

**2006 No. 43**

**ANIMALS**

**ANIMAL HEALTH**

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

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

*Coming into operation* - - - - - *23rd February 2006*

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

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<sup>(a)</sup> 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.))  
<sup>(b)</sup> 1972 c.68

# PART I

## INTRODUCTION

### Citation and commencement

1. These Regulations may be cited as The Foot-and-Mouth Disease (Control of Vaccination) 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 product” means anything originating or made (whether in whole or in part) from an animal or from a carcase;

“bovine animal” includes buffalo and bison;

“carcase” means the carcase of an animal and includes part of a carcase, and the meat, bones, hide, skin, hooves, offal or other part of an animal, separately or otherwise, or any portion thereof;

“Database” means the operational computerised database set up under Council Regulation 1760/2000(a)

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

“disease” means foot-and-mouth disease;

“fresh meat” means meat, including chilled or frozen meat, which has not undergone any preserving process and includes meat 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(b) and the expression “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 the Council laying down specific hygiene rules for food of animal origin(c) and the expression “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 premises” means any premises declared to be infected premises under regulation 11(12) of the FMD Regulations;

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

“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;

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(a) O.J. No. L2001, 11.8.2000, p. 1

(b) 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)

(c) 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)

“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 processes insufficient to modify the internal muscle fibre structure of the meat and thus to eliminate 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, whey, yoghurt 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(a);

“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 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);

“phase 1” means, in respect of a vaccination zone, the period of time commencing with the declaration of that vaccination zone and ending with a declaration under regulation 22(1);

“phase 2” means, in respect of a vaccination zone, the period of time commencing with the end of phase 1 and ending with a declaration under regulation 22(2);

“phase 3” means, in respect of a vaccination zone, the period of time commencing with the end of phase 2 and ending with a declaration under regulation 22(4);

“premises” includes any land, building or other place;

“protection zone” has the same meaning as in the FMD Regulations;

“protective vaccination” means vaccination carried out on premises in a vaccination zone to protect susceptible animals within that zone against airborne spread or spread through fomites of the disease virus and where the vaccinated animals are not intended to be slaughtered to prevent the spread of disease;

“public highway” means a highway maintainable at the 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;

“the FMD Regulations” means The Foot and Mouth Disease Regulations (Northern Ireland) 2006(b);

“reactor premises” means premises declared to be reactor premises under regulation 23(3)(b);

“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—

(a) 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(c); or

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(a) 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 S.R. 2006 No. 41

(b) S.R. 2005 No.42

(c) 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)

- (b) 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 slaughterhouse under the Food Hygiene Regulations (Northern Ireland) 2006(a) or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995(b);

“suppressive vaccination” means vaccination carried out in a premises or area where there is an urgent need to prevent the spread of disease outside the premises or area by reducing the quantity of circulating disease virus there and where the vaccinated animals are intended for slaughter to prevent the spread of disease;

“surveillance zone” has the same meaning as in the FMD Regulations;

“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);

“temporary control zone” has the same meaning as in the FMD Regulations;

“vaccinate” means treat a susceptible animal with hyperimmune serum or vaccine against disease and “vaccination”, “vaccinated” and “unvaccinated” shall be construed accordingly;

“vaccination surveillance zone” means a vaccination surveillance zone declared under regulation 13(1), 14(2) or 14(3);

“vaccination zone” means a vaccination zone declared under regulation 13(1);

“vehicle” means any means of transport and includes—

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

(2) In these Regulations “specified for vaccination” means specified as an animal to be vaccinated in a decision to undertake a vaccination programme undertaken in accordance with regulation 9(2).

(3) References in these Regulations to “animals originating in”, in respect of a vaccination zone mean—

- (a) an animal kept in the vaccination zone after declaration of the zone; and
- (b) an animal which was kept within the boundaries of the vaccination zone at any time during the period—
  - (i) beginning 21 days before the declaration of the vaccination zone; and
  - (ii) ending with that declaration,

and the expression “susceptible animal originating in” shall be construed accordingly.

(4) The Interpretation Act (Northern Ireland) 1954(c) 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

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(a) S.R. 2006 No. 3

(b) 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

(c) 1954 c. 33 (N.I.)

- (ii) all animals kept on each parcel of land are in the charge of the same keeper;
- (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 authorized 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 in writing at any time.
- (2) A declaration under these Regulations shall be in writing.
- (3) Any amendment or revocation of a declaration shall be made by further declaration.

**Notices**

- 5.—(1) A notice served on any person under these Regulations—
- (a) shall be in writing; and
  - (b) may be amended or revoked by further notice 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 those 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 restrictions 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 practicably.

- (2) The Department shall also ensure that—
- (a) the extent of any zone declared under these Regulations;
  - (b) the nature of the restrictions and requirements applicable within the zone; and
  - (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 these Regulations shall be carried out with a disinfectant which is—

- (a) approved for use for the purpose of these Regulations and the FMD Regulations by the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972(a);
- (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

### THE VACCINATION PROGRAMME

#### **Prohibition on vaccination except under licence**

**8.**—(1) A person shall not vaccinate an animal except under the authority of a licence granted by the Department permitting suppressive vaccination or protective vaccination.

(2) Paragraph (1) does not apply to—

- (a) anything done under the authority of a licence granted under Article 4 of the Specified Animal Pathogens Order (Northern Ireland) 1999(b);
- (b) the administration of a vaccine in accordance with an animal test certificate granted under regulation 8 of the Veterinary Medicines Regulations 2005(c); or
- (c) vaccination caused by the Department under regulation 16.

#### **Factors informing a decision to permit suppressive vaccination or protective vaccination**

**9.**—(1) The Department shall take into account the following factors in deciding whether to permit suppressive vaccination or protective vaccination—

- (a) the risk of an outbreak of disease—
  - (i) in Northern Ireland becoming widespread within Northern Ireland, the United Kingdom or the Republic of Ireland;
  - (ii) outside Northern Ireland spreading to Northern Ireland with an imported susceptible animal, carcase or other thing liable to spread disease;
  - (iii) spreading from Northern Ireland with an exported susceptible animal, carcase or other thing liable to spread disease; or
  - (iv) spreading to or from Northern Ireland because of the prevailing meteorological conditions;
- (b) any threat from disease to animals in—
  - (i) 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;
  - (ii) premises not falling within sub-paragraph (a) of a body, institute or centre which—
    - (aa) 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
    - (bb) is approved in relation to those animals under regulation 9 of the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2005(d);
  - (iii) other premises where susceptible animals are kept for scientific purposes or purposes related to conservation of species or farm animal genetic resources;

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(a) S.R. 1972 No. 16 as amended by SR&O 1975 No.69, S.R. 1995 No.467 and S.R. 2006 No.42  
 (b) S.R. 1999 No. 434  
 (c) S.I. 2005/2745  
 (d) S.R. 2005 No. 78 as amended by S.R. 2005 No. 446

- (c) the criteria in Annex X of 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<sup>(a)</sup>;
- (d) other means of preventing the spread of disease available to it;
- (e) in the case of suppressive vaccination, whether such vaccination is necessary urgently to prevent the spread of disease from a premises or geographical area by reducing the quantity of circulating disease virus there; and
- (f) in the case of protective vaccination—
  - (i) whether such vaccination in the proposed vaccination zone will protect susceptible animals in that zone against airborne spread or spread through fomites of the disease virus, and
  - (ii) the effect of the measures which would apply in the vaccination zone and vaccination surveillance zone on persons and animals there.

(2) Where, having taken those factors into account, the Department considers that permitting suppressive vaccination or protective vaccination is the most appropriate means of preventing the spread of disease, it shall undertake a vaccination programme.

(3) If the Department decides to undertake a vaccination programme it shall grant one or more licences permitting suppressive vaccination or protective vaccination.

#### **Form of the decision to undertake a vaccination programme**

**10.**—(1) The decision to undertake a vaccination programme shall be given in writing.

(2) The decision shall contain the following information about the vaccination programme—

- (a) whether it is a programme of suppressive or of protective vaccination;
- (b) the place or geographical area where it is to be undertaken;
- (c) specification of the animal required to be vaccinated (including its species and age);
- (d) the intended duration of the programme;
- (e) notification of the prohibition on movement of animals and animal products in regulation 12(2);
- (f) the form of the eartag to be affixed and records to be made under regulation 17;
- (g) the person who will carry out the programme;
- (h) such other information (if any) as the Department considers necessary to inform those who may be affected by the vaccination programme.

(3) Any decision of the Department which results in a change to the information in subparagraph (2) shall also be given in writing.

(4) The Department shall take such steps as it considers fit to bring a decision referred to in paragraph (1) or (3) to the attention of those who may be affected by it.

#### **Licences permitting suppressive vaccination or protective vaccination**

**11.**—(1) A licence permitting suppressive or protective vaccination shall not authorise vaccination outside a vaccination zone.

(2) A licence permitting suppressive or protective vaccination shall not authorise vaccination in a vaccination surveillance zone.

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(a) O.J. No. L306, 22.11.2003, p1



### **Facilitation of vaccination**

12.—(1) The keeper of any animal specified in a decision to undertake a vaccination programme shall, when required by an inspector or a person acting at his direction—

- (a) state (if required, in writing) the species, ages, and numbers of the animals for which he is responsible;
- (b) submit any such animal for vaccination at such time and in such place as required by that inspector or by that person;

(2) Except under the authority of a licence granted by the Department a person shall not move from any premises where any animal specified in a decision to undertake a vaccination programme is kept—

- (a) any animal, or
- (b) any animal product produced on the premises from a susceptible animal,

before all the animals so specified have been vaccinated.

### **Declaration of a vaccination zone and of a vaccination surveillance zone on suppressive or protective vaccination in Northern Ireland**

13.—(1) Where the Department decides to undertake a programme of suppressive or protective vaccination it shall, at the same time, declare any place or geographical area where it is to be undertaken to be a vaccination zone and shall also declare a vaccination surveillance zone.

(2) A declaration under paragraph (1) shall designate—

- (a) the extent of the vaccination zone;
- (b) the extent of the vaccination surveillance zone,

(3) A vaccination surveillance zone declared under paragraph (1) shall extend from the vaccination zone for at least ten kilometres and otherwise shall be of such size as the Department considers fit to prevent the spread of disease.

(4) If the Department decides to vary the place or geographical area where a programme of suppressive or protective vaccination is to be undertaken it shall amend the declaration under paragraph (1) so that the vaccination zone comprises the place or geographical area as varied.

### **Declaration of a vaccination surveillance zone on suppressive or protective vaccination in the Republic of Ireland**

14.—(1) This regulation applies where a programme of vaccination is to be undertaken in the Republic of Ireland.

(2) Where this regulation applies and any part of the programme of vaccination is to be undertaken within ten kilometres of the border with Northern Ireland, the Department shall declare a vaccination surveillance zone in Northern Ireland, of such size as it thinks fit to prevent the spread of disease.

(3) Where this regulation applies and a zone having equivalent effect to a vaccination surveillance zone has been declared in the Republic of Ireland abutting the border with Northern Ireland, the Department may declare a vaccination surveillance zone in Northern Ireland.

(4) Subject to paragraph (5), a vaccination surveillance zone declared under this regulation shall be of such size as the Department thinks fit to prevent the spread of disease.

(5) A declaration under this regulation shall specify the extent of the vaccination surveillance zone and the Department shall ensure that any such zone—

- (a) abuts the border of the Republic of Ireland; and
- (b) extends from that border such that its boundary is at least ten kilometres from the perimeter of any zone having equivalent effect to a vaccination zone in the Republic of Ireland.

### **Vaccination zones and vaccination surveillance zones: general provisions**

15.—(1) Any premises which are partly inside and partly outside a vaccination zone shall be deemed to be wholly within it.

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

(3) An area shall remain a vaccination zone or a vaccination surveillance zone (or part of one) until the Department—

- (a) amends the declaration creating it so as to exclude that area; or
- (b) revokes that declaration.

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

(5) Nothing in paragraph (1) shall deem any part of a premises lying outside Northern Ireland to be within a vaccination zone.

### **Power to vaccinate an animal**

16. For the purpose of preventing the spread of disease the Department may cause the vaccination of any animal—

- (a) which has been in contact with a diseased animal;
- (b) which appears to the Department to be or to have been in any way exposed to the infection or disease; or
- (c) which is in a vaccination zone or a protection zone.

### **Identification of vaccinated animals**

17.—(1) The Department shall provide to every person vaccinating an animal under regulation 16 or issued with a licence permitting suppressive vaccination or protective vaccination, sufficient eartags to affix an eartag to every animal which may be vaccinated under that licence.

(2) Each eartag shall carry such information as the Department considers necessary to identify the animal to which it is affixed as a vaccinated animal.

(3) Any person vaccinating an animal referred to in paragraph (1) shall—

- (a) identify it immediately after vaccination by affixing an eartag;
- (b) make a written record of that vaccination containing the following information—
  - (i) the date,
  - (ii) the place,
  - (iii) a description of the animal;
- (c) ensure that the Department and the keeper of the animal receives a copy of that record; and
- (d) retain that record for a period of six years.

(4) Records shall be in a form approved by the Department.

(5) Every person provided with eartags under this regulation shall return unused eartags to the Department on demand and without delay.

(6) A person vaccinating an animal shall ensure that in the case of any animal to which paragraph (1) applies, the fact that the animal has been vaccinated shall inform the Department to enable the vaccination to be recorded on the Department's database.

### **Removal of eartags and missing eartags**

18.—(1) A person shall not remove an eartag affixed under regulation 17.

(2) Subject to paragraph (4), if the keeper of a vaccinated animal discovers that its eartag is missing he shall notify the Department in writing without delay.

(3) On receipt of a notification under this regulation, the Department shall—

(a) arrange for a new eartag to be affixed to the vaccinated animal; or

(b) if affixing an eartag would cause unnecessary pain and suffering, arrange for the animal to be identified as vaccinated by applying a permanent indelible mark.

(4) Any person who knows or suspects that an animal has been vaccinated but is not bearing an eartag or a mark applied under paragraph (3)(b) shall immediately notify the keeper of that animal and the Divisional Veterinary Officer.

### **Sale and slaughter of vaccinated animals**

19. A person shall not sell a vaccinated animal or send such an animal for slaughter unless it bears an eartag affixed under these Regulations, or a mark applied under regulation 18(3)(b).

### **Failure to vaccinate animals specified for vaccination**

20.—(1) Any person (other than an inspector) who knows or suspects that an animal has been specified for vaccination but was not vaccinated at the time when it should have been shall immediately notify the keeper of that animal and the Divisional Veterinary Officer.

(2) If an inspector suspects that an animal has been specified for vaccination but was not vaccinated at the time it should have been he shall arrange for that animal to be vaccinated as soon as is reasonably practicable.

### **Carcases of animals specified for vaccination**

21.—(1) If an inspector knows or suspects that a carcass is of a vaccinated animal and is intended for sale (whether before or after processing into any animal product), but is not being dealt with as the carcass of a vaccinated animal he may serve a notice on the person in charge of the carcass requiring him to arrange for its disposal.

(2) If an inspector knows or suspects that a carcass is of an animal specified for vaccination which has not been vaccinated (whether before or after processing into any animal product), he shall serve a notice on the person in charge of the carcass requiring him to deal with it at all times as if it was the carcass of a vaccinated animal.

### **Time phases and measures applicable in respect of a vaccination zone**

22.—(1) After 30 days have elapsed since all animals in a vaccination zone specified for vaccination in a decision to undertake a programme of vaccination have been vaccinated, the Department may declare the end of phase 1 and the commencement of phase 2 and the declaration shall specify the date and time it is to take effect.

(2) On completion of the measures in sub-paragraphs (a) to (d) of regulation 24 in every reactor premises in a vaccination zone, the Department shall declare the end of phase 2 and the commencement of phase 3 and the declaration shall specify the date and time it is to take effect.

(3) Notwithstanding paragraph (2), the Department may, before completion of those measures in every reactor premises, serve a notice on the occupier of any premises classified as free of disease under regulation 23(3) stating that it shall enter phase 3 and phase 3 shall be deemed to have commenced in respect of that premises on such service.

(4) The Department may declare the end of phase 3 when it is satisfied that the disease has been eradicated in Northern Ireland.

(5) Subject to regulation 24, the provisions of the Schedule apply in respect of a vaccination zone without prejudice to any requirements or restrictions applying in any part of it because that part falls within a protection zone or a surveillance zone.

## **Survey and classification of premises during phase 2**

**23.**—(1) The Department shall ensure that during phase 2 a clinical and serological survey of all premises in the vaccination zone where a susceptible animal is kept is carried out in accordance with the method set out in paragraph (2).

(2) The method referred to in paragraph (1) is that all susceptible animals in the vaccination zone are clinically inspected; and either—

- (a) testing for infection with the disease virus by an assay for antibodies against non-structural proteins of the disease virus is carried out on a selection of susceptible animals; or
- (b) testing for antibodies against non-structural proteins of the disease virus is carried out on samples from all vaccinated animals and their unvaccinated offspring.

(3) The Department shall ensure that during phase 2 all premises in the vaccination zone where susceptible animals are kept are classified according to the outcome of the survey referred to in paragraph (1) and the criteria in Schedule 2 to the FMD Regulations—

- (a) as infected premises, where the premises contain at least one susceptible animal in which the presence of the disease virus is confirmed, as infected premises;
- (b) as reactor premises where the premises contain at least one susceptible animal suspected of being infected but where further testing including all susceptible animals on the premises confirmed the absence of circulating disease virus; or
- (c) as free of disease.

(4) Where premises are classified as reactor premises under paragraph (3)(b), the Department shall serve a notice on the occupier declaring the premises to be reactor premises.

(5) Where premises are classified as free of disease under paragraph (3)(c), the Department shall serve a notice on the occupier declaring the premises to be free of disease.

(6) A person carrying out a clinical examination or serological sampling shall do so in accordance with the requirements of Annex III of the Directive.

(7) A person carrying out a diagnostic test shall do so in accordance with the requirements of Annex XIII of the Directive.

## **Measures applicable to reactor premises**

**24.** The following measures apply to reactor premises—

- (a) the Department shall ensure that susceptible animals which have tested positive to at least one of the tests in regulation 23(2) are slaughtered on the premises;
- (b) the Department may by notice served on the occupier direct that other susceptible animals on the premises shall be slaughtered;
- (c) the occupier shall dispose of the carcasses of any susceptible animals slaughtered on the premises in accordance with the directions of an inspector;
- (d) the Department shall ensure that the premises are cleansed and disinfected in accordance with Schedule 3 to the FMD Regulations;
- (e) a person shall not restock the premises except under the authority of a licence granted by the Department and in accordance with Schedule 4 to the FMD Regulations.

## **Measures applying in a vaccination surveillance zone**

**25.**—(1) A person shall not move any susceptible animal within or out of a vaccination surveillance zone except—

- (a) within the premises on which it is kept; or
- (b) under the authority of a licence granted by the Department.

(2) This regulation applies in addition to any requirements or restrictions applying in any part of a vaccination surveillance zone because that part falls within a protection zone or a surveillance zone.

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

26. The Department shall ensure that the boundaries of every vaccination zone and vaccination surveillance zone 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.

#### **Intra-Community trade of a vaccinated animal**

27. A person shall not send any vaccinated animal for intra-Community trade.

### **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(a).

(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.

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(a) S.R. 2000 No. 293

(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(a);
- (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.

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

## **SCHEDULE**

Regulation 22(5)

### **MEASURES APPLICABLE IN RESPECT OF A VACCINATION ZONE**

#### **PART I**

#### **MOVEMENT OF SUSCEPTIBLE ANIMALS**

##### **Movement of a susceptible animal during phase 1**

**1.**—(1) During phase 1 a person shall not move any susceptible animal within or out of a vaccination zone except for movement wholly within the same premises or movement under the authority of a licence granted by the Department.

(2) The Department shall not be grant a licence under sub-paragraph (1) except for—

- (a) direct transport of animals from premises to a slaughterhouse for immediate slaughter—

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(a) S.R. 1989 No.5



- (i) in the same vaccination zone, or
- (ii) where there is no slaughterhouse in that vaccination zone, outside the vaccination zone, or
- (b) the movement of animals from one part of premises to another part of the same premises using an intervening public highway.
- (3) The Department shall not grant a licence for transport under sub-paragraph (2)(a) unless—
  - (a) the Department has within the previous 24 hours carried out a clinical inspection on every susceptible animal on the premises; and
  - (b) it is satisfied there is no suspicion of infection or contamination on the premises.

### **Movement of a susceptible animal during phase 2**

2.—(1) During phase 2, a person shall not move any susceptible animal from or to any premises in a vaccination zone except under the authority of a licence granted by the Department.

(2) The Department shall not be grant a licence under sub-paragraph (1) for the movement of animals from any reactor premises unless—

- (a) it is for the direct transport of animals to a slaughterhouse, for the purpose of immediate slaughter; and
- (b) each animal which has been subjected to a diagnostic test by an inspector either for infection or for antibodies against non-structural proteins of the disease virus without a positive reaction to any such test.

(3) The Department shall not be grant a licence under sub paragraph (1) for any other movement of animals unless it is for—

- (a) transport to a slaughterhouse for the purpose of immediate slaughter from premises classified under regulation 23(3) as free of disease; or
- (b) movement from one part of premises to another part of the same premises using a public highway and the animal does not come into contact with another susceptible animal during movement.

(4) A licence granted under this paragraph (other than a licence for movement under sub-paragraph (3)(b)) shall require that—

- (a) the animal does not come into contact with any other susceptible animal during transport or in the slaughterhouse; and
- (b) the animal is accompanied during transport by a copy of the notice classifying its premises of origin under regulation 23(3), certified as a true copy by the Department.

### **Movement of a susceptible animal during phase 3**

3.—(1) During phase 3, a person shall not move a susceptible animal within or out of a vaccination zone except for movement wholly within the same premises or movement under the authority of a licence granted by the Department.

(2) The Department shall not be grant a licence under sub-paragraph (1) for the movement of animals out of a vaccination zone except where it is for the direct transport of animals from premises classified under regulation 23(3) as free of disease to a slaughterhouse for the purposes of immediate slaughter and it includes the conditions in sub-paragraph (3).

(3) The conditions in this sub-paragraph are that—

- (a) the animals do not come into contact with any other susceptible animals during transport; and
- (b) the animals are accompanied during transport by a copy of the notice classifying their premises of origin under regulation 23(3), certified as a true copy by an inspector.

(4) The Department shall not be grant a licence under this paragraph for the movement of animals within a vaccination zone unless—

- (a) it specifies a route to be taken which, in the opinion of the Department, ensures the animals are not exposed to infection during the journey; and either—
    - (i) the animals concerned are unvaccinated, and
    - (ii) the conditions in sub-paragraph (5) have been complied with, or
  - (b) the movement of animals is from one part of premises to another part of the same premises using an intervening public highway.
- (5) The conditions in this sub-paragraph are that—
- (a) the Department has within the previous 24 hours carried out a clinical examination on every susceptible animal on the premises of origin and has not identified signs of disease;
  - (b) every susceptible animal on the premises of origin has been kept there for at least 30 days;
  - (c) the premises of origin are not in a protection zone or a surveillance zone; and
  - (d) either—
    - (i) every animal intended for transport has been tested by an inspector for antibodies against disease after it has been on the premises of origin for a period at least as long as its incubation period with negative results, or
    - (ii) a serological survey pursuant to a sampling protocol suitable to detect 5% prevalence with at least 95% level of confidence has been completed on the premises of origin with negative result by an inspector.
- (6) The Department shall not be grant a licence under this paragraph for the movement of the unvaccinated offspring of a vaccinated dam unless either—
- (a) the Department is satisfied that each animal has undergone a serological test by an inspector for the detection of antibodies against disease with a negative result; or
  - (b) the licence is for movement to—
    - (i) premises in the vaccination zone with the same classification under regulation 23(3),
    - (ii) a slaughterhouse for immediate slaughter, or
    - (iii) other specified premises in which case sub-paragraph (7) applies; or
  - (c) the licence is for the movement of animals from one part of premises to another part of the same premises using a public highway.
- (7) Where this sub-paragraph applies, during phase 3 a person shall not subsequently move any animal moved from those specified premises except for—
- (a) movement to a slaughterhouse for immediate slaughter; or
  - (b) movement from one part of the premises to another part of the same premises using a public highway under the authority of a licence granted by the Department.
- (8) The occupier of a slaughterhouse to which susceptible animals are transported under the authority of a licence granted under this paragraph from premises classified as free of disease under regulation 23(3) shall ensure that—
- (a) before slaughter each animal undergoes an ante-mortem health check at the slaughterhouse; and
  - (b) at the slaughterhouse, the transported animal does not come into contact with any other animal.

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

4.—(1) The person in charge of any vehicle used to move susceptible animals under the authority of a licence granted under paragraph 1, 2 or 3 shall—

- (a) subject to sub-paragraph (3) ensure that it is cleansed and disinfected in accordance with Schedule 1 to the Transport of Animals (Cleansing and Disinfection) Order (Northern

- Ireland) 2000 and any additional requirements an inspector may by written directions impose;
- (b) make a record of the time and date of each cleansing and disinfection undertaken during phase 2 or phase 3;
  - (c) keep the record with the vehicle at all times; and
  - (d) retain the record for 6 months after the last such cleansing and disinfection.
- (2) Such cleansing and disinfection shall be undertaken—
- (a) before loading;
  - (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.

### **Production of licences and unloading after licensed movements**

**5.**—(1) This paragraph applies where any licence is granted for movement of a susceptible animal between premises under this Part, unless that licence provides otherwise.

(2) Where this paragraph applies, a person shall not unload a susceptible animal on premises to which it is moved unless that person first gives the movement licence to the occupier of those premises.

(3) Where this paragraph applies, the occupier of any premises to which a susceptible animal is moved shall—

- (a) forward the movement licence without delay to the Divisional Veterinary Office and, in the case of a slaughterhouse, provide a copy to any official veterinary surgeon appointed for that slaughterhouse;
- (b) retain a copy of the licence for a period of 6 months and produce it on request for inspection by an inspector;
- (c) in the case of a collecting centre, ensure that sheep are marked or tagged in accordance with the directions of the Department 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.

## **PART II**

### **FRESH MEAT, MINCED MEAT, MECHANICALLY SEPERATED MEAT AND MEAT PREPARATIONS**

#### **Fresh meat etc. derived from a vaccinated animal slaughtered during phase 1**

**6.**—(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from vaccinated animals slaughtered in a vaccination zone during phase 1.

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

- (a) it was health marked or identification marked and that mark was overstamped;
- (b) after marking, it was at all times stored and transported separately from meat which was not so marked;
- (c) it was transported in sealed containers for treatment to an establishment designated by the Department;
- (d) it was treated at that establishment so that it falls within paragraph 1 of Part I of Schedule 6 to the FMD Regulations.

### **Fresh meat etc. derived from a vaccinated ruminant slaughtered during phase 2**

7.—(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from a vaccinated ruminant slaughtered in a vaccination zone during phase 2.

(2) A person shall not sell or consign for sale offal to which this paragraph applies.

(3) A person shall not sell or consign for sale meat other than offal to which this paragraph applies 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 impose strict veterinary control of the establishment;
- (b) processes only meat falling within sub-paragraph (4); and
- (c) at all times during the production process stores, identifies and transports animal products eligible for sale to the final consumer or user separately from those which are not, and in accordance with the directions of the Department.

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

- (a) it has been—
  - (i) deboned and matured so that it falls within Part III of Schedule 6 to the FMD Regulations, or
  - (ii) obtained from animals reared and slaughtered outside a vaccination zone; and
- (b) it is health marked or identification marked.

### **Fresh meat etc. from vaccinated swine slaughtered during phase 2**

8.—(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from vaccinated swine slaughtered in a vaccination zone during phase 2.

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

- (a) it was health marked or identification marked and that mark was over stamped;
- (b) after marking, it was at all times stored and transported separately from meat which was not so marked;
- (c) it was transported in sealed containers for treatment to an establishment designated by the Department;
- (d) it was treated at that establishment so that it falls within paragraph 1 of Part 1 of Schedule 6 to the FMD Regulations.

### **Fresh meat etc. derived from an unvaccinated susceptible animal slaughtered in a vaccination zone during phase 3**

9.—(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from an unvaccinated susceptible animal slaughtered in a vaccination zone during phase 3.

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

- (a) either—
  - (i) all susceptible animals on all reactor premises in the vaccination zone have been slaughtered, or
  - (ii) the animals from which the meat was derived were transported to the slaughterhouse in compliance with sub-paragraph (3) or (4); and
- (b) it was produced in an establishment which complies with sub-paragraph (5).

(3) Transport complies with this sub-paragraph if it satisfies the following requirements—

- (a) the animal does not come into contact with any other susceptible animals during transport or in the slaughterhouse; and
  - (b) the animal is accompanied during transport by a copy of the notice classifying their premises of origin under regulation 23(3), certified as a true copy by an inspector.
- (4) Transport complies with this sub-paragraph if each animal transported has either—
- (a) been tested by the Department for antibodies against the disease after the end of its incubation period with negative results; or
  - (b) been subjected to a serological survey by the Department at that time with negative results.
- (5) An establishment complies with this paragraph if it—
- (a) is authorised by a licence granted by the Department imposing such conditions as it considers necessary to impose strict veterinary control of the establishment;
  - (b) processes only meat falling within sub-paragraph (6); and
  - (c) at all times during the production process stores, identifies and transports animal products intended to be eligible for sale to the final consumer or user separately from those which are not, and in accordance with the directions of the Department.
- (6) Meat falls within this sub-paragraph if—
- (a) it—
    - (i) has been deboned and matured so that it falls within Part III of Schedule 6 to the FMD Regulations,
    - (ii) comes from animals which were transported to the establishment under the authority of a licence granted under paragraph 3, or
    - (iii) comes from animals which were reared and slaughtered outside a vaccination zone; and
  - (b) it is health marked or identification marked.

**Fresh meat etc. derived from a vaccinated ruminant and the unvaccinated seropositive offspring of a vaccinated ruminant dam slaughtered during phase 3**

10.—(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from the following animals slaughtered in a vaccination zone during phase 3—

- (a) a vaccinated ruminant; and
  - (b) an unvaccinated seropositive offspring of a vaccinated ruminant dam.
- (2) A person shall not sell or consign for sale offal to which this paragraph applies.
- (3) A person shall not sell or consign for sale meat, other than offal, to which this paragraph applies unless it complies with sub-paragraph (4) or it was produced in an establishment complying with sub-paragraph (5).
- (4) Meat complies with this sub-paragraph if it satisfies the following requirements—
- (a) it was health marked or identification marked and that mark was overstamped;
  - (b) after marking, it was at all times stored and transported separately from meat which was not so marked;
  - (c) it was transported in sealed containers for treatment to an establishment designated by the Department;
  - (d) it was treated at that establishment so that it falls within paragraph 1 of Part I of Schedule 6 to the FMD Regulations.
- (5) An establishment complies with this sub-paragraph if it—
- (a) is authorised by a licence granted by the Department imposing such conditions as it considers necessary to impose strict veterinary control of the establishment;

- (b) processes only meat falling within sub-paragraph (6); and
  - (c) at all times during the production process stores, identifies and transports animal products intended to be eligible for sale to the final consumer or user separately from those which are not, and in accordance with the directions of the Department.
- (6) Meat falls within this sub-paragraph if—
- (a) it—
    - (i) has been deboned and matured so that it falls within Part III of Schedule 6 to the FMD Regulations;
    - (ii) has been transported to the establishment under the authority of a licence granted under paragraph 3; or
    - (iii) comes from animals which were reared and slaughtered outside a vaccination zone; and
  - (b) it is health or identification marked.

**Fresh meat etc. derived from vaccinated swine and the unvaccinated seropositive offspring of vaccinated swine slaughtered during phase 3**

**11.—(1)** This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from the following animals slaughtered in a vaccination zone during phase 3—

- (a) vaccinated swine; and
- (b) unvaccinated seropositive offspring of vaccinated swine.

(2) A person shall not sell or consign for sale meat to which this paragraph applies unless it complies with sub-paragraph (3) or it was produced in an establishment complying with sub-paragraph (4).

- (3) Meat complies with this sub-paragraph if it satisfies the following requirements—
- (a) it was health marked or identification marked and that mark was overstamped;
  - (b) after marking, it was at all times stored and transported separately from meat which was not so marked;
  - (c) it was transported in sealed containers for treatment to an establishment designated by the Department;
  - (d) it was treated at that establishment so that it falls within paragraph 1 of Part I of Schedule 6 to the FMD Regulations.
- (4) An establishment complies with this sub-paragraph if it—
- (a) is authorised by a licence granted by the Department imposing such conditions as it considers necessary to impose strict veterinary control of the establishment;
  - (b) processes only meat falling within sub-paragraph (5); and
  - (c) at all times during the production process stores, identifies and transports animal products eligible for sale to the final consumer or user separately from those which are not, and in accordance with the directions of the Department.
- (5) Meat falls within this sub-paragraph if it comes from animals—
- (a) originating in premises which have been declared free of disease under regulation 23(3); or
  - (b) which were reared and slaughtered outside a vaccination zone.

**PART III**  
**PRODUCTS OTHER THAN FRESH MEAT ETC.**

**Milk and milk products produced from a vaccinated animal**

**12.—**(1) A person shall not sell or consign for sale the milk produced by a vaccinated animal or any milk product produced from such milk unless it complies with sub-paragraph (2).

(2) 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 to the FMD Regulations; and
- (b) that treatment was carried out either—
  - (i) inside the vaccination zone on premises complying with sub-paragraph (3); or
  - (ii) outside the vaccination zone on such premises as the Department directs.

(3) 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) has been treated so as to fall within Part IV of Schedule 6 to the FMD Regulations,
  - (ii) is transported to the premises for such treatment, or
  - (iii) is raw milk obtained from outside a vaccination zone;
- (c) they are operated so that milk on the premises and leaving the premises is clearly identified as eligible for sale outside the vaccination 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 produced in a vaccination zone**

**13.—**(1) A person shall not collect and transport milk produced in a vaccination zone 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 the disease under Article 4 of the Specified Animal Pathogens Order (Northern Ireland) 1999(a), 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 paragraph (2)(b) shall specify the route to be taken and shall include—

- (a) a condition prohibiting the vehicle used from entering any premises in the zone where susceptible animals are kept for purposes other than to load milk; and

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(a) S.R. 1999 No.434

- (b) a condition requiring that the vehicle operates only within a specified part of Northern Ireland and is marked so as to identify that part of Northern Ireland.
- (5) Any person transporting milk under the authority of a licence granted under 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;
  - (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 under sub-paragraph (2) except under the authority of a licence granted by an inspector.

### **Artificial insemination and collection of ova and embryos**

14.—(1) A person shall not collect semen for artificial insemination from a susceptible animal kept in a semen collection centre in a vaccination zone unless such collection complies with sub-paragraph (3) and either sub-paragraph (4) or (5).

(2) A person shall not collect ova or embryos from susceptible animals kept in a vaccination zone.

(3) Collection of semen for artificial insemination complies with this sub-paragraph if—

- (a) it is under the authority of a licence granted by the Department;
- (b) the semen collected is clearly marked in accordance with the directions of the Department.

(4) Collection of semen for artificial insemination complies with this sub-paragraph if—

- (a) where the donor animal is unvaccinated; and—
- (b) all animals present in the semen collection centre at the time of collection have undergone a clinical examination and samples have been subjected to a serological test which substantiates the absence of infection in that centre to the satisfaction of the Department.

(5) Collection of semen for artificial insemination complies with this sub-paragraph if—

- (a) the donor animal is vaccinated; and
- (b) the vaccination took place following a test for antibodies against the disease virus carried out by the Department with negative result.

(6) A person shall not use semen collected in compliance with this paragraph for artificial insemination unless—

- (a) it was stored separately from other semen for at least 30 days after collection;
- (b) if collected from an unvaccinated animal, that animal has been subjected with negative result to a serological test carried out by the Department for the detection of antibodies against disease on a sample taken not earlier than 28 days after collection of the semen; and
- (c) if collected from a vaccinated animal—
  - (i) a negative result has been achieved in a test for detection of either the disease virus or viral genome or for the detection of antibody against non structural proteins carried out by the Department at the end of the quarantine period for the semen on samples taken from all susceptible animals present at the semen collection centre at that time; and
  - (ii) 5% of the semen from each collection (with a minimum of 5 straws) has been subjected to a virus isolation test for disease carried out by the Department with negative results.



### **Hides and skins**

**15.—**(1) This paragraph applies to hides and skins of susceptible animals originating in a vaccination 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 before the date 21 days before the vaccination zone was declared, 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 to the FMD Regulations.

### **Wool, ruminant hair and pig bristles**

**16.—**(1) This paragraph applies to wool, ruminant hair and pig bristles from animals originating in a vaccination 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 before the date 21 days before the vaccination zone was declared, and
  - (ii) at all times stored separately from wool ruminant hair and pig bristles which were not so produced; or
- (b) has been treated so that it falls within paragraph 3 of Part I of Schedule 6 to the FMD Regulations.

### **Other animal products**

**17.—**(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 from susceptible animals originating in a vaccination 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 before the date 21 days before the vaccination zone was declared, and
  - (ii) at all times stored and transported separately from animal products which were not so produced;
- (b) it has been treated so that it falls within paragraph 4 of Part I of Schedule 6 to the FMD Regulations;
- (c) where it is referred to in one of paragraphs 5 to 9 of Part I of Schedule 6 to the FMD Regulations, it has been treated so that it falls within that paragraph;
- (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 to the FMD Regulations and has been treated so that it falls within that paragraph (either before manufacturing or processing, or as part of the composite product); or
  - (ii) was not produced from susceptible animals originating in infected premises, suspect premises or contact premises or susceptible animals originating in a temporary control zone, protection zone, surveillance zone or vaccination zone;
- (e) it is a packaged product ready for use 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.
- (3) In this paragraph—
- (a) contact premises means any premises declared to be contact premises under regulation 13(2) of the FMD Regulations; and
  - (b) suspect premises means any premises declared to be suspect premises under regulation 11(8) or 13(1) of the FMD Regulations.
- (4) In this paragraph, the expressions “susceptible animals originating in” in respect of a protection zone or a 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 zone 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 the premises there,
      - (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, surveillance zone or infected premises, as the case may be.
- (5) In this paragraph, the expressions “susceptible animals originating in” in respect of a temporary control zone, or “susceptible animals originating on” in respect of suspect premises or contact premises mean—
- (a) susceptible animals kept in the 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 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 temporary control zone or suspect premises or contact premises, as the case may be, and
    - (ii) ending with that declaration.
- (6) In this paragraph, “infection date” means, in respect of any premises, the date confirmed by the Chief Veterinary Officer under regulation 11(10) of the FMD Regulations.

## **Transport, treatment and distribution of dung, manure and slurry**

**18.—(1)** This paragraph applies to dung, manure or slurry from premises in a vaccination zone where a susceptible animal is kept.

(2) A person shall not transport or spread dung, manure or slurry from premises in a vaccination zone where susceptible animals are kept unless such transport complies with sub-paragraph (3), (5) or (7), and with sub-paragraph (10).

(3) Transport of dung, manure or slurry complies with this sub-paragraph where it is to an establishment for treatment to destroy the disease virus and is 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.

(5) 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 the grant of the licence an inspector has clinically examined all susceptible animals on the premises where the dung, manure or slurry was produced and was satisfied 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 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) it is under the authority of a licence granted by an inspector; and
- (c) before the grant of the licence an inspector has clinically inspected all susceptible animals on the premises where the dung, manure or slurry was produced and is 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 (5), (7) 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 vehicles which is—

- (a) constructed and maintained so that there is no leakage of the load during transport; and
- (b) cleansed and disinfected 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 after unloading or spreading and before leaving the premises of destination.

(12) The person in charge of a vehicle to be cleansed and disinfected under sub-paragraph (10) or (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 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.

## EXPLANATORY NOTE

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

These Regulations transpose for Northern Ireland Council Directive 2003/85/EC on Community measures for the control of foot-and-mouth disease (O.J. No. L306, 22.11.2003, p. 1) insofar as it deals with vaccination against foot-and-mouth disease.

Part 1 of the Regulations contains introductory and interpretation provisions.

Part 2 makes provision for a programme of vaccination against foot-and-mouth disease.

Regulation 8 requires vaccination to be carried out under licence unless it is carried out as scientific research.

Regulation 9 sets out the factors the Department must consider when deciding whether to permit vaccination and regulation 10 requires such a decision to be in writing and to contain specified information.

Regulation 11 provides for the effect of a licence permitting vaccination.

Regulation 12 requires keepers of animals to facilitate their vaccination and controls movement of animals from premises where vaccination is being undertaken.

Regulations 13 to 25 apply when a programme of protective vaccination (defined in regulation 2, commonly referred to as “vaccination to live”) is undertaken. They provide for the declaration of a vaccination zone and a vaccination surveillance zone. Regulation 22 and the Schedule provide for the measures applying in a vaccination zone. These vary according to the phase of the vaccination programme; the commencement and ending of phases are also provided for in regulation 22. Regulation 25 provides for the measures applying in a vaccination surveillance zone.

Regulation 17 provides for identification of vaccinated animals by means of an eartag at the time of vaccination. Regulation 18 provides for removal of eartags and missing eartags. Regulation 19 prohibits the sale or sending for slaughter of a vaccinated animal unless it is identified as such. Regulations 20 and 21 provides for animals which were to have been included in a vaccination programme but were not vaccinated and for their carcasses. Regulation 21 also makes provision for the treatment of carcasses which come from a vaccinated animal but are not being dealt with accordingly.

Regulation 23 provides for the survey of premises during phase 2 of a programme of protective vaccination and their classification according to the results of that survey.

Regulation 26 requires the Department to erect signs indicating the boundaries of vaccination zones and vaccination surveillance zones.

Regulation 27 prohibits the sending of vaccinated animals for intra-Community trade.

Part 3 makes general and supplementary provisions.

Regulation 28 requires occupiers to provide facilities, equipment and materials where cleansing and disinfection of vehicles is required on their premises.

Regulation 29 makes provision to maintain marks applied under the Regulations.

Regulation 30 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.

Regulation 38 confers general powers on an inspector to take action to prevent the spread of disease.

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