

## SCHEDULES

### SCHEDULE 2

#### FUNCTIONS OF THE DEPARTMENT IN RELATION TO SLAUGHTER

##### PART I

##### POWER TO SLAUGHTER

###### **Cattle Plague:**

1.—(1) The Department shall cause to be slaughtered all animals affected with cattle plague.

(2) The Department may cause to be slaughtered any animal which is or which has been in contact with an animal affected with cattle plague, where the Department is satisfied that such slaughter is necessary for preventing the spreading of cattle plague.

(3) The Department may in any case cause to be slaughtered—

- (a) any animals suspected of being affected with cattle plague, or being in a place infected with cattle plague;
- (b) subject to such regulations (if any) as may be made by the Department of Finance, any animals being in such parts of an area infected with cattle plague as are not comprised in a place infected with cattle plague.

###### **Pleuro-pneumonia:**

2.—(1) The Department shall cause to be slaughtered all [<sup>F1</sup>susceptible animals] affected with pleuro-pneumonia.

(2) The Department may in any case cause to be slaughtered—

- (a) any [<sup>F2</sup>susceptible animal] suspected of being affected with pleuro-pneumonia; and
- (b) any [<sup>F2</sup>susceptible animal] which are or which have been in contact with [<sup>F2</sup>susceptible animal] affected with pleuro-pneumonia, or which appear to the Department to have been in any way exposed to the infection of pleuro-pneumonia.

(3) Where the Department has decided that any [<sup>F3</sup>susceptible animal] is to be slaughtered under this paragraph, the Department shall, if the owner of such [<sup>F3</sup>susceptible animal] by notice so requires, cause the same to be slaughtered within twenty-one days after the receipt of the notice.

[<sup>F4</sup>(4) In this paragraph, “susceptible animal” means animal of the genus *Ovis*, *Capra*, *Gazella*, *Bison*, *Bos* or *Bubalus*, or of the species *Syncerus cafer*.]

**F1** Words in Sch. 2 Pt. I para. 2(1) substituted (8.11.2023) by [The Specified Diseases \(Notification\) \(Amendment\) Order \(Northern Ireland\) 2023 \(S.R. 2023/179\)](#), arts. 1, **4(2)(a)(i)**

**F2** Words in Sch. 2 Pt. I para. 2(2) substituted (8.11.2023) by [The Specified Diseases \(Notification\) \(Amendment\) Order \(Northern Ireland\) 2023 \(S.R. 2023/179\)](#), arts. 1, **4(2)(a)(i)**

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- F3** Words in Sch. 2 Pt. I para. 2(3) substituted (8.11.2023) by [The Specified Diseases \(Notification\) \(Amendment\) Order \(Northern Ireland\) 2023 \(S.R. 2023/179\)](#), arts. 1, [4\(2\)\(a\)\(ii\)](#)
- F4** Sch. 2 Pt. I para. 2(4) inserted (8.11.2023) by [The Specified Diseases \(Notification\) \(Amendment\) Order \(Northern Ireland\) 2023 \(S.R. 2023/179\)](#), arts. 1, [4\(2\)\(a\)\(iii\)](#)

### **Foot-and-mouth Disease:**

3. The Department may in any case cause to be slaughtered—
- (a) any animals affected with foot-and-mouth disease, or suspected of being so affected; and
  - (b) any animals which are or have been in contact with animals affected with foot-and-mouth disease, or which appear to the Department to have been in any way exposed to the infection of foot-and-mouth disease.

**[<sup>F5</sup>3A.**—(1) This paragraph applies to any premises which are declared by the Department to be infected premises under any provision which gives effect in relation to Northern Ireland to Council Directive [2003/85/EC](#) of 29 September 2003 on Community measures for the control of foot-and-mouth disease [<sup>F6</sup>, as last amended by Commission Implementing Decision (EU) 2018/1099] .

(2) Subject to sub-paragraphs (3) and (5), the Department must cause to be slaughtered all susceptible animals on the premises.

- (3) The Department may decide not to slaughter susceptible animals kept in—
- (a) a laboratory, zoo, wildlife park or other premises keeping animals principally for the purposes of display or education of the public, or an enclosed area principally used for shooting; or
  - (b) the premises of a body, institute or centre which—
    - (i) keeps animals only for the purposes of conservation, display and education of the public, or scientific research or breeding of such animals for research, and
    - (ii) is approved by the Department in relation to those animals in accordance with any provision which gives effect in relation to Northern Ireland to Article 13(2) of Council Directive [92/65/EEC](#) of 13 July 1992 laying down animal health requirements governing trade in certain animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(1) to Directive [1990/425/EEC](#) [<sup>F7</sup>, as last amended by Commission Implementing Decision (EU) 2017/2174] ; or
  - (c) other premises keeping susceptible animals for scientific purposes or purposes related to conservation of species or farm animal genetic resources.

- (4) The Department shall not make a decision under sub-paragraph (3) unless it is satisfied that—
- (a) basic European Community interests are not endangered (and in particular it shall take into account any threat of the spread of foot-and-mouth disease to <sup>F8</sup>... member States); and
  - (b) the measures in place to prevent any risk of spreading foot-and-mouth disease virus are adequate.

(5) If the premises consist of two or more separate production units (by virtue of a declaration under sub-paragraph (6)), the Department may decide not to slaughter susceptible animals on free units of those premises.

(6) The Department may by notice served on the occupier declare in respect of any premises that those premises are to be regarded as two or more separate production units and may declare every separate unit which is free from disease to be a free unit.

(7) A declaration under sub-paragraph (6) shall not be made unless the Chief Veterinary Officer advises at the time of a veterinary inquiry into the premises that in his opinion—

- (a) the structure, including the administration, and size of the premises allow for each separate unit, a complete separation of housing and keeping for their susceptible animals, including air space;
- (b) the operations on each separate unit, and in particular stable and pasture management, milking, feeding, and removal of dung or manure are completely separated and carried out by different personnel;
- (c) the machinery, non-susceptible working animals, equipment, installations, instruments and disinfection facilities used in each separate unit are completely separate; and
- (d) each of sub-paragraphs (a) to (c) has applied continuously for at least—
  - (i) 28 days immediately prior to the earliest date on which the premises were infected with foot-and-mouth disease, if only bovine animals or swine have been on the premises within that period, or
  - (ii) 42 days immediately prior to that date, in any other case.

(8) A declaration under sub-paragraph (6) shall identify, and designate the boundaries of, each separate unit and shall declare every separate unit which is free of disease to be a free unit.

(9) A unit shall cease to be a free unit on revocation of the notice declaring it.

(10) In this paragraph—

“susceptible animal” means cattle, sheep, goats, all other ruminating animals, swine, camels, llamas, alpacas, elephants and any other domestic or wild animal of the orders *Rodentia* and *Proboscidae* or of the suborders *Ruminantia*, *Suina* and *Tylopoda* of the order *Artiodactyla*.

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| <b>F5</b> | Sch. 2 Pt. 1 paras. 3A, 3B inserted (23.2.2006) by <a href="#">Diseases of Animals (Amendment) Regulations (Northern Ireland) 2006 (S.R. 2006/41)</a> , <b>reg. 3</b>  |
| <b>F6</b> | Words in Sch. 2 para. 3A(1) inserted (11.4.2019) by <a href="#">The Animal Health and Welfare (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/82)</a> , reg. 1, <b>Sch. 3 para. 1(a)</b>                          |
| <b>F7</b> | Words in Sch. 2 para. 3A(3)(b)(ii) inserted (11.4.2019) by <a href="#">The Animal Health and Welfare (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/82)</a> , reg. 1, <b>Sch. 3 para. 1(b)</b>                   |
| <b>F8</b> | Word in Sch. 2 para. 3A(4)(a) omitted (31.12.2020) by virtue of <a href="#">The Plant Health and Diseases of Animals (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/327)</a> , regs. 1(3), <b>3(7)</b> |

**3B.** The Department may cause to be slaughtered any animal which has been treated with vaccine for suppressive purposes.]

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| <b>F5</b> | Sch. 2 Pt. 1 paras. 3A, 3B inserted (23.2.2006) by <a href="#">Diseases of Animals (Amendment) Regulations (Northern Ireland) 2006 (S.R. 2006/41)</a> , <b>reg. 3</b> |
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**Modifications etc. (not altering text)**

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| <b>C1</b> | Sch. 2 Pt. 1 para. 3B modified (23.2.2006) by <a href="#">Foot-and-Mouth Disease (Control of Vaccination) Regulations (Northern Ireland) 2006 (S.R. 2006/43)</a> , <b>reg. 35</b> |
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[<sup>F9</sup>**Bovine tuberculosis**

4.—(1) Subject and according to the provisions of this Order, the Department may by order provide for the slaughter of—

- (a) any animal affected with bovine tuberculosis or suspected of being so affected; or

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- (b) any animal of a susceptible species which is or has been in contact with any animal referred to in paragraph (a), or which appears to the Department to have been in any way exposed to the infection of bovine tuberculosis.
- (2) An order under sub-paragraph (1) may provide for the slaughter of any animal under that sub#paragraph to be made subject to such conditions as may be prescribed by or under the order.
- (3) In sub-paragraph (1)—
  - (a) any reference to bovine tuberculosis includes any such form of the disease, or any such stage of its development, as may be prescribed by order made under that sub#paragraph; and
  - (b) “animal of a susceptible species” means any animal or bird—
    - (i) of a species kept for human consumption or the production of milk for human consumption; or
    - (ii) of any other species which presents a serious risk of transmitting bovine tuberculosis to animals or poultry of the species referred to in sub-paragraph (i) or to humans.]

**F9** SR 1999/204

**Brucellosis:**

- [<sup>F10</sup>5.—(1) Subject and according to the provisions of this Order, the Department may by order provide for the slaughter of—
- (a) any cattle affected with brucellosis or suspected of being so affected; or
  - (b) any cattle which are or have been in contact with such cattle or with any other animal affected or suspected of being affected with brucellosis or which appear to the Department to have been in any way exposed to a significant risk of infection of brucellosis.
- (2) An order under sub-paragraph (1) may provide for the slaughter of cattle under that paragraph to be made subject to such conditions as may be prescribed by or under the order.
- (3) The Department may cause to be slaughtered any animal (other than cattle) affected or suspected of being affected with brucellosis or which is or has been in contact with an animal affected with brucellosis or which appears to the Department to have been in any way exposed to the infection of brucellosis.]

**F10** SR 2004/362

**Sheep-pox:**

- 6.—(1) The Department shall cause to be slaughtered all sheep affected with sheep-pox.
- (2) The Department may cause to be slaughtered—
- (a) any sheep suspected of being affected with sheep-pox; and
  - (b) any sheep which are or have been in contact with sheep affected with sheep-pox or which appear to the Department to have been in any way exposed to the infection of sheep-pox.

**Swine-fever:**

7. The Department may in any case cause to be slaughtered—
- (a) any swine affected with swine-fever or suspected of being so affected; and

- (b) any swine which are or have been in contact with swine affected with swine-fever, or which appear to the Department to have been in any way exposed to the infection of swine-fever.

**Glanders:**

8.—<sup>F11</sup>(1) The Department may cause to be slaughtered—

- (a) any <sup>F12</sup>susceptible animal] affected with glanders, or suspected of being so affected; and
- (b) any <sup>F12</sup>susceptible animal] which is or has been in contact with <sup>F13</sup>susceptible animals] affected with glanders or which appears to the Department to have been in any way exposed to the infection of glanders.

<sup>F14</sup>(2) In this paragraph, “susceptible animal” means animal of the genus *Ovis*, *Capra*, *Gazella*, *Bison*, *Bos* or *Bubalus*, or of the species *Syncerus cafer*]

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| <p><b>F11</b> Sch. 2 Pt. 1 para. 8 renumbered as Sch. 2 Pt. 1 para. 8(1) (8.11.2023) by <a href="#">The Specified Diseases (Notification) (Amendment) Order (Northern Ireland) 2023 (S.R. 2023/179)</a>, arts. 1, <b>4(2)(b)(i)</b></p> <p><b>F12</b> Words in Sch. 2 Pt. I para. 8(1) substituted (8.11.2023) by <a href="#">The Specified Diseases (Notification) (Amendment) Order (Northern Ireland) 2023 (S.R. 2023/179)</a>, arts. 1, <b>4(2)(b)(ii)</b></p> <p><b>F13</b> Words in Sch. 2 Pt. I para. 8(1) substituted (8.11.2023) by <a href="#">The Specified Diseases (Notification) (Amendment) Order (Northern Ireland) 2023 (S.R. 2023/179)</a>, arts. 1, <b>4(2)(b)(iii)</b></p> <p><b>F14</b> Sch. 2 Pt. I para. 8(2) inserted (8.11.2023) by <a href="#">The Specified Diseases (Notification) (Amendment) Order (Northern Ireland) 2023 (S.R. 2023/179)</a>, arts. 1, <b>4(2)(b)(iv)</b></p> |
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**Rabies:**

9. The Department may cause to be slaughtered—

- (a) any animal affected with rabies or suspected of being so affected;
- (b) any animal which is or has been in contact with an animal affected with or suspected of being affected with rabies; and
- (c) any animal which has in any way been exposed to the infection of rabies.

10. <sup>F15</sup> . . . <sup>F16</sup> . . . *Lumpy skin disease, Blue tongue, Teschen disease, African swine fever, Swine vesicular disease, Vesicular exanthema, African horse sickness, Dourine, Equine encephalomyelitis, Transmissible gastro-enteritis, Influenza A infection, Epizootic lymphangitis, Visna-Maedi complex, Jaagsiekte complex* <sup>F17</sup>*Infectious Bovine Rhinotracheitis*]]<sup>F18</sup>*Aujeszky's disease, Porcine respiratory corona virus, Contagious agalactia, Peste des petits ruminants, Goat pox, Vesicular stomatitis, Rift valley fever, Epizootic haemorrhagic disease.*]]<sup>F19</sup>*Caseous lymphadenitis.*]:

The Department may in any case cause to be slaughtered—

- (a) any animal affected with any of the above diseases, or suspected of being so affected; and
- (b) any animal which is or has been in contact with an animal affected with any of the above diseases, or which appears to the Department to have been in any way exposed to the infection of any of the diseases.

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| <p><b>F15</b> SR 1995/368</p> <p><b>F16</b> SR 1996/399</p> <p><b>F17</b> SR 1986/79</p> <p><b>F18</b> SR 1994/11</p> <p><b>F19</b> SR 1995/44</p> |
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*Para. 10A rep. by SR 2002/225*

**Bovine leucosis:**

[<sup>F20</sup>**10B.**—(1) Subject to sub#paragraph (2) the Department—

(a) shall cause to be slaughtered, under the supervision of a veterinary inspector—

(i) any bovine animal affected with enzootic bovine leucosis; and

(ii) where the animal is a cow any calf of that animal; and

(b) may cause to be slaughtered—

(i) any bovine animal suspected of being affected with enzootic bovine leucosis;

(ii) any other animal affected or suspected of being affected with enzootic bovine leucosis or any animal affected or suspected of being affected with any other form of bovine leucosis; and

(iii) any animal which has been in contact with an animal affected with any form of bovine leucosis or in any other way exposed to the infection of that disease.

(2) The Department may exempt any calf from the requirements of sub#paragraph (1)(a)(ii) where it was separated from its mother after calving.]

**F20** SR 1995/368

*Para. 10C rep. by SR 2002/225*

**Diseases of Poultry:**

**11.** The Department may cause to be slaughtered—

(a) any diseased or suspected poultry; or

(b) any poultry which are or have been in contact with diseased poultry or which appear to the Department to have been in any way exposed to the infection of disease.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Instrument am (pt prosp) by [S.I. 1994/1891 \(N.I.\) arts.19-23](#)
- Instrument rep in pt by [S.I. 1994/1891 \(N.I.\) art.24\(1\)Sch](#)