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STATUTORY INSTRUMENTS

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**1991 No. 1381**

**ANIMALS**

**The Blue Eared Pig Disease Order 1991**

*Made* - - - - *13 June 1991*  
*at 12.01 pm 13 June*  
*Coming into force* - - *1991*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 1, 7(1), 8(1), 15(4), 17(1), 23, 25, 83(2), and 88(2) of the Animal Health Act 1981(1), and of all other powers enabling them in that behalf, hereby make the following Order:

**Title and commencement**

1. This Order may be cited as the Blue Eared Pig Disease Order 1991 and shall come into force on 13th June 1991 at 12.01 pm.

**Interpretation**

2.—(1) In this Order, unless the context otherwise requires—

“the Act” means the Animal Health Act 1981;

“Chief Veterinary Officer” means the Chief Veterinary Officer of the Ministry;

“the disease” means the Blue Eared Pig Disease;

“diseased” means affected with the disease;

“disinfectant” means listed in Schedule 1 or Schedule 2 of the Disease of Animals (Approved Disinfectants) Order 1978(2) as approved for use in respect of Fowl Pest;

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

“infected area” means an area declared to be an infected area under article 12(1);

“infected place” means a place declared to be an infected place under article 5(1);

“occupier” means, in relation to any premises, the owner, occupier or person in charge of the premises;

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(1) 1981 c. 22. See section 86(1)(c) for the definition of Ministers.

(2) S.I.1978/32 amended by S.I. 1991/631.

“owner” includes, in relation to any pig or thing, a person having possession, charge or control of that pig or thing;

“premises” includes land, with or without buildings;

“slaughterhouse” means—

- (a) in relation to England and Wales, a slaughterhouse or knacker’s yard as defined in section 34 of the Slaughterhouses Act 1974<sup>(3)</sup>; and
- (b) in relation to Scotland, a slaughterhouse as defined in section 22 of the Slaughter of Animals (Scotland) Act 1980<sup>(4)</sup>;

“suspected” means suspected of being diseased;

“veterinary surgeon” means a person registered in the register of veterinary surgeons kept under section 2 of the Veterinary Surgeons Act 1966<sup>(5)</sup> or the supplementary veterinary register kept under section 8 of that Act.

(2) Unless the context otherwise requires, any reference in this Order—

- (a) to a numbered article or Schedule, is a reference to the article or Schedule bearing that number in this Order, and
- (b) to a lettered form, is a reference to the form bearing that letter in Schedule 2 to this Order.

### **Extension of definition of disease for the purposes of the Act**

3. For the purposes of the Act in its application to this Order, the definition of disease in section 88(1) of the Act shall be extended so that it shall for those purposes comprise the disease.

### **Notice of specified disease**

4.—(1) A person who has in his possession or under his charge any pig or pig carcass which he suspects is diseased, and any veterinary surgeon or other person who, in the course of his duties, suspects the presence of the disease on any premises shall give notice of his suspicion as soon as practicable to the Divisional Veterinary Officer.

(2) A person who has in his possession or under his charge a pig or pig carcass which he suspects is diseased shall ensure that no pig or pig carcass is moved from the premises until a veterinary inquiry in accordance with article 6 has been completed.

### **Declaration of infected place**

5.—(1) If a veterinary inspector has reasonable grounds for supposing that the disease exists or has within 56 days existed on any premises he shall serve a notice in form A on the occupier of the premises declaring them to be an infected place.

(2) An infected place shall be subject to the requirements set out in Schedule 1 until a notice in form B is served in accordance with article 6(5) or (6).

(3) For the purpose of preventing the spread of the disease, a veterinary inspector may, by notice served on the occupier of the infected place—

- (a) add such requirements as are specified in the notice; or
- (b) modify or disapply such requirements as are set out in Schedule 1 or in the notice served under subparagraph (a) above.

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(3) 1974 c. 3.

(4) 1980 c. 13.

(5) 1966 c. 36. Section 2 was amended by S.I. 1980/1951.

(4) A veterinary inspector may at any time alter the limits of an infected place by the service of a notice in form C on the occupier.

#### **Veterinary inquiry as to the existence of disease**

6.—(1) If a veterinary inspector has reasonable grounds for supposing that the disease exists or has within 56 days existed on any premises he shall with all practicable speed inquire as to the correctness of the supposition.

(2) For the purposes of such an inquiry a veterinary inspector may—

- (a) examine any pig or pig carcase on the premises;
- (b) take or cause to be taken from any such pig or pig carcase any sample he may require for the purposes of diagnosis;
- (c) mark or cause to be marked any such pig or pig carcase for identification purposes; and
- (d) examine any records relating to the origin, health and productivity of any pig which is, or has been, on the premises, and to take copies of such records.

(3) The occupier of the premises, any person in his employment, any veterinary surgeon who has been attending or who has been consulted respecting any pig or pig carcase on the premises and any person who is or has been in charge of or in contact with any such pig or pig carcase, shall provide such information and facilities and render such assistance as may be required for the purposes of the inquiry.

(4) If on completion of the inquiry the veterinary inspector is of the opinion that the disease exists or has within 56 days existed on the premises his opinion to that effect shall be subject to confirmation by or on behalf of the Chief Veterinary Officer.

(5) If on completion of the inquiry the veterinary inspector is of the opinion that the disease does not exist and has not within 56 days existed on the premises, or if his opinion as to the existence of the disease on the premises is not confirmed by or on behalf of the Chief Veterinary Officer in accordance with paragraph (4), then the notice in form A served in respect of the premises shall be cancelled forthwith by the service of a notice in form B on the occupier by an inspector of the Ministry.

(6) In any other case, when the veterinary inspector is satisfied that the disease no longer exists on the premises, the notice in form A served in respect of the premises shall be cancelled by the service of a notice in form B on the occupier by an inspector of the Ministry.

#### **Restrictions on premises exposed to infection**

7.—(1) If a veterinary inspector has reasonable grounds for supposing—

- (a) that the disease may spread to any premises; or
- (b) that on any premises there is or has within 56 days been a pig which has been exposed to the infection of the disease,

he may serve a notice in form D on the occupier.

(2) Until the notice in form D is cancelled by service of a notice in form E on the occupier by an inspector of the Ministry—

- (a) no person shall move any pig, pig carcase or pig semen or ovum on to or from the premises except under the authority of a licence granted by an inspector of the Ministry;
- (b) no person shall allow any pig to stray from the premises or come into contact with any pig on any other premises; and

- (c) the premises shall be subject to such other requirements specified in the notice as the veterinary inspector may consider necessary for the purpose of preventing the spread of the disease.

#### **Power of veterinary inspectors to prohibit or control movement**

8. If a veterinary inspector has reasonable grounds for supposing that the movement of any pig, pig carcase, or other thing to or from any premises would give rise to the risk of the spread of the disease he may, for the purpose of preventing the spread of the disease, by notice served on the occupier of the premises, prohibit the movement of any pig, pig carcase, or other thing to or from the premises, except under the authority of a licence granted by an inspector of the Ministry.

#### **Marking of pigs**

- 9. An inspector of the Ministry may mark, or cause to be marked, any pig or pig carcase.

#### **Cleansing and disinfection**

10.—(1) An inspector may serve on the occupier of any premises on which there is or has within 56 days been a diseased or suspected pig or pig carcase a notice requiring him to cleanse and disinfect in such manner and within such period as may be specified in the notice, and with such disinfectant as is specified in the notice,—

- (a) all or any part of the premises;
- (b) any apparatus, equipment or other thing used in connection with the pig or pig carcase.

(2) If the requirements of the notice are not complied with an inspector may, without prejudice to any proceedings for an offence arising out of the default, carry out or cause to be carried out the cleansing and disinfection, and any expenses reasonably incurred in doing so shall be recoverable by the Minister or as the case may be the local authority as a civil debt from the occupier.

#### **Declaration of infected area**

11.—(1) If the Minister knows or suspects that the disease exists in any area he may by declaratory order declare the area to be an infected area.

(2) An area shall remain an infected area until such date as may be specified by the Minister or, if none, until the declaratory order is withdrawn by the Minister.

(3) Any premises which are partly inside and partly outside an infected area shall be deemed to be wholly inside the area.

#### **Restrictions on movement of pigs out of an infected area**

12.—(1) No person shall move any pig out of an infected area—

- (a) except where the pig is moved direct to a slaughterhouse; or
- (b) except where the pig is moved through the area without being unloaded from a place outside the area direct to another place outside the area—
  - (i) by railway, or
  - (ii) by motorway, provided the vehicle in which it is carried does not stop on or leave the motorway; or
- (c) except under the authority of a licence granted by a veterinary inspector.

(2) Any person who moves a pig in accordance with paragraph (1)(a) above shall ensure that the vehicle used to move the pig is thoroughly cleansed and disinfected as soon as practicable after

arrival at the slaughterhouse and, in any event, before the vehicle is used again for the movement of any pig.

### **General provisions as to licences**

**13.**—(1) Any licence issued under this Order may be revoked or varied or issued subject to conditions.

(2) Any person who moves any pig, pig carcase or other thing under the authority of a licence under this Order shall—

- (a) ensure that the licence accompanies the pig, pig carcase or other thing; and
- (b) on demand made by an inspector or a member of a police force produce the licence and allow a copy or extract to be taken.

(3) An inspector who issues a licence authorising a movement shall with all practicable speed send a copy of the licence to the local authority to whose area the movement is authorised.

### **Enforcement**

**14.**—(1) The provisions of this Order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

(2) A copy of any notice served under this Order shall, with all practicable speed, be forwarded by the serving authority to the local authority for the area in which the premises, pigs or other things which are the subject of the notice are situated and to the Divisional Veterinary Officer.

### **Offences**

**15.** A person shall be guilty of an offence against the Act who, without lawful authority or excuse, proof of which shall lie on him—

- (a) contravenes article 4(1), 4(2), 6(3), 7(2), 12(1), 12(2) or 13(2); or
- (b) fails to comply with any notice issued under article 5(3), 8 or 10(1); or
- (c) contravenes the provisions of any licence issued under article 7(2)(a), 8 or 12(c); or
- (d) alters, removes or defaces any mark applied under article 6(2)(c) or 9; or
- (e) fails to comply with any requirement contained in a notice served under paragraph (1) or (3) or article 5 of article 7(2)(c); or
- (f) causes or permits any such contravention or non-compliance.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 13th June 1991 at 12.00 noon.

L.S.

*John Selwyn Gummer*  
Minister of Agriculture, Fisheries and Food

13th June 1991

*Ian Lang*  
Secretary of State for Scotland

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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13th June 1991

*David Hunt*  
Secretary of State for Wales

## SCHEDULE 1

Article 5

### Requirements to apply in infected places

1.—(1) The occupier of the premises shall exhibit a notice as directed by an inspector stating that the premises are an infected place at every entrance.

(2) No person shall alter, remove or deface such a notice.

2. No person shall move any pig, pig carcase, feedingstuff, manure, slurry, litter, pig semen, pig embryo or ovum, vehicle, machine, equipment, pen, hurdle, sack or any thing used or intended to be used in connection with pigs into or from the premises except under the authority of a licence issued by an inspector of the Ministry.

3. No person shall enter any part of the premises unless he is an inspector, the owner of any animal or poultry there or a person attending any such animal or poultry except under the authority of a licence granted by an inspector of the Ministry.

4. No person shall allow any pig to stray into or from the premises or come into contact with any pig on any other premises.

5. It shall be the duty of the occupier of the premises to ensure that

(a) a receptacle, containing such disinfectant as specified by a veterinary inspector is kept in a convenient position, directed by the veterinary inspector, at every exit from the premises, and

(b) fresh disinfectant is placed in the receptacle daily and whenever directed by an inspector of the Ministry. 6.

5.—(1) Any person entering the premises shall wear overall clothing and footwear which are capable of being disinfected or which are disposable.

(2) Any person leaving the premises shall thoroughly cleanse and disinfect his overall clothing and footwear, or, if his overall clothing and footwear are disposable, shall remove them and leave them on the infected place.

(3) Any person leaving the premises shall wash his hands.

7. The occupier of the premises shall give notice of the death or slaughter of any pig on the premises with all practicable speed to an inspector or a veterinary inspector.

8. The occupier of the premises shall destroy all products such as placentae, foetuses and dead piglets from all abortions, premature farrowings and normal farrowings.

9. The occupier of the premises shall arrange thorough cleansing and disinfection of farrowing quarters after each abortion, early farrowing or normal farrowing.

## SCHEDULE 2

Articles 5, 6, 7

FORM AMINISTRY OF AGRICULTURE, FISHERIES AND FOODSCOTTISH OFFICE,  
AGRICULTURE AND FISHERIES DEPARTMENTWELSH OFFICE AGRICULTURE  
DEPARTMENTANIMAL HEALTH ACT 1981BLUE EARED PIG DISEASE ORDER 1991  
(ARTICLE 5(1))NOTICE DECLARING INFECTED PLACE

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

To .....  
of .....  
.....

I, the undersigned, being a veterinary inspector of the Ministry give you notice as the occupier of the premises described below that, in accordance with the provisions of the above Order, the premises are hereby declared to be an infected place and are subject to the requirements specified in this notice. Any infringement of the requirements may render you liable to prosecution under the Act.

This notice remains in force until it is cancelled by a notice in form B served by a veterinary inspector of the Ministry on the occupier of the infected place.

Description of infected place		
PREMISES	PARISH	DISTRICT/BOROUGH* AND COUNTY

Dated .....  
Signed .....  
Name in block letters .....  
Address .....  
.....

NOTE The veterinary inspector is with all practicable speed to send copies of this notice to the local authority and to the Divisional Veterinary Officer.

\* Delete as appropriate

**REQUIREMENTS**

- 1.—(1) The occupier of the premises shall exhibit a notice as directed by an inspector stating that the premises are an infected place at every entrance.
- (2) No person shall alter, remove or deface such a notice.



2. No person shall move any pig, pig carcass, feedingsuff, manure, slurry, litter, pig semen, pig embryo or ovum, vehicle, machine, equipment, pen, hurdle, sack or any thing used or intended to be used in connection with pigs into or from the premises except under the authority of a licence issued by an inspector of the Ministry.

3. No person shall enter any part of the premises unless he is an inspector, the owner of any animal or poultry there or a person attending any such animal or poultry except under the authority of a licence granted by an inspector of the Ministry.

4. No person shall allow any pig to stray into or from the premises or come into contact with any pig on any other premises.

5. It shall be the duty of the occupier of the premises to ensure that

- (a) a receptacle, containing such disinfectant as specified by a veterinary inspector is kept in a convenient position, directed by the veterinary inspector, at every exit from the premises, and
- (b) fresh disinfectant is placed in the receptacle daily and whenever directed by an inspector of the Ministry.

6.—(1) Any person entering the premises shall wear overall clothing and footwear which are capable of being disinfected or which are disposable.

(2) Any person leaving the premises shall thoroughly cleanse and disinfect his overall clothing and footwear, or, if his overall clothing and footwear are disposable, shall remove them and leave them on the infected place.

(3) Any person leaving the premises shall wash his hands.

7. The occupier of the premises shall give notice of the death or slaughter of any pig on the premises with all practicable speed to an inspector or a veterinary inspector.

8. The occupier of the premises shall destroy all products such as placentae, foetuses and dead piglets from all abortions, premature farrowings and normal farrowings.

9. The occupier of the premises shall arrange thorough cleansing and disinfection of farrowing quarters after each abortion, early farrowing or normal farrowing.

10. (Other requirements necessary to prevent the spread of the disease).

FORM BMINISTRY OF AGRICULTURE, FISHERIES AND FOODSCOTTISH OFFICE,  
AGRICULTURE AND FISHERIES DEPARTMENTWELSH OFFICE AGRICULTURE  
DEPARTMENTANIMAL HEALTH ACT 1981BLUE EARED PIG DISEASE ORDER 1991  
(ARTICLE 6)CANCELLATION OF NOTICE DECLARING INFECTED PLACE (FORM A)

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

To .....  
of .....

I, the undersigned, being an Inspector of the Ministry, hereby cancel the notice in form A relating to the premises described below served on ..... and any notice amending it.

Description of premises		
PREMISES	PARISH	DISTRICT/BOROUGH* AND COUNTY

Dated .....  
Signed .....  
Name in block letters.....  
Address .....

NOTE The inspector is with all practicable speed to send copies of this notice to the local authority and to the Divisional Veterinary Officer.

\* Delete as appropriate

FORM C MINISTRY OF AGRICULTURE, FISHERIES AND FOOD SCOTTISH OFFICE,  
AGRICULTURE AND FISHERIES DEPARTMENT WELSH OFFICE AGRICULTURE  
DEPARTMENT ANIMAL HEALTH ACT 1981 BLUE EARED PIG DISEASE ORDER 1991  
(ARTICLE 5(4)) NOTICE ALTERING LIMITS OF INFECTED PLACE

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

To .....  
of .....  
.....

I, the undersigned, being a veterinary inspector of the Ministry, give you notice as the occupier of the premises described below that, in accordance with the provisions of the above Order, the limits of the infected place declared by the notice in form A served on ..... and amended by the notice in form C served on ..... \*are hereby altered so as to comprise the premises described below. The premises accordingly become subject to all the requirements applicable to the infected place.

PREMISES	Description of premises	
	PARISH	DISTRICT/BOROUGH* AND COUNTY

Dated .....  
Signed .....  
Name in block letters .....  
Address .....

NOTE The veterinary inspector is with all practicable speed to send copies of this notice to the local authority and to the Divisional Veterinary Officer.

\* Delete as appropriate

FORM DMINISTRY OF AGRICULTURE, FISHERIES AND FOODSCOTTISH OFFICE,  
AGRICULTURE AND FISHERIES DEPARTMENTWELSH OFFICE AGRICULTURE  
DEPARTMENTANIMAL HEALTH ACT 1981BLUE EARED PIG DISEASE ORDER 1991  
(ARTICLE 7)NOTICE IMPOSING RESTRICTIONS ON PREMISES EXPOSED TO INFECTION

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

To .....  
of .....

I, the undersigned, being a veterinary inspector of the Ministry, give you notice as the occupier of the premises described below that, in accordance with the provisions of the above Order, the premises are subject to the requirements specified in this notice. Any infringement of the requirements may render you liable to prosecution under the Act.

This notice shall remain in force until it is cancelled by a notice in Form E served by an inspector of the Ministry on the occupier of the premises.

Description of restricted premises

PREMISES	PARISH	DISTRICT/BOROUGH* AND COUNTY
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Dated .....  
Signed .....  
Name in block letters .....  
Address .....

NOTE The veterinary inspector is with all practicable speed to send copies of this notice to the local authority and to the Divisional Veterinary Officer. In these copies there should be added the name and address of any person whose premises have been declared an infected place and from which there is or has been a risk of the spread of Blue Eared Pig Disease to the premises described above.

NAME ..... ADDRESS .....

\* Delete as appropriate

REQUIREMENTS

1. No person shall move any pig, pig carcase or pig semen or ovum on to or from the premises except under the authority of a licence granted by an inspector of the Ministry.
2. No person shall allow any pig to stray from the premises or come into contact with any pig on any other premises.
3. (Other requirements necessary to prevent the spread of the disease).

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FORM E MINISTRY OF AGRICULTURE, FISHERIES AND FOOD SCOTTISH OFFICE,  
AGRICULTURE AND FISHERIES DEPARTMENT WELSH OFFICE AGRICULTURE  
DEPARTMENT ANIMAL HEALTH ACT 1981 BLUE EARED PIG DISEASE ORDER 1991  
(ARTICLE 7) NOTICE WITHDRAWING RESTRICTIONS ON PREMISES EXPOSED TO  
INFECTION

To .....

of .....

.....

I, the undersigned, being an inspector of the Ministry, hereby cancel the notice in form D relating to the premises described below served on ..... and any notice amending it.

Description of premises		
PREMISES	PARISH	DISTRICT/BOROUGH* AND COUNTY

.....

Dated .....

Signed .....

Name in block letters .....

Address .....

.....

NOTE The inspector is with all practicable speed to send copies of this notice to the local authority and to the Divisional Veterinary Officer.

\* Delete as appropriate

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## EXPLANATORY NOTE

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

This Order provides for controls in relation to Blue Eared Pig Disease.

It requires that where certain persons suspect the disease is present they are to give notice to the Divisional Veterinary Officer and to ensure that no suspected pig or pig carcase moves from premises affected (article 4).

The Order enables a veterinary inspector to declare premises to be an infected place whereupon detailed restrictions concerning movement of persons, pigs and things on to or off the premises apply (article 5 and Schedule 1). Restrictions may also be imposed on premises which are exposed to infection (article 7).

It also requires a veterinary inspector to inquire into the existence of the disease and gives him powers to examine, take samples from and mark pigs or carcasses for the purposes of such an inquiry (article 6).

The Order also enables a veterinary inspector to prohibit or control the movement of pigs, carcasses and things, for the marking of pigs and for the cleansing and disinfection of premises (articles 8, 9 and 10).

It further enables the Minister to declare an area to be an infected area from which movement of pigs is regulated (articles 11 and 12).

Contravention of certain provisions of the Order or of notices or licences issued under it is an offence under the Animal Health Act 1981.