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STATUTORY RULES OF NORTHERN IRELAND

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**2006 No. 43**

**The Foot-and-Mouth Disease (Control of Vaccination) Regulations (Northern Ireland) 2006**

**PART II**

**THE VACCINATION PROGRAMME**

**Prohibition on vaccination except under licence**

**8.—(1)** A person shall not vaccinate an animal except under the authority of a licence granted by the Department 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 (Northern Ireland) 1999(1);
- (b) the administration of a vaccine in accordance with an animal test certificate granted under regulation 8 of the Veterinary Medicines Regulations 2005(2); or
- (c) vaccination caused by the Department under regulation 16.

**Factors informing a decision to permit suppressive vaccination or protective vaccination**

**9.—(1)** The Department 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 Northern Ireland becoming widespread within Northern Ireland, the United Kingdom or the Republic of Ireland;
  - (ii) outside Northern Ireland spreading to Northern Ireland with an imported susceptible animal, carcase or other thing liable to spread disease;
  - (iii) spreading from Northern Ireland with an exported susceptible animal, carcase or other thing liable to spread disease; or
  - (iv) spreading to or from Northern Ireland 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 sub-paragraph (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
- (bb) is approved in relation to those animals under regulation 9 of the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2005(3);
- (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(4);
- (d) other means of preventing the spread of disease available to it;
- (e) in the case of suppressive vaccination, whether such vaccination is necessary urgently to prevent the spread of disease from a premises or 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 Department considers that permitting suppressive vaccination or protective vaccination is the most appropriate means of preventing the spread of disease, it shall undertake a vaccination programme.

(3) If the Department decides to undertake a vaccination programme it shall grant one or more licences 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 animal required to be vaccinated (including its species and age);
  - (d) the intended duration of the programme;
  - (e) notification of the prohibition on movement of animals and animal products in regulation 12(2);
  - (f) the form of the eartag to be affixed and records to be made under regulation 17;
  - (g) the person who will carry out the programme;
  - (h) such other information (if any) as the Department considers necessary to inform those who may be affected by the vaccination programme.
- (3) Any decision of the Department which results in a change to the information in subparagraph (2) shall also be given in writing.

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(3) S.R. 2005 No. 78 as amended by S.R. 2005 No. 446

(4) O.J. No. L306, 22.11.2003, p1

(4) The Department shall take such steps as it 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) A licence permitting suppressive or protective vaccination shall not authorise vaccination outside a vaccination zone.

(2) A licence permitting suppressive or protective vaccination shall not authorise vaccination in a vaccination surveillance zone.

### **Facilitation of vaccination**

**12.—**(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;
- (b) submit any such animal for vaccination at such time and in such place as required by that inspector or by that person;

(2) Except under the authority of a licence granted by the Department a person shall not move from any premises where any animal specified in a decision to undertake a vaccination programme is 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.

### **Declaration of a vaccination zone and of a vaccination surveillance zone on suppressive or protective vaccination in Northern Ireland**

**13.—**(1) Where the Department decides to undertake a programme of suppressive or protective vaccination it 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;
- (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 Department considers fit to prevent the spread of disease.

(4) If the Department decides to vary the place or geographical area where a programme of suppressive or protective vaccination is to be undertaken it 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 suppressive or protective vaccination in the Republic of Ireland**

**14.—**(1) This regulation applies where a programme of vaccination is to be undertaken in the Republic of Ireland.

(2) Where this regulation applies and any part of the programme of vaccination is to be undertaken within ten kilometres of the border with Northern Ireland, the Department shall declare a vaccination surveillance zone in Northern Ireland, of such size as it thinks fit to prevent the spread of disease.

(3) Where this regulation applies and a zone having equivalent effect to a vaccination surveillance zone has been declared in the Republic of Ireland abutting the border with Northern Ireland, the Department may declare a vaccination surveillance zone in Northern Ireland.

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

- (a) abuts the border of the Republic of Ireland; 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 the Republic of Ireland.

### **Vaccination zones and vaccination surveillance zones: general provisions**

**15.**—(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 Department—

- (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.

(5) Nothing in paragraph (1) shall deem any part of a premises lying outside Northern Ireland to be within a vaccination zone.

### **Power to vaccinate an animal**

**16.** For the purpose of preventing the spread of disease the Department may cause the vaccination of any animal—

- (a) which has been in contact with a diseased animal;
- (b) which appears to the Department to be or to have been in any way exposed to the infection or disease; or
- (c) which is in a vaccination zone or a protection zone.

### **Identification of vaccinated animals**

**17.**—(1) The Department shall provide to every person vaccinating an animal under regulation 16 or issued with a licence permitting suppressive vaccination or protective vaccination, sufficient eartags to affix an eartag to every animal which may be vaccinated under that licence.

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

(3) Any person vaccinating an animal referred to in paragraph (1) 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,

- (iii) a description of the animal;
  - (c) ensure that the Department and the keeper of the animal receives 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 Department.
- (5) Every person provided with eartags under this regulation shall return unused eartags to the Department on demand and without delay.
- (6) A person vaccinating an animal shall ensure that in the case of any animal to which paragraph (1) applies, the fact that the animal has been vaccinated shall inform the Department to enable the vaccination to be recorded on the Department's database.

#### **Removal of eartags and missing eartags**

- 18.—(1) A person shall not remove an eartag affixed under regulation 17.
- (2) Subject to paragraph (4), if the keeper of a vaccinated animal discovers that its eartag is missing he shall notify the Department in writing without delay.
- (3) On receipt of a notification under this regulation, the Department 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 Officer.

#### **Sale and slaughter of vaccinated animals**

19. A person shall not sell a vaccinated animal or send such an animal for slaughter unless its bears an eartag affixed under these Regulations, or a mark applied under regulation 18(3)(b).

#### **Failure to vaccinate animals specified for vaccination**

- 20.—(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 Officer.
- (2) If an inspector suspects that an animal has been specified for vaccination but was not vaccinated at the time it should have been he shall arrange for that animal to be vaccinated as soon as is reasonably practicable.

#### **Carcases of animals specified for vaccination**

- 21.—(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 (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.

### **Time phases and measures applicable in respect of a vaccination zone**

**22.**—(1) After 30 days have elapsed since all animals in a vaccination zone specified for vaccination in a decision to undertake a programme of vaccination have been vaccinated, the Department 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.

(2) On completion of the measures in sub-paragraphs (a) to (d) of regulation 24 in every reactor premises in a vaccination zone, the Department 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.

(3) Notwithstanding paragraph (2), the Department 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 23(3) stating that it shall enter phase 3 and phase 3 shall be deemed to have commenced in respect of that premises on such service.

(4) The Department may declare the end of phase 3 when it is satisfied that the disease has been eradicated in Northern Ireland.

(5) Subject to regulation 24, the provisions of the Schedule apply in respect of a vaccination zone without prejudice to any requirements or restrictions applying in any part of it because that part falls within a protection zone or a surveillance zone.

### **Survey and classification of premises during phase 2**

**23.**—(1) The Department shall ensure that during phase 2 a clinical and serological survey of all premises in the vaccination zone where a susceptible animal is 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 Department 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 to the FMD Regulations—

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

(6) A person carrying out a clinical examination or serological sampling shall do so in accordance with the requirements of Annex III of the Directive.

(7) A person carrying out a diagnostic test shall do so in accordance with the requirements of Annex XIII of the Directive.

### **Measures applicable to reactor premises**

**24.** The following measures apply to reactor premises—

- (a) the Department shall ensure that susceptible animals which have tested positive to at least one of the tests in regulation 23(2) are slaughtered on the premises;
- (b) the Department 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 Department shall ensure that the premises are cleansed and disinfected in accordance with Schedule 3 to the FMD Regulations;
- (e) a person shall not restock the premises except under the authority of a licence granted by the Department and in accordance with Schedule 4 to the FMD Regulations.

### **Measures applying in a vaccination surveillance zone**

**25.—**(1) A person shall not move any susceptible animal within or out of a vaccination surveillance zone except—

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

(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.

### **Duty of the Department to erect signs**

**26.** The Department 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.

### **Intra-Community trade of a vaccinated animal**

**27.** A person shall not send any vaccinated animal for intra-Community trade.