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STATUTORY RULES OF NORTHERN IRELAND

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**2006 No. 43**

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

**PART III**

**GENERAL AND SUPPLEMENTARY PROVISIONS**

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

**28.**—(1) A person carrying out disinfection or cleansing and disinfection under these Regulations shall do so in accordance with the requirements of the Transport of Animals (Cleansing and Disinfection) Order (Northern Ireland) 2000(1).

(2) 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;

(3) Where cleansing and disinfection of vehicles is required at any premises by or under these Regulations, the occupier of those premises shall provide adequate facilities and proper equipment and materials for that cleansing and disinfection.

**Marks applied under these Regulations**

**29.** A person shall not remove, obscure or erase a mark applied to any animal, animal product, vehicle or other thing under these Regulations without the written authority of an inspector.

**Change of occupation of premises under restriction**

**30.**—(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 take such steps as are necessary to 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 feeding or tending it under this regulation, or providing facilities for feeding, tending or otherwise using it under this regulation.

#### **Reasonable assistance**

**31.** A person required to give assistance or information to a person acting in the execution of these Regulations for the performance of his functions under them shall, unless he has reasonable cause, do so without delay.

#### **False information**

**32.** A person shall not furnish information which he knows to be false or misleading to a person acting in the execution of these Regulations.

#### **Production of records**

**33.—(1)** A person required to produce a record by a person acting in the execution of these Regulations shall do so without delay.

(2) On production, a person acting in the execution of these Regulations may—

- (a) copy any records, in whatever form they may be held; or
- (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 for them.

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

**34.—(1)** A 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) A 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.

#### **Slaughter of vaccinated animals**

**35.** The power conferred by paragraph 3B of part 1 of Schedule 2 to the Order extends to taking any action—

- (a) which is required to enable any such animal to be slaughtered; or
- (b) which is otherwise required in connection with the slaughter.

#### **Powers of inspectors**

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

- (a) Article 46 (general power 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 to ascertain whether the provisions of any of these Regulations are being complied with within—

- (a) a vaccination zone; or

(b) a vaccination surveillance zone.

(3) For the purpose of preventing the spread of disease an inspector may at any time enter any land or premises for the purpose of ascertaining whether a power conferred under these Regulations to cause an animal to be vaccinated should be exercised.

(4) An inspector may at any time enter any land or premises for the purpose of ascertaining whether a power conferred under these Regulations to cause an animal to be slaughtered should be exercised.

### **Production of licences**

**37.** Every person issued with a licence under these Regulations shall, while executing the licensed activity, carry the licence and produce it to an inspector on demand.

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

**38.**—(1) This regulation applies in every vaccination zone and vaccination surveillance zone.

(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 it;
- (b) the cleansing and disinfection of any premises or other place in accordance with Schedule 3 to the FMD Regulations by serving a notice requiring it on the occupier of those premises or that place;
- (c) the removal, laundering, cleansing and disinfection or disposal of the clothing or footwear of any person by serving a notice on him;
- (d) 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 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 in case of default**

**39.**—(1) Where a person fails to comply with a requirement imposed by or under these Regulations, an inspector may take any steps he considers necessary to ensure the requirement is met.

(2) Where a person acts in contravention of a requirement imposed by or under these Regulations, 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 and detain any animal moved, kept or otherwise dealt with in contravention of a restriction or requirement imposed by or under these Regulations.

(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 amount is recoverable as a civil debt.

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

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

- (a) Article 18(6) and (7) (general provisions relative to slaughter and compensation) and the Diseases of Animals (Valuation) Order (Northern Ireland) 1989(2);
- (b) Article 42 (functions of constables);
- (c) Article 52 (offences);
- (d) Article 54 (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).

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

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

- (a) a vaccination zone; or
- (b) a vaccination surveillance 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.