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STATUTORY INSTRUMENTS

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**2014 No. 1894**

**ANIMALS**

**ANIMAL HEALTH**

**The Diseases of Swine Regulations 2014**

<i>Made</i>	- - - -	<i>16th July 2014</i>
<i>Laid before Parliament</i>		<i>18th July 2014</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>18th July 2014</i>
<i>Coming into force</i>	- -	<i>14th August 2014</i>

The Secretary of State and the Welsh Ministers are each designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to the common agricultural policy of the European Union.

These Regulations make provision for a purpose mentioned in that section and it appears to the Secretary of State and the Welsh Ministers that it is expedient for the references in these Regulations to the following European Union instruments to be construed as references to such instruments as amended from time to time—

- (a) Council [Directive 92/119/EEC](#) introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease(3);
- (b) Council [Directive 2001/89/EC](#) on Community measures for the control of classical swine fever(4); and
- (c) Council [Directive 2002/60/EC](#) laying down specific provisions for the control of African swine fever(5).

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(1) For the Secretary of State, see [S.I. 1972/1811](#), (for the Welsh Ministers [S.I. 2010/2690](#)) in relation to the common agricultural policy. The function of the former Minister of Agriculture, Fisheries and Food of making regulations under section 2(2) of the European Communities Act 1972 was transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 ([S.I. 2002/794](#)).

(2) [1972 c. 68](#), section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 ([c. 51](#)), section 27(1)(a), and the European Union (Amendment) Act 2008 ([c. 7](#)), Part 1 of the Schedule. Under section 57(1) of the Scotland Act 1998 ([c. 46](#)), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions in or as regards Scotland. Under paragraph 5 of Schedule 3 to the Government of Wales Act 2006 ([c. 32](#)), despite the transfer to the Welsh Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Wales.

(3) OJ No L 62, 15.3.1993, p.69 as last amended by Council [Decision 2009/470/EC](#) (OJ No L 155, 18.6.2009, p. 30).

(4) OJ No L 316, 1.12.2001, p.5 as last amended by Council [Directive 2008/73/EC](#) (OJ No L 219, 14.8.2008, p. 40).

(5) OJ No L 192, 20.7.2002, p.27 as last amended by Council [Directive 2008/73/EC](#).

The Secretary of State, in relation to England and Scotland, and the Welsh Ministers, in relation to Wales, make these Regulations under the powers conferred by section 2(2) of, as read with paragraph 1A of Schedule 2(6) to, the European Communities Act 1972.

## PART 1

### Introduction

#### Citation, extent and commencement

- 1.—(1) These Regulations—
- (a) may be cited as the Diseases of Swine Regulations 2014;
  - (b) extend to Great Britain; and
  - (c) come into force on 14th August 2014.

#### Interpretation

- 2.—(1) In these Regulations—
- “carcase” means a carcase or part of a carcase of a pig, but does not include a sample taken from a carcase;
- “Chief Veterinary Officer” means the Chief Veterinary Officer for England, Scotland or Wales dependent upon where disease is present;
- “contact premises” means premises that are designated as contact premises under regulation 8(1);
- “Council [Directive 92/119/EEC](#)” means Council [Directive 92/119/EEC](#) introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease as amended from time to time;
- “Council [Directive 2001/89/EC](#)” means Council [Directive 2001/89/EC](#) on Community measures for the control of classical swine fever as amended from time to time;
- “Council [Directive 2002/60/EC](#)” means Council [Directive 2002/60/EC](#) laying down specific provisions for the control of African swine fever as amended from time to time;
- “designated slaughterhouse” means a slaughterhouse designated by the appropriate authority under the Products of Animal Origin (Disease Control) (England) Regulations 2008(7), the Products of Animal Origin (Disease Control) (Scotland) Order 2008(8) or the Products of Animal Origin (Disease Control) (Wales) Regulations 2008(9);
- “Diagnostic Manual” refers to the Diagnostic Manual contained in—
- (a) Commission [Decision 2000/428/EC](#) establishing diagnostic procedures, sampling methods and criteria for the evaluation of the results of laboratory tests for the confirmation and differential diagnosis of swine vesicular disease(10),

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(6) Paragraph 1A was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 46) and amended by the European Union (Amendment) Act 2008, Part 1 of the Schedule, and [S.I. 2007/1388](#).

(7) [S.I. 2008/465](#), amended by [S.I. 2009/1297](#), [2012/2897](#).

(8) [S.S.I. 2008/158](#), amended by [S.S.I. 2009/173](#), [2009/174](#).

(9) [S.I. 2008/1275 \(W.132\)](#), amended by [S.I. 2009/1373 \(W.136\)](#), [2009/1910 \(W.173\)](#).

(10) OJ No L 167, 7.7.2000 p.22.

- (b) Commission [Decision 2002/106/EC](#) approving a Diagnostic Manual establishing diagnostic procedures, sampling methods and criteria for evaluation of the laboratory tests for the confirmation of classical swine fever<sup>(11)</sup>,
- (c) Commission [Decision 2003/422/EC](#) approving an African swine fever Diagnostic Manual<sup>(12)</sup>;

“disease” in these Regulations, unless the context refers to only one or more of these diseases, means any of the following diseases of pig (and includes the virus of any such disease)—

- (a) African swine fever;
- (b) classical swine fever (otherwise known as hog cholera); and
- (c) swine vesicular disease;

“equipment”, except in regulation 34(9)(a), means any equipment that has been in contact with pigs or faeces, blood or other bodily fluids from a pig;

“feral pig” means any non-captive pig which is living in the wild;

“infected premises” means premises that have been designated as infected premises under regulation 10;

“inspector” means a person appointed to be an inspector for the purposes of the Animal Health Act 1981<sup>(13)</sup> by an appropriate authority or by a local authority, and, when used in relation to an officer of the appropriate authority, includes a veterinary inspector;

“keeper” means any person who owns or is responsible for a pig, whether on a permanent or temporary basis;

“livestock” means any hoofed animals other than equidae;

“local authority” means—

- (a) in England—
  - (i) where there is an authority which is the sole principal council for its local government area (“a unitary authority”), that authority;
  - (ii) where there is not a unitary authority—
    - (aa) in a metropolitan district, the council of that district;
    - (bb) in a non-metropolitan county, the county council;
    - (cc) in each London borough, the council of that borough; or
    - (dd) in the City of London, the Common Council;
- (b) in Wales, a county council or a county borough council;
- (c) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994<sup>(14)</sup>;

“marker vaccine” means a vaccine which results in a clear differentiation between a vaccinated pig and a diseased pig;

“occupier” means any person having day-to-day responsibility for the premises or for any pigs on the premises;

<sup>(11)</sup> OJ No L 39, 9.2.2002, p.71, as amended by Commission [Decision 2003/859/EC](#) (OJ No L.324, 11.12.2003, p.55).

<sup>(12)</sup> OJ No L 143, 11.6.2003, p.5.

<sup>(13)</sup> Section 89 of the Animal Health Act 1981 c.22. Functions conferred under that Act on “the Ministers” (as defined in section 86) are now exercisable in relation to England by the Secretary of State. Functions of “the Ministers” were transferred, so far as exercisable by the Secretaries of State for Scotland and Wales, to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141). Functions of the Minister of Agriculture, Fisheries and Food were then transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

<sup>(14)</sup> 1994 c. 39 amended by the Environment Act 1995 (c.25), section 120(1) and Schedule 22, paragraph 232(1).

“pig” means any animal of the *Suidae* family;

“premises” includes any land, building or other place;

“sentinel pig” means a pig introduced to infected premises after cleansing and disinfection in accordance with regulation 18 for surveillance purposes;

“seropositive pig” means a pig identified as having antibodies against swine vesicular disease, African swine fever or classical swine fever;

“suspect premises” means premises that are designated as suspect premises under regulation 7(2);

“vectors” means ticks of the species *Ornithodoros erraticus* or any other tick or insect species specified by the appropriate authority;

“veterinary inspector” means a veterinary inspector appointed by an appropriate authority for the purposes of the Animal Health Act 1981.

(2) In these Regulations—

(a) “appropriate authority” means—

(i) the Secretary of State where the functions are exercised in England;

(ii) the Scottish Ministers where the functions are exercised in Scotland; and

(iii) the Welsh Ministers where the functions are exercised in Wales;

(b) terms used in the European Union instruments have the same meaning as in those instruments.

(3) In paragraph (2)(b) “the European Union instruments” means—

(a) Council [Directive 92/119/EEC](#);

(b) Council [Directive 2001/89/EC](#);

(c) Council [Directive 2002/60/EC](#);

(d) Commission [Decision 2000/428/EC](#) establishing diagnostic procedures, sampling methods and criteria for the evaluation of the results of laboratory tests for the confirmation and differential diagnosis of swine vesicular disease;

(e) Commission [Decision 2002/106/EC](#) approving a Diagnostic Manual establishing diagnostic procedures, sampling methods and criteria for evaluation of the laboratory tests for the confirmation of classical swine fever; and

(f) Commission [Decision 2003/422/EC](#) approving an African swine fever Diagnostic Manual.

### **Occupier and changes of occupier**

3.—(1) Any notice that is required or authorised under these Regulations to be served on the occupier may be served on a person appearing to the person serving the notice to be the occupier.

(2) Where a notice has been served on a person referred to in paragraph (1), and it later becomes clear to the person who served the notice that another person is the keeper of the pigs then a replacement notice must be served on the other person.

(3) Where there is a change in occupation of premises subject to any controls or restrictions under these Regulations—

(a) the existing occupier must immediately notify the appropriate authority of the details of the new occupier before the change in occupation takes place; and

(b) if the new occupier does not have day-to-day responsibility for restricted pigs under these Regulations the new occupier must allow the keeper of the restricted pigs, or any person acting on behalf of the keeper, to enter the premises to feed or otherwise attend to the

welfare of the pigs during the period of control or restriction and for seven days following the ending of such restrictions.

### **Exemptions**

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

- (a) to anything done under the terms of a licence granted under the Specified Animal Pathogens Order 2008(15), the Specified Animal Pathogens (Scotland) Order 2009(16) or the Specified Animal Pathogens (Wales) Order 2008(17); or
- (b) at any border inspection post within the meaning of, and for so long as it remains approved for the purposes of, regulation 11 of the Trade in Animals and Related Products Regulations 2011(18), regulation 9 of the Trade in Animals and Related Products (Scotland) Regulations 2012(19) or regulation 11 of the Trade in Animals and Related Products (Wales) Regulations 2011(20).

(2) Parts 2 and 3 do not apply in relation to swine vesicular disease in any period during which action is being taken by the appropriate authority under the Foot-and-Mouth Disease (England) Order 2006(21), the Foot-and-Mouth Disease (Scotland) Order 2006(22) or the Foot-and-Mouth Disease (Wales) Order 2006(23).

## **PART 2**

### **Notification and investigation of suspicion of disease**

#### **Notification requirements**

5.—(1) Any person who suspects that a domestic or feral pig or carcass is infected with disease must immediately notify the appropriate authority.

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

- (a) suspects that the pig or carcass is infected with disease, or
- (b) detects evidence of antibodies to, or antigens of, disease,

must immediately notify the appropriate authority.

#### **Initial measures following notification**

6.—(1) This regulation applies where the appropriate authority receives a notification under regulation 5, and a veterinary inspector considers that further investigation relating to the possible presence of disease is necessary.

(2) A veterinary inspector must examine the pig or carcass, and may examine any other pig or carcass on the same premises.

(3) A veterinary inspector must as soon as reasonably practicable orally inform (followed up by service of a notice by a veterinary inspector or by an inspector under the direction of a veterinary

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(15) [S.I. 2008/944](#); relevant amending instrument is [S.I. 2009/3083](#).

(16) [S.S.I. 2009/45](#); relevant amending instrument is [S.S.I. 2009/394](#).

(17) [S.I. 2008/1270 \(W.129\)](#); relevant amending instrument is [S.I. 2009/3234 \(W.281\)](#).

(18) [S.I. 2011/1197](#), to which there are amendments not relevant to these Regulations.

(19) [S.S.I. 2012/177](#), to which there are amendments not relevant to these Regulations.

(20) [S.I. 2011/2379 \(W.252\)](#).

(21) [S.I. 2006/182](#), to which there are amendments not relevant to these Regulations.

(22) [S.S.I. 2006/44](#), to which there are amendments not relevant to these Regulations.

(23) [S.I. 2006/179 \(W.30\)](#), to which there are amendments not relevant to these Regulations.

inspector) the occupier that the further investigation will be undertaken, and except in the case of a notification involving a feral pig or feral pig carcase, the occupier so informed must comply with the initial measures set down in paragraph (4).

- (4) For the purposes of paragraph (3), the initial measures are—
- (a) not to move, or permit to be moved—
    - (i) the pig or carcase which is the subject of the notification from the premises where it is located;
    - (ii) any other pig or carcase to or from those premises;
    - (iii) any other animal from those premises if the veterinary inspector is of the opinion that it is likely to spread disease;
    - (iv) any thing off those premises unless the veterinary inspector is of the opinion that it is not likely to spread disease;
  - (b) to ensure that any person who has been in contact with any pig or carcase, or who has been on any part of the premises that may be contaminated with disease, takes all necessary biosecurity precautions to reduce the risk of spreading disease before leaving the premises; and
  - (c) where the occupier is an operator of a slaughterhouse—
    - (i) not to permit any pig to be slaughtered unless authorised by a veterinary inspector; and
    - (ii) to identify and isolate any carcase in respect of which the notification requirements in regulation 5 apply, any carcase originating from the same premises (and any carcase that has been in contact with any such carcase) so that such carcasses do not come into contact with any other pig or carcase at the slaughterhouse.
- (5) In the case of a notification involving a feral pig or feral pig carcase the occupier must comply with any initial measures that are required by the veterinary inspector.
- (6) The initial measures required under this regulation continue to apply until—
- (a) a veterinary inspector informs the occupier that the presence of disease on the premises is not suspected;
  - (b) the premises are designated by notice as suspect premises by an inspector in accordance with regulation 7(2); or
  - (c) the occupier is notified that the measures no longer apply.

### **Measures on suspicion of disease**

- 7.—(1) This regulation applies where a veterinary inspector suspects—
- (a) that a pig or carcase is or has been infected with disease; and
  - (b) that pig or carcase is or has been on any premises other than in circumstances where Part 4 (disease at a slaughterhouse) or Part 5 (suspicion and confirmation of disease in feral pigs) applies.
- (2) An inspector must serve a notice on the occupier designating premises as suspect premises, and Schedule 1 applies upon service of that notice.
- (3) A veterinary inspector must take all reasonable steps to establish whether or not disease is present at the suspect premises.
- (4) For the purposes of paragraph (3), a veterinary inspector may, if the Chief Veterinary Officer considers it necessary, take and have tested—
- (a) samples from any pig or carcase that is, or has previously been, on the premises;

(b) environmental samples from the premises.

(5) In the case of classical swine fever and African swine fever, where required by the epidemiological situation, the Chief Veterinary Officer may order and arrange for the killing of any pig on the suspect premises and arrange for the taking of a sufficient number of post-mortem samples to confirm or negate the presence of disease.

(6) The notice served under paragraph (2) may only be revoked if a veterinary inspector is satisfied that the suspect premises no longer pose a risk of spread of disease.

(7) Where that notice is revoked, the measures in Schedule 1 cease to apply upon revocation of that notice.

(8) In the case of swine vesicular disease only, where a seropositive pig has been detected on premises designated as suspect premises but none of the pigs on the premises show clinical signs of that disease, a veterinary inspector must take further samples at least 28 days from the date when the disease was first suspected by the veterinary inspector and have those samples tested.

(9) If such tests reveal no evidence of swine vesicular disease on the premises, the seropositive pig must be—

(a) slaughtered at a designated slaughterhouse—

(i) with the pig being kept separate from other pigs in transport and at the slaughterhouse; and

(ii) ensuring that the carcase and any animal by-product coming from the seropositive pig is kept separate and not exported from the United Kingdom; or

(b) killed on the suspect premises and subsequently destroyed under supervision of a veterinary inspector.

### **Measures at contact premises**

**8.—(1)** Where premises have been shown to have an epidemiological link with—

(a) suspect premises,

(b) infected premises, or

(c) other premises on which disease has been detected, including where a veterinary inspector is of the view that due to its proximity to an infected premises it is likely that disease may have been transmitted there,

an inspector must serve a notice on the occupier designating that premises as contact premises, and Schedule 1 applies upon service of that notice.

(2) Following the designation of premises as contact premises—

(a) where pigs on the contact premises do not show clinical signs of disease, but where the suspicion of disease cannot be ruled out, the Chief Veterinary Officer must assess the epidemiological situation at the premises, and on the basis of that assessment may—

(i) order and arrange for the killing of any pig on the premises if considered necessary to prevent the spread of disease;

(ii) require a person under the direction of a veterinary inspector, to monitor all pigs on the contact premises (which may require the taking and testing of samples) until the veterinary inspector is satisfied that the disease is not present;

(b) where any pig on the contact premises shows clinical signs of disease—

(i) if considered to be necessary to prevent the spread of disease, the Chief Veterinary Officer may order and arrange for the killing of any pig on the contact premises, and arrange for the taking of a sufficient number of post-mortem samples to confirm or negate the presence of disease; and

(ii) a veterinary inspector must take all reasonable steps to establish whether or not disease is present at the contact premises, which may include the taking and testing of samples, until satisfied that the disease is not present on the premises.

(3) Where pigs have been killed and disease cannot be negated, cleansing and disinfection must be carried out in accordance with regulations 13 and 14, followed by restocking with sentinel pigs unless a veterinary inspector specifies otherwise in writing, in accordance with regulation 18.

(4) The notice served under paragraph (1) may not be revoked until the Chief Veterinary Officer is satisfied following any tests or actions of a veterinary inspector, or the satisfactory completion of the steps in paragraph (3), that it is no longer appropriate for the premises to remain designated as contact premises.

(5) Where the notice served under paragraph (1) is revoked, the measures in Schedule 1 cease to apply upon revocation of that notice.

### **Temporary control zone**

9.—(1) The appropriate authority may declare a temporary control zone around suspect premises.

(2) The temporary control zone must be of such extent as the appropriate authority considers necessary to reduce the risk of the spread of disease as far as practicable.

(3) A person must not move a pig from premises in the temporary control zone, except in accordance with a licence granted by a veterinary inspector.

(4) The declaration may apply any measure of a type listed in Schedule 1 as the appropriate authority considers necessary in all or part of the temporary control zone in order to prevent or reduce the risk of the spread of disease.

(5) Any part of a temporary control zone that is subsequently incorporated into a protection or surveillance zone will cease to exist as a temporary control zone.

(6) Where disease has been negated at suspect premises, the appropriate authority must revoke the temporary control zone declaration.

## **PART 3**

### **Infected premises**

#### **Designating premises as infected premises when the presence of disease is confirmed**

10.—(1) Where the Chief Veterinary Officer is satisfied as a result of any—

- (a) tests carried out under these Regulations,
- (b) clinical signs in any pig or carcase, or
- (c) epidemiological connections,

that disease is or has been present on premises, an inspector must serve a notice on the occupier designating them to be infected premises.

(2) Where such a notice is served on the occupier Schedule 1 applies, together with any additional measures that a veterinary inspector considers necessary in order to reduce the risk of the spread of disease.

(3) This regulation does not apply where disease is confirmed in a slaughterhouse or in feral pigs.



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

11. When premises are designated as infected premises the appropriate authority must arrange for the killing of all pigs on the premises unless regulation 12 applies.

### **Conservation and related measures**

12.—(1) After consulting with the European Commission the appropriate authority may decide not to kill a pig—

- (a) kept in a zoo or wildlife park; or
- (b) kept for—
  - (i) educational purposes;
  - (ii) scientific research or breeding for such research; or
  - (iii) purposes related to conservation of species or genetic resource.

(2) Where the appropriate authority decides under paragraph (1) not to kill a pig, a veterinary inspector must serve a notice on the occupier of the premises on which it is kept detailing the biosecurity arrangements that the occupier must follow to reduce the risk of the spread of disease.

(3) The appropriate authority may for disease control reasons at any time decide to order the killing of a pig that has previously been spared under paragraph (1).

### **Disposal of carcasses and preliminary cleansing and disinfection**

13.—(1) Where a pig is killed under these Regulations other than in accordance with regulation 19(4), the appropriate authority must arrange for the disposal of the carcass.

(2) The appropriate authority may arrange for the disposal of the carcass of any pig that has died, or is suspected to have died, from disease.

(3) The appropriate authority must ensure that any such disposal is carried out in such a way as to avoid the risk of the spread of disease.

(4) Following such disposal the appropriate authority must without delay carry out preliminary cleansing and disinfection of—

- (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 or other things to which the pig has had access; and
- (b) anything contaminated during the killing of the pig.

### **Notice requiring secondary cleansing and disinfection**

14.—(1) Irrespective of whether or not pigs are to be reintroduced on infected or contact premises, an inspector may serve a notice on the occupier requiring secondary cleansing and disinfection as specified in the notice.

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

(3) If the occupier does not comply with the notice, an inspector may arrange for secondary cleansing and disinfection to be carried out by another person at the expense of the occupier.

(4) Following completion of the secondary cleansing and disinfection, a veterinary inspector must certify in writing when satisfied that the requirements of the notice have been completed.

### Use of approved disinfectants

15. Where disinfection is carried out under these Regulations the disinfectants must be—
- (a) approved by the appropriate authority under the Diseases of Animals (Approved Disinfectants) (England) Order 2007(24), the Diseases of Animals (Approved Disinfectants) (Scotland) Order 2008(25) or the Diseases of Animals (Approved Disinfectants) (Wales) Order 2007(26), and shown on the list of approved disinfectants published under the appropriate Order as being approved—
    - (i) specifically as being effective against the spread of swine vesicular disease where that disease has been identified; or
    - (ii) for effectiveness against the spread of disease other than swine vesicular disease; and
  - (b) used at the authorised dilution rate and in accordance with the manufacturer's instructions.

### Special measures to prevent the spread of African swine fever virus by vectors

16.—(1) Where the presence of vectors is suspected on premises where African swine fever has been confirmed, any building that has housed pigs (and the surrounding environment) must be checked by an inspector for the presence of vectors and, if deemed necessary, a veterinary inspector (or any person acting under the direction of a veterinary inspector) may—

- (a) arrange for the obtaining of specimens of the vectors and proportionate further monitoring; and
- (b) require the occupier to implement practical vector control measures.

(2) Where such specimens are obtained the appropriate authority must arrange for appropriate laboratory tests to be carried out on them to confirm or negate the presence of the African swine fever virus in the vectors.

### Revocation of a regulation 10 notice

17.—(1) Unless otherwise provided for in this regulation, a notice under regulation 10 (designation of an infected premises) must not be revoked until a veterinary inspector is satisfied that sufficient time has elapsed for the virus of disease to have decayed naturally to the extent that the virus will no longer pose a risk of infecting a pig with disease.

(2) A veterinary inspector, or an inspector acting under the direction of a veterinary inspector, may revoke such a notice of designation in relation to the whole or a part of the infected premises if—

- (a) any required cleansing and disinfection has been certified as satisfactorily completed in accordance with regulation 14(4); and
- (b) the premises have been tested for the existence of disease using sentinel pigs with negative results in accordance with regulation 18.

(3) In the case of African swine fever (where the occurrence of disease has not been linked to vectors) or in the case of classical swine fever, as a derogation from the testing in accordance with paragraph (2)(b), such a notice may be revoked by a veterinary inspector if—

- (a) more than six months has elapsed from the completion of the cleansing and disinfection; and
- (b) the veterinary inspector is of the opinion that there is no further risk of the spread of disease.

(4) In the case of African swine fever, where occurrence of disease has been linked to vectors, such a notice must not be revoked until—

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(24) S.I. 2007/448, amended by S.I. 2011/1509; there are other amending instruments but none are relevant.

(25) S.S.I. 2008/219, to which there are amendments not relevant to these Regulations.

(26) S.I. 2007/2803 (W.236), to which there are amendments not relevant to these Regulations.

- (a) all sentinel restocking in accordance with regulation 18 has been carried out without evidence of disease; and
  - (b) a further 60 days has elapsed since full restocking.
- (5) Where such a notice is revoked, the measures in Schedule 1 (together with any additional measure imposed) cease to apply upon revocation of that notice.

**Restocking and testing with sentinel pigs on infected or contact premises**

18.—(1) On infected premises or contact premises once a veterinary inspector has certified in accordance with regulation 14(4) that secondary cleansing and disinfection have been satisfactorily completed, sentinel pigs may be introduced (at the expense of the occupier) for monitoring for the resurgence of disease in accordance with this regulation as a precursor to full restocking of the premises with pigs.

(2) Other than in the situation in paragraph (7), the number of sentinel pigs introduced by the occupier must be such restricted number as is deemed to be sufficient by a veterinary inspector to test for the continuing presence of disease on all parts of the premises where disease was formerly present.

(3) The sentinel pigs may only be introduced in accordance with a licence granted by a veterinary inspector, and not before the following prescribed number of days, equivalent to the incubation period for the virus, after the secondary cleansing and disinfection has been certified as being satisfactorily completed in accordance with regulation 14(4)—

- (a) 40 days in the case of African swine fever;
- (b) 30 days in the case of classical swine fever; and
- (c) 28 days in the case of swine vesicular disease.

(4) The sentinel pigs must have—

- (a) come from premises not subject to any controls or restrictions under these Regulations; or
- (b) 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 disease.

(5) After the time limits set down in the following table a veterinary inspector must clinically examine all sentinel pigs on the premises and take a statistically valid number of samples deemed necessary for the serological testing for the presence of antibodies to the disease—

	<i>African swine fever (where disease has not been linked to vectors)</i>	<i>Classical swine fever</i>	<i>Swine vesicular disease</i>
Number of days after the arrival of the last sentinel pig onto the premises	45	40	28

(6) A person must not allow a sentinel pig to leave premises until negative results of the serological tests taken in accordance with paragraph (5) are obtained by the veterinary inspector.

(7) For premises that only have pigs entirely enclosed in buildings, as an alternative to the veterinary inspector restricting the number of sentinel pigs in accordance with paragraph (2), the veterinary inspector may license the introduction of an unlimited number of sentinel pigs into enclosed buildings on the premises, but in such circumstances—

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- (a) paragraphs (3), (4), (5) and (6) apply in relation to the introduction of the unlimited number of sentinel pigs;
- (b) the conditions in the following table apply—

	<i>African swine fever (where disease has not been linked to vectors)</i>	<i>Classical swine fever</i>	<i>Swine disease</i>	<i>vesicular</i>
All the sentinel pigs must arrive on the premises within the following periods from the date of arrival of the first sentinel pig	20 days	20 days	8 days	

; and

- (c) in the case of swine vesicular disease, a person must not allow a pig to leave the premises until at least 60 days after the arrival of the last sentinel pig.
- (8) In the case of African swine fever where the disease has been linked to spread by vectors, restocking with sentinel pigs cannot take place for a period of six years.
- (9) The period of six years may be reduced where a veterinary inspector has supervised vector eradication measures on infected premises and is satisfied that—
  - (a) the vector eradication measures have been successfully carried out under the supervision of a veterinary inspector; or
  - (b) the persistence of the vector no longer presents a significant risk of transmitting African swine fever.
- (10) Where restocking has taken place in accordance with paragraphs (8) or (9), a person must not allow a pig to leave the premises after full repopulation until serological examinations with negative results for African swine fever have been taken at least 60 days after full repopulation in accordance with the Diagnostic Manual.

## PART 4

### Suspicion and confirmation of disease at a slaughterhouse

#### Measures on suspicion and confirmation of disease at a slaughterhouse

- 19.—**(1) Where a veterinary inspector has examined a pig or pig carcase at a slaughterhouse and cannot negate the presence of disease an inspector must serve a notice on the operator of the slaughterhouse imposing the following measures—
- (a) no pig or carcase may be moved to or from the slaughterhouse;
  - (b) no other animal may be moved to or from the slaughterhouse if the veterinary inspector suspects there is a risk that it could spread disease;
  - (c) all biosecurity measures that the veterinary inspector believes are necessary must be taken by the operator;
  - (d) no pig can be slaughtered unless authorised by a veterinary inspector; and
  - (e) the operator must identify and isolate—

- (i) any carcase of a suspect pig;
  - (ii) a pig that has come into contact with a suspect pig;
  - (iii) any carcase from the same premises as a suspect pig; and
  - (iv) any carcase that has been in contact with a paragraph (iii) carcase.
- (2) A veterinary inspector may take samples from a pig, carcase or any other thing and have those samples tested to ascertain whether or not disease is present at the slaughterhouse.
- (3) Following the results of the tests carried out under paragraph (2), where the Chief Veterinary Officer is satisfied that that disease is not present at the slaughterhouse—
- (a) a veterinary inspector must as soon as reasonably practicable orally inform the operator that disease has not been found to be present, at which point the paragraph (1) measures no longer apply; and
  - (b) this must be followed up in writing as soon as reasonably practicable.
- (4) Following the results of the tests carried out under paragraph (2), where the Chief Veterinary Officer is satisfied that disease is present at the slaughterhouse, the appropriate authority must ensure that all pigs in the slaughterhouse are slaughtered without delay under the supervision of a veterinary inspector.
- (5) Following such slaughter—
- (a) the operator must destroy—
    - (i) the carcasses and offal of infected pigs;
    - (ii) the carcasses and offal of other pigs that a veterinary inspector suspects may be infected with disease;
    - (iii) the carcasses and offal of other pigs contaminated through contact with an infected pig or carcase;
  - (b) cleansing and disinfection of buildings, equipment and vehicles (including control of vectors where African swine fever has been linked to spread by vectors) must be carried out by the operator as instructed by a veterinary inspector;
  - (c) an epidemiological enquiry by a veterinary inspector must take place;
  - (d) other than in the situation in sub-paragraph (e), a veterinary inspector must notify the operator of the removal of the paragraph (1) measures at the slaughterhouse on the expiry of 24 hours after cleansing and disinfection operations have been completed at the slaughterhouse to the satisfaction of the veterinary inspector; and
  - (e) in the case of African swine fever, in addition to the veterinary inspector being satisfied in accordance with sub-paragraph (d), the veterinary inspector must be satisfied that any vector controls (if required) have been effectively applied before notifying the operator of the removal of the paragraph (1) measures.

## PART 5

### Suspicion and confirmation of disease in feral pigs

#### Measures on suspicion of disease in feral pigs

- 20.**—(1) Where it is suspected that a feral pig is infected with disease—
- (a) a veterinary inspector must take all reasonable steps to establish whether or not that suspicion is correct; and

- (b) the appropriate authority must make available information regarding the suspicion to keepers and to hunters believed to be operating in the area exposed to the risk of spread of disease.
- (2) Where it is suspected that a feral pig is infected with disease a veterinary inspector must—
  - (a) carry out investigations of any feral pigs shot or found dead in the area believed to be exposed to the risk of spread of disease; and
  - (b) produce a report that assesses the disease situation in feral pigs.
- (3) Following the suspicion of disease in a feral pig the appropriate authority may declare a feral pig investigation zone and apply some or all of the Schedule 2 measures.

#### **Measures on confirmation of disease in feral pigs**

- 21.**—(1) Where the Chief Veterinary Officer concludes that African swine fever or classical swine fever is present in a feral pig, the appropriate authority must declare a feral pig control zone, and all the measures in Schedule 2 apply within that zone.
- (2) Where the Chief Veterinary Officer concludes that swine vesicular disease is present in a feral pig, the appropriate authority may declare a feral pig control zone, and may apply some or all of the Schedule 2 measures.
- (3) Meat from a feral pig hunted in any feral pig control zone must not be placed on the market by any person unless the carcass is tested negative for disease in accordance with the relevant Diagnostic Manual and a veterinary inspector considers there is no risk of the spread of disease.

#### **Emergency vaccination of feral pigs against classical swine fever**

- 22.**—(1) Where the Chief Veterinary Officer concludes that classical swine fever is present in a feral pig, and the epidemiological data available suggest that the disease threatens to spread, the appropriate authority may—
- (a) introduce emergency vaccination of feral pigs in a specified area; and
  - (b) impose such conditions and restrictions in the specified area as the appropriate authority believes are necessary in order to enhance the effectiveness of the vaccination campaign.
- (2) An occupier must comply with any such conditions and restrictions.

## **PART 6**

### **Area controls following confirmation of disease in domestic pigs**

#### **Protection and surveillance zones**

- 23.**—(1) This regulation applies where the existence of disease has been confirmed on premises.
- (2) Where the premises comprise—
- (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 the appropriate authority does not consider that place to be the centre of infection,
- the appropriate authority may declare a protection zone and a surveillance zone around the premises.
- (3) In any other case the appropriate authority must declare a protection zone and a surveillance zone around the premises.

(4) The zones must be centred on the part of the premises that the appropriate authority considers most appropriate for disease control and—

- (a) a protection zone must have a radius of at least 3 kilometres;
- (b) a surveillance zone around the outside of the protection zone must, subject to paragraph (5), have a radius of at least 10 kilometres.

(5) The appropriate authority may reduce the size of a surveillance zone if approval to do so is obtained from the European Commission.

(6) The appropriate authority must ensure that within those zones, as far as is reasonably practicable—

- (a) premises that contain pigs are identified; and
- (b) veterinary inspectors visit such identified premises to—
  - (i) inspect, and as necessary examine, the pigs on the premises; and
  - (ii) collect and have tested such samples as the Chief Veterinary Officer considers necessary.

(7) The measures in Part 1 of Schedule 3 apply in a protection zone.

(8) The measures in Part 2 of Schedule 3 apply in a surveillance zone.

(9) The measures in Schedule 4 apply in a protection and surveillance zone.

(10) The appropriate authority may in a declaration apply any other measure that it deems to be necessary in order to reduce the spread of disease in respect of the whole or any part of any protection zone or surveillance zone.

### **Declarations of zones**

**24.**—(1) The declaration of a zone under these Regulations—

- (a) must be in writing;
- (b) must define the extent of the zone being declared;
- (c) must specify the disease to which it relates; and
- (d) may be amended or revoked by further declaration at any time.

(2) A person who keeps a pig within the zone to which the declaration relates must comply with any applicable measure that is specified in the declaration.

(3) Where a zone crosses a country border, the zone may be jointly declared by more than one appropriate authority.

### **Removal of protection and surveillance zones**

**25.**—(1) The appropriate authority must keep in place a surveillance zone for at least the following periods—

- (a) in the case of African swine fever, 40 days (but if an intensive testing programme has been carried out then 20 days),
- (b) in the case of classical swine fever, 20 days, or
- (c) in the case of swine vesicular disease, 28 days,

after pigs from infected premises have been killed and until such cleansing and disinfection as the Chief Veterinary Officer considers sufficient has been carried out on those premises.

(2) The appropriate authority must keep in place a protection zone for at least the following periods—

- (a) in the case of African swine fever, 45 days (but if an intensive testing programme has been carried out then 30 days),
- (b) in the case of classical swine fever, 30 days, or
- (c) in the case of swine vesicular disease, 28 days,

after pigs from infected premises have been killed and until such cleansing and disinfection as the Chief Veterinary Officer considers sufficient has been carried out on those premises.

(3) In this regulation “intensive testing programme” means testing for African swine fever in accordance with sections F and G of Chapter IV of the Diagnostic Manual(27).

#### **Premises straddling a protection or a surveillance zone**

**26.**—(1) Premises which are partly inside a protection zone and partly inside a surveillance zone must be deemed to be wholly inside the protection zone.

(2) Premises which are partly inside and partly outside the outer boundary of a surveillance zone must be deemed to be wholly inside that zone.

#### **Publicity of declared zones**

**27.**—(1) The appropriate authority must publicise—

- (a) the extent of any zone declared under these Regulations (including any emergency vaccination zone or feral pig control zone);
- (b) the date of the commencement of the application of the zone;
- (c) the nature of the measures relating to that zone;
- (d) any amendment to the extent of a zone or measures applicable in the zone; and
- (e) the date from which the zone no longer applies.

(2) The local authority may where practicable erect signs or posters indicating the existence of any zone declared under these Regulations.

## **PART 7**

### **Vaccination**

#### **Prohibition on vaccination except in certain cases**

**28.**—(1) A person must not vaccinate a domestic pig against disease other than in accordance with this Part or under the authority of a licence granted by a veterinary inspector.

(2) A person must not vaccinate a feral pig against disease other than in accordance with regulation 22.

#### **Declaration of an emergency vaccination zone following confirmation of classical swine fever**

**29.**—(1) This regulation applies where classical swine fever has been confirmed and the appropriate authority is concerned that it threatens to spread to other areas.

(2) The appropriate authority may decide to declare an emergency vaccination zone after considering relevant criteria and risk factors, including—

- (a) the rate at which outbreaks are confirmed;

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(27) Commission [Decision 2003/422/EC](#), approving an African swine fever Diagnostic Manual (OJ No L 143, 11.6.2003, p.5).



- (b) the density of pigs in the area;
  - (c) the likelihood of further outbreaks in the area for at least the next two months;
  - (d) the availability of resources to control disease.
- (3) Premises which are partly inside and partly outside the outer boundary of an emergency vaccination zone must be deemed to be wholly inside that zone.
- (4) Before declaring an emergency vaccination zone, the Secretary of State must submit to the European Commission—
- (a) an emergency vaccination plan with the proposed measures for approval in accordance with Article 19(3) of Council [Directive 2001/89/EC\(28\)](#); or
  - (b) an outline plan in accordance with Article 19(7) of that Directive.
- (5) Where the appropriate authority decides to use a marker vaccine during the vaccination period the emergency vaccination plan must contain a request to use such a marker vaccine in accordance with Article 19(9) of Council [Directive 2001/89/EC](#).
- (6) The declaration must include details of the responsibilities of the appropriate authority for organising the vaccination and subsequent monitoring to assess its effectiveness in preventing the spread of disease.
- (7) Other than in the situation in paragraph (8), an emergency vaccination zone must remain in place for a period of at least 6 months after the completion of the vaccination operations within the zone (“the vaccination period”).
- (8) The appropriate authority may reduce the vaccination period where all the vaccinated pigs within the declared zone have been slaughtered and cleansing and disinfection has been carried out at all infected premises.
- (9) As far as reasonably practicable the appropriate authority must notify every keeper within the zone regarding the emergency vaccination requirements.
- (10) A person must not move a pig from premises in an emergency vaccination zone unless a licence is granted by a veterinary inspector to move it direct to a designated slaughterhouse.
- (11) Before sending to a slaughterhouse a pig which is on premises in an emergency vaccination zone, the keeper of the pig must notify the operator of the slaughterhouse of the expected time of arrival of the pig.
- (12) The operator of a slaughterhouse must ensure—
- (a) that vaccinated pigs are kept and slaughtered separately from unvaccinated pigs; and
  - (b) that the carcasses of vaccinated pigs are kept separate from the carcasses of unvaccinated pigs at the slaughterhouse.
- (13) During the vaccination period within an emergency vaccination zone, other than under a licence granted by a veterinary inspector, a person must not—
- (a) move any pig from any premises;
  - (b) collect semen, embryos or ova from seropositive pigs; or
  - (c) use semen, embryos or ova collected from pigs during the 30 days prior to vaccination.

### **Pigs vaccinated against classical swine fever**

- 30.**—(1) This regulation applies to pigs vaccinated against classical swine fever.
- (2) A keeper who has had a pig vaccinated in an emergency vaccination zone or under the authority of a licence granted by a veterinary inspector must—

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(28) OJ No L 316, 1.12.2001, p.5 as last amended by Council [Directive 2008/73/EC](#) (OJ No L 219, 14.8.2008, p. 40).

- (a) ensure that it is identified in accordance with instructions from a veterinary inspector; and
  - (b) keep a record that it has been vaccinated.
- (3) The keeper must only have a vaccinated pig slaughtered at a designated slaughterhouse.
- (4) Following slaughter of a vaccinated pig the carcass must—
- (a) be disposed of in accordance with the Animal By-Products (Enforcement) (England) Regulations 2013(29), the Animal By-Products (Enforcement) (Scotland) Regulations 2013(30) or the Animal By-Products (Enforcement) (Wales) Regulations 2014(31); or
  - (b) have a stamp applied and be treated under the Products of Animal Origin (Disease Control) (England) Regulations 2008(32), the Products of Animal Origin (Disease Control) (Scotland) Order 2008(33) or the Products of Animal Origin (Disease Control) (Wales) Regulations 2008(34).
- (5) Where a marker vaccine has been used on a pig, the meat derived from that pig may be exempted by the appropriate authority from the requirement to be treated as restricted meat under the appropriate legislation listed in paragraph (4)(b).

### **Compulsory vaccination and controls for pigs vaccinated against swine vesicular disease**

- 31.**—(1) This regulation applies where swine vesicular disease has been confirmed.
- (2) Following confirmation of swine vesicular disease, the appropriate authority may declare an emergency vaccination zone in which every keeper inside the zone must ensure the vaccination of their pigs after considering relevant criteria and risk factors, including—
- (a) the rate at which outbreaks are confirmed;
  - (b) the density of pigs in the area;
  - (c) the likelihood of further outbreaks in the area for at least the next two months; and
  - (d) the availability of resources to control disease.
- (3) Premises which are partly inside and partly outside the outer boundary of an emergency vaccination zone must be deemed to be wholly inside that zone.
- (4) As far as reasonably practicable the appropriate authority must notify every keeper within the zone regarding the emergency vaccination requirements.
- (5) A person in possession or charge of a pig that has been vaccinated under this regulation must—
- (a) ensure that the pig is identified in accordance with instructions from a veterinary inspector; and
  - (b) keep a record of the date when the pig was vaccinated.
- (6) A person must not move a pig from premises in an emergency vaccination zone unless a licence is granted by a veterinary inspector to move it direct to a designated slaughterhouse.
- (7) Before sending a vaccinated pig to a slaughterhouse the person responsible for its movement must notify the operator of the slaughterhouse of the expected time of arrival of the pig.
- (8) The operator of a slaughterhouse must ensure that—
- (a) vaccinated pigs are kept and slaughtered separately from unvaccinated pigs; and
  - (b) carcasses of vaccinated pigs are kept separate from carcasses of unvaccinated pigs.

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(29) S.I. 2013/2952.

(30) S.S.I. 2013/307.

(31) S.I. 2014/517 (W.60).

(32) S.I. 2008/465, amended by S.I. 2009/1297.

(33) S.S.I. 2008/158, amended by S.S.I. 2009/173, 2009/174.

(34) S.I. 2008/1275 (W.132), amended by S.I. 2009/136 (W.136).

- (9) In the case of a pig outside an emergency vaccination zone—
- (a) a veterinary inspector may serve a notice on the keeper to require the vaccination of the pig on those premises in accordance with the conditions of that notice; and
  - (b) a person must not move the vaccinated pig from the premises on which it was vaccinated except to a designated slaughterhouse under a licence granted by a veterinary inspector.

## PART 8

### Inspection, enforcement and miscellaneous provisions

#### Notices

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

(2) A notice may be served on or given to a person by—

- (a) personal delivery;
- (b) leaving it at the person’s proper address; or
- (c) sending it by post or by electronic means to the person’s proper address.

(3) In the case of a body corporate, a notice may be served on or given to an officer of that body.

(4) In the case of a partnership, a notice may be served on or given to a partner or a person having control or management of the partnership business.

(5) In the case of an unincorporated association, a notice may be served on or given to an officer of the association.

(6) For the purposes of this regulation and section 7 of the Interpretation Act 1978<sup>(35)</sup> (service of documents by post) to the extent that it applies, “proper address” means—

- (a) in the case of a body corporate or an officer of that body—
  - (i) the registered or principal office of that body, or
  - (ii) the email address of the officer;
- (b) in the case of a partnership or a partner or person having control or management of the partnership business—
  - (i) the principal office of the partnership, or
  - (ii) the email address of the partner or person having that control or management;
- (c) in the case of an unincorporated association or an officer of the association—
  - (i) the office of the association, or
  - (ii) the email address of the officer;
- (d) in any other case, a person’s last known address, which includes an email address.

(7) For the purposes of paragraph (6), the principal office of a body corporate registered outside the United Kingdom or of a partnership or Scottish partnership established outside the United Kingdom is its principal office in the United Kingdom.

(8) If the name or address of any occupier of premises on whom a notice is to be served or given 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.

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(35) 1978 c. 30.

(9) A notice may require any action that an inspector reasonably believes is necessary for controlling the spread of disease.

(10) A notice may specify that a person in receipt of it must immediately inform an inspector of its safe receipt.

(11) A person must comply with the terms of any notice served, given or displayed under these Regulations.

(12) 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” includes a Scottish partnership, but does not include a limited liability partnership.

## **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 any pig or thing 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 other officer of the appropriate authority, produce the licence or a copy and allow a copy or extract to be taken.

(3) A person moving any pig or thing under the authority of a general licence must—

- (a) at all times during the movement, carry a document containing details of—
  - (i) what is being transported, including the quantity;
  - (ii) the date of the movement;
  - (iii) the names of the persons responsible for the pig or thing being moved at the place of departure and the place of destination;
  - (iv) the addresses of the place of departure and the place of destination;
- (b) on demand by an inspector or other officer of the appropriate authority, produce the document and allow a copy or extract to be taken; and
- (c) keep the document for at least six months.

(4) If any pig or thing has been moved to premises under a licence, an inspector may serve a notice on the occupier of the premises of destination imposing such movement restrictions on those premises as the veterinary inspector deems necessary to prevent the risk of spreading disease.

(5) A person who has a licence to do anything under these Regulations must comply with any conditions of that licence.

(6) Where a licence is required or authorised under these Regulations to be granted by a veterinary inspector, it may also be granted by an inspector acting under the direction of a veterinary inspector.

(7) A licence granted under these Regulations in England, Scotland or Wales is valid in any other part of Great Britain so long as the licensed activity is authorised in that other part of Great Britain.

## **Powers of inspectors**

**34.**—(1) An inspector may, on giving reasonable notice, and on producing a duly authenticated authorisation if required, enter any premises, vehicle, vessel or trailer (except if used wholly or mainly as a private dwelling) at any reasonable hour for the purpose of executing or enforcing these Regulations.

(2) The requirement to give notice does not apply where—

- (a) the requirement has been waived by the occupier;
- (b) reasonable efforts to identify the occupier have failed;
- (c) reasonable efforts to agree an appointment have failed;
- (d) an inspector has reasonable suspicion of a failure to comply with these Regulations; or
- (e) the inspector has reasonable suspicion that disease is likely to spread to other premises if an immediate check is not carried out on the pigs at the premises.

(3) A justice of the peace, or in Scotland a stipendiary magistrate or a sheriff, may by signed warrant permit an inspector to enter any premises, vehicle, vessel or trailer, if necessary by reasonable force, if satisfied on sworn information in writing—

- (a) that there are reasonable grounds to enter those premises for the purpose of executing or enforcing these Regulations; and
- (b) that any of the conditions in paragraph (4) are met.

(4) The conditions are—

- (a) entry to premises has been, or is likely to be, refused, and notice of the intention to apply for a warrant has been given to the occupier;
- (b) asking for admission to premises, or giving such a notice, would defeat the object of the entry;
- (c) entry is required urgently; or
- (d) the premises are unoccupied or the occupier is temporarily absent.

(5) A warrant is valid for three months.

(6) An inspector entering premises which are unoccupied or from which the occupier is temporarily absent must leave them as effectively secured against unauthorised entry as they were before entry.

(7) An inspector entering any premises, vehicle, vessel or trailer may—

- (a) inspect any pig or thing there;
- (b) take samples;
- (c) seize and destroy any equipment or other thing that may spread disease;
- (d) detain or isolate any pig, equipment or other thing that may spread disease;
- (e) mark, tag or micro-chip for identification purposes any pig or thing;
- (f) carry out any inquiries, examinations and tests;
- (g) move any pig or vehicle, vessel or trailer carrying a pig or any other thing that may be contaminated with disease to a specified location;
- (h) undertake surveillance for vectors and implement insect control measures;
- (i) undertake surveillance for feral pigs;
- (j) capture and detain a feral pig;
- (k) in the case of classical swine fever, vaccinate a feral pig;
- (l) take samples from a feral pig, or authorise another under supervision to take such samples;

- (m) kill a feral pig (or authorise another person under the inspector's supervision to kill a feral pig) if the Chief Veterinary Officer is satisfied that killing is necessary either for the control of disease or for surveillance purposes, and in particular if—
    - (i) it is not reasonably practicable to take samples from the feral pig without killing it;
    - (ii) it is not reasonably practicable to detain it pending the results of any testing or sampling; or
    - (iii) feral pigs are suspected by the Chief Veterinary Officer of—
      - (aa) spreading disease,
      - (bb) being likely to spread disease, or
      - (cc) being at risk of contracting disease;
  - (n) have access to, inspect and copy any documents or records (in whatever form they are held) appertaining to these Regulations, and remove them to enable them to be copied;
  - (o) inspect and check the operation of any computer and any associated apparatus or material that is or has been in use in connection with any documents or records;
  - (p) require by notice served on the occupier—
    - (i) any pig to be marked, tagged or micro-chipped for identification purposes;
    - (ii) any pig or thing (including a vehicle or trailer) to be moved from premises to other specified premises;
    - (iii) the undertaking of surveillance for the presence of vectors;
    - (iv) the implementation of such insect control measures as the inspector considers practical and necessary;
    - (v) a pig to be retained for use as a sentinel pig or a sentinel pig to be introduced onto those premises.
- (8) Where an inspector has entered any premises, vehicle, vessel or trailer and it is not reasonably practicable to determine whether any documents or records found on those premises appertain to these Regulations, the inspector may seize them to ascertain whether or not they are relevant.
- (9) The inspector may—
- (a) take any necessary equipment or vehicle on to the premises;
  - (b) be accompanied by—
    - (i) such other persons as the inspector considers necessary; and
    - (ii) any representative of the European Commission.
- (10) Any power or obligation to take a sample and test it includes a power to—
- (a) re-test any sample; and
  - (b) take further samples from pigs, carcasses or from the environment for testing.

#### **Notices following a contravention of movement controls**

**35.—(1)** If a pig has been moved to any premises 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 those premises requiring—

- (a) that pig, or any other pig on the premises, to be detained on the premises; or
- (b) any pig on the premises to be moved to other premises specified in the notice.

(2) If a pig has been moved to other premises under such a notice, an inspector may serve a notice on the occupier of those other premises imposing such movement restrictions relating to any pig on those premises as the inspector considers necessary to reduce the risk of spreading disease.

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

**36.** 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, including seizure of things, to ensure the requirement is met at the expense of that person.

### **Compensation for pigs killed and things seized**

**37.**—(1) The appropriate authority must pay compensation in accordance with this regulation for—

- (a) any pig killed pursuant to regulations 7(5), 8(2) or 11;
  - (b) any thing likely to spread disease that is seized under these Regulations and not returned other than where such things are seized by an inspector acting under regulation 36.
- (2) The amount of any compensation payable under paragraph (1)(a) is—
- (a) one half of the value of the pig immediately before it became affected where the pig was affected with classical swine fever or African swine fever;
  - (b) the value of the pig immediately before it became affected where the pig was affected with swine vesicular disease (less any price received by the owner at slaughter);
  - (c) where the pig is not affected with disease, the value of the pig immediately before it was killed.
- (3) The amount of any compensation payable under paragraph (1)(b) is the value of the thing seized at the time of its seizure;
- (4) The value of the pig or thing seized (as the case may be) is—
- (a) the amount determined in writing by the appropriate authority (“the appropriate authority’s valuation”); or
  - (b) where the determination of the value has been referred to an appointed valuer under paragraph (5), the amount determined in writing by that valuer.
- (5) If, within 14 days after receiving the appropriate authority’s valuation, the owner of the pig killed or the thing seized (as the case may be) gives written notice to the appropriate authority disputing that valuation, with reasons, the appropriate authority must refer the determination of the value to an appointed valuer.
- (6) The appointed valuer must be a person—
- (a) appointed jointly by the owner and the appropriate authority for the purpose of conducting a valuation under this regulation; or
  - (b) failing agreement on such appointment within 10 days of receipt of the notice given under paragraph (5), appointed by the appropriate authority for that purpose.
- (7) The determination of value by the appointed valuer is final and binding on the appropriate authority and the owner.
- (8) Fees charged or expenses incurred by an appointed valuer for work done under this regulation must be paid—
- (a) where the valuer’s determination is equal to or less than the appropriate authority’s valuation, by the owner;
  - (b) otherwise, by the appropriate authority.

(9) Action under this regulation to determine the value of any pig or other thing must not result in any delay in the killing of a pig for the purposes of controlling disease.

### **Obstruction**

**38.** A person must not—

- (a) intentionally obstruct or impede anyone acting in the execution or enforcement of these Regulations;
- (b) without reasonable cause, proof of which lies on the person charged, fail to give to any person acting in the execution or enforcement of these Regulations any assistance or information that is reasonably required;
- (c) provide to anyone acting in the execution or enforcement of these Regulations any information knowing it to be false or misleading or not believing it to be true; or
- (d) fail to produce a record when required to do so by any person acting in the execution or enforcement of these Regulations.

### **Offences and penalties**

**39.**—(1) It is an offence to fail to comply with—

- (a) regulation 3(3)(a) or (b) (obligations on change in occupation);
  - (b) regulation 5(1) or (2) (requirement to notify the appropriate authority of suspect pig or carcase);
  - (c) regulation 6(3) or (5) (requirements on occupier to comply with initial measures);
  - (d) regulation 9(3) (movement of a pig in a temporary control zone);
  - (e) regulation 19(5)(a) or (b) (obligations on operator of slaughterhouse);
  - (f) regulation 21(3) (placing feral pig meat on the market without a negative test for disease);
  - (g) regulation 22(2) (failure to comply with any measure specified following vaccination of feral pigs);
  - (h) regulation 24(2) (movement restriction in a declared zone);
  - (i) regulation 28(1) or (2) (prohibition on vaccination);
  - (j) regulation 29(10), (12) or (13) (requirements arising from emergency vaccination);
  - (k) regulation 30(2) or (3) (requirements relating to pigs vaccinated against classical swine fever);
  - (l) regulation 31(5), (6), (8) or (9)(b) (requirements relating to pigs vaccinated against swine vesicular disease);
  - (m) regulation 32 (11) (requirement to comply with notice);
  - (n) regulation 33(5) (requirement to comply with conditions of a licence);
  - (o) regulation 38 (obstruction);
  - (p) Schedule 1 (measures on suspect, contact and infected premises);
  - (q) Schedule 2 (measures in a feral pig investigation or control zone);
  - (r) paragraph 1, 5, 6, 7, 8 or 9 of Part 1 of Schedule 3 (measures in a protection zone);
  - (s) paragraph 10, 15, 16, 17, 18 or 19 of Part 2 of Schedule 3 (measures in a surveillance zone);
  - (t) Schedule 4 (cleansing and disinfection of vehicles).
- (2) A person guilty of an offence 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;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding six months or both.

### **Offences by bodies corporate, partnerships and unincorporated associations**

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

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

(2) In paragraph (1) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Where a partnership or Scottish partnership 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 partner, the partner, as well as the partnership or Scottish partnership, is guilty of the offence.

(4) In paragraph (3) “partner” includes a person purporting to act as a partner.

(5) Where an unincorporated association 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 an officer of the association, that officer, as well as the association, is guilty of the offence.

(6) In paragraph (5) “officer” in relation to an unincorporated association, means—

- (a) an officer of the association or a member of its governing body, or
- (b) a person purporting to act in such a capacity.

### **Enforcement**

**41.**—(1) These Regulations are enforced by the relevant local authority.

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

(3) Where the Secretary of State makes a direction under paragraph (2), the Secretary of State may delegate to the Director of Public Prosecutions functions in relation to the prosecution of an offence under these Regulations in England.

(4) A constable may stop and search any vehicle that the constable reasonably believes to be carrying pigs and may check documents carried in the vehicle to ensure that pigs are not transported in contravention of these Regulations.

(5) Any vehicle suspected by the constable of carrying pigs in contravention of these Regulations may—

- (a) be detained by the constable until an inspector arrives; or
- (b) be ordered by the constable to be taken back to any place it came from.

### **Exceptional circumstances**

**42.** A veterinary inspector may for the purpose of ensuring the health or welfare of any pig in exceptional circumstances—

- (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.

### **Miscellaneous revocations, disapplication and consequential amendments**

**43.**—(1) The instruments listed in Schedule 5 are revoked.

(2) Section 31(d) of, and paragraph 4 of Schedule 3 to, the Animal Health Act 1981<sup>(36)</sup> do not apply to the extent that they refer to hog cholera (otherwise known as classical swine fever).

(3) The Artificial Insemination of Pigs (England and Wales) Regulations 1964<sup>(37)</sup> are amended as follows—

(a) for regulation 7(2)(b) substitute—

“(b) infected premises under the Diseases of Swine Regulations 2014;”, and

(b) in regulation 7(2)(c), for “or swine fever” substitute “or under the Diseases of Swine Regulations 2014”.

(4) The Artificial Insemination of Pigs (Scotland) Regulations 1964<sup>(38)</sup> are amended as follows—

(a) for regulation 8(2)(b) substitute—

“(b) infected premises under the Diseases of Swine Regulations 2014;”, and

(b) in regulation 8(2)(c), for “or swine fever” substitute “or under the Diseases of Swine Regulations 2014”.

(5) The Products of Animal Origin (Disease Control) (England) Regulations 2008<sup>(39)</sup> are amended as follows—

(a) for regulation 3(8) (definition of restricted meat) substitute—

“(8) Subject to paragraph (9), “restricted meat” is meat, including meat that has come into contact with meat—

- (a) produced on or after the date that a protection zone or a surveillance zone is declared, or an earlier date where the Secretary of State specifies such a date for the purpose of disease control;
- (b) from a restricted animal or restricted poultry that has come from an infected area, a protection zone or a surveillance zone; and
- (c) from pigs that have been vaccinated to protect them from classical swine fever for 6 months (or any other specified period).”;

(b) in Schedule 1 (disease legislation) omit references to the Classical Swine Fever (England) Order 2003, the African Swine Fever (England) Order 2003 and the Swine Vesicular Disease Order 1972, and at paragraph 1 insert “The Diseases of Swine Regulations 2014”.

(6) The Products of Animal Origin (Disease Control) (Wales) Regulations 2008<sup>(40)</sup> are amended as follows—

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<sup>(36)</sup> c.22. Functions conferred under that Act on “the Ministers” (as defined in section 86) are now exercisable in relation to England by the Secretary of State. Functions of “the Ministers” were transferred, so far as exercisable by the Secretaries of State for Scotland and Wales, to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141). Functions of the Minister of Agriculture, Fisheries and Food were then transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

<sup>(37)</sup> S.I. 1964/1172, amended by S.I. 1992/3161; there are other amending instruments but none is relevant.

<sup>(38)</sup> S.I. 1964/1171, amended by S.I. 1992/3161; there are other amending instruments but none is relevant.

<sup>(39)</sup> S.I. 2008/465, amended by S.I. 2009/1297.

<sup>(40)</sup> S.I. 2008/1275 (W. 132), amended by S.I. 2009/1373 (W. 136), 2009/1910 (W. 173).

- (a) in the English text, for regulation 3(8) (restricted animal, restricted poultry and restricted meat: definitions) substitute—
- “(8) Subject to paragraph (9), “restricted meat” (“cig dan gyfyngiadau”) is meat, including meat that has come into contact with meat—
- (a) produced on or after the date that a protection zone or a surveillance zone is declared, or an earlier date where the Welsh Ministers specify such a date for the purpose of disease control;
  - (b) from a restricted animal or restricted poultry that has come from an infected area, a protection zone or a surveillance zone; and
  - (c) from pigs that have been vaccinated to protect them from classical swine fever for 6 months (or any other specified period).”;
- (b) in the English text of Schedule 1 (disease legislation) omit references to the Classical Swine Fever (Wales) Order 2003, the African Swine Fever (Wales) Order 2003 and the Swine Vesicular Disease Order 1972, and at paragraph 1 insert “The Diseases of Swine Regulations 2014”;
- (c) in the Welsh text, for regulation 3(8) (anifail, dofednod a chig dan gyfyngiadau:diffiniadau) substitute—
- “(8) Yn ddarostyngedig i baragraff (9), “cig dan gyfyngiadau” (“restricted meat”) yw cig, sy’n cynnwys cig a ddaeth i gyffyrddiad â chig—
- (a) a gynhyrchwyd ar neu ar ôl y dyddiad y datganwyd parth gwarchod neu barth goruchwyllo, neu ddyddiad cynharach os bydd Gweinidogion Cymru yn pennu’r dyddiad hwnnw at ddibenion rheoli clefydau;
  - (b) sy’n dod o anifail dan gyfyngiadau neu ddofednod dan gyfyngiadau sy’n dod o ardal heintiedig, parth gwarchod neu barth goruchwyllo; ac
  - (c) sy’n dod o foch sydd wedi eu brechu er mwyn eu hamddiffyn rhag clwy clasurol y moch am 6 mis (neu unrhyw gyfnod arall a bennwyd).”;
- (d) in the Welsh text of Schedule 1 (deddfwriaeth clefydau) omit references to Gorchymyn Clwy Clasurol y Moch (Cymru) 2003, Gorchymyn Clwy Affricanaidd y Moch (Cymru) 2003 and Gorchymyn Clefyd Pothellog y Moch 1972, and in paragraph 1 insert “Rheoliadau Clefydau’r Moch 2014”.
- (7) The Products of Animal Origin (Disease Control) (Scotland) Order 2008(41) is amended as follows—
- (a) for article 4(9) (definition of restricted meat) substitute—
- “(9) Subject to paragraph (10), “restricted meat” is meat, including meat that has come into contact with meat—
- (a) produced on or after the date that the protection zone or surveillance zone was declared, or an earlier date where the Scottish Ministers specify such a date for the purpose of disease control;
  - (b) from a restricted animal or restricted poultry that has come from an infected area, a protection zone or a surveillance zone; and
  - (c) from pigs that have been vaccinated to protect them from classical swine fever for 6 months (or any other specified period).”;
- (b) in Schedule 1 (disease legislation) omit references to the African Swine Fever (Scotland) Order 2003, the Classical Swine Fever (Scotland) Order 2003 and the Swine Vesicular

Disease (Scotland) Order 2009, and at paragraph 1 insert “The Diseases of Swine Regulations 2014”.

### **Review of the Regulations in England**

- 44.**—(1) Before the end of each review period, the Secretary of State must—
- (a) carry out a review of these Regulations in England;
  - (b) set out the conclusions of the review in a report; and
  - (c) publish the report.
- (2) In carrying out the review in England the Secretary of State must, so far as is reasonable, have regard to how—
- (a) Council [Directive 92/119/EEC](#),
  - (b) Council [Directive 2001/89/EC](#), and
  - (c) Council [Directive 2002/60/EC](#),
- are implemented in other member States.
- (3) The report must in particular—
- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
  - (b) assess the extent to which those objectives are achieved; and
  - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) The first review period is the period of five years beginning with the date on which these Regulations come into force.
- (5) Each subsequent review period is a period of five years beginning with the date on which the report of the preceding review was published.

16th July 2014

*George Eustice*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

15th July 2014

*Rebecca Evans*  
Deputy Minister for Agriculture and Fisheries  
Under authority of the Minister for Economy,  
Science and Transport, one of the Welsh  
Ministers

## SCHEDULE 1

Regulation 7(2)

### Measures on suspect, contact and infected premises

#### **Records**

1.—(1) The occupier must keep a record of the number of pigs of each category of pig production on the premises.

(2) The occupier must take all reasonable steps to update the record to show the number of pigs that—

- (a) are alive;
- (b) have died since restrictions under these Regulations were imposed in relation to the premises;
- (c) show clinical signs of illness; and
- (d) have been born since restrictions under these Regulations were imposed in relation to the premises.

(3) The occupier must keep the record for at least six months after—

- (a) the revocation of the notice served under regulation 7(2), 8(1) or 10(2), or
- (b) the premises cease to be within any zone declared under Part 6 (so far as the declaration applies to the premises),

whichever is the later.

#### **Confinement or isolation of pigs**

2. The occupier must ensure that pigs are confined or isolated as directed by a veterinary inspector.

#### **Restriction on movement of pigs**

3. A person must not move any pig or carcass on or off the premises except under the authority of a licence granted by a veterinary inspector.

#### **Restriction on removal of any equipment, animal or thing liable to transmit disease**

4. A person must not remove from the premises any equipment, animal or any other thing (including genetic material) that may spread disease except under the authority of a licence granted by a veterinary inspector.

#### **Restrictions on spreading pig manure and slurry**

5. A person must not spread pig manure or slurry except under the authority of a licence granted by a veterinary inspector.

#### **Cleansing, disinfection and other biosecurity measures**

6. The occupier must—

- (a) provide and maintain means of cleansing and 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 an inspector concerning such means of cleansing and disinfection and the imposition of other biosecurity measures (including rodent and vector control).

### **Restriction on movement of vehicles and persons**

7.—(1) A person must not—

- (a) enter or leave the premises, or
- (b) move any vehicle to or from the premises,

except under the authority of a licence granted by a veterinary inspector.

(2) All persons entering or leaving the premises must observe appropriate biosecurity measures that may include cleansing and disinfecting footwear, outer clothing, exposed skin and any possessions they have on them.

(3) Sub-paragraph (1) does not apply to any movement necessary for the provision of emergency services.

## SCHEDULE 2

Regulation 20(3)

### Measures in a feral pig investigation or control zone

#### **Requirement to report a carcass of a feral pig found on premises**

1. An occupier must—

- (a) report to the appropriate authority as soon as possible the location of any carcass of a feral pig (including where it has been shot by hunters) found on the premises; and
- (b) not move such carcass other than under a licence granted by a veterinary inspector.

#### **Requirements on occupier of premises containing domestic pigs**

2. Following confirmation of classical swine fever or African swine fever in a feral pig occupiers of premises containing domestic pigs must ensure that—

- (a) all pigs on premises are kept in a place on the premises where they are isolated from feral pigs;
- (b) no person moves a pig on or off premises except under a licence granted by a veterinary inspector;
- (c) appropriate means of cleansing and disinfection are undertaken;
- (d) all persons entering or leaving the premises must observe appropriate biosecurity measures that include cleansing and disinfecting footwear, outer clothing, exposed skin and any possessions they have on them; and
- (e) vector control is carried out in accordance with any instructions from a veterinary inspector.

3. Following confirmation of swine vesicular disease in a feral pig, the occupier may be required by a veterinary inspector to comply with one or more of the requirements specified in paragraph 2.

### **Movement of genetic material**

4. Following confirmation of classical swine fever or African swine fever in a feral pig, a person must not move pig semen, ova or embryos off the premises unless licensed to do so by a veterinary inspector.

### **Killing of feral pigs**

5. A person must not kill a feral pig unless licensed to do so by a veterinary inspector.

### **Feeding of feral pigs**

6. A person must not feed any feral pig other than in accordance with a licence granted by a veterinary inspector.

## SCHEDULE 3

Regulation 23(7) and (8)

### PART 1

#### Measures in a protection zone

#### **Movement of pigs in a protection zone**

1. A person must not move a pig in a protection zone unless—
  - (a) a licence is granted by a veterinary inspector to allow the pig to move from premises outside the protection zone direct to a slaughterhouse situated in the zone for immediate slaughter in accordance with paragraph 2;
  - (b) a licence is granted by a veterinary inspector to allow the movement of the pig between two premises within the zone, divided by a public road provided that the two premises would be contiguous except for the public road;
  - (c) the movement is allowed under paragraph 3; or
  - (d) the pig is transported and remains in a vehicle which must not enter any livestock premises within the zone.
2. A veterinary inspector may license the movement of a pig from outside the protection zone to a designated slaughterhouse inside the zone for immediate slaughter provided that—
  - (a) the appropriate authority obtains prior approval from the European Commission for such movements; and
  - (b) the vehicle transporting the pig is thoroughly cleansed and disinfected at the slaughterhouse after the pig has been unloaded.

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

3. A licence may be granted by a veterinary inspector after the expiry of the relevant period specified in the table to this paragraph to allow movement of a pig off premises in a protection zone if directly transported to—
  - (a) a designated slaughterhouse;

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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- (b) a plant where the pig is immediately killed and the carcass is processed in accordance with the Animal By-Products (Enforcement) (England) Regulations 2013<sup>(42)</sup>, the Animal By-Products (Enforcement) (Scotland) Regulations 2013<sup>(43)</sup> or the Animal By-Products (Enforcement) (Wales) Regulations 2014<sup>(44)</sup>; or
- (c) other premises located in the protection zone, under exceptional circumstances following the appropriate authority obtaining approval by the European Commission for such movement.

<i>Period that must elapse before movement of a pig off premises in a protection zone may be licensed</i>				
<i>Period</i>	<i>African Swine Fever</i>	<i>Classical Swine Fever</i>	<i>Swine Vesicular Disease</i>	
At least $x$ days have elapsed since completion of preliminary cleansing and disinfection of infected premises	$x = 40$	$x = 30$	$x = 21$	
At least $y$ days have elapsed since the zone has been in place and there are multiple infected premises	$y = 40$	$y = 30$	$y = 30$	

Note: In accordance with the Diagnostic Manual, if the appropriate authority has applied an intensive sampling and testing programme making it possible to negate the presence of African swine fever on the premises, the 'x' and 'y' periods for that disease are reduced to 30 days.

4. A licence may only be granted under paragraph 3 where—
- a veterinary inspector has inspected the pigs on the premises and has individually examined each pig that is to be moved and found no clinical signs suggestive of disease;
  - a sufficient number of samples are taken in accordance with the Diagnostic Manual from pigs which are to be slaughtered or killed, in order that the presence of disease in the batch of pigs can be determined; and
  - the pigs to be moved are transported in a vehicle sealed by an inspector.

#### **Movement of other animals and persons from premises on which pigs are kept**

5. A person must not move any other animal that may carry disease on or off premises in the protection zone on which pigs are kept unless licensed by a veterinary inspector, and all persons entering or leaving such premises must observe appropriate biosecurity measures to reduce the risk of spread of disease.

#### **Restriction on removal of any thing liable to transmit disease**

6. A person must not move any thing liable to transmit disease, including a carcass, pig genetic material or animal feed, off premises on which pigs are kept within the protection zone except under the authority of a licence granted by a veterinary inspector.

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<sup>(42)</sup> S.I. 2013/2952.

<sup>(43)</sup> S.S.I. 2013/307.

<sup>(44)</sup> S.I. 2014/517 (W.60).



### **Restrictions on the transporting and spreading of pig manure or slurry**

7. A person must not transport manure or slurry, which contains waste material of swine origin, off premises in the protection zone other than under a licence granted by a veterinary inspector.

8. A person must not spread manure or slurry, which contains waste material of swine origin other than under a licence granted by a veterinary inspector.

### **Reporting of dead or diseased pigs**

9. The keeper must report all dead or diseased pigs to the appropriate authority.

## **PART 2**

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

#### **Movement of pigs in a surveillance zone**

10. A person must not move a pig through a surveillance zone unless—

- (a) the pig is transported and remains in a vehicle which must not enter any livestock premises within the zone;
- (b) a licence is granted by a veterinary inspector to allow the pig to move from premises outside the surveillance zone direct to a slaughterhouse within the zone for immediate slaughter in accordance with paragraph 11;
- (c) a licence is granted by a veterinary inspector to allow the movement of the pig between premises, divided by a public road provided that the premises would be contiguous except for the public road; or
- (d) the movement is licensed under paragraph 12 in the case of swine vesicular disease, or under paragraph 13 in the case of African swine fever and classical swine fever.

11. A veterinary inspector may license the movement of a pig from outside the surveillance zone to a designated slaughterhouse within the zone for immediate slaughter provided that the vehicle transporting the pig is thoroughly cleansed and disinfected at the slaughterhouse after the pig has been unloaded.

#### **Movement of pigs off premises in a surveillance zone for swine vesicular disease**

12. A licence may be granted by a veterinary inspector to allow the movement of pigs off premises in a surveillance zone to other premises within the zone declared for the control of swine vesicular disease, provided that no pig has moved on to the premises of origin in the previous 21 days, and where—

- (a) a veterinary inspector has inspected the pigs on the premises of origin and has individually examined each pig that is to be moved and found no clinical signs suggestive of swine vesicular disease;
- (b) a serological examination—
  - (i) of a statistical sample of the pigs to be moved has been carried out at the keeper's expense without the detection of antibodies to the swine vesicular disease virus within the 14 days preceding the movement; or
  - (ii) in the case of pigs going for slaughter, may be carried out on the basis of blood samples taken at the designated slaughterhouse; and
- (c) the pigs to be moved are transported in a vehicle sealed by an inspector.

### **Movement of pigs off premises in a surveillance zone for African swine fever and classical swine fever**

13. A licence may be granted by a veterinary inspector to allow movement of a pig after the expiry of the relevant period specified in the table to this paragraph if the pig is transported directly—

- (a) to a designated slaughterhouse;
- (b) to a plant where the pig is immediately killed and the carcass is processed in accordance with the Animal By-Products (Enforcement) (England) Regulations 2013, the Animal By-Products (Enforcement) (Scotland) Regulations 2013 or the Animal By-Products (Enforcement) (Wales) Regulations 2014; or
- (c) in exceptional circumstances, to other premises located in the zone.

<i>Period that must elapse before movement of a pig off premises in a surveillance zone may be licensed</i>		
<i>Period</i>	<i>African Swine Fever</i>	<i>Classical Swine Fever</i>
At least $x$ days have elapsed since completion of preliminary cleansing and disinfection of infected premises	$x = 30$	$x = 21$
At least $y$ days have elapsed since the zone has been in place and there are multiple infected premises	$y = 40$	$y = 30$

Note: In accordance with the Diagnostic Manual, if the appropriate authority has applied an intensive sampling and testing programme making it possible to negate the presence of African swine fever on the premises, the “ $x$ ” and “ $y$ ” periods for that disease are reduced to 21 days and 30 days respectively.

14. A licence may only be granted under paragraph 13 where—

- (a) a veterinary inspector has inspected the pigs on the premises of origin and individually examined each pig to be moved and found no clinical signs suggestive of African swine fever or classical swine fever;
- (b) a sufficient number of samples are taken in accordance with the Diagnostic Manual from pigs which are to be slaughtered or killed, in order that the presence of disease in the batch of pigs can be determined; and
- (c) the pigs to be moved are transported in a vehicle sealed by an inspector.

### **Movement of other animals and persons from premises on which pigs are kept**

15. A person must not move any other animal which might carry disease on to or off premises in the surveillance zone on which pigs are kept unless—

- (a) under a licence granted by a veterinary inspector; and
- (b) all persons entering or leaving such premises where pigs are kept observe appropriate biosecurity measures to reduce the risk of spread of disease.

### **Restriction on removal of any thing liable to transmit disease**

16. A person must not move any thing liable to transmit disease, including a carcass, pig genetic material or animal feed, off premises on which pigs are kept within the surveillance zone except under the authority of a licence granted by a veterinary inspector.

### **Restrictions on the transporting and spreading of pig manure or slurry**

17. A person must not transport manure or slurry, which contains waste material of swine origin, off premises in the surveillance zone other than under a licence granted by a veterinary inspector.

18. A person must not spread manure or slurry, which contains waste material of swine origin, other than under a licence granted by a veterinary inspector.

### **Reporting of dead or diseased pigs**

19. The keeper must report all dead or diseased pigs to the appropriate authority.

## SCHEDULE 4

Regulation 23(9)

### Cleansing and disinfection of vehicles

#### **Cleansing and disinfection of vehicles in a protection zone**

1.—(1) The person in charge of—

- (a) any vehicle used to transport pigs within a protection zone,
- (b) any vehicle used to transport other livestock or material which may be contaminated with disease, or
- (c) any other vehicle which may be contaminated with disease,

may not leave the premises of destination without having thoroughly cleansed and disinfected the vehicle and any equipment in it so as to minimise the risk of spread of disease.

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

- (a) cleanse and disinfect its wheels, wheel arches, mud flaps and any other part of the vehicle that may contain contaminated material; and
- (b) ensure that the vehicle and any associated equipment is not visibly contaminated with mud, faeces or other material.

(3) A person must not allow a vehicle that has been used to transport pigs in the protection zone to leave the zone following cleansing and disinfection without being inspected and licensed to leave by an inspector.

#### **Cleansing and disinfection of vehicles in a surveillance zone**

2.—(1) A person in charge of a vehicle used to transport a pig within a surveillance zone, or other livestock or material which may be contaminated with disease, or any other vehicle which may be contaminated with disease, must not leave the premises of destination without having cleansed and disinfected the vehicle and any equipment in it so as to minimise the risk of spread of disease.

(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 vehicle and any equipment therein is not visibly contaminated with mud, faeces or other material.

### **Cleansing of vehicles which have moved a pig to premises outside of a protection or surveillance zone**

3. Where a person transports a pig to premises outside of a protection or surveillance zone, that person must arrange for cleansing and disinfection to take place at that place of destination after delivery of the pig.

## SCHEDULE 5

Regulation 43(1)

### Revocations

<i>Instruments revoked</i>	<i>References</i>
The African Swine Fever Compensation Order 1980	<a href="#">S.I. 1980/146</a>
The Classical Swine Fever (England) Order 2003	<a href="#">S.I. 2003/2329</a>
The Classical Swine Fever (Wales) Order 2003	<a href="#">S.I. 2003/2456 (W.239)</a>
The Classical Swine Fever (Scotland) Order 2003	<a href="#">S.S.I. 2003/426</a>
The African Swine Fever (England) Order 2003	<a href="#">S.I. 2003/2913</a>
The African Swine Fever (Wales) Order 2003	<a href="#">S.I. 2003/ 3273 (W.323)</a>
The African Swine Fever (Scotland) Order 2003	<a href="#">S.S.I. 2003/586</a>
The Swine Vesicular Disease Regulations 2009	<a href="#">S.I. 2009/1299</a>
The Swine Vesicular Disease (Wales) Regulations 2009	<a href="#">S.I. 2009/1372 (W.135)</a>
The Swine Vesicular Disease (Amendment)(Wales) Regulations 2009	<a href="#">S.I. 2009/1580 (W.156)</a>
The Swine Vesicular Disease (Scotland) Order 2009	<a href="#">S.S.I. 2009/173</a>

## EXPLANATORY NOTE

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

These Regulations implement the provisions for the control of—

- (a) swine vesicular disease contained in 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);
- (b) classical swine fever contained in Council [Directive 2001/89/EC](#) on Community measures for the control of classical swine fever (OJ No L 316, 1.12.2001, p 5);
- (c) African swine fever contained in Council [Directive 2002/60/EC](#) laying down specific control of African swine fever and amending [Directive 92/119/EEC](#) as regards Teschen disease and African swine fever (OJ No L 192, 20.7.2002, p 27).

Part 1 is introductory and includes definitions.

Part 2 deals with requirements for disease notification and the investigation of suspicion of disease.

Part 3 deals with measures to be taken on infected premises where disease is confirmed.

Part 4 deals with measures to be taken on suspicion and confirmation of disease at a slaughterhouse.

Part 5 deals with measures to be taken on suspicion and confirmation of disease in feral pigs.

Part 6 makes provision for the establishment of protection zones, surveillance zones and infection zones following the confirmation of disease on any premises.

Part 7 prohibits vaccination against disease except in certain circumstances. For classical swine fever provision is made for declaring an emergency vaccination zone.

Part 8 contains provisions relating to inspection and enforcement.

These Regulations are enforced by the local authority (as defined in regulation 2(1)) or, if so directed, by the appropriate authority (as defined in regulation 2(2)).

Breach of any of the provisions listed in regulation 39 is an offence punishable on summary conviction or on conviction on indictment. On summary conviction, the offence is punishable with a fine not exceeding the statutory maximum or imprisonment for a term not exceeding three months, or both. On conviction on indictment, the offence is punishable with a fine or imprisonment for a term not exceeding six months, or both.

Regulation 43 deals with revocations, consequential amendments and a disapplication of provisions contained in the Animal Health Act 1981 (c. 22) in so far as they applied to classical swine fever.

Regulation 44 requires the Secretary of State to review the operation and effect of these Regulations in England only and publish a report within five years after they come into force and within five years after that and each subsequent publication.

An impact assessment has not been produced for this instrument as no negative impact on the costs of the private or voluntary sectors is foreseen. An Explanatory Memorandum is published alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).