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STATUTORY INSTRUMENTS

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**2009 No. 1299**

**ANIMALS, ENGLAND**

**ANIMAL HEALTH**

**The Swine Vesicular Disease Regulations 2009**

<i>Made</i> - - - -	<i>18th May 2009</i>
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<i>Coming into force</i> - -	<i>30th June 2009</i>

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The Secretary of State, who is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community, makes these Regulations in exercise of the powers conferred by that section.

## PART 1

### Introduction

#### **Title, application and commencement**

1. These Regulations may be cited as the Swine Vesicular Disease Regulations 2009; they apply in England and come into force on 30th June 2009.

#### **Interpretation**

2. In these Regulations—

“carcase” means a carcase or part of a carcase of a pig;

“infected premises” means any premises declared as such by the Secretary of State under Part 3;

“inspector” and “veterinary inspector” mean persons appointed as such under the Animal Health Act 1981(c);

“livestock” means hoofed animals other than horses;

“local authority” means—

(a) where there is, within the meaning of the Local Government Changes for England Regulations 1994(d), a unitary authority for that local government area, that authority;

(b) where there is not a unitary authority—

(i) in a metropolitan district, the council of that district;

(ii) in a non-metropolitan county, the county council;

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(a) S. I. 1972/1811.

(b) 1972 c. 68.

(c) 1981 c. 22.

(d) S. I. 1994/867.

- (iii) in each London borough the council of that borough; or
  - (iv) in the City of London, the Common Council;
- “pig” means any animal of the *suidae* family;
- “premises” includes any place.

### References to occupier

3.—(1) Any notice required or authorised under these Regulations to be served on the occupier of premises may be served on a person appearing to the person serving the notice to have day-to-day responsibility for the premises or for any pigs on the premises (see regulation 32 for further provision as to notices).

(2) Where a notice has been served on a person referred to in paragraph (1), any reference in these Regulations to the occupier of those premises is a reference to that person.

### Exemptions

4.—(1) These Regulations do not apply to—

- (a) anything done under the terms of a licence granted under the Specified Animal Pathogens Order 2008(a), or
- (b) any border inspection post, quarantine centre or quarantine facility approved for the purposes of the Animals and Animal Products (Import and Export) (England) Regulations 2006(b).

(2) Parts 3 and 4 do not apply in any period during which action is being taken under the Foot-and-Mouth Disease (England) Order 2006(c).

## PART 2

### Notification of suspicion of swine vesicular disease

#### Notification requirements

5.—(1) Any person in possession or charge of, or who inspects or examines, a pig or carcase and who suspects the pig to be infected or the carcase to be contaminated with swine vesicular disease virus must immediately notify the Secretary of State.

(2) Any person who examines a sample taken from a pig or carcase and who—

- (a) suspects that the pig is infected with swine vesicular disease virus or the carcase is contaminated with that virus, or
- (b) detects evidence of antibodies to, or antigens of, that virus,

must immediately notify the Secretary of State.

(3) Failure to comply with this regulation is an offence.

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(a) S. I. 2008/944.

(b) S. I. 2006/1471 as last amended by S. I. 2008/3203.

(c) S. I. 2006/182.

## PART 3

### Suspicion and confirmation of swine vesicular disease

#### CHAPTER 1

##### Scope of Part 3 and initial controls

##### **Scope of Part 3**

6. This Part applies to all premises other than slaughterhouses (for which see Part 4).

##### **Initial controls following notification**

7.—(1) This regulation applies where the Secretary of State is notified under regulation 5(1) of a suspect pig or carcase and a veterinary inspector considers that further investigation relating to the possible presence of swine vesicular disease is necessary.

(2) The veterinary inspector must orally or otherwise inform the person reporting the suspect pig or carcase that further investigation is necessary, and the controls in paragraph (3) then apply.

(3) The controls are that, except as permitted in writing by a veterinary inspector, the person in possession or charge of a notified pig or carcase must ensure that—

- (a) the notified pig or carcase is not moved from the premises where it is,
- (b) no other pig or carcase or any thing likely to spread swine vesicular disease virus is moved from or to those premises, and
- (c) any person who has been in contact with any pig or carcase on the premises, or been on any part of the premises that may be contaminated with swine vesicular disease virus, takes all necessary biosecurity precautions to reduce the risk of spreading swine vesicular disease virus before leaving the premises,

and failure to do so is an offence.

(4) Any controls imposed under this regulation continue to apply until—

- (a) a veterinary inspector serves a notice under these Regulations designating the premises as suspect premises, or
- (b) a veterinary inspector confirms (orally or otherwise) that the presence of swine vesicular disease virus on the premises is not suspected.

#### CHAPTER 2

##### Action on suspicion of disease and declaration of infected premises

##### **Imposing measures on suspicion of disease**

8.—(1) An inspector must act in accordance with this regulation on suspicion that—

- (a) a pig that is or has been infected with swine vesicular disease virus is on any premises (whether or not following a notification under these Regulations), or
- (b) premises are contaminated with swine vesicular disease virus.

(2) The inspector must—

- (a) serve a notice on the occupier designating those premises as suspect premises and imposing the measures in Schedule 1, and
- (b) ensure that warning signs prohibiting entry are erected at suitable points around the premises.

(3) A veterinary inspector must begin an epidemiological inquiry to try to establish at least—

- (a) the length of time that swine vesicular disease virus may have existed on the premises,
- (b) the origin of that virus,

- (c) the identification of other premises contaminated with that virus from the same source,
- (d) the movement of any person or thing that could have carried that virus to or from the premises, and
- (e) the possibility that pigs living in the wild may be involved in the spread of the virus,

and must continue the inquiry until these matters have been established so far as is practicable or the possibility of disease has been discounted.

**Measures following suspicion – non-contact premises**

9.—(1) This regulation applies where a veterinary inspector suspects that swine vesicular disease virus exists on any premises but this suspicion does not arise out of the fact that the premises have an epidemiological link with infected premises.

(2) Following service of a notice on suspicion of swine vesicular disease, a veterinary inspector must take all reasonable steps to establish whether or not the suspicion is correct.

(3) These steps must include taking samples from pigs on the premises (if there are any) and having them tested.

(4) When premises do not have pigs on them at the time of the notice, the veterinary inspector may take samples from the pigs or carcasses that have been on the premises, and may take environmental samples from the premises.

(5) If the tests carried out under paragraphs (3) and (4) demonstrate that—

- (a) swine vesicular disease virus is in a pig or on the premises, or
- (b) the premises contain pigs that are seropositive for swine vesicular disease and in addition those pigs or other pigs on the premises show clinical signs of swine vesicular disease,

the Secretary of State must serve a notice declaring the premises to be infected premises.

(6) If the tests carried out under paragraph (3) demonstrate that there are seropositive pigs on the premises, but none of the pigs on the premises shows clinical signs of swine vesicular disease, the Secretary of State must—

- (a) continue to monitor the premises and take further samples and test those samples, with an interval of 28 days at least between the samples taken when disease was first suspected and the samples taken under this sub-paragraph,
- (b) declare the premises to be infected premises if the test on the further samples shows that swine vesicular disease virus exists in a pig on the premises,
- (c) otherwise ensure that all pigs that have tested seropositive are—
  - (i) killed and destroyed under the supervision of an inspector, or
  - (ii) slaughtered in a slaughterhouse designated for the purpose by the Secretary of State where they are kept and slaughtered separately from other pigs,

and the Secretary of State must remove the measures in Schedule 1 once all seropositive pigs have been killed or removed from the premises.

(7) If the tests carried out under paragraphs (3) and (4) demonstrate that there is no swine vesicular disease virus in a pig or on the premises and that there are no seropositive pigs on the premises the Secretary of State must remove the measures in Schedule 1.

**Measures following suspicion – contact premises**

10.—(1) This regulation applies where a veterinary inspector suspects that swine vesicular disease virus exists on any premises and this suspicion arises out of the fact that the premises have an epidemiological link with infected premises.

(2) If any pig on the suspect premises shows clinical signs of swine vesicular disease the Secretary of State must serve a notice declaring the suspect premises to be infected premises.

(3) If no pig on the suspect premises shows clinical signs of swine vesicular disease the Secretary of State must assess the risk of swine vesicular disease virus being present on the suspect premises, taking account of the degree of contact between the suspect premises and the infected premises, and on the basis of the assessment must either—

- (a) kill all the pigs on the suspect premises without further confirmation of the existence of the disease on those premises and without declaring the premises to be infected premises, or
- (b) monitor the pigs on the suspect premises for at least 28 days.

(4) The Secretary of State must serve a notice declaring the suspect premises to be infected premises if tests demonstrate that the premises—

- (a) contain or contained a pig that is infected with swine vesicular disease virus, or
- (b) contain a pig that is seropositive for swine vesicular disease virus.

(5) If the Secretary of State does not declare the suspect premises to be infected premises the Secretary of State must assess when the measures in Schedule 1 can be lifted.

(6) On the basis of the assessment the Secretary of State must decide what actions (including if necessary cleansing and disinfection and re-stocking with sentinel pigs) must be carried out before the measures in Schedule 1 can be lifted, and notify the occupier of these (if not all the pigs were killed on the premises, the measures in Schedule 1 may not be lifted during the 28 day monitoring period).

(7) The Secretary of State must remove the measures in Schedule 1 when satisfied that the actions notified to the occupier have been carried out.

#### **Declaration of infected premises where premises are close to a confirmed outbreak**

11. If pigs on any premises show clinical signs of swine vesicular disease and there are infected premises sufficiently close to the premises for the Secretary of State to be satisfied that the premises are also infected a veterinary inspector must—

- (a) serve a notice on the occupier declaring those premises as infected premises and imposing the measures in Schedule 1, and
- (b) ensure that warning signs prohibiting entry are erected at suitable points around the premises,

without first declaring the premises to be suspect premises.

#### **Suspicion relating to pigs living in the wild**

12.—(1) This regulation applies where a veterinary inspector suspects that a pig living in the wild is infected with swine vesicular disease virus.

(2) A veterinary inspector must take all reasonable steps to establish whether or not the suspicion is correct.

(3) Where the veterinary inspector concludes that swine vesicular disease virus is likely to be present in a pig living in the wild, the Secretary of State must take appropriate action to minimise the risk of that virus spreading to domestic pigs.

#### **Conditions and warning signs**

13.—(1) Breach of any of the measures in Schedule 1 is an offence.

(2) Those measures remain in place until the Secretary of State serves a notice on the occupier of the premises removing them.

(3) When a warning sign has been erected under this Part, the occupier of the premises must ensure that it is properly maintained, and failure to do so is an offence.

(4) It is an offence to remove a warning sign erected under this Part except under the authority of a veterinary inspector.

(5) A veterinary inspector may only authorise the removal of the warning signs when the measures in Schedule 1 are removed.

## CHAPTER 3

### Killing pigs and initial cleansing and disinfection

#### **Killing pigs on the infected premises**

14. If premises are declared as infected premises, the Secretary of State must immediately kill all the pigs on the premises.

#### **Removal of carcasses and initial cleansing and disinfection**

15.—(1) When any pigs are killed under this Part the Secretary of State must remove all carcasses from the infected premises and dispose of them in such a way as to avoid the risk of swine vesicular disease virus spreading.

(2) The Secretary of State must then without delay spray with disinfectant—

- (a) all parts of the premises (other than fields, slurry lagoons and other parts of the premises where the disinfectant would have no effect) and all equipment to which the pigs have had access, and
- (b) anything contaminated during killing,

and ensure that disinfectant remains on the sprayed surfaces for at least 24 hours.

#### **Conservation and related measures**

16.—(1) The Secretary of State may decide not to kill pigs—

- (a) kept in—
  - (i) a zoo or wildlife park; or
  - (ii) premises approved for the purposes of intra-Community trade in porcine semen, ova or embryos;
- (b) kept for—
  - (i) display;
  - (ii) educational purposes;
  - (iii) scientific research or breeding for such research; or
  - (iv) purposes related to conservation of species or genetic resource.

(2) Where the Secretary of State decides not to kill such pigs, a veterinary inspector may serve a notice on the occupier of the premises on which they are kept detailing the biosecurity arrangements that the occupier must follow to reduce the risk of spread of swine vesicular disease virus, and failure to comply with such a notice is an offence.

## CHAPTER 4

### Removal of measures in Schedule 1 from infected premises

#### **Removal of restrictions from infected premises**

17.—(1) Unless otherwise provided for in these Regulations, the fallback position is that a veterinary inspector may not remove the measures in Schedule 1 on infected premises until the Secretary of State is satisfied that sufficient time has elapsed for the virus to have decayed naturally to the extent that it will no longer infect pigs.

(2) But a veterinary inspector may remove the measures in Schedule 1 before that time in parts of the premises capable of being cleansed and disinfected if—



- (a) the occupier has cleansed and disinfected those parts of the premises to the satisfaction of the veterinary inspector, and
- (b) the premises have been tested for the existence of swine vesicular disease virus using sentinel pigs with negative results.

### **Cleansing and disinfection - general**

**18.**—(1) Disinfectants used and, where appropriate, their concentrations, must be approved by the Secretary of State and used in accordance with the manufacturer's instructions (if any).

(2) Cleansing and disinfection must be carried out in such a way as to minimise the risk of spread or survival of swine vesicular disease virus.

### **Method of cleansing and disinfection**

**19.**—(1) The cleansing and disinfection must be carried out by the occupier in accordance with written instructions from a veterinary inspector.

(2) The instructions must if necessary include requirements for—

- (a) the treatment of manure, bedding and feed so as to inactivate the virus;
- (b) the removal of grease and other dirt from all surfaces by soaking with a degreasing agent followed by washing the surfaces with water;
- (c) spraying all surfaces with disinfectant (or treating them with a flame gun) and repeating after 14 days; and
- (d) repairing damaged floors and walls.

### **Testing with sentinel pigs**

**20.**—(1) Following cleansing and disinfection in accordance with the veterinary inspector's instructions, a veterinary inspector must certify in writing that the cleansing and disinfection has been carried out in a satisfactory manner.

(2) The premises must then be tested for swine vesicular disease virus using sentinel pigs.

(3) The number of sentinel pigs must be limited to the minimum necessary for the test.

(4) Sentinel pigs may not be introduced until at least 28 days after the certificate has been issued, and must be introduced in accordance with a licence from a veterinary inspector.

(5) The pigs must have been tested at the expense of the occupier before being brought on to the premises and found to be negative for the presence of antibodies against swine vesicular disease virus.

(6) The veterinary inspector must ensure that the pigs are placed throughout the premises in sufficient numbers such that it is reasonable to expect any residual virus to affect one or more of the pigs.

(7) The pigs must be examined 28 days after having been placed on the premises, and sampled for the presence of antibodies against swine vesicular disease virus by a veterinary inspector.

(8) If none of the pigs shows clinical signs of swine vesicular disease or has developed antibodies against swine vesicular disease virus, the veterinary inspector must remove restrictions from those parts of the premises.

(9) As an alternative to introducing the minimum number of sentinel pigs, a veterinary inspector may license the introduction of an unlimited number of sentinel pigs, but in this case—

- (a) paragraphs (4), (5) and (6) apply in relation to the introduction of the sentinel pigs;
- (b) all the pigs must arrive within a period of eight days;
- (c) they must come from premises situated outside a protection zone or surveillance zone;
- (d) a veterinary inspector must clinically examine all the pigs and sample and arrange for testing for the presence of antibodies against swine vesicular disease virus on a

statistically valid number of pigs, at the earliest 28 days after the arrival of the last pig;  
and

- (e) even if none of the pigs shows clinical signs of swine vesicular disease. a veterinary inspector may not remove the restrictions until 60 days after the arrival of the last pig.

### **Compulsory cleansing and disinfection**

**21.**—(1) Irrespective of whether or not pigs are to be brought on to the premises again, the Secretary of State may serve a notice on an occupier requiring that occupier to carry out cleansing and disinfection of the premises specified in the notice, and failure to comply with the notice is an offence.

(2) The notice must specify a reasonable period within which the cleansing and disinfection must be carried out.

(3) If the notice is not complied with the Secretary of State may arrange for it to be complied with, whether by officers of the Secretary of State or other persons, at the expense of the occupier.

## **PART 4**

### **Slaughterhouses**

#### **Controls in a slaughterhouse following notification**

**22.**—(1) This regulation applies where the Secretary of State is notified under regulation 5(1) of a suspect pig or carcase in a slaughterhouse and a veterinary inspector considers that further investigation relating to the possible presence of swine vesicular disease is necessary.

(2) The veterinary inspector must orally or otherwise inform the person reporting the suspect pig or carcase that further investigation is necessary, and the controls in paragraph (3) then apply.

(3) The controls are that, except as permitted in writing by a veterinary inspector, the person in possession or charge of the pig or carcase must ensure that—

- (a) no pig is brought into the slaughterhouse,
- (b) any live suspect pig, live pig from the same premises as the suspect pig and any pigs they have had contact with is kept alive until slaughtered under regulation 23, and
- (c) if any of those pigs have already been slaughtered, the carcasses and any carcasses that they have been in contact with are moved to a part of the slaughterhouse where they can be isolated, and the occupier must ensure that they are kept there and do not come into contact with other pigs or carcasses,

and failure to do so is an offence.

(4) These controls continue to apply until a veterinary inspector has gone to the slaughterhouse and acted in accordance with the following regulation.

#### **Action following the imposition of controls**

**23.**—(1) After the imposition of the controls following notification of suspicion of swine vesicular disease in a slaughterhouse a veterinary inspector must go to the slaughterhouse immediately and examine the pigs or carcasses.

(2) If the veterinary inspector is satisfied that swine vesicular disease does not exist in the slaughterhouse the veterinary inspector must confirm this (orally or otherwise) at which point the controls in regulation 22 cease to have effect.

(3) A veterinary inspector who suspects that swine vesicular disease exists in the slaughterhouse must serve a notice on the occupier requiring that all live suspect pigs, live pigs from the same premises as the suspect pig and any pigs they have had contact with are slaughtered separately

from other pigs, and the carcasses stored separately from carcasses of other pigs, and failure to comply with the notice is an offence.

(4) The veterinary inspector must take samples (the samples may be from pigs and carcasses at the slaughterhouse and samples from the premises of origin of the suspect pig) and test them to establish whether or not swine vesicular disease is present in the slaughterhouse.

(5) If the test results are negative the veterinary inspector must confirm this in writing and the controls in regulation 22 cease to have effect.

(6) A veterinary inspector may remove the restriction in 22(3)(a) at any time if the slaughterhouse has been cleansed and disinfected in accordance with the written instructions of a veterinary inspector.

(7) If the test results demonstrate the existence of swine vesicular disease virus in the slaughterhouse (whether or not there is evidence of swine vesicular disease on the premises that the pigs have come from)—

- (a) the Secretary of State must seize and dispose of the isolated carcasses, and
- (b) the occupier must ensure that the parts of the slaughterhouse used to store the carcasses of pigs slaughtered under this regulation are not used until the occupier has cleansed and disinfected them to the satisfaction of the veterinary inspector, and failure to comply with this provision is an offence.

## PART 5

### Area controls

#### **Protection, surveillance and movement restriction zones**

**24.**—(1) This regulation applies where the Secretary of State confirms premises as infected premises.

(2) Unless the premises are listed in paragraph (3) the Secretary of State—

- (a) must declare a protection zone and a surveillance zone around the infected premises, and
- (b) may declare a movement restriction zone.

(3) If the infected premises are—

- (a) a slaughterhouse,
- (b) a veterinary surgery where a pig has been brought for examination, or
- (c) any other place to which a pig has been brought temporarily and which the Secretary of State does not consider to be the centre of infection,

the Secretary of State may (but need not) declare a protection zone, surveillance zone and movement restriction zone around the premises.

(4) The protection zone must have a radius of at least three kilometres and the surveillance zone must have a radius of at least ten kilometres, both centred on the part of the premises that the Secretary of State considers most appropriate for disease control.

(5) The Secretary of State must ensure that—

- (a) premises within a protection zone or a surveillance zone that contain pigs are identified as soon as possible, and
- (b) a veterinary inspector visits all such premises that are within a protection zone, as soon as possible and—
  - (i) inspects and as necessary examines the pigs, and
  - (ii) collects and tests such samples as the veterinary inspector considers necessary.

(6) Schedule 2 sets out measures that apply in protection zones and surveillance zones, and breach of any of those measures is an offence.

(7) The Secretary of State may declare that any other measure necessary to prevent, so far as is reasonably practicable, the spread of swine vesicular disease virus applies in respect of the whole or any part of any protection zone or surveillance zone.

(8) Premises—

- (a) partly inside and partly outside a protection zone are treated as being inside it;
- (b) partly inside a surveillance zone and partly in an area other than a protection zone are treated as being inside the surveillance zone;
- (c) partly inside a movement restriction zone and partly in an area other than a surveillance zone are treated as being inside the movement restriction zone.

(9) When the Secretary of State declares the end of any protection zone, the area that formed that protection zone becomes part of the surveillance zone.

### **Movement restriction zones**

**25.**—(1) A movement restriction zone must be centred on the part of the infected premises that the Secretary of State considers most appropriate for disease control, must be wider than the surveillance zone and does not include any area in the protection zone or surveillance zone.

(2) The area must be such as the Secretary of State considers necessary to reduce the spread of swine vesicular disease virus.

(3) It is an offence to move a pig off any premises in the movement restriction zone except in accordance with a licence granted by a veterinary inspector or an inspector acting under the direction of a veterinary inspector.

### **Declarations where swine vesicular disease in Scotland or Wales**

**26.**—(1) Where infected premises (or the equivalent in Scottish or Welsh legislation) are declared in Scotland or Wales in relation to swine vesicular disease, the Secretary of State must immediately declare—

- (a) a protection zone to cover at least any area in England as is within three kilometres of the part of the infected premises most appropriate for the purposes of disease control, and
- (b) a surveillance zone to cover at least any area in England as is within ten kilometres of that part of the infected premises.

(2) In any other case the Secretary of State may declare a protection zone and a surveillance zone on being satisfied that swine vesicular disease virus exists on any premises in Scotland or Wales.

(3) In addition the Secretary of State may declare a movement restriction zone.

### **Declarations of zones**

**27.**—(1) A declaration of a zone under this Part—

- (a) must be in writing;
- (b) must designate the extent of the zone being declared; and
- (c) may be amended or revoked by further declaration at any time.

(2) In the case of a protection zone or a surveillance zone, the Secretary of State may not declare the end of the zone until—

- (a) all necessary cleansing and disinfection has been carried out at all infected premises in the zone to the satisfaction of a veterinary inspector;
- (b) all premises with pigs have been visited by a veterinary inspector, who has—
  - (i) inspected and as necessary examined the pigs; and
  - (ii) collected such samples as the veterinary inspector considers necessary; and
- (c) all samples have been tested with negative results.

## **Publicity**

**28.**—(1) The Secretary of State must publicise—

- (a) the extent of any zone declared under these Regulations;
- (b) the nature of the restrictions and requirements relating to the zone;
- (c) the dates of the declaration and ending of that zone.

(2) The local authority must where necessary erect signs where a road enters a protection or surveillance zone indicating the existence of the zone.

## **PART 6**

### **Vaccination**

#### **Prohibition on vaccination**

**29.** It is an offence to vaccinate a pig against swine vesicular disease except—

- (a) in accordance with regulation 30, or
- (b) under the authority of a licence granted by the Secretary of State.

#### **Compulsory vaccination**

**30.**—(1) The Secretary of State may declare a vaccination zone in which all occupiers of premises inside the zone containing a pig must ensure the vaccination of pigs on those premises in accordance with that declaration.

(2) Such an occupier who fails to vaccinate a pig in accordance with the declaration commits an offence.

(3) Premises partly inside and partly outside a vaccination zone are treated as being inside the zone.

(4) In the case of pigs outside a vaccination zone, or if a vaccination zone has not been declared, a veterinary inspector may serve a notice on the occupier of premises containing a pig requiring that occupier to ensure the vaccination of all pigs on those premises in accordance with that notice, and failure to comply with the notice is an offence.

#### **Vaccinated pigs**

**31.**—(1) The owner of a pig that has been vaccinated against swine vesicular disease must ensure that the pig is identified as having been so vaccinated.

(2) If the vaccination was as a result of the declaration of a vaccination zone, no person may move a vaccinated pig outside the zone except to a slaughterhouse designated for the purpose by the Secretary of State where they must be kept and slaughtered separately from unvaccinated pigs.

(3) Otherwise no person may move a vaccinated pig from the premises on which it was vaccinated (or, if the licence permitted vaccination in an area, from the area where vaccination is permitted) except to a slaughterhouse designated for the purpose by the Secretary of State where it must be kept and slaughtered separately from unvaccinated pigs.

(4) It is an offence to fail to comply with this regulation.

## PART 7

### Inspection, enforcement and miscellaneous provisions

#### Notices

**32.**—(1) Any notice required or authorised under these Regulations to be served on any person must be in writing and may be amended, suspended or revoked in writing at any time.

(2) Any such notice may be served by—

- (a) delivering it to the person;
- (b) leaving it at the person's proper address; or
- (c) sending it by post to the person at that address.

(3) Any such notice may—

- (a) in the case of a body corporate, be served on an officer of the body, and
- (b) in the case of a partnership, be served on a partner or a person having the control or management of the partnership business.

(4) For the purposes of this regulation and section 7 of the Interpretation Act 1978<sup>(a)</sup> (service of documents by post) in its application to this regulation, the proper address of any person on whom a notice is to be served is the person's last known address except that—

- (a) in the case of service on a body corporate or an officer of the body, the proper address is the address of the registered or principal office of the body, and
- (b) in the case of service on a partnership, a partner or a person having the control or management of the partnership business, the proper address is the address of the principal office of the partnership.

(5) If the name or address of any occupier of premises on whom a notice is to be served under these Regulations cannot, after reasonable inquiry, be ascertained, the notice may be served by leaving it conspicuously affixed to a building or object on the premises.

(6) In this regulation—

“body corporate” includes a limited liability partnership,

“director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate,

“officer”, in relation to a body corporate, means any director, manager, secretary or other similar officer of the body corporate,

“partnership” does not include a limited liability partnership,

and references to serving include references to similar expressions (such as giving or sending).

#### Licences

**33.**—(1) A licence granted under these Regulations must be in writing and may be—

- (a) general or specific;
- (b) subject to conditions; and
- (c) amended, suspended or revoked in writing at any time.

(2) A person moving anything under the authority of a specific licence must—

- (a) carry the licence or a copy of it at all times during the movement, and
- (b) on demand by an inspector or an officer of the Secretary of State, produce the licence or copy and allow a copy or extract to be taken,

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(a) 1978 c. 30.

and failure to do so is an offence.

- (3) A person moving anything under the authority of a general licence must—
- (a) carry, at all times during the movement, a consignment note containing details of—
    - (i) what is being transported, including the quantity,
    - (ii) the date of the movement,
    - (iii) the names of the consignor and consignee,
    - (iv) the address of the place from which the movement started and of the destination,
  - (b) on demand by an inspector or an officer of the Secretary of State, produce the consignment note and allow a copy or extract to be taken, and
  - (c) keep the consignment note for at least six months,

and failure to do so is an offence.

(4) It is an offence to fail to comply with or to breach a condition of any licence granted under these Regulations.

(5) If a pig has been moved to premises under a licence, a veterinary inspector may serve a notice on the occupier of the premises of destination imposing such movement restrictions relating to pigs on those premises as are necessary to prevent the risk of spreading swine vesicular disease virus, and failure to comply with such a notice is an offence.

(6) Except where otherwise directed by the Secretary of State, licences granted in Scotland or Wales for activities which could be licensed in England under these Regulations have effect in England as if they were licences granted under these Regulations, and the provisions of this regulation apply accordingly.

### **Powers of inspectors**

**34.**—(1) An inspector may, on producing a duly authenticated authorisation if requested, 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 any premises may—
- (a) inspect the premises, vehicle or container and any plant, machinery or equipment;
  - (b) take samples;
  - (c) seize and destroy any thing that may spread 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) relevant 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.

### **Powers relating to pigs living in the wild**

35. In relation to pigs living in the wild a veterinary inspector and, when acting under the direction of a veterinary inspector, an inspector, another officer of the Secretary of State or any other person with the necessary expertise may—

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

### **Notices relating to movement**

36.—(1) If a pig has been moved in contravention of any provision of these Regulations or any licence or notice served under these Regulations, a veterinary inspector may serve a notice on the occupier of the premises—

- (a) detaining the pig on the premises, and any other pigs on the premises, or
- (b) requiring the occupier to move any pigs 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 pigs on those premises as are 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**

37.—(1) With the prior written consent of the Secretary of State, 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 under the direction of an inspector.

(3) The suspension or restriction continues until—

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

### **Change of occupier of premises under restriction**

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

### **Powers of inspectors in case of default**

39. If any 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.

### **Compensation**

40.—(1) The Secretary of State must pay compensation for pigs killed or slaughtered under these Regulations.



(2) If the pig was affected with swine vesicular disease the compensation is its value immediately before it became so affected (less any price received by the owner at slaughter).

(3) Otherwise the compensation is its value immediately before it was killed or slaughtered.

(4) The Secretary of State must pay compensation for anything seized (unless it is returned) under these Regulations at its value at the time of seizure.

### **Obstruction**

**41.** It is an offence—

- (a) intentionally to obstruct anyone acting in the execution of these Regulations;
- (b) without reasonable cause, to fail to give to any person acting in the execution of these Regulations any assistance or information that that person may reasonably require under these Regulations;
- (c) to furnish to anyone acting in the execution of these Regulations any information knowing it to be false or misleading; or
- (d) to fail to produce a record when required to do so to any person acting in the execution of these Regulations.

### **Offences and penalties**

**42.—**(1) 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.

### **Offences by bodies corporate**

**43.—**(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar person of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

that person is guilty of the offence as well as the body corporate.

(2) For the purposes of this regulation “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

### **Offences by partnerships and unincorporated associations**

**44.—**(1) Proceedings for an offence under these Regulations alleged to have been committed by a partnership or an unincorporated association may be brought in the name of the partnership or association.

(2) For the purposes of such proceedings—

- (a) rules of court relating to the service of documents are to have effect as if the partnership or association were a body corporate, and

- (b) section 33 of the Criminal Justice Act 1925(a) and Schedule 3 to the Magistrates' Courts Act 1980(b) apply in relation to the partnership or association as they apply in relation to a body corporate.

(3) A fine imposed on a partnership or association on its conviction of an offence under these Regulations is to be paid out of the funds of the partnership or association.

(4) Where an offence under these Regulations committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, that partner (as well as the partnership) is guilty of the offence and is liable to be proceeded against and punished accordingly.

For these purposes, "partner" includes a person purporting to act as a partner.

(5) Where an offence under these Regulations committed by an unincorporated association is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the association, that officer (as well as the association) is guilty of the offence and is liable to be proceeded against and punished accordingly.

For these purposes, "officer" means an officer of the association or a member of its governing body, or a person purporting to act in such capacity.

## **Enforcement**

45.—(1) These Regulations are enforced by the local authority.

(2) The Secretary of State may direct, in relation to cases of a particular description or in relation to particular cases, that the Secretary of State will enforce these Regulations instead.

## **Exceptional circumstances**

46. The Secretary of State 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.

## **Revocations**

47.—(1) The following are revoked—

- (a) the Swine Vesicular Disease Order 1972(c);  
(b) the Swine Vesicular Disease (Amendment) Order 1973(d); and  
(c) the Swine Vesicular Disease (Compensation) Order 1972(e).

*Jane Kennedy*  
Minister of State

18th May 2009

Department for Environment, Food and Rural Affairs

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- (a) 1925 c. 86. Subsections (1) and (2) of section 33 were repealed by the Magistrates' Courts Act 1952 (c. 55), section 132 and Schedule 6; subsection (3) was amended by the Courts Act 1971 (c. 23), section 56(1) and Schedule 8, part II, paragraph 19; subsection (4) was amended by the Courts Act 2003 (c. 39), section 109(1) and (3), Schedule 8, paragraph 71 and Schedule 10, and by the Magistrates' Courts Act 1980 (c. 43), section 154 and Schedule 7, paragraph 5; subsection (5) was repealed by the Magistrates' Court Act 1952, section 132, Schedule 6.
- (b) 1980 c. 43. Sub-paragraph 2(a) was amended by the Criminal Procedure and Investigations Act 1996 (c. 25), section 47, Schedule 1, paragraph 13, and was repealed by the Criminal Justice Act 2003 (c. 44), sections 41 and 332, Schedule 3, part 2, paragraph 51, sub-paragraphs (1), (13)(a), and Schedule 37, part 4 (with effect from a date to be appointed); paragraph 5 was repealed by the Criminal Justice Act 1991 (c. 53), sections 25(2) and 101(2) and Schedule 13; paragraph 6 was amended by the Criminal Justice Act 2003, section 41, Schedule 3, part 2, paragraph 51, sub-paragraphs (1) and (13)(b) (with effect from a date to be appointed).
- (c) S. I. 1972/1980.  
(d) S. I. 1973/101.  
(e) S. I. 1972/2014.

## Measures on suspect and infected premises

### Records

- 1.—(1) The occupier must record—
  - (a) the categories of pigs on the premises;
  - (b) the number of pigs in each of those categories;
  - (c) the number of pigs in each of those categories that are already dead; and
  - (d) the number of pigs in each of those categories that—
    - (i) show clinical signs of swine vesicular disease; or
    - (ii) are likely to be infected or contaminated with swine vesicular disease virus.
- (2) The occupier must—
  - (a) update this record on a daily basis, and
  - (b) record details of every pig born on the premises.
- (3) The occupier must keep the records for at least six months.

### Housing or isolation of pigs

2. The occupier must ensure that all pigs on the premises are—
  - (a) kept in their buildings or, if they are kept in a field, kept isolated so far as practicable from wild pigs, or
  - (b) confined or isolated as directed by a veterinary inspector.

### Disinfection

3. The occupier must—
  - (a) provide and maintain means of disinfection at the entrances to, and exits from, the premises and all buildings on those premises housing pigs, and
  - (b) comply with any directions from a veterinary inspector concerning such means of disinfection.

### Restriction on movement of pigs

4. No person may move any pig or other animal to or from the premises except under the authority of a licence issued by a veterinary inspector or an officer of the Secretary of State acting under the direction of a veterinary inspector.

### Restriction on movement of vehicles

5. No person may move any vehicle to or from the premises, except under the authority of a licence issued by a veterinary inspector or an officer of the Secretary of State acting under the direction of a veterinary inspector.

### Restriction on removal of anything liable to transmit swine vesicular disease

6. No person may remove from the premises any thing (including meat, carcasses, and animal feed) liable to transmit swine vesicular disease virus, except under the authority of a licence issued by a veterinary inspector or an officer of the Secretary of State acting under the direction of a veterinary inspector.

## **Restriction on persons entering and leaving the premises**

7. No person may enter or leave the premises unless—
- (a) it is necessary to do so for the provision of emergency services, or
  - (b) that person is authorised to do so by a licence issued by a veterinary inspector or an officer of the Secretary of State acting under the direction of a veterinary inspector.

## SCHEDULE 2

Regulation 24

### Zones

#### PART 1

##### Measures in a protection zone

### **Movement of pigs through the protection zone**

1. No person may move pigs through the zone unless they do so without stopping.

### **Movement of pigs on to premises in the protection zone**

2. No person may move pigs on to premises in the zone unless licensed by a veterinary inspector or an inspector acting under the direction of a veterinary inspector.

### **Movement of pigs off premises in the protection zone**

- 3.—(1) No person may move pigs off premises in the zone unless licensed by a veterinary inspector or an inspector acting under the direction of a veterinary inspector.

- (2) A licence may be granted at any time if—

- (a) problems (whether welfare problems or otherwise) have arisen in keeping the animals;
- (b) at least 30 days have elapsed since the protection zone was declared;
- (c) the move is direct to other premises located within the protection zone; and
- (d) a veterinary surgeon has inspected all the pigs on the premises, and examined all the pigs to be moved, with negative results within the 48 hours preceding the movement.

- (3) A licence may also be granted at any time in the case of two sets of premises divided by a highway provided that the sets of premises would be contiguous except for the highway.

- (4) Otherwise a licence may only be granted if 21 days have elapsed since the last premises in the zone infected with swine vesicular disease were cleansed and disinfected by the Secretary of State and the move is—

- (a) direct to a slaughterhouse designated for the purpose by the Secretary of State where they are kept and slaughtered separately from other pigs, provided that—
  - (i) a veterinary surgeon has inspected all the pigs on the premises, and examined the pigs to be moved to slaughter (with negative results) within the 48 hours preceding the movement; and
  - (ii) the pigs are transported in a sealed vehicle; or
- (b) direct to other premises located within the protection zone, provided that a veterinary surgeon has inspected all the pigs on the premises from which the pigs are to be moved, and examined the pigs to be moved (with negative results) within the 48 hours preceding the movement.

### **Cleansing vehicles**

4.—(1) Vehicles and equipment used within the protection zone to transport—

- (a) pigs, or
- (b) other livestock or material which may be contaminated with swine vesicular disease virus,

may not leave the premises of destination without having been cleansed and disinfected in such a way as to minimise the risk of spread of swine vesicular disease virus.

(2) In all cases, the person in charge of the vehicle must at least—

- (a) cleanse and disinfect its wheels, wheel arches and mud flaps; and
- (b) ensure that the exterior of the vehicle is not visibly contaminated with mud, faeces or other material that might carry swine vesicular disease virus.

(3) In the case of a livestock vehicle the cleansing and disinfection must be in accordance with the protocol in Schedule 2 to the Transport of Animals (Cleansing and Disinfection) (England) (No. 3) Order 2003<sup>(a)</sup> except that, if the vehicle is on premises that do not have facilities for this, after carrying out the minimum procedures in paragraph (2), the person in charge of the vehicle must take it directly to premises in the zone (other than premises containing pigs) that have proper facilities for full cleansing and disinfection and cleanse and disinfect it there in accordance with that protocol.

## **PART 2**

### **Measures in a surveillance zone**

#### **Movement of pigs**

5.—(1) No person may move pigs off premises in a surveillance zone unless licensed by a veterinary inspector or an inspector acting under the direction of a veterinary inspector.

(2) A licence may be granted if —

- (a) a veterinary surgeon has inspected all the pigs on the premises, and examined the pigs to be moved to slaughter (with negative results) within the 48 hours preceding the movement;
- (b) a serological examination of a statistical sample of the pigs to be moved has been carried out at the owner's expense without the detection of antibodies to swine vesicular disease virus within the 14 days preceding the movement; and
- (c) vehicles and equipment used for the transport of the pigs are cleansed and disinfected after each transport operation.

(3) In addition, a licence may be granted for movement—

- (a) to a slaughterhouse in the surveillance zone designated for the purpose by the Secretary of State where they are kept and slaughtered separately from other pigs;
- (b) to other premises in the surveillance zone provided that no pigs have moved into the premises of origin in the previous 21 days; or
- (c) between two sets of premises divided by a highway provided that the sets of premises would be contiguous except for the highway.

#### **Cleansing vehicles**

6.—(1) Vehicles and equipment used within the surveillance zone to transport—

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(a) S. I. 2003/1724.

- (a) pigs, or
- (b) other livestock or material which may be contaminated with swine vesicular disease virus,

may not leave the surveillance zone without having been cleansed and disinfected in such a way as to minimise the risk of spread of swine vesicular disease virus.

(2) In the case of a livestock vehicle the cleansing and disinfection must be in accordance with the protocol in Schedule 2 to the Transport of Animals (Cleansing and Disinfection) (England) (No. 3) Order 2003.

(3) In all other cases, the person in charge of the vehicle must at least—

- (a) cleanse and disinfect its wheels, wheel arches and mud flaps; and
- (b) ensure that the exterior of the vehicle is not visibly contaminated with mud, faeces or other material that might carry swine vesicular disease virus.

(4) This paragraph does not apply in relation to vehicles travelling through the surveillance zone without stopping.

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement in England the provisions of Council Directive 92/119/EEC introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease (OJ No L 62, 15.3.1993, p. 69) in so far as that Directive controls swine vesicular disease and Council Directive 2007/10/EC (OJ No L 63, 1.3.2007, p. 24).

Part 1 is introductory.

Part 2 deals with notification of suspicion of swine vesicular disease.

Part 3 and Schedule 1 deal with premises where swine vesicular disease is suspected or confirmed, or which have been exposed to the virus.

Part 4 deals with slaughterhouses.

Part 5 and Schedule 2 make provision for the establishment of protection, surveillance and movement restriction zones following the confirmation of swine vesicular disease on any premises.

Part 6 prohibits vaccination against swine vesicular disease except in the circumstances set out there.

Part 7 contains provisions relating to inspection and enforcement.

Breach of the Regulations is an offence punishable—

- (a) on summary conviction, with a fine not exceeding the statutory maximum, imprisonment for a term not exceeding three months or both, or
- (b) on conviction on indictment, with a fine or imprisonment for a term not exceeding six months or both.

They are enforced by the local authority.

A full impact assessment has been prepared and placed in the libraries of both Houses of Parliament. It is available on the Defra website at [www.defra.gov.uk](http://www.defra.gov.uk).

*This Statutory Instrument has been printed in substitution of the SI of the same number and is being issued free of charge to all known recipients of that Statutory Instrument*

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STATUTORY INSTRUMENTS

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**2009 No. 1299**

**ANIMALS, ENGLAND**

**ANIMAL HEALTH**

**The Swine Vesicular Disease Regulations 2009**

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