
STATUTORY INSTRUMENTS

2014 No. 1894

The Diseases of Swine Regulations 2014

PART 8

Inspection, enforcement and miscellaneous provisions

Notices

32.—(1) Any notice served under these Regulations must be in writing and may be amended, suspended or revoked in writing at any time.

(2) A notice may be served on or given to a person by—

- (a) personal delivery;
- (b) leaving it at the person's proper address; or
- (c) sending it by post or by electronic means to the person's proper address.

(3) In the case of a body corporate, a notice may be served on or given to an officer of that body.

(4) In the case of a partnership, a notice may be served on or given to a partner or a person having control or management of the partnership business.

(5) In the case of an unincorporated association, a notice may be served on or given to an officer of the association.

(6) For the purposes of this regulation and section 7 of the Interpretation Act 1978(1) (service of documents by post) to the extent that it applies, "proper address" means—

- (a) in the case of a body corporate or an officer of that body—
 - (i) the registered or principal office of that body, or
 - (ii) the email address of the officer;
- (b) in the case of a partnership or a partner or person having control or management of the partnership business—
 - (i) the principal office of the partnership, or
 - (ii) the email address of the partner or person having that control or management;
- (c) in the case of an unincorporated association or an officer of the association—
 - (i) the office of the association, or
 - (ii) the email address of the officer;
- (d) in any other case, a person's last known address, which includes an email address.

(7) For the purposes of paragraph (6), the principal office of a body corporate registered outside the United Kingdom or of a partnership or Scottish partnership established outside the United Kingdom is its principal office in the United Kingdom.

(8) If the name or address of any occupier of premises on whom a notice is to be served or given under these Regulations cannot, after reasonable inquiry, be ascertained, the notice may be served by leaving it conspicuously affixed to a building or object on the premises.

(9) A notice may require any action that an inspector reasonably believes is necessary for controlling the spread of disease.

(10) A notice may specify that a person in receipt of it must immediately inform an inspector of its safe receipt.

(11) A person must comply with the terms of any notice served, given or displayed under these Regulations.

(12) In this regulation—

“body corporate” includes a limited liability partnership;

“director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate;

“officer”, in relation to a body corporate, means any director, manager, secretary or other similar officer of the body corporate;

“partnership” includes a Scottish partnership, but does not include a limited liability partnership.

Licences

33.—(1) A licence granted under these Regulations must 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 any pig or thing under the authority of a specific licence must—

- (a) carry the licence or a copy of it at all times during the movement; and
- (b) on demand by an inspector or other officer of the appropriate authority, produce the licence or a copy and allow a copy or extract to be taken.

(3) A person moving any pig or thing under the authority of a general licence must—

- (a) at all times during the movement, carry a document containing details of—
 - (i) what is being transported, including the quantity;
 - (ii) the date of the movement;
 - (iii) the names of the persons responsible for the pig or thing being moved at the place of departure and the place of destination;
 - (iv) the addresses of the place of departure and the place of destination;
- (b) on demand by an inspector or other officer of the appropriate authority, produce the document and allow a copy or extract to be taken; and
- (c) keep the document for at least six months.

(4) If any pig or thing has been moved to premises under a licence, an inspector may serve a notice on the occupier of the premises of destination imposing such movement restrictions on those premises as the veterinary inspector deems necessary to prevent the risk of spreading disease.

(5) A person who has a licence to do anything under these Regulations must comply with any conditions of that licence.

(6) Where a licence is required or authorised under these Regulations to be granted by a veterinary inspector, it may also be granted by an inspector acting under the direction of a veterinary inspector.

(7) A licence granted under these Regulations in England, Scotland or Wales is valid in any other part of Great Britain so long as the licensed activity is authorised in that other part of Great Britain.

Powers of inspectors

34.—(1) An inspector may, on giving reasonable notice, and on producing a duly authenticated authorisation if required, enter any premises, vehicle, vessel or trailer (except if used wholly or mainly as a private dwelling) at any reasonable hour for the purpose of executing or enforcing these Regulations.

(2) The requirement to give notice does not apply where—

- (a) the requirement has been waived by the occupier;
- (b) reasonable efforts to identify the occupier have failed;
- (c) reasonable efforts to agree an appointment have failed;
- (d) an inspector has reasonable suspicion of a failure to comply with these Regulations; or
- (e) the inspector has reasonable suspicion that disease is likely to spread to other premises if an immediate check is not carried out on the pigs at the premises.

(3) A justice of the peace, or in Scotland a stipendiary magistrate or a sheriff, may by signed warrant permit an inspector to enter any premises, vehicle, vessel or trailer, if necessary by reasonable force, if satisfied on sworn information in writing—

- (a) that there are reasonable grounds to enter those premises for the purpose of executing or enforcing these Regulations; and
- (b) that any of the conditions in paragraph (4) are met.

(4) The conditions are—

- (a) entry to premises has been, or is likely to be, refused, and notice of the intention to apply for a warrant has been given to the occupier;
- (b) asking for admission to premises, or giving such a notice, would defeat the object of the entry;
- (c) entry is required urgently; or
- (d) the premises are unoccupied or the occupier is temporarily absent.

(5) A warrant is valid for three months.

(6) An inspector entering premises which are unoccupied or from which the occupier is temporarily absent must leave them as effectively secured against unauthorised entry as they were before entry.

(7) An inspector entering any premises, vehicle, vessel or trailer may—

- (a) inspect any pig or thing there;
- (b) take samples;
- (c) seize and destroy any equipment or other thing that may spread disease;
- (d) detain or isolate any pig, equipment or other thing that may spread disease;
- (e) mark, tag or micro-chip for identification purposes any pig or thing;
- (f) carry out any inquiries, examinations and tests;
- (g) move any pig or vehicle, vessel or trailer carrying a pig or any other thing that may be contaminated with disease to a specified location;
- (h) undertake surveillance for vectors and implement insect control measures;
- (i) undertake surveillance for feral pigs;

- (j) capture and detain a feral pig;
 - (k) in the case of classical swine fever, vaccinate a feral pig;
 - (l) take samples from a feral pig, or authorise another under supervision to take such samples;
 - (m) kill a feral pig (or authorise another person under the inspector's supervision to kill a feral pig) if the Chief Veterinary Officer is satisfied that killing is necessary either for the control of disease or for surveillance purposes, and in particular if—
 - (i) it is not reasonably practicable to take samples from the feral pig without killing it;
 - (ii) it is not reasonably practicable to detain it pending the results of any testing or sampling; or
 - (iii) feral pigs are suspected by the Chief Veterinary Officer of—
 - (aa) spreading disease,
 - (bb) being likely to spread disease, or
 - (cc) being at risk of contracting disease;
 - (n) have access to, inspect and copy any documents or records (in whatever form they are held) appertaining to these Regulations, and remove them to enable them to be copied;
 - (o) inspect and check the operation of any computer and any associated apparatus or material that is or has been in use in connection with any documents or records;
 - (p) require by notice served on the occupier—
 - (i) any pig to be marked, tagged or micro-chipped for identification purposes;
 - (ii) any pig or thing (including a vehicle or trailer) to be moved from premises to other specified premises;
 - (iii) the undertaking of surveillance for the presence of vectors;
 - (iv) the implementation of such insect control measures as the inspector considers practical and necessary;
 - (v) a pig to be retained for use as a sentinel pig or a sentinel pig to be introduced onto those premises.
- (8) Where an inspector has entered any premises, vehicle, vessel or trailer and it is not reasonably practicable to determine whether any documents or records found on those premises appertain to these Regulations, the inspector may seize them to ascertain whether or not they are relevant.
- (9) The inspector may—
- (a) take any necessary equipment or vehicle on to the premises;
 - (b) be accompanied by—
 - (i) such other persons as the inspector considers necessary; and
 - (ii) any representative of the European Commission.
- (10) Any power or obligation to take a sample and test it includes a power to—
- (a) re-test any sample; and
 - (b) take further samples from pigs, carcasses or from the environment for testing.

Notices following a contravention of movement controls

35.—(1) If a pig has been moved to any premises in contravention of any provision of these Regulations or any licence or notice served under these Regulations, an inspector may serve a notice on the occupier of those premises requiring—

- (a) that pig, or any other pig on the premises, to be detained on the premises; or

(b) any pig on the premises to be moved to other premises specified in the notice.

(2) If a pig has been moved to other premises under such a notice, an inspector may serve a notice on the occupier of those other premises imposing such movement restrictions relating to any pig on those premises as the inspector considers necessary to reduce the risk of spreading disease.

Powers of inspectors in case of default

36. If any person fails to comply with a requirement in or under these Regulations, an inspector may take such steps as that inspector considers necessary, including seizure of things, to ensure the requirement is met at the expense of that person.

Compensation for pigs killed and things seized

37.—(1) The appropriate authority must pay compensation in accordance with this regulation for—

- (a) any pig killed pursuant to regulations 7(5), 8(2) or 11;
- (b) any thing likely to spread disease that is seized under these Regulations and not returned other than where such things are seized by an inspector acting under regulation 36.

(2) The amount of any compensation payable under paragraph (1)(a) is—

- (a) one half of the value of the pig immediately before it became affected where the pig was affected with classical swine fever or African swine fever;
- (b) the value of the pig immediately before it became affected where the pig was affected with swine vesicular disease (less any price received by the owner at slaughter);
- (c) where the pig is not affected with disease, the value of the pig immediately before it was killed.

(3) The amount of any compensation payable under paragraph (1)(b) is the value of the thing seized at the time of its seizure;

(4) The value of the pig or thing seized (as the case may be) is—

- (a) the amount determined in writing by the appropriate authority (“the appropriate authority’s valuation”); or
- (b) where the determination of the value has been referred to an appointed valuer under paragraph (5), the amount determined in writing by that valuer.

(5) If, within 14 days after receiving the appropriate authority’s valuation, the owner of the pig killed or the thing seized (as the case may be) gives written notice to the appropriate authority disputing that valuation, with reasons, the appropriate authority must refer the determination of the value to an appointed valuer.

(6) The appointed valuer must be a person—

- (a) appointed jointly by the owner and the appropriate authority for the purpose of conducting a valuation under this regulation; or
- (b) failing agreement on such appointment within 10 days of receipt of the notice given under paragraph (5), appointed by the appropriate authority for that purpose.

(7) The determination of value by the appointed valuer is final and binding on the appropriate authority and the owner.

(8) Fees charged or expenses incurred by an appointed valuer for work done under this regulation must be paid—

- (a) where the valuer’s determination is equal to or less than the appropriate authority’s valuation, by the owner;

(b) otherwise, by the appropriate authority.

(9) Action under this regulation to determine the value of any pig or other thing must not result in any delay in the killing of a pig for the purposes of controlling disease.

Obstruction

38. A person must not—

- (a) intentionally obstruct or impede anyone acting in the execution or enforcement of these Regulations;
- (b) without reasonable cause, proof of which lies on the person charged, fail to give to any person acting in the execution or enforcement of these Regulations any assistance or information that is reasonably required;
- (c) provide to anyone acting in the execution or enforcement of these Regulations any information knowing it to be false or misleading or not believing it to be true; or
- (d) fail to produce a record when required to do so by any person acting in the execution or enforcement of these Regulations.

Offences and penalties

39.—(1) It is an offence to fail to comply with—

- (a) regulation 3(3)(a) or (b) (obligations on change in occupation);
- (b) regulation 5(1) or (2) (requirement to notify the appropriate authority of suspect pig or carcase);
- (c) regulation 6(3) or (5) (requirements on occupier to comply with initial measures);
- (d) regulation 9(3) (movement of a pig in a temporary control zone);
- (e) regulation 19(5)(a) or (b) (obligations on operator of slaughterhouse);
- (f) regulation 21(3) (placing feral pig meat on the market without a negative test for disease);
- (g) regulation 22(2) (failure to comply with any measure specified following vaccination of feral pigs);
- (h) regulation 24(2) (movement restriction in a declared zone);
- (i) regulation 28(1) or (2) (prohibition on vaccination);
- (j) regulation 29(10), (12) or (13) (requirements arising from emergency vaccination);
- (k) regulation 30(2) or (3) (requirements relating to pigs vaccinated against classical swine fever);
- (l) regulation 31(5), (6), (8) or (9)(b) (requirements relating to pigs vaccinated against swine vesicular disease);
- (m) regulation 32 (11) (requirement to comply with notice);
- (n) regulation 33(5) (requirement to comply with conditions of a licence);
- (o) regulation 38 (obstruction);
- (p) Schedule 1 (measures on suspect, contact and infected premises);
- (q) Schedule 2 (measures in a feral pig investigation or control zone);
- (r) paragraph 1, 5, 6, 7, 8 or 9 of Part 1 of Schedule 3 (measures in a protection zone);
- (s) paragraph 10, 15, 16, 17, 18 or 19 of Part 2 of Schedule 3 (measures in a surveillance zone);
- (t) Schedule 4 (cleansing and disinfection of vehicles).

- (2) A person guilty of an offence is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or both;
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding six months or both.

Offences by bodies corporate, partnerships and unincorporated associations

40.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) a director, manager, secretary or other similar officer of the body corporate, or
- (b) a person who was purporting to act in any such capacity,

that person, as well as the body corporate, is guilty of the offence.

(2) In paragraph (1) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Where a partnership or Scottish partnership is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of a partner, the partner, as well as the partnership or Scottish partnership, is guilty of the offence.

(4) In paragraph (3) “partner” includes a person purporting to act as a partner.

(5) Where an unincorporated association is guilty of an offence under these Regulations and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of an officer of the association, that officer, as well as the association, is guilty of the offence.

(6) In paragraph (5) “officer” in relation to an unincorporated association, means—

- (a) an officer of the association or a member of its governing body, or
- (b) a person purporting to act in such a capacity.

Enforcement

41.—(1) These Regulations are enforced by the relevant local authority.

(2) The appropriate authority may direct, in relation to cases of a particular description or in relation to particular cases, that the appropriate authority will enforce these Regulations instead.

(3) Where the Secretary of State makes a direction under paragraph (2), the Secretary of State may delegate to the Director of Public Prosecutions functions in relation to the prosecution of an offence under these Regulations in England.

(4) A constable may stop and search any vehicle that the constable reasonably believes to be carrying pigs and may check documents carried in the vehicle to ensure that pigs are not transported in contravention of these Regulations.

(5) Any vehicle suspected by the constable of carrying pigs in contravention of these Regulations may—

- (a) be detained by the constable until an inspector arrives; or
- (b) be ordered by the constable to be taken back to any place it came from.

Exceptional circumstances

42. A veterinary inspector may for the purpose of ensuring the health or welfare of any pig in exceptional circumstances—

- (a) license a person to carry out any action that is otherwise prohibited under these Regulations; or
- (b) exempt a person, by notice, from any requirement under these Regulations.

Miscellaneous revocations, disapplication and consequential amendments

43.—(1) The instruments listed in Schedule 5 are revoked.

(2) Section 31(d) of, and paragraph 4 of Schedule 3 to, the Animal Health Act 1981(2) do not apply to the extent that they refer to hog cholera (otherwise known as classical swine fever).

(3) The Artificial Insemination of Pigs (England and Wales) Regulations 1964(3) are amended as follows—

- (a) for regulation 7(2)(b) substitute—
 - “(b) infected premises under the Diseases of Swine Regulations 2014;”, and
- (b) in regulation 7(2)(c), for “or swine fever” substitute “or under the Diseases of Swine Regulations 2014”.

(4) The Artificial Insemination of Pigs (Scotland) Regulations 1964(4) are amended as follows—

- (a) for regulation 8(2)(b) substitute—
 - “(b) infected premises under the Diseases of Swine Regulations 2014;”, and
- (b) in regulation 8(2)(c), for “or swine fever” substitute “or under the Diseases of Swine Regulations 2014”.

(5) The Products of Animal Origin (Disease Control) (England) Regulations 2008(5) are amended as follows—

- (a) for regulation 3(8) (definition of restricted meat) substitute—
 - “(8) Subject to paragraph (9), “restricted meat” is meat, including meat that has come into contact with meat—
 - (a) produced on or after the date that a protection zone or a surveillance zone is declared, or an earlier date where the Secretary of State specifies such a date for the purpose of disease control;
 - (b) from a restricted animal or restricted poultry that has come from an infected area, a protection zone or a surveillance zone; and
 - (c) from pigs that have been vaccinated to protect them from classical swine fever for 6 months (or any other specified period).”;
- (b) in Schedule 1 (disease legislation) omit references to the Classical Swine Fever (England) Order 2003, the African Swine Fever (England) Order 2003 and the Swine Vesicular Disease Order 1972, and at paragraph 1 insert “The Diseases of Swine Regulations 2014”.

(2) c.22. Functions conferred under that Act on “the Ministers” (as defined in section 86) are now exercisable in relation to England by the Secretary of State. Functions of “the Ministers” were transferred, so far as exercisable by the Secretaries of State for Scotland and Wales, to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141). Functions of the Minister of Agriculture, Fisheries and Food were then transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(3) S.I. 1964/1172, amended by S.I. 1992/3161; there are other amending instruments but none is relevant.

(4) S.I. 1964/1171, amended by S.I. 1992/3161; there are other amending instruments but none is relevant.

(5) S.I. 2008/465, amended by S.I. 2009/1297.

(6) The Products of Animal Origin (Disease Control) (Wales) Regulations 2008(6) are amended as follows—

- (a) in the English text, for regulation 3(8) (restricted animal, restricted poultry and restricted meat: definitions) substitute—

“(8) Subject to paragraph (9), “restricted meat” (“cig dan gyfyngiadau”) is meat, including meat that has come into contact with meat—

- (a) produced on or after the date that a protection zone or a surveillance zone is declared, or an earlier date where the Welsh Ministers specify such a date for the purpose of disease control;
- (b) from a restricted animal or restricted poultry that has come from an infected area, a protection zone or a surveillance zone; and
- (c) from pigs that have been vaccinated to protect them from classical swine fever for 6 months (or any other specified period).”;
- (b) in the English text of Schedule 1 (disease legislation) omit references to the Classical Swine Fever (Wales) Order 2003, the African Swine Fever (Wales) Order 2003 and the Swine Vesicular Disease Order 1972, and at paragraph 1 insert “The Diseases of Swine Regulations 2014”;
- (c) in the Welsh text, for regulation 3(8) (anifail, dofednod a chig dan gyfyngiadau:diffiniadau) substitute—

“(8) Yn ddarostyngedig i baragraff (9), “cig dan gyfyngiadau” (“restricted meat”) yw cig, sy’n cynnwys cig a ddaeth i gyffyrddiad â chig—

- (a) a gynhyrchwyd ar neu ar ôl y dyddiad y datganwyd parth gwarchod neu barth goruchwyllo, neu ddyddiad cynharach os bydd Gweinidogion Cymru yn pennu’r dyddiad hwnnw at ddibenion rheoli clefydau;
- (b) sy’n dod o anifail dan gyfyngiadau neu ddofednod dan gyfyngiadau sy’n dod o ardal heintiedig, parth gwarchod neu barth goruchwyllo; ac
- (c) sy’n dod o foch sydd wedi eu brechu er mwyn eu hamddiffyn rhag clwy clasurol y moch am 6 mis (neu unrhyw gyfnod arall a bennwyd).”;
- (d) in the Welsh text of Schedule 1 (deddfwriaeth clefydau) omit references to Gorchymyn Clwy Clasurol y Moch (Cymru) 2003, Gorchymyn Clwy Affricanaidd y Moch (Cymru) 2003 and Gorchymyn Clefyd Pothellog y Moch 1972, and in paragraph 1 insert “Rheoliadau Clefydau’r Moch 2014”.

(7) The Products of Animal Origin (Disease Control) (Scotland) Order 2008(7) is amended as follows—

- (a) for article 4(9) (definition of restricted meat) substitute—

“(9) Subject to paragraph (10), “restricted meat” is meat, including meat that has come into contact with meat—

- (a) produced on or after the date that the protection zone or surveillance zone was declared, or an earlier date where the Scottish Ministers specify such a date for the purpose of disease control;
- (b) from a restricted animal or restricted poultry that has come from an infected area, a protection zone or a surveillance zone; and
- (c) from pigs that have been vaccinated to protect them from classical swine fever for 6 months (or any other specified period).”;

(6) S.I. 2008/1275 (W. 132), amended by S.I. 2009/1373 (W. 136), 2009/1910 (W. 173).

(7) S.S.I. 2008/158 as amended by S.S.I. 2009/173, 2009/174.

- (b) in Schedule 1 (disease legislation) omit references to the African Swine Fever (Scotland) Order 2003, the Classical Swine Fever (Scotland) Order 2003 and the Swine Vesicular Disease (Scotland) Order 2009, and at paragraph 1 insert “The Diseases of Swine Regulations 2014”.

Review of the Regulations in England

- 44.**—(1) Before the end of each review period, the Secretary of State must—
- (a) carry out a review of these Regulations in England;
 - (b) set out the conclusions of the review in a report; and
 - (c) publish the report.
- (2) In carrying out the review in England the Secretary of State must, so far as is reasonable, have regard to how—
- (a) Council [Directive 92/119/EEC](#),
 - (b) Council [Directive 2001/89/EC](#), and
 - (c) Council [Directive 2002/60/EC](#),
- are implemented in other member States.
- (3) The report must in particular—
- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
 - (b) assess the extent to which those objectives are achieved; and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) The first review period is the period of five years beginning with the date on which these Regulations come into force.
- (5) Each subsequent review period is a period of five years beginning with the date on which the report of the preceding review was published.