing track in a restricted area.

(6) This paragraph does not apply in any part of a restricted zone which is also part of a protection zone or surveillance zone.

### **Shearing or dipping of sheep in a restricted zone**

7. (1) Subject to sub-paragraph (2) and (4), a person shall not—

- (a) shear or dip sheep; or
- (b) handle fleeces or sheep during shearing or dipping,

in a restricted zone except under the authority of a licence granted by an inspector.

(2) The prohibition in sub-paragraph (1) shall not apply to the occupier of any premises or his employees (other than a person employed by him primarily for the purpose of shearing or dipping sheep) in respect of the shearing or dipping of sheep kept on those premises.

(3) In this paragraph—

- (a) “shearing” includes clipping and dagging; and
- (b) “dipping” includes showering and jetting sheep with sheep dip.

(4) This paragraph does not apply in any part of a restricted zone which is also part of a protection zone or surveillance zone.

### **Ultrasound scanning of sheep in a restricted zone**

8. (1) Subject to sub-paragraph (2) and (3), a person shall not carry out ultrasound scanning of sheep in a restricted zone except under the authority of a licence granted by an inspector.

(2) The prohibition in sub-paragraph (1) shall not apply to the occupier of any premises or his employees (other than any person employed by him primarily for the purpose of carrying out ultrasound scanning of sheep) in respect of the carrying out of ultrasound scanning of sheep kept on those premises using ultrasound scanning equipment of which the occupier is the owner or person in charge.

(3) This paragraph does not apply in any part of a restricted zone which is also part of a protection zone or surveillance zone.

### **Cleansing and disinfection of slaughterhouses in a restricted zone**

9. The occupier of any collecting centre or slaughterhouse in a restricted zone shall cleanse and disinfect the premises in accordance with the directions of an inspector as soon as is practicable after it has been emptied of animals and in any event before a susceptible animal, fodder, used litter or other thing liable to spread disease is moved there again.

## SCHEDULE 8

Regulations 38(1) and 54

### MEASURES APPLICABLE IN RESPECT OF A WILD ANIMAL INFECTED ZONE

#### **Notification of a dead wild susceptible animal in a wild animal infected zone**

10. Any person who kills a wild susceptible animal or finds such an animal dead in a wild animal infected zone shall notify a Divisional Veterinary Officer of that fact.

#### **Record keeping in a wild animal infected zone**

11. The occupier of any holding in a wild animal infected zone where a susceptible animal is kept shall create a record of the number of each species of susceptible animals kept on the premises and shall maintain that record by updating it every time that number changes.

#### **Isolation of a susceptible animal in a wild animal infected zone**

12. The occupier of any premises in a wild animal infected zone where a susceptible animal is kept shall ensure that—

- (a) a susceptible animal is isolated as far as is reasonably practicable from contact with wild animals; and
- (b) fodder, used litter and any other material which may come into contact with a susceptible animal is isolated as far as is reasonably practicable from contact with wild animals.

#### **Movement of a susceptible animal in a wild animal infected zone**

13. A person shall not move a susceptible animal from or to premises in a wild animal infected zone except under the authority of a licence granted by the Department.

#### **Cleansing and disinfection in a wild animal infected zone**

14. (1) The occupier of any premises in a wild animal infected zone shall ensure that means of disinfection are provided and used at all entrances to buildings where a susceptible animal is kept in accordance with the directions of an inspector.

(2) Any person coming into contact with a wild susceptible animal shall cleanse and disinfect himself and launder his clothing after such contact in accordance with the directions of the Department.

#### **Carcases and things which may be contaminated in a wild animal infected zone**

15. A person shall not bring the following on to a holding in a wild animal infected zone where a susceptible animal is kept—

- (a) any carcass of a wild animal;
- (b) any material, equipment or other thing which may be contaminated.

#### **Movement of semen, ova and embryos out of a wild animal infected zone for trade**

16. A person shall not move any semen, embryo or ovum of a susceptible animal out of a wild animal infected zone for the purpose of trade with another member State, Norway, Iceland or Liechtenstein.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## SCHEDULE 9

Regulation 62

## REVOCATIONS

<i>Number</i>	<i>Title</i>	<i>Extent</i>
S.R. & O. (N.I.) 1962 No 209	Foot and Mouth Disease Order (NI)	The whole Order
S.R. & O. (N.I.) 1968 No 14	Foot and Mouth Disease (Revocation and Amendment) Order (NI)	The whole Order
S.R. & O. (N.I.) 1968 No 29	Foot and Mouth Disease (Importation ) No.2 (Revocation) Order (NI)	The whole Order
S.R. & O. (N.I.) 1968 No 34	Foot and Mouth Disease (Importation ) No.6 and 7 Orders (Amendment and Revocation) (NI)	The whole Order
S.R. 2001 No. 82	Foot and Mouth Disease (Amendment) Order (NI)	The whole Order
S.R. 2001 No. 83	Foot and Mouth Disease (Infected area) Order (NI)	The whole Order
S.R. 2001 No. 239	Import and Export Restrictions (Foot and Mouth Disease) No.2 (Revocation) Regulations (N.I.)	The complete Regulations
S.R. 2002 No. 44	Foot and Mouth Disease (Controlled Area) Order (NI)	The whole Order

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations, read with the [Diseases of Animals \(Northern Ireland\) Order 1981 No. 1115 \(N.I. 22\)](#) (“the Order”) partially transpose for Northern Ireland Council Directive [2003/85/EC](#) on Community measures for the control of foot-and-mouth disease repealing Directive [85/511/EEC](#) and Decisions [89/531/EEC](#) and [91/665/EEC](#) and amending Directive [92/46/EEC](#) (O.J. No. L306, 22.11.2003, p1). The other measures transposing the Directive in Northern Ireland are the [Foot-and-Mouth Disease \(Control of Vaccination\) Regulations \(Northern Ireland\) 2006 \(S.R. No. 43\)](#) and the [Diseases of Animals \(Amendment\) Regulations \(Northern Ireland\) 2006.\(S.R. No. 41\)](#).

The Regulations transpose the Directive except insofar as it deals with vaccination against foot-and-mouth disease (“the disease”).

Part I of the Regulations contain introductory and interpretation provisions.

Part II makes provision for notification, suspicion and investigation of the disease.

Regulations 8 and 9 provide for notification of the disease or suspicion of it. Schedule 1 contains the restrictions which apply in relation to premises under suspicion.

Regulation 10 relates to animals in transit which are known or suspected of infection or contamination with the disease.

Regulation 11 provides for veterinary investigation into the disease. Consequent on that investigation, regulation 12 allows parts of premises to be declared as separate production units, which has the effect of excusing those parts from some of the restrictions in Schedule 1. Also consequent on the investigation, regulation 13 requires the Department to trace the possible spread of disease and to impose the restrictions in Schedule 1 on further premises. The restrictions in Schedule 1 are maintained in relation to premises where infection with the disease is found (regulation 14).

Regulations 15 to 17 provide for the declaration of a temporary control zone on suspicion of the disease and for the measures applying within that zone. Regulations 18 and 19 provide for the declaration of a further zone supplementary to a temporary control zone (a supplementary movement control zone) and the measures applying there.

Part II sets out the measures applying following confirmation of the disease.

Regulation 20 requires the Department to trace items from infected premises which may spread disease and provides for their treatment or disposal. The Regulations impose a duty on the Department to slaughter animals on infected premises to prevent the spread of the disease (paragraph 3A of Part I of Schedule 2 to “the Order”). Regulations 21 to 28 provide for the circumstances relating to such slaughter, including the place of slaughter (regulation 23), movement and disposal of carcasses and faecal material (respectively regulations 24 and 25), isolation of things which may spread the disease until they have been certified as free of contamination, treated or disposed of (regulation 26), cleansing and disinfection of the premises (regulations 27 and 28 and Schedule 3).

Regulations 29 to 31 provide for the declaration of protection and surveillance zones around infected premises. Regulation 32 and Schedule 5 set out the measures which apply in those zones. Regulation 33 requires the Department to investigate every premises keeping susceptible animals in such a zone. Regulation 34 sets out the circumstances in which protection and surveillance zones may be terminated.

Regulation 35 provides for the declaration of a restricted zone on confirmation of the disease; regulation 36 and Schedule 7 provide for the measures applying there.

Regulation 37 provides for the declaration of a wild animal infected zone on confirmation of the disease in a wild animal; regulation 38 and Schedule 8 provide for the measures applying there.

Part IV makes general and supplementary provisions.

Regulation 39 applies after specified movements and requires licences to be produced before animals are unloaded and that those licences are forwarded to the local authority.

Regulation 40 requires the Department to take steps to prevent spread of the disease to premises keeping animals of special value (such as rare breeds).

Regulation 41 requires the Department to erect signs indicating the perimeters of zones declared under the Regulations.

Regulation 42 sets out the method to be used when cleansing and disinfecting vehicles transporting susceptible animals. Regulation 43 requires occupiers to provide facilities, equipment and materials where cleansing and disinfection of vehicles is required on their premises.

Regulation 47 and Schedule 4 deal with restocking of premises.

Regulation 48 makes provision to maintain marks applied under the Regulations.

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Regulation 49 provides for the feeding and tending of animals or poultry which cannot be moved on termination of a right of occupation because of a restriction imposed by the Regulations.

Regulations 51 to 54 and 58 to 60 make provision related to offences and enforcement.

Regulation 55 confers power on an inspector appointed by the Department to prohibit access to land or buildings in a protection zone.

Regulation 56 confers general powers on veterinary inspectors to take action to prevent spread of the disease.

Regulation 61 makes consequential amendments to other statutory rules.

Regulation 62 revokes the statutory rules in Schedule 9.