

2008 No. 38

ANIMALS

ANIMAL HEALTH

The Bluetongue Order (Northern Ireland) 2008

Made - - - - - *1st February 2008*
Coming into operation - *22nd February 2008*

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This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(a) and it appears to the Department of Agriculture and Rural Development that it is expedient for the reference to Commission Regulation (EC) No. 1266/2007(b) to be construed as references to that Regulation as amended from time to time.

The Department of Agriculture and Rural Development(c) makes the following Order in exercise of the powers conferred by paragraph 1A of Schedule 2 to the European Communities Act 1972 (d) and Articles 5(1), 10(6), 12(1), 14, 19, 20, 44, 46(7A) and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(e):

PART I

INTRODUCTION

Citation and commencement

1. This Order may be cited as the Bluetongue Order (Northern Ireland) 2008 shall come into operation on 22nd February 2008.

Interpretation

2.—(1) In this Order—

“animal” means a ruminating animal, and “carcase”, “embryo”, “ovum” and “semen” mean the carcase, embryo, ovum and semen of such an animal;

“premises” includes any place;

“confirmation of the disease” means a declaration by the Department that the bluetongue virus is circulating in a specific area;

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

“the Directive” means Commission Directive 2000/75/EC laying down specific provisions for the control and eradication of bluetongue;

“the Regulation” means Commission Regulation 1266/2007 on implementing rules for Council Directive 2000/75/EC as regards the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue;

“the disease” means bluetongue;

“diseased” means affected with the disease;

“Divisional Veterinary Officer” means a Divisional Veterinary Officer of the Department appointed for the time being by the Department to receive information about animals or carcasses diseased or suspected of being diseased for the area in which such animals or carcasses are situated;

(a) 1972 c.68

(b) O.J. No. L 283, 27.10.2007, p. 37

(c) Formerly the Department of Agriculture for Northern Ireland: see S.I. 1999/283 (N.I. 1), Art. 3(4)

(d) Paragraph 1A was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51)

(e) S.I.1981/1115 (N.I.22) as amended by S.I. 1984/702 (N.I.) Art.17 and S.I. 1994/1891 (N.I. 6) Art.20, 22 and 23

“keeper” means any natural or legal person having ownership of, or charged with keeping animals, whether or not for financial reward;

“midge” means an insect of the genus *Culicoides*; and

“sentinel animal” means an animal that does not have antibodies to the bluetongue virus when first introduced or retained at the premises and is used for surveillance for the bluetongue virus.

(2) Any authorisation, licence, notice or direction under this Order must be in writing, may be subject to conditions and may be amended, suspended or revoked by notice in writing at any time.

(3) The Interpretation Act (Northern Ireland) 1954(a) shall apply to this Order as it applies to an Act of the Northern Ireland Assembly.

Exemptions

3. This Order does not apply to the bluetongue virus possessed under a licence issued under the Specified Animal Pathogens Order (Northern Ireland) 1999(b).

PART II

SUSPECTED AND CONFIRMED BLUETONGUE

Initial requirements where bluetongue is known or suspected

4.—(1) The owner or keeper of any animal or carcase, or any person who examines or inspects any animal or carcase, who knows or suspects that the animal or carcase is infected with bluetongue, shall—

- (a) immediately notify the Divisional Veterinary Officer; and
- (b) refrain from moving any animal or carcase on or off the premises where the animal or carcase known to be or suspected of being diseased is located, except under the authority of and in accordance with the conditions of a licence granted by the Department.

(2) Any person who analyses a sample taken from any animal or carcase and who finds evidence of antibodies to, or antigens or nucleic acids of, the bluetongue virus or any evidence of vaccination for bluetongue must immediately notify the Divisional Veterinary Officer.

Notification by inspectors

5.—(1) If an inspector knows or suspects that the disease exists on any premises he shall immediately serve a notice on the occupier of those premises or on the keeper of any animals on those premises requiring that—

- (a) no animal, ovum, semen or embryo enters or leaves the premises;
- (b) an inventory of all animals on the premises is made, recording, for each species—
 - (i) the number dead,
 - (ii) the number alive which appear to the occupier or keeper to be infected with the disease, and
 - (iii) the number alive which do not appear to the occupier or keeper to be infected with the disease;
- (c) this inventory is kept up to date;
- (d) all animals on the premises are kept indoors or as directed by an inspector; and

(a) 1954 c.33 (NI)

(b) S. R. 1999 No.434

- (e) the premises and animals on them are subject to the midge control measures specified in the notice.
- (2) The person making the inventory must keep it for at least two years.
- (3) A veterinary inspector or an inspector authorised by the Department may also serve a notice on the occupier of premises whose location, geographical situation or contacts with premises where the disease is known or suspected to exist provide grounds for suspecting the existence of the disease, exposure to it or the presence of midges there.
- (4) Notices may be served under paragraphs (1) and (3) whether or not notification has been given under Article 4.

Confirmation of bluetongue on premises

6.—(1) Once a veterinary inspector is satisfied that bluetongue exists on any premises he may serve a notice on the occupier of those premises—

- (a) confirming the existence of bluetongue on the premises;
- (b) notifying the occupier that notwithstanding Article 4, it is unnecessary to notify any further suspected cases of bluetongue on the premises to the Divisional Veterinary Officer; and
- (c) removing some or all of the restrictions imposed by the notice served under Article 5.

(2) The veterinary inspector may also serve a notice on the occupier that notwithstanding Article 4, it is unnecessary to notify the Divisional Veterinary Officer of any further evidence of bluetongue, or vaccination for bluetongue, from the affected premises.

Powers of veterinary inspectors and officers

7.—(1) Where a notice has been served under Article 5, a veterinary inspector (and, other than in the case of examination of an animal, an inspector or an officer authorised by the Department) upon entering the premises may—

- (a) examine any animal, carcase or thing on those premises;
- (b) require the detention, isolation, housing, restraint or treatment of any animal on those premises;
- (c) carry out an epidemiological investigation relevant to the control of bluetongue;
- (d) make such tests and take samples (including blood samples) from any animal, carcase or thing on those premises as he may consider necessary for the purpose of diagnosis or epidemiological investigation;
- (e) mark for identification purposes any animal, carcase or thing on those premises;
- (f) collect midges from those premises and set traps on those premises for the collection of midges;
- (g) implement such other vector control measures on those premises as he deems necessary;
- (h) require the destruction, burial, disposal or treatment of any thing on those premises;
- (i) require the cleansing and disinfection of any part of the premises or of any person, animal or thing on those premises; and
- (j) require the occupier, any veterinary surgeon who has attended any animal on those premises and any other person who has been in charge of or in contact with any such animal to inform him of any other animal or other premises with which any such animal may have come into contact.

(2) Where a notice has been served under Article 5 in respect of any premises, an inspector authorised by the Department may implement such other control measures on those premises as the Department may deem necessary.

Temporary control zones

8.—(1) If an inspector suspects that the bluetongue virus exists on any premises, the Department may declare a temporary control zone.

(2) If the Department has reasonable grounds for suspecting that the disease exists in animals within such part of Great Britain or the Republic of Ireland as may entail the risk of the introduction or spread of the disease into Northern Ireland, it may declare Northern Ireland or such area therein as may be specified in the declaration to be a temporary control zone.

(3) The location and size of the temporary control zone shall be such as the Department considers appropriate to prevent the spread of the disease.

(4) Where a temporary control zone has been established, a person shall not move any animal on to or off premises in the zone except under the authority of and in accordance with the conditions of a licence granted by the Department.

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

Measures when the disease is confirmed

9.—(1) On confirmation that the disease is circulating, the Department, being satisfied on epidemiological, geographical, ecological or meteorological grounds that it is appropriate for disease control purposes, shall declare an area to be a control zone.

(2) The control zone must include the infected premises, and be of such size as the Department considers appropriate for disease control purposes.

(3) A person shall not move an animal to or from premises in a control zone except under the authority of and in accordance with the conditions of a licence granted by the Department.

Restrictions in protection and surveillance zones

10.—(1) On confirmation of the disease in Northern Ireland the Department shall—

- (a) declare an appropriate area to be a restricted zone, and
- (b) may divide the restricted zone into two separate zones, a protection zone and a surveillance zone.

(2) A person shall not move an animal, semen, ovum or embryo out of a restricted zone except under the authority of and in accordance with the conditions of a licence granted by the Department.

(3) A person shall not move an animal from a protection zone to a surveillance zone except under the authority of and in accordance with the conditions of a licence granted by the Department.

(4) The Department shall grant a licence if the movement is permitted under the Commission Regulation as amended from time to time, and the conditions of any licence must be such as to ensure that the movement is made in accordance with that Regulation.

Premises straddling zones

11.—(1) Premises partly inside a temporary control zone and not inside any other zone are treated as being inside the temporary control zone.

(2) Premises partly inside a control zone are treated as being inside that zone.

(3) Otherwise—

- (a) if a restricted zone has been divided into a protection zone and a surveillance zone premises partly inside the protection zone and partly inside the surveillance zone are treated as being inside the protection zone;
- (b) premises partly inside a restricted zone and partly inside an area that does not have controls for bluetongue are treated as being inside the restricted zone; and

- (c) premises partly inside a restricted zone and partly inside a temporary control zone are treated as being inside the restricted zone.

(4) Nothing in this Article shall deem any part of any premises outside Northern Ireland to be within a control zone.

Powers of inspectors and officers in control, temporary control or restricted zones

12.—(1) When a control, temporary control or restricted zone has been declared, veterinary inspectors, officers of the Department and inspectors have the powers in Article 7.

(2) A veterinary inspector may also—

- (a) require the occupier of premises in a protection zone or the keeper of any animal on such premises to allow the vaccination or require the vaccination of any animal kept there; and
- (b) require the occupier or keeper to retain animals for use as sentinel animals or to allow the introduction of sentinel animals onto those premises.

Slaughter of animals

13.—(1) The Department may designate slaughterhouses for the purposes of slaughtering animals transported out of a restricted zone.

(2) If an animal is transported from a restricted zone to a slaughterhouse outside the restricted zone under the authority of and in accordance with the conditions of a licence granted by the Department the occupier of the slaughterhouse must slaughter the animal within a specified time period and in any case not later than 24 hours of arrival.

Subsequent movement of animals

14. If an animal, semen, ovum or embryo that has been in a restricted zone is moved on to premises outside the restricted zone, an inspector may serve a notice on the occupier of those premises, and on the occupier of any premises to which the animal, semen, ovum or embryo is subsequently moved, prohibiting its movement from those premises except under the authority of and in accordance with the conditions of a licence granted by the Department.

Bluetongue outside Northern Ireland

15. If bluetongue is confirmed outside Northern Ireland, the Department may declare a control zone or restricted zone in Northern Ireland, of such size and location as it determines is appropriate for disease control purposes.

Declaration of zones

16. A Declaration of a zone—

- (a) shall be in writing;
- (b) may be amended by further declaration at any time;
- (c) shall designate the extent of the zone being declared;
- (d) may only be revoked by further declaration; and
- (e) shall be published in such a manner and to such extent as the Department considers necessary.

PART III

MISCELLANEOUS

Monitoring and Surveillance

17. An inspector or officer of the Department may enter any premises on which animals are kept (whether or not in a control zone or restricted zone) for the purposes of monitoring or surveillance for the bluetongue virus or antibodies to the bluetongue virus.

Vaccination against bluetongue

18. A person shall not vaccinate an animal against bluetongue unless authorised by the Department.

Powers of inspectors in case of default

19. A notice served under this Order must be complied with at the expense of the person on whom it is served, and if it is not complied with an inspector may arrange for it to be complied with at the expense of that person.

General powers of inspectors

20. An inspector or officer of the Department who enters premises under this Order may take with him—

- (a) a vehicle;
- (b) any equipment; and
- (c) such other person(s) as is appropriate.

Damage

21. A person shall not—

- (a) damage, interfere with or remove any traps set for midges under this Order; or
- (b) deface, obliterate or remove any mark made by any person under this Order.

Licences

22.—(1) A person moving anything under the authority of and in accordance with the conditions of a specific licence granted by the Department under this Order must—

- (a) keep the licence or a copy of it with him at all times during the licensed movement;
- (b) on demand by a veterinary inspector or other officer of the Department or by an inspector, produce the licence or copy and allow a copy or extract to be taken.

(2) A person moving anything under the authority of and in accordance with the conditions of a general licence granted by the Department under this Order shall—

- (a) carry, at all times during the movement, a consignment note that contains details of—
 - (i) what is being transported, including the quantity,
 - (ii) the date of the movement,
 - (iii) the name of the consignor,
 - (iv) the address of the premises from which the movement started,
 - (v) the name of the consignee,
 - (vi) the address of the premises of destination;

- (b) on demand by a veterinary inspector or other officer of the Department or by an inspector, produce the consignment note and allow a copy or extract to be taken.

Provision of assistance

23.—(1) Any person required to give assistance or information to a person acting under this Order must, unless he has reasonable cause, do so without delay.

(2) A person shall not provide information which he knows to be false or misleading to a person acting under this Order.

Revocations

24. The Bluetongue Order (Northern Ireland) 2003 (a) is revoked.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 1st February 2008.



Elizabeth Redmond
A senior officer of the Department of Agriculture and Rural Development

(a) S. R. 2003 No.55

EXPLANATORY NOTE

(This note is not part of the Order)

This Order continues to implement Council Directive 2000/75/EC laying down specific provisions for the control and eradication of bluetongue. It revokes and remakes the Bluetongue Order (Northern Ireland) 2003 in order to enforce Commission Regulation (EC) No. 1266/2007.

Part I provides introductory provisions and exemptions.

The changes are that, following confirmation of bluetongue on any premises, a veterinary inspector may serve a notice removing the requirement for notification of further cases, and removing some or all of the restrictions on those premises.

The Order provides that references to the Commission Regulation are references to it as amended from time to time.

Part II of the Order provides for the reporting of symptoms of bluetongue and for the establishment of control zones and restricted zones. These zones can now be of a size appropriate for the control of bluetongue. It controls the movement of animals from those zones. It also provides for the separation of a restricted zone into a protection zone and a surveillance zone, and controls movement between these zones.

It provides for surveillance for bluetongue and prohibits vaccination against bluetongue without the consent of the Department.

Part III makes provision for enforcement.

Failure to comply with this Order is an offence under Article 52(1) of the Diseases of Animals Order (Northern Ireland) 1981.