
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 223

The Swine Vesicular Disease
Regulations (Northern Ireland) 2009

PART VII

INSPECTION, ENFORCEMENT AND MISCELLANEOUS PROVISIONS

Powers of an inspector

37.—(1) An inspector may, on producing a duly authenticated authorisation if required, enter any premises at any reasonable hour for the purpose of enforcing these Regulations, and for these purposes “premises” includes a vehicle or trailer.

(2) An inspector entering premises may—

- (a) inspect the premises, container and any plant, machinery or equipment;
- (b) take samples;
- (c) seize any thing and destroy any thing that may spread the swine vesicular disease virus;
- (d) detain or isolate any animal or thing;
- (e) mark for identification purposes any animal or thing;
- (f) require any animal or thing (including a vehicle) to be moved to a specified destination;
- (g) carry out any inquiries, examinations and tests;
- (h) have access to, and inspect and copy any documents or records (in whatever form they are held) relating to these Regulations, and remove them to enable them to be copied;
- (i) inspect and check the operation of any computer and any associated apparatus or material that is or has been in use in connection with records; and
- (j) require the cleansing and disinfection of any part of the premises or any thing.

(3) Where an inspector has entered any premises and it is not reasonably practicable to determine whether documents on those premises are relevant to these Regulations, the inspector may seize them to ascertain whether or not they are relevant.

(4) The inspector may be accompanied by—

- (a) such other persons as the inspector considers necessary, and
- (b) any representative of the European Commission acting for the purpose of the enforcement of a Community obligation.

(5) The following provisions of the Order shall apply as if these Regulations were an order made under the Order—

- (a) Article 46 (general powers of inspectors);
- (b) Article 46A (powers of inspectors relating to Community obligations);
- (c) Article 48 (power to detain vessels and aircraft).

Pigs living in the wild

38. A veterinary inspector and, when acting under the direction of a veterinary inspector, an inspector or any officer of the Department or any other person with the necessary expertise may—

- (a) undertake surveillance for such pigs;
- (b) capture such a pig;
- (c) take samples from such a pig;
- (d) kill such a pig if the veterinary inspector is satisfied that—
 - (i) it is not possible to take samples from such a pig without killing it; or
 - (ii) it is spreading or may spread swine vesicular disease to other pigs.

Notices relating to movement

39.—(1) If a pig has been moved 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 the premises—

- (a) detaining the pig on the premises, and any other pig on the premises, or
- (b) requiring the occupier to move any pig on the premises to other premises specified in the notice.

(2) If a pig has been moved to premises under such notice, a veterinary inspector may serve a notice on the occupier of the premises of destination imposing such movement restrictions relating to a pig on those premises as is necessary to prevent the risk of spreading swine vesicular disease virus.

(3) Failure to comply with such a notice is an offence.

Suspension or restriction of rights of way in a protection zone

40.—(1) With the prior written consent of the Department an inspector may suspend or restrict the exercise of a right of way (including a public footpath) in a protection zone by causing a sign to that effect to be appropriately displayed.

(2) It is an offence to remove or alter a sign displayed under this regulation except at the direction of an inspector.

(3) The suspension or restriction shall continue until—

- (a) the protection zone is ended, or
- (b) all relevant notices are removed under the direction of an inspector.

Powers of inspectors in case of default

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

Change of occupier of premises under restriction

42. If there is a change of occupier of premises under restriction under these Regulations, the new occupier shall allow the old occupier to enter the premises to feed any animal during the period of restriction and for 7 days following its end, and failure to do so is an offence.

Obstruction

- 43.**—(1) A person shall not—
- (a) intentionally obstruct any person acting in the execution of these Regulations;
 - (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information that that person may require under these Regulations;
 - (c) furnish to any person acting in the execution of these Regulations any information knowing it to be false or misleading; or
 - (d) fail to produce a record when required to do so by any person acting in the execution of these Regulations.
- (2) It is an offence to fail to comply with this regulation.

Offences and penalties

- 44.** A person guilty of an offence under these Regulations 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, or
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding six months or both.

Compensation and proceedings

- 45.** The following provisions of the Order shall apply as if these Regulations were an order made under the Order—
- (a) Article 18(6) and (7) (general provisions relative to slaughter and compensation);
 - (b) Article 42 (functions of constables);
 - (c) Article 54 (defences and evidence);
 - (d) Article 55 (extension of time for bringing summary proceedings).

Exceptional circumstances

- 46.** The Department may for the purpose of ensuring the health or welfare of any animal—
- (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.

Revocation

- 47.** The Swine Vesicular Disease Order (Northern Ireland) 1973(1) is hereby revoked.