STATUTORY INSTRUMENTS

1982 No. 608

ANIMALS

ANIMAL HEALTH

The Aujeszky's Disease of Swine Order 1982

Made - - - - -	28*th April* 1982
Coming into Operation	4*th May* 1982

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of their powers conferred by sections 1, 8(1), 15(4) and 88(2) of the Animal Health Act 1981**(a)** and of all other powers enabling them in that behalf, hereby order as follows:—

Title and commencement

1. This order may be cited as the Aujeszky's Disease of Swine Order 1982 and shall come into operation on 4th May 1982.

Interpretation

2.—(1) In this order, unless the context otherwise requires—

"affected" means, in relation to any swine or carcase, affected with Aujeszky's disease;

"carcase" means the carcase of a swine and includes part of a carcase;

"dressed carcase" means a carcase which has been prepared for human consumption;

"fattening unit" means premises from which swine are moved direct to a slaughterhouse for slaughter;

"the Minister" and "the Ministry" mean respectively the Minister and the Ministry of Agriculture, Fisheries and Food;

"premises" includes land, with or without buildings;

"slaughterhouse" means

(*a*) in relation to England and Wales, a slaughterhouse or knacker's yard as defined in section 34 of the Slaughterhouses Act 1974**(b)**, and

(*b*) in relation to Scotland, a slaughterhouse as defined in section 22 of the Slaughter of Animals (Scotland) Act 1980**(c)**;

"veterinary surgeon" means a person registered in the register of veterinary surgeons kept under section 2 of the Veterinary Surgeons Act 1966**(d)** or the supplementary veterinary register kept under section 8 of that Act.

(a) 1981 c. 22.
(b) 1974 c. 3. **(c)** 1980 c. 13. **(d)** 1966 c. 36.

(2) Any reference in this order to a lettered form means the appropriate form set out in the Schedule.

Extension of "disease"

3. For all the purposes of the Animal Health Act 1981 the definition of "disease" in section 88(1) of the Act shall be extended so that it shall comprise Aujeszky's disease of swine.

Notification of disease and restrictions on movement

4.—(1) A person who knows or suspects that any swine or carcase in his ownership or charge is affected shall—

(*a*) with all practicable speed give notice of the fact to a constable of the police authority for the area in which the swine or carcase is situated, to an inspector or to the veterinary inspector appointed for the time being by the Minister to receive such information in the area in which the swine or carcase is situated (in this article referred to as "the appropriate veterinary inspector"); and

(*b*) as soon as he becomes aware of the fact take all steps necessary to ensure that—

(i) no person, other than a person exercising any right of entry or way granted by law or a person attending the swine, obtains access to any part of the premises on which the swine or carcase is or has been situated, and

(ii) no swine or carcase, other than a dressed carcase not affected or suspected of being affected, moves or is moved from the premises on which the swine or carcase is situated.

(2) A veterinary surgeon who examines any swine or carcase which is or which he suspects to be affected shall, with all practicable speed, give notice of the fact to a constable of the police authority for the area in which the swine or carcase is situated, to an inspector or to the appropriate veterinary inspector, and shall also inform the person in whose ownership or charge the swine or carcase is that he has given such notification.

(3) A constable or an inspector receiving any such notice shall, with all practicable speed, inform the appropriate veterinary inspector.

Veterinary inquiry and service of notices

5.—(1) Where by reason of information received under article 4 or otherwise a veterinary inspector has reasonable grounds for supposing that Aujeszky's disease exists or has within 56 days existed on any premises he shall with all practicable speed inquire as to the correctness of the information.

(2) For the purposes of such an inquiry a veterinary inspector—

(*a*) shall examine any swine or carcase on the premises; and

(*b*) may take from any such swine or carcase such samples as may be required by him for the purposes of diagnosis.

(3) If on completing the examination under paragraph 2(*a*) above the veterinary inspector is of the opinion that Aujeszky's disease may exist or may within 56 days have existed on the premises he shall serve a notice in form A on the owner or person in charge of any swine or carcase on the premises whereupon the prohibition on movement arising under article 4(1)(*b*)(ii) shall cease.

(4) If on completing the examination under paragraph 2(*a*) above the veterinary inspector is of the opinion that Aujeszky's disease does not exist and has not within 56 days existed on the premises he shall inform the owner or person in charge of any swine or carcase on the premises accordingly whereupon the prohibition on movement arising under article 4(1)(*b*)(ii) shall cease.

(5) Where a notice in form A is served under paragraph (3) above then the opinion of the veterinary inspector as to the existence of Aujeszky's disease on the premises shall be subject to confirmation by or on behalf of the Chief Veterinary Officer of the Ministry within 14 days of completion of the inquiry and—

(*a*) if the opinion is so confirmed, the notice in form A shall be cancelled when a veterinary inspector is satisfied that Aujeszky's disease no longer exists on the premises;

(*b*) if the opinion is not so confirmed, the notice in form A shall be cancelled forthwith.

(6) A notice in form A shall be cancelled by the service of a notice in form C by a veterinary inspector on the person upon whom the notice in form A was served, or on his duly authorised agent.

Content and effect of form A

6.—(1) If a notice in form A is served on the owner or person in charge of any swine or carcase under article 5(3) then, until the notice is cancelled by the service of a notice in form C in accordance with article 5(6), the movement of any swine or carcase from the premises on which the swine or carcase is situated shall be prohibited except under the authority of a licence issued by a veterinary inspector and in accordance with the terms and conditions, if any, subject to which the licence is issued.

(2) A licence issued under paragraph (1) above shall, in the case of a swine, authorise the movement of the swine to which it relates to whichever of the following destinations shall be mentioned in the licence—

(*a*) a specified slaughterhouse, where the swine shall be slaughtered with all practicable speed and in any case within 72 hours of arrival;

(*b*) a specified fattening unit; or

(*c*) specified premises for examination.

Restrictions on fattening units

7.—(1) If a swine is moved under the authority of a licence issued under article 6(1) from any premises, referred to in this article as "the originating premises", to a fattening unit, a veterinary inspector may serve a notice in form B on the owner or person in charge of any swine or carcase on the fattening unit.

(2) A notice in form B shall prohibit the movement of any swine or carcase from the fattening unit except under the authority of a licence issued by an inspector of the Ministry and in accordance with the terms and conditions, if any, subject to which the licence is issued.

(3) A licence issued under paragraph (2) above shall, in the case of a swine, authorise the movement of the swine to which it relates direct to a specified slaughterhouse where the swine shall be slaughtered with all practicable speed and in any case within 72 hours of arrival.

(4) A notice in form B shall be cancelled by the serice of a notice in form C by a veterinary inspector on the person upon whom the notice in form B was served, or on his duly authorised agent, when—

(*a*) a notice in form A in respect of the fattening unit is served;

(*b*) the notice in form A in respect of the originating premises is cancelled; or

(*c*) a veterinary inspector considers the continued application of the notice in form B to be no longer necessary for the purpose of preventing the spreading of Aujeszky's disease;

whichever shall be the earliest.

Provision of facilities and information

8. If a veterinary inspector is undertaking an inquiry on any premises under article 5(1), the occupier of the premises, his employees and agents, and any person who is or has been in possession or charge of any swine or carcase which is or has within 56 days been on the premises, shall—

(*a*) give all reasonable facilities and assistance for—

(i) the inquiry;

(ii) the examination of any swine or carcase under article 5(2)(*a*); and

(iii) the taking of samples under article 5(2)(*b*);

and

(*b*) if so required by a veterinary inspector, give such information as he possesses as to—

(i) any swine or carcase which is or has been on the premises;

(ii) any other swine or carcase with which such swine or carcase may have been in contact; and

(iii) the location and movement of any other swine or carcase which is or has been in his ownership or charge.

Licences generally

9. If any swine or carcase is being moved under the authority of a licence issued under article 6(1) or 7(2)—

(*a*) the swine or carcase shall be accompanied by the licence during the course of that movement; and

(*b*) the person in charge of the swine or carcase shall, on demand being made by an inspector, produce the licence for inspection.

Compliance with notices and conditions of licences

10. Any person—

(*a*) upon whom a notice in form A or form B is served under article 5(3) or 7(1), as the case may be; or

(*b*) to whom a licence is issued under article 6(1) or 7(2);

shall comply with and observe the terms and conditions of the notice or licence in all respects.

Local authority to enforce order

11. The provisions of this order shall, except where otherwise provided, be executed and enforced by the local authority.

Revocation

12. The Aujeszky's Disease of Swine Order 1979**(a)** is hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 26th April 1982.

L.S.

Peter Walker,
Minister of Agriculture, Fisheries and Food.

27th April 1982.

George Younger,
Secretary of State for Scotland.

28th April 1982.

Nicholas Edwards,
Secretary of State for Wales.

(a) S.I. 1979/815.

SCHEDULE

FORM A

ANIMAL HEALTH ACT 1981

AUJESZKY'S DISEASE OF SWINE ORDER 1982

(Article 5(3))

NOTICE PROHIBITING MOVEMENT OF SWINE AND CARCASES

To .....
of .....
.....

I, ..., being a veterinary inspector appointed by the Minister of Agriculture, Fisheries and Food, hereby give you notice as the owner or person in charge of swine or carcases on the undermentioned premises that, in accordance with the provisions of the above mentioned order, the movement of any swine or carcase from those premises is prohibited except under the authority of a licence issued by a veterinary inspector. This restriction will continue until withdrawn by a subsequent notice (form C) served on you by a veterinary inspector.

Premises	Parish	District

Dated ..... 19 ..
Signed .....

Official Address .....
.....
.....

Notes

(1) The movement of swine shall be licensed only to—

(i) a slaughterhouse for immediate slaughter;

(ii) a fattening unit from which the swine will be moved direct to a slaughterhouse; or

(iii) premises for examination.

(2) If moved, a swine or carcase must be accompanied by the licence relating to it. It may have to be produced to an inspector.

FORM B

ANIMAL HEALTH ACT 1981

AUJESZKY'S DISEASE OF SWINE ORDER 1982

(Article 7)

NOTICE PROHIBITING MOVEMENT OF SWINE AND CARCASES FROM A FATTENING UNIT

To .....
of .....
.....

I, ..., being a veterinary inspector appointed by the Minister of Agriculture, Fisheries and Food, hereby give you notice as the owner or person in charge of swine or carcases on the under-mentioned premises that, in accordance with the provisions of the above mentioned order, the movement of any swine or carcase from those premises is prohibited except under the authority of a licence issued by an inspector of the Ministry. This restriction will continue until withdrawn by a subsequent notice (form C) served on you by a veterinary inspector.

Premises	Parish	District

Dated ..... 19 . .
Signed .....

Official Address .....
.....
.....

Notes

(1) The movement of swine shall be licensed only to a slaughterhouse for immediate slaughter.

(2) If moved, a swine or carcase must be accompanied by the licence relating to it. It may have to be produced to an inspector.

FORM C

ANIMAL HEALTH ACT 1981

AUJESZKY'S DISEASE OF SWINE ORDER 1982

(Articles 5(6) and 7(4))

NOTICE OF WITHDRAWAL OF FORM A OR FORM B

To .....
of .....
.....

I, ..., being a veterinary inspector appointed by the Minister of Agriculture, Fisheries and Food, hereby cancel the notice in form A*/notice in form B* signed by ..... and served on you on the ..... day of .....19..

The restrictions imposed by the notice are therefore lifted.

Dated .....19..
Signed .....
Official Address .....
.....
.....

*Delete as appropriate

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order revokes and replaces the Aujeszky's Disease of Swine Order 1979. The main provisions are as follows.

1. A person who knows or suspects that any swine or carcase in his ownership or charge is affected with Aujeszky's disease must report the fact to a police constable, inspector or veterinary inspector. He must also restrict access to the premises on which the swine or carcase is situated, and ensure that no swine or carcase moves from those premises (Article 4).

2. Where a veterinary inspector has reasonable grounds for supposing that Aujeszky's disease exists on any premises he must inquire into the matter and examine any swine or carcase on the premises. If, following the examination, he forms the opinion that the disease may exist, he must by notice prohibit the movement of any swine or carcase from the infected premises, except under licence (Article 5).

3. If a swine is moved from infected premises to a fattening unit, a veterinary inspector may by notice prohibit the movement of any swine or carcase from the fattening unit, except under licence (Article 7).

4. Obligations are included for the provision of assistance and information to veterinary inspectors undertaking inquiries; and for the production of movement licences for inspection (Articles 8 and 9).

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