

SCHEDULE 5

MEASURES APPLICABLE IN RESPECT OF PROTECTION ZONES AND SURVEILLANCE ZONES

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.

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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—

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- (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⁽¹⁾.

(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.

⁽¹⁾ 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)

(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—

- (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—

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- (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(2), 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) (b) 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;

(2) [S.R. 1999 No. 434](#)

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- (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.