

2006 No. 41

EUROPEAN COMMUNITIES

ANIMALS

The Diseases of Animals (Amendment) Regulations (Northern Ireland) 2006

Made - - - - - *17th February 2006*

Coming into operation - - - - - *23rd February 2006*

The Department of Agriculture and Rural Development(a), makes the following Regulations in exercise of the powers conferred on it by section 2(2) of the European Communities Act 1972(b).

Citation and commencement

1. These Regulations may be cited as the Diseases of Animals (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 23rd February 2006.

Interpretation

2.—(1) In these Regulations “the 1981 Order” means the Diseases of Animals (Northern Ireland) Order 1981(c).

(2) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to a Act of the Northern Ireland Assembly.

Amendment of the Diseases of Animals (Northern Ireland) Order 1981

3. After paragraph 3 of Part I of Schedule 2 to the 1981 Order there shall be inserted—

“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(e).

(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) Formerly the Department of Agriculture for Northern Ireland: *see* S.I. 1999/283 (N.I.) Art. 3(4)
(b) 1972 c.68
(c) S.I. 1981/1115 (N.I. 22)
(d) 1954 c. 33 (N.I.)
(e) O.J. No. L306, 22.11.2003, p1

- (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^(a); 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 other 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—

(a) O.J. No. L268, 14.9.1992, p54

“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*.

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

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 17th February 2006.



Liam McKibben

A senior officer of the Department of Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Diseases of Animals (Northern Ireland) Order 1981 (“the Order”) to specify the circumstances in which the Department must slaughter animals in the event of an outbreak of foot-and-mouth disease.

They partially transpose, for Northern Ireland, Articles 10, 15 and 18 of Council Directive 2003/85/EC (OJ No. L306, 22.11.2003, p1) (“the Directive”). The other measures transposing the Directive in Northern Ireland are, the Foot-and-Mouth Disease Regulations (Northern Ireland) 2006 (S.R. No.42) and the Foot-and-Mouth Disease (Control of Vaccination) Regulations (Northern Ireland) 2006 (S.R. No.43).

A new paragraph 3A is inserted into Part I of Schedule 2 of the Order which has the following effect:

Paragraphs 3A(1) and 3A(2) impose a duty on the Department to slaughter susceptible animals on premises where foot-and-mouth disease is confirmed, transposing Articles 10(1)(a) and 16(1)(a) of the Directive.

Paragraph 3A(3), read with 3A(4), allows the Department to make exception where the disease is confirmed at premises keeping animals for the purposes set out in 3A(3), transposing Articles 15(1) and 15(2) of the Directive.

Paragraph 3A(5), read with 3A(6), (7), (8) and (9), allows the Department to make exception where the disease is confirmed at premises which are structured as separate production units, transposing Articles 18(1) and 18(2) of the Directive.

Paragraph 3B provides for the slaughter of animals vaccinated for suppressive purposes.

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