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STATUTORY RULES OF NORTHERN IRELAND

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**2012 No. 65**

**The Aujeszky's Disease Order (Northern Ireland) 2012**

**PART 1**

**INTRODUCTION**

**Citation and commencement**

1. This Order may be cited as the Aujeszky's Disease Order (Northern Ireland) 2012 and shall come into operation on 19th March 2012.

**Interpretation**

2.—(1) In this Order—

“Aujeszky's Disease Virus” means the presence of Aujeszky's Disease in a pig or carcase or a premises is contaminated with the virus;

“approved disinfectant” means a disinfectant approved by the Department under the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 2008(1);

“breeding pig” means any sow, boar or gilt which is at least 6 months of age;

“carcase” means a carcase or part of a carcase of a pig;

“disease” means Aujeszky's Disease and “diseased” means showing clinical, pathological or serological evidence of Aujeszky's Disease ;

“feedingstuff” means any substance used for feeding pigs and includes any ingredient used in the preparation of pig feedingstuff;

“holding code” means an alphanumeric code, allocated by the Department under article 4(2) of the Pigs (Records, Identification and Movements) Order (Northern Ireland) 2012(2);

“infected premises” means any premises declared to be infected under article 9;

“inspector” means a person who is authorised by the Department to exercise powers under this Order; and includes a veterinary inspector;

“keeper” means any person having care and control of pigs, whether on a temporary or permanent basis, but does not include a person who only transports pigs;

“pig” means any animal of the *suidae* family;

“premises” means premises where pigs or carcasses are or have been kept or are suspected of being or having been kept;

“product” means any meat, offal, dung or other substance directly derived from a pig, whether mixed with any other substance or not and includes any bedding used by pigs;

“samples” means any samples taken from a pig or carcase;

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(1) S.R. 2008 No. 272

(2) S.R. 2012 No. 67

“suspected” in relation to any pigs, carcasses or premises means suspected of being infected with Aujeszky’s Disease or contaminated with Aujeszky’s Disease virus.

(2) Other expressions used in this Order which are also used in the Aujeszky’s Disease Scheme Order (Northern Ireland) 2012<sup>(3)</sup> shall have the same meaning as in that Scheme.

### **Notices**

3.—(1) Any notice required or authorised under this Order to be served on any person shall be in writing and may be amended, suspended or revoked in writing at any time.

(2) Any such notice shall be served by—

- (a) delivering it to the person;
- (b) leaving it at the person’s usual or last known address; or
- (c) sending it by post to the person at that address.

### **Licences**

4.—(1) A licence granted under this Order shall be in writing and may be—

- (a) general or specific;
- (b) subject to conditions; and
- (c) amended, suspended or revoked in writing at any time.

(2) A person moving anything under the authority of a specific licence shall—

- (a) carry the licence or a copy of it at all times during the movement;
- (b) on demand by an inspector or an officer of the Department, produce the licence or copy and allow a copy or extract to be taken;
- (c) keep the licence for twelve months,

and failure to do so is an offence.

(3) A person moving anything under the authority of a general licence shall—

- (a) carry, at all times during the movement, a movement document under article 14 of the Pigs (Records, Identification and Movement) Order (Northern Ireland) 2012<sup>(4)</sup> containing details of —
  - (i) what is being transported, including the quantity;
  - (ii) the date of the movement;
  - (iii) the names of the consignor and consignee;
  - (iv) the address of the place from which the movement started and of the destination;
- (b) on demand by an inspector or an officer of the Department, produce the movement document and allow a copy or extract to be taken; and
- (c) keep the movement document for twelve months,

and failure to do so is an offence.

(4) It is an offence to fail to comply with a condition of a licence granted under this Order.

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<sup>(3)</sup> S.R. 2012 No. 66

<sup>(4)</sup> S.R. 2012 No. 67

## PART 2

### NOTIFICATION OF SUSPICION OF AUJESZKY'S DISEASE

#### Notification of suspicion of disease

5.—(1) A person who—

- (a) is in possession or in charge of a pig or carcase; or
- (b) inspects or examines a pig or carcase; and
- (c) suspects the pig to be diseased or the pig or carcase to be contaminated with Aujeszky's disease virus,

shall immediately notify the Department.

(2) A person who examines a sample taken from a pig or carcase and who—

- (a) suspects that it is contaminated with Aujeszky's disease virus; or
- (b) detects pathological evidence of Aujeszky's Disease Virus or evidence of antibodies to, or antigens of, that virus,

shall immediately notify the Department.

(3) Failure to comply with this article is an offence.

(4) Information required to be given under paragraph (1) or (2) shall include—

- (a) the address of the premises on which the pig or carcase was kept;
- (b) the name and address of the keeper;
- (c) where it relates to a breeding pig or the carcase of a breeding pig, the individual identification mark of that pig; and
- (d) the holding code of the keeper.

## PART 3

### SUSPICION AND CONFIRMATION OF AUJESZKY'S DISEASE

#### CHAPTER 1

##### Scope of Part II and initial controls

#### Scope of PART II

6. This Part applies to all premises other than slaughterhouses.

#### Initial Controls following notification

7.—(1) This article shall apply where the Department is notified under article 5 of a suspect pig or carcase and a veterinary inspector considers that further investigation relating to the possible presence of disease is necessary.

(2) The veterinary inspector shall orally or by notice inform the keeper of the suspect pig or carcase that further investigation is necessary, and the controls in paragraph (3) and (4) then apply.

(3) Except as permitted in writing by a veterinary inspector, the person in possession or charge of a notified pig or carcase shall ensure that—

- (a) the notified pig or carcase is not moved from the premises where it is; and

- (b) no other pig or carcase or anything likely to spread Aujeszky's Disease virus is moved from or to those premises, and

failure to do so is an offence.

(4) Except as permitted in writing by a veterinary inspector, the person in possession or charge of a notified pig or carcase shall ensure that any person—

- (a) who has been in contact with any pig or carcase on the premises; or
- (b) has been on any part of the premises that may be contaminated with Aujeszky's Disease virus,

takes all biosecurity precautions notified by the inspector under paragraph (2) to reduce the risk of spreading disease or Aujeszky's Disease virus, before leaving the premises.

(5) This article shall apply until a veterinary inspector confirms by notice that the controls in paragraph (3) and (4) no longer apply.

### **Imposing measures on suspicion of disease**

8.—(1) This article applies where an inspector suspects—

- (a) that a pig is diseased or a pig or carcase is or has been infected with Aujeszky's Disease virus; or
- (b) Aujeszky's Disease virus may be present in the premises.

(2) The inspector shall serve a notice on the keeper or on the owner or the occupier of the premises if different, declaring those premises to be suspect infected premises.

## **CHAPTER 2**

### **Action on suspicion of disease and declaration of infected premises**

#### **Disease investigation**

9.—(1) A veterinary inspector shall begin an investigation in any suspect infected premises to establish whether the Aujeszky's Disease virus is present. This shall include taking samples from any pigs or carcasses on the premises and having them tested in accordance with Annex III of Commission Decision [2008/185/EC](#)(5) at a designated laboratory.

(2) If the tests carried out under paragraph 1 demonstrate that Aujeszky's Disease virus is present, the veterinary inspector shall serve a notice on the keeper, or if different from the keeper the owner or occupier of the premises, declaring those premises to be an infected premises and imposing the measures in Schedule 1.

(3) If the tests carried out under paragraph 1 do not demonstrate the presence of Aujeszky's Disease virus and the veterinary inspector is satisfied following the investigation that no Aujeszky's Disease virus is present, the Department shall revoke the notice served under article 8(2).

#### **Notice of intended slaughter**

10. Where the Department proposes to cause any pig to be slaughtered, an inspector shall serve a notice of intended slaughter on the keeper of the pig informing the keeper of the proposed slaughter.

### **Epidemiological investigation**

11. Where a veterinary inspector considers it appropriate the Department shall begin an epidemiological investigation to establish—

- (a) the length of time that the Aujeszky's disease virus may have existed on the suspect or infected premises;
- (b) the movements of pigs into and out of the premises over a period of time determined by the veterinary inspector;
- (c) the origin of that disease or Aujeszky's disease virus;
- (d) the identification of other premises contaminated with Aujeszky's disease virus from the same source;
- (e) the movement of any person or thing that could have carried that Aujeszky's disease virus to or from the premises; and
- (f) the possibility that pigs living in the wild may be involved in the spread of the disease,

and shall continue the investigation until these have been established so far as is practicable or the possibility of disease has been discounted.

### **Imposing measures on suspicion of disease relating to pigs living in the wild**

12. A veterinary inspector and, when acting under the direction of a veterinary inspector, an inspector or any officer of the Department may—

- (a) undertake surveillance for pigs living in the wild;
- (b) capture pigs living in the wild;
- (c) take samples from pigs living in the wild;
- (d) kill such a pig if the veterinary inspector is satisfied that—
  - (i) it is not possible to take samples from a pig without killing it; or
  - (ii) it is spreading or may spread disease or Aujeszky's Disease virus to another pig.

## **CHAPTER 3**

### **Removal of measures in Schedule 1 relating to infected premises**

#### **Removal of restrictions from infected premises**

13. When a veterinary inspector is satisfied that there is no further risk of spread of Aujeszky's Disease Virus from the premises that inspector may serve a notice on the keeper, or if different from the keeper the owner or occupier of the premises revoking the notice served under article 9(2) if—

- (a) all pigs required by the Department have been slaughtered; and
- (b) the premises have been cleansed and disinfected to the satisfaction of the veterinary inspector.

#### **Cleansing and disinfection**

14.—(1) A veterinary inspector may, by notice served on the keeper or if different from the keeper the owner or occupier of infected premises requiring the cleansing and disinfection with an approved disinfectant used in accordance with the manufacturer's instructions—

- (a) the premises or such part of them as may be specified in the notice; and
- (b) any receptacle or vehicle used for the confinement or movement of pigs or the movement of any carcase, product or feeding stuff to or from the premises.

(2) Where any person on whom the notice served under paragraph (1) fails to comply with the requirements the Department may, without prejudice to any proceedings for an offence arising out of such default, carry out or cause to be carried out such cleansing and disinfection as is required in the notice.

(3) A notice served in respect of any premises shall remain in force until such date as may be specified in the notice or until the notice is suspended or revoked by the service of a notice on the keeper or if different from the keeper, the owner or occupier of the premises by an inspector.

## PART 4

### CONTROLS FOLLOWING NOTIFICATION AT A SLAUGHTERHOUSE

#### Controls

**15.**—(1) This Part shall apply where the Department is notified under article 5 of a suspect pig or carcase in a slaughterhouse .

(2) The operator of the slaughterhouse shall ensure that, unless approved by a veterinary inspector no pig may be moved into the slaughterhouse and failure to do so is an offence.

(3) This control shall continue to apply until a veterinary inspector has confirmed by notice that it shall cease to have effect.

#### Action following the imposition of controls

**16.**—(1) The operator shall ensure that the parts of the slaughterhouse used to slaughter and store the carcasses of the pigs suspected of being infected with Aujeszky's Disease virus are not used until the operator has cleansed and disinfected them to the satisfaction of the veterinary inspector, and failure to comply with this provision is an offence.

(2) A veterinary inspector shall take samples (the samples may be from pigs and carcasses at the slaughterhouse) and have them tested in accordance with Annex III of Commission Decision [2008/185/EC](#) at a designated laboratory.

(3) A veterinary inspector may revoke the controls in this article at any time by service of a notice.

## PART 5

### AREA CONTROLS

#### Protection zones

**17.**—(1) This Part applies where the Department declares any premises as infected premises.

(2) The Department shall declare a protection zone around the infected premises.

(3) The protection zone shall have a radius of at least five kilometres, centred on the part of the premises that the Department considers most appropriate for disease control.

(4) The Department shall ensure that—

(a) premises within a protection zone that contain pigs are identified as soon as practicable; and

(b) a veterinary inspector visits all such premises that are within a protection zone, as soon as possible; and—

- (i) inspects and as necessary examines the pigs; and
- (ii) collects and tests such samples as the veterinary inspector considers necessary.

(5) Schedule 2 sets out measures that apply in protection zones and breach of any of those measures is an offence.

(6) The Department may declare that any other measure necessary to prevent, so far as is reasonably practicable, the spread of disease, applies in respect of the whole or any part of any protection zone.

(7) Any premises partly inside a protection zone and partly in an area other than a protection zone shall be deemed to be wholly inside the protection zone.

(8) Nothing in paragraph (3) shall deem any part of any premises lying outside Northern Ireland to be within a protection zone.

### **Declaration of protection zones on confirmation of the disease in Northern Ireland**

**18.** A declaration of a zone under this Part—

- (a) shall be in writing;
- (b) shall designate the extent of the zone being declared;
- (c) may be amended or revoked by further declaration at any time;
- (d) will specify which of the provisions of Schedule 2 apply within that zone.

### **Ending of a protection zone**

**19.** The Department shall not revoke the declaration of the zone until—

- (a) all necessary cleansing and disinfection and slaughter of pigs has been carried out at all premises in the zone on which disease has been confirmed;
- (b) all premises with pigs have been visited by a veterinary inspector, who has—
  - (i) inspected and as necessary examined the pigs; and
  - (ii) collected such samples as the veterinary inspector considers necessary;
- (c) all samples have been tested with negative results.

### **Declaration of protection zones on suspicion or confirmation of the disease in the Republic of Ireland**

**20.—(1)** If the Department is satisfied that the disease may be present on premises in the Republic of Ireland it may declare an area to be a protection zone if those premises are situated within 5 kilometres of the border with Northern Ireland.

(2) A declaration under this article shall designate the extent of any protection zone declared and the Department shall ensure that—

- (a) any such zone abuts the border with the Republic of Ireland;
- (b) any protection zone extends from that border such that its boundary is at least five kilometres from the infected premises.

## PART 6

### VACCINATION

#### **Prohibition on vaccination**

- 21.** It is an offence to vaccinate a pig against disease except—
- (a) in accordance with article 22; or
  - (b) under the authority of a licence granted by the Department.

#### **Compulsory vaccination**

**22.**—(1) The Department may declare a vaccination zone in which the keepers of pigs in premises inside the zone shall ensure the vaccination of pigs on those premises in accordance with that declaration.

(2) A keeper who fails to vaccinate a pig in accordance with the declaration commits an offence.

(3) Premises partly inside and partly outside a vaccination zone are deemed as being inside the vaccination zone.

(4) In the case of pigs outside a vaccination zone, or if a vaccination zone has not been declared a veterinary inspector may serve a notice on a keeper of a pig requiring the keeper to ensure that the pig is vaccinated in accordance with the notice, and failure to comply with the notice is an offence.

#### **Declaration of vaccination zones on confirmation of the disease in Northern Ireland**

- 23.** A declaration of a zone under this Part—
- (a) shall be in writing;
  - (b) shall designate the extent of the zone being declared;
  - (c) may be amended or revoked by further declaration at any time.

#### **Vaccinated pigs**

**24.**—(1) A person may not move or cause or permit to be moved a pig vaccinated in accordance with article 22(1) outside the vaccination zone except to a slaughterhouse designated for the purpose by the Department and under the authority of a licence granted by the Department.

(2) In the case of pigs vaccinated under article 22(4) a person shall not move or cause a pig to be moved except to a slaughterhouse designated for the purpose and under the authority of a licence granted by the Department.

(3) It is an offence to fail to comply with this article.

## PART 7

### INSPECTION, ENFORCEMENT AND MISCELLANEOUS PROVISIONS

#### **Notices relating to movement**

**25.**—(1) If a pig has been moved in contravention of any provision of this Order or any licence or declaration or notice served under this Order, an authorised officer of the Department may serve a notice on the keeper—

- (a) requiring all pigs on the premises to be detained; or



(b) requiring the keeper to move any pigs on the premises to other premises specified in the notice.

(2) If a pig has been moved to premises in accordance with a notice served under paragraph (1) (b), an authorised officer of the Department may serve a notice on the keeper of the premises of destination imposing such movement restrictions relating to pigs on those premises as are necessary to prevent the risk of spreading disease or Aujeszky's Disease virus.

(3) An inspector may serve a notice on the keeper of the premises of destination imposing such movement restrictions relating to pigs on those premises as are necessary to prevent the spread of disease or Aujeszky's Disease virus.

(4) Failure to comply with a notice served under this article is an offence.

### **Powers of inspectors in case of default**

**26.** If any person fails to comply with a requirement in or under this Order, an inspector may take such steps as that inspector considers necessary to ensure the requirement is met at the expense of that person.

### **Consequential Amendments**

**27.**—(1) In article 13(4)(b) of the Sales, Markets and Lairs Order (Northern Ireland) 1975 **(6)** for “The Aujeszky's Disease Order (Northern Ireland) 1994”, substitute “The Aujeszky's Disease Order (Northern Ireland)2012.”.

(2) In article 2(1) of the Disease Control (Standstill) Order (Northern Ireland) 2004 **(7)** for “The Aujeszky's Disease Order (Northern Ireland) 1994”, substitute “The Aujeszky's Disease Order (Northern Ireland)2012.”.

(3) In regulation 5(1)(b)(ii) of the Avian Influenza (Preventive Measures) Regulations (Northern Ireland) 2007 **(8)** for “The Aujeszky's Disease Scheme Order (Northern Ireland) 1994”, substitute “The Aujeszky's Disease Scheme Order (Northern Ireland)2012.”.

(4) In article 3(1)(f)(ii) of the Sheep and Goats (Records, Identification and Movement) Order (Northern Ireland) 2009 **(9)** for “The Aujeszky's Disease Scheme Order (Northern Ireland) 1994”, substitute “The Aujeszky's Disease Scheme Order (Northern Ireland)2012.”.

### **Revocations**

**28.** This Order revokes the Aujeszky's Disease Order (Northern Ireland) 1994**(10)**.

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**(6)** [S.R. 1975 No. 294](#) as amended

**(7)** [S.R. 2004 No.492](#)

**(8)** [S.R. 2007 No.70](#)

**(9)** [S.R. 2009 No.411](#)

**(10)** [S.R. 1994 No. 198](#)

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 22nd February 2012



*C.McMaster*  
A senior officer of the Department of Agriculture  
and Rural Development