
STATUTORY INSTRUMENTS

2006 No. 183

The Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006

PART 2

The vaccination programme

Prohibition on vaccination except under licence

8.—(1) Subject to paragraph (2), no person shall vaccinate an animal except under the authority of a licence granted by the Secretary of State 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 1998⁽¹⁾; or
- (b) the administration of a vaccine in accordance with an animal test certificate granted under regulation 8 of the Veterinary Medicines Regulations 2005⁽²⁾.

Factors informing a decision to permit suppressive vaccination or protective vaccination

9.—(1) The Secretary of State 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 the United Kingdom becoming widespread in any part of the country,
 - (ii) spreading to England with imported susceptible animals, carcasses or other things liable to spread disease,
 - (iii) spreading from England with exported susceptible animals, carcasses or other things liable to spread disease, or
 - (iv) spreading to or from England 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 (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

(1) S.I.1998/463.

(2) S.I. 2005/2745.

- (bb) is approved in relation to those animals under regulation 9 of the Animals and Animal Products (Import and Export) (England) Regulations 2005,
 - (iii) other premises where susceptible animals are kept for scientific purposes or purposes related to conservation of species or farm animal genetic resources;
 - (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(3);
 - (d) other means of preventing the spread of disease available to her;
 - (e) in the case of suppressive vaccination, whether such vaccination is necessary urgently to prevent the spread of disease from premises or a 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 Secretary of State considers that permitting suppressive vaccination or protective vaccination is the most appropriate means of preventing the spread of disease, she shall undertake a vaccination programme.
- (3) If the Secretary of State decides to undertake a vaccination programme she shall grant a licence 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 animals she requires to be vaccinated (including their species and age);
 - (d) the intended duration of the programme;
 - (e) notification of the prohibition on movement of animals and animal products in regulation 18(2);
 - (f) the form of the eartag to be affixed and records to be made under regulation 19(3);
 - (g) the person who will carry out the programme;
 - (h) such other information as the Secretary of State considers necessary to inform those who may be affected by the vaccination programme.
- (3) Any decision of the Secretary of State which results in a change to the information in paragraph (2) shall also be given in writing.
- (4) The Secretary of State shall take such steps as she 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) No licence permitting suppressive vaccination shall authorise vaccination outside a protection zone.

(2) No licence permitting protective vaccination shall authorise vaccination in a vaccination surveillance zone.

Declaration of a vaccination zone and of a vaccination surveillance zone on protective vaccination in England

12.—(1) If she decides to undertake a programme of protective vaccination, the Secretary of State 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; and
- (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 Secretary of State considers fit to prevent the spread of disease.

(4) If she decides to vary the place or geographical area where a programme of protective vaccination is to be undertaken, the Secretary of State 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 protective vaccination in Scotland or Wales

13.—(1) This regulation applies where a programme of protective vaccination is to be undertaken in Scotland or Wales.

(2) Where this regulation applies and any part of the programme of protective vaccination is to be undertaken within ten kilometres of the border with England, the Secretary of State shall declare a vaccination surveillance zone.

(3) Where this regulation applies and a zone having equivalent effect to a vaccination surveillance zone has been declared in Scotland or Wales abutting the border with England, the Secretary of State may declare a vaccination surveillance zone.

(4) Subject to paragraph (5), a vaccination surveillance zone declared under this regulation shall be of such size as the Secretary of State 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 Secretary of State shall ensure that any such zone—

- (a) abuts the border with Scotland or Wales, as the case may be; 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 Scotland or Wales, as the case may be.

Vaccination zones and vaccination surveillance zones: general provisions

14.—(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 Secretary of State—

- (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.

Time phases and measures applicable in respect of a vaccination zone

15.—(1) Subject to regulation 26, the provisions of the Schedule apply in respect of a vaccination zone in addition to any requirements or restrictions applying in any part of it because that part falls within a protection zone or a surveillance zone.

(2) After 30 days have elapsed since all animals in a vaccination zone specified for vaccination in a decision to undertake a programme of protective vaccination have been vaccinated, the Secretary of State 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.

(3) On completion of the measures in sub-paragraphs (a) to (d) of regulation 26 in every reactor premises in a vaccination zone, the Secretary of State 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.

(4) Notwithstanding paragraph (3), the Secretary of State 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 25(3) stating that those premises shall enter phase 3 and phase 3 shall be deemed to have commenced in respect of those premises on such service.

(5) The Secretary of State may declare the end of phase 3 when she is satisfied that disease has been eradicated in England.

Measures applying in a vaccination surveillance zone

16.—(1) No person shall move any susceptible animal within or out of a vaccination surveillance zone except—

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

(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.

Extension of the power to cause vaccination

17. Notwithstanding section 16(1) of the Act, the Secretary of State may cause vaccination of animals which do not fall within that section where they are in a vaccination zone and the following provisions of the Act apply as if such vaccination was carried out in exercise of the power in section 16(1)—

- (a) the remainder of section 16(4) (treatment after exposure to infection);
- (b) section 16A(5) (slaughter of vaccinated animals); and
- (c) section 62A(6) (slaughter: power of entry).

(4) Section 16 was amended by the Animal Health Act 2002 (c. 42), section 7.

(5) Section 16A was inserted by the Animal Health Act 2002 (c. 42), section 5.

(6) Section 62A was inserted by the Animal Health Act 2002 (c. 42), section 8.

Facilitation of vaccination

18.—(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; and
- (b) submit any such animal for vaccination at such time and in such place as required by that inspector or that person.

(2) Except under the authority of a licence granted by the Secretary of State, no person shall move from any premises where animals are specified in a decision to undertake a vaccination programme are 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.

Identification of vaccinated animals

19.—(1) The Secretary of State shall provide every person issued with a licence permitting suppressive vaccination or protective vaccination with sufficient eartags for every animal which may be vaccinated under that licence.

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

(3) Any person vaccinating an animal 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, and
 - (iii) a description of the animal;
- (c) ensure that the Secretary of State and the keeper of the animal receive 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 Secretary of State.

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

Marking of cattle passports

20.—(1) This paragraph applies to any animal specified for vaccination which is issued with—

- (a) a cattle passport under the Cattle Passports Order 1996(7);
- (b) a cattle passport under the Cattle Identification Regulations 1998(8); or
- (c) a registration certificate under the Cattle (Identification of Older Animals) Regulations 2000(9).

(7) S.I. 1996/1686. Revoked by the Cattle Identification Regulations 1998 (S.I. 1998/871) which provide, in regulation 36, that the requirements of the revoked Order for animals born after 1st July 1996 relating to cattle passports continue to apply as if they were requirements under those Regulations.

(8) S.I. 1998/871, to which there are amendments not relevant to these Regulations.

(9) S.I. 2000/2976, to which there are amendments not relevant to these Regulations.

(2) If the keeper of any animal to which this paragraph applies has its cattle passport or registration certificate in his possession at the time of vaccination he shall give it to the person carrying out the vaccination at that time.

(3) The person carrying out the vaccination shall ensure that any cattle passport or registration certificate given to him at the time of vaccination is—

- (a) marked at that time to indicate that the animal has been vaccinated; and then
- (b) returned to the keeper.

(4) If the cattle passport or registration certificate of any animal is not in the possession of its keeper at the time of vaccination, the Secretary of State shall serve a notice on that keeper requiring him to submit it to the Secretary of State without delay on its return to his possession for marking to indicate that the animal has been vaccinated.

Removal of eartags and missing eartags

21.—(1) No person shall intentionally remove an eartag affixed under regulation 19(3) unless it is removed to prevent unnecessary pain and suffering.

(2) If the keeper of a vaccinated animal removes its eartag in accordance with paragraph (1) or discovers that its eartag is missing he shall notify the Secretary of State in writing without delay.

(3) On receipt of a notification under this regulation, the Secretary of State 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 Manager.

Sale and slaughter of vaccinated animals

22. No person shall 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 21(3)(b).

Failure to vaccinate animals specified for vaccination

23.—(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 Manager.

(2) If an inspector suspects that an animal has been specified for vaccination but was not vaccinated at the time when it should have been he shall arrange for that animal to be vaccinated as soon as is reasonably practicable (but not sooner than 21 days after the date it should have been vaccinated).

Carcases of animals specified for vaccination

24.—(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 and is intended for sale (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.

Survey and classification of premises during phase 2

25.—(1) The Secretary of State shall ensure that during phase 2 a clinical and serological survey of all premises in the vaccination zone where susceptible animals are 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 Secretary of State 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 of the Order—

- (a) as infected premises, where the premises contain at least one susceptible animal in which the presence of the disease virus is confirmed;,
- (b) as reactor premises, where the premises contained 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 Secretary of State 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 Secretary of State shall serve a notice on the occupier declaring the premises to be free of disease.

Measures applicable to reactor premises

26. The following measures apply to reactor premises—

- (a) the Secretary of State shall ensure that susceptible animals which have tested positive to at least one of the tests in regulation 25(2) are slaughtered on the holding;
- (b) the Secretary of State 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 Secretary of State shall ensure that the premises are cleansed and disinfected in accordance with Schedule 3 of the Order;
- (e) no person shall restock the premises except under the authority of a licence granted by the Secretary of State and in accordance with Schedule 4 of the Order.

Duty of the local authority to erect signs

27. The local authority 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, as soon as is reasonably practicable after declaration of the zones.

Trade in vaccinated animals

28. No person shall send any vaccinated animal for trade with another member State, Norway, Iceland or Liechtenstein.