
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 42

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

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(1);
 - (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⁽²⁾ 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, carcass, 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(3);
- (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).