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WELSH STATUTORY INSTRUMENTS

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**2006 No. 180**

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

**PART 2**

The vaccination programme

**Prohibition on vaccination except under licence**

**8.—**(1) No person is permitted to vaccinate an animal except under the authority of a licence granted by the National Assembly permitting suppressive or protective vaccination.

(2) The prohibition in this regulation 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) 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 or protective vaccination**

**9.—**(1) The National Assembly must take into account the following factors in deciding whether to permit suppressive or protective vaccination—

- (a) the risk of an outbreak—
  - (i) in the United Kingdom becoming widespread in any part of the country,
  - (ii) spreading to Wales with imported susceptible animals, carcasses or other things liable to spread disease,
  - (iii) spreading from Wales with exported susceptible animals, carcasses or other things liable to spread disease, or
  - (iv) spreading to or from Wales 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 (i) 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

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(1) S.I.1998/463.

(2) S.I. 2005/2745.

- (bb) is approved in relation to those animals under regulation 9 of the Animal and Animal Products (Import and Export) (Wales) 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 it;
  - (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 will protect susceptible animals in the proposed vaccination 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 National Assembly considers that permitting suppressive or protective vaccination is the most appropriate means of preventing the spread of disease, it must decide to undertake a vaccination programme.
- (3) If the National Assembly decides to undertake a vaccination programme it will grant one or more licences permitting suppressive or protective vaccination.

### **Form of the decision to undertake a vaccination programme**

- 10.**—(1) The decision to undertake a vaccination programme must be stated in writing.
- (2) The decision must 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 to be vaccinated (including their species and age);
  - (d) the intended duration of the programme;
  - (e) notice of the prohibition on movement of animals and animal products in regulation 12(2);
  - (f) the form of the eartag to be affixed and vaccination records to be made under regulation 19;
  - (g) such other information (if any) as the National Assembly considers necessary to inform those who may be affected by the vaccination programme.
- (3) Any decision of the National Assembly which results in a change to the information in subparagraph (2) must also be stated in writing.
- (4) The National Assembly must take such steps as it considers necessary to bring any decision required to be in writing by this regulation to the attention of those who may be affected by it.

### **Licences permitting suppressive or protective vaccination**

- 11.**—(1) No licence permitting suppressive vaccination is to authorise vaccination outside a protection zone.

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(3) OJNo. L306, 22.11.2003, pl.

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

(3) A licence permitting suppressive or protective vaccination is not to be interpreted as having the effect of requiring any person to vaccinate any animal.

#### **Facilitation of vaccination**

**12.**—(1) The keeper of any animal specified in a decision to undertake a vaccination programme must, where required by an inspector or a person acting at his or her direction—

- (a) state (if required, in writing) the species, ages, and numbers of the animals for which he or she is responsible; and
- (b) submit any such animal for vaccination at such time and in such place as required.

(2) No person is permitted to move the following from any premises where any animal specified in a decision to undertake a vaccination programme is kept before all such animals have been vaccinated except under the authority of a licence granted by the National Assembly—

- (a) any animal, or
- (b) any animal product produced on the premises from a susceptible animal.

#### **Declaration of a vaccination zone and of a vaccination surveillance zone**

**13.**—(1) If it decides to undertake a programme of protective vaccination, the National Assembly must at the same time declare any part of Wales where it is to be undertaken to be a vaccination zone and must also declare an associated vaccination surveillance zone.

(2) A declaration under paragraph (1) must designate—

- (a) the extent of the vaccination zone, and
- (b) the extent of the associated vaccination surveillance zone, which must extend from the vaccination zone for at least ten kilometres and otherwise be of such size as the National Assembly considers necessary to prevent the spread of disease.

(3) If it decides to vary the place or geographical area where a programme of protective vaccination is to be undertaken, the National Assembly must 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 England**

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

(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 Wales, the National Assembly must declare a vaccination surveillance zone in Wales

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

(4) Subject to paragraph (5), a vaccination surveillance zone declared under this regulation must be of such size as the National Assembly considers necessary to prevent the spread of disease.

(5) A declaration under this regulation must specify the extent of the vaccination surveillance zone, and the National Assembly must ensure that any such zone—

- (a) abuts the border with England, 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 England.

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

**15.**—(1) Any premises which are partly inside and partly outside a vaccination zone are deemed to be wholly within it.

(2) Any premises which are partly inside and partly outside a vaccination surveillance zone are deemed to be wholly within it (except premises which are also partly within a vaccination zone).

(3) An area is to remain a vaccination zone or a vaccination surveillance zone (or part of one) until the National Assembly—

- (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 must 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**

**16.**—(1) Subject to regulation 25(2), 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.

(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 National Assembly may declare the end of phase 1 and the commencement of phase 2 and the declaration must specify the date and time it is to take effect.

(3) On completion of the measures in sub-paragraphs (a) to (d) of regulation 25(2) in every reactor premises in a vaccination zone, the National Assembly must declare the end of phase 2 and the commencement of phase 3 and such declaration must specify the date and time it is to take effect.

(4) Notwithstanding paragraph (3), the National Assembly 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(1)(b) stating that those premises must enter phase 3 and phase 3 must be deemed to have commenced in respect of those premises on such service.

(5) The National Assembly may declare the end of phase 3 where it is satisfied that the disease has been eradicated in Wales.

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

**17.**—(1) No person is permitted to 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 National Assembly.

(2) This regulation applies without prejudice 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**

**18.** Notwithstanding section 16(1) of the Act, the National Assembly may cause vaccination of animals which do not fall within that sub-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 (treatment after exposure to infection),
- (b) section 16A (slaughter of vaccinated animals), and
- (c) section 62A (slaughter: power of entry).

### **Identification of vaccinated animals**

**19.**—(1) The National Assembly must provide every person issued with a licence permitting suppressive or protective vaccination with sufficient eartags to affix an eartag to every animal which may be vaccinated under that licence.

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

(3) Any person vaccinating an animal must—

- (a) identify it immediately after vaccination by affixing an eartag;
- (b) make a written vaccination record containing the following information—
  - (i) the date,
  - (ii) the place, and
  - (iii) a description of the animal;
- (c) ensure that the National Assembly and the keeper of the animal receives a copy of that vaccination record; and
- (d) retain that record for a period of six years.

(4) Records must be in a form approved by the National Assembly.

(5) Every person provided with eartags under this regulation must return unused eartags to the National Assembly 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<sup>(4)</sup>;
- (b) a cattle passport under the Cattle Identification Regulations 1998<sup>(5)</sup>;
- (c) a registration certificate under the Cattle (Identification of Older Animals)(Wales) Regulations 2000<sup>(6)</sup>.

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

(3) The person carrying out the vaccination must ensure that the cattle passport or registration certificate given to him or her at the time of vaccination is marked at that time to indicate that the animal has been vaccinated and then returned to the keeper.

(4) If the cattle passport or registration certificate of any animal to which this paragraph applies is not in the possession of its keeper at the time of vaccination, the National assembly must serve a notice on that keeper requiring him or her to submit it to the National Assembly for marking to indicate that the animal has been vaccinated.

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<sup>(4)</sup> S.I. 1996/1686.

<sup>(5)</sup> S.I. 1998/871, to which there are amendments not relevant to these Regulations.

<sup>(6)</sup> S.I. 2000/3339, to which there are amendments not relevant to these Regulations.

(5) A notice under paragraph (4) must specify the administrative arrangements to be followed when submitting the cattle passport or registration certificate for marking.

(6) Any person on whom a notice under paragraph (4) is served must take all reasonable steps to secure the return of the cattle passport or registration certificate to his or her possession without delay and must comply with the requirements of the notice without delay on its return.

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

**21.**—(1) No person is permitted to 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 an eartag is missing he or she must notify the National Assembly in writing without delay.

(3) On receipt of a notification under this regulation, the National Assembly must—

- (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 carrying an eartag must immediately notify the keeper and the National Assembly of that animal.

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

**22.** No person is permitted to sell a vaccinated animal or send such an animal for slaughter unless it bears an eartag affixed under these Regulations.

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

**23.**—(1) Any person who knows or suspects that an animal has been specified for vaccination but was not vaccinated at the time when it should have been must immediately notify the keeper of that animal and the Divisional Veterinary Manager of the State Veterinary Service for the area in which that animal is located.

(2) If an inspector suspects that an animal has been specified for vaccination but was not vaccinated on the date it should have been he or she must 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), but is not being dealt with as such he or she may serve a notice on the person in charge of it requiring him or her to dispose of it.

(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), he or she must serve a notice on the person in charge of it requiring him or her 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 National Assembly must ensure that during phase 2—

- (a) a clinical and serological survey of all premises in the vaccination zone where susceptible animals are kept is carried out in accordance with the following method—

- (i) all susceptible animals in the vaccination zone are clinically inspected, and
- (ii) either—
  - (aa) 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
  - (bb) testing for antibodies against non-structural proteins of the disease virus is carried out on samples from all vaccinated animals and their non-vaccinated offspring; and
- (b) every premises in the vaccination zone where susceptible animals are kept is classified according to the outcome of the survey and the criteria in Schedule 3 of the Order—
  - (i) where the premises contained at least one susceptible animal in which the presence of the disease virus is confirmed, as infected premises;
  - (ii) 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, as reactor premises (and the National Assembly must serve a notice on the occupier declaring the premises to be reactor premises); or
  - (iii) otherwise, as free of disease (and the National Assembly must communicate that classification by serving a notice on the occupier).
- (2) The following measures apply to reactor premises—
  - (a) the National Assembly must ensure that susceptible animals which have tested positive to at least one of the tests in sub-paragraph (1)(a)(ii) are slaughtered on the premises;
  - (b) the National Assembly may by notice served on the occupier direct that other susceptible animals on the premises must be slaughtered;
  - (c) the occupier must dispose of the carcasses of any susceptible animals slaughtered on the premises in accordance with the directions of an inspector;
  - (d) the National Assembly must ensure that the premises are cleansed and disinfected in accordance with Schedule 1 of the Order;
  - (e) no person is permitted to restock the premises except under the authority of a licence granted by the National Assembly and in accordance with Schedule 8 of the Order.

#### **Duty of the local authority to erect signs**

**26.** The local authority must 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 vaccinated animals**

**27.** No person is permitted to send any vaccinated animal for intra-Community trade.