STATUTORY INSTRUMENTS

1983 No. 344

ANIMALS

ANIMAL HEALTH

The Aujeszky's Disease Order 1983

Made - - - -	*8th March* 1983
Coming into Operation	*10th March* 1983

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 the powers conferred on them by sections 1, 7(1), 8(1), 15(4), 17(1), 23, 25, 32(2), 83(2), 87(2) 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 Order 1983 and shall come into operation on 10th March 1983.

Interpretation

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

"the Act" means the Animal Health Act 1981;

"affected" means affected with the disease;

"animals" means cattle, sheep, goats, swine, deer, horses, dogs and cats;

"Chief Veterinary Officer" means the Chief Veterinary Officer of the Ministry;

"the disease" means Aujeszky's disease;

"infected area" means an area declared to be an infected area under article 15(1);

"infected place" means premises declared to be an infected place under article 7(1);

"inspector" means a person appointed to be an inspector for the purposes of the Act by the Minister or by a local authority and, when used in relation to an officer of the Ministry, includes a veterinary inspector;

"the Minister" means, in relation to the whole of Great Britain, the Minister of Agriculture, Fisheries and Food, and "Ministry" shall be construed accordingly;

"occupier" means, in relation to any premises, the owner, occupier or person in charge of the premises;

"owner" includes, in relation to any animal or thing, a person having possession, charge or control of that animal or thing;

"premises" includes land, with or without buildings;

"poultry" means domestic fowls, turkeys, geese, ducks, guinea-fowls,

(a) 1981 c.22.

pigeons, pheasants and partridges;

"semen" means the semen of an animal;

"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 (**a**) and

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

"suspected" means suspected of being affected;

"veterinary inspector" means a veterinary inspector appointed by the Minister;

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

(2) Any reference in this order—

(a) to a numbered article, is a reference to the article bearing that number in this order, and

(b) to a lettered form, is a reference to the form bearing that letter in the schedule to this order.

Extension of definitions of animals and disease for the purposes of the Act

3. For all of the purposes of the Act in its application to this order—

(a) the definition of animals in section 87(1) of the Act shall be extended so that it shall for those purposes comprise deer, horses, dogs and cats; and

(b) the definition of disease in section 88(1) of the Act shall be extended so that it shall for those purposes comprise the disease.

Application of section 32 of the Act to the disease

4. Section 32 of the Act, which enables the Minister to cause animals to be slaughtered on account of disease, shall apply to the disease.

Notice of disease

5.—(1) The owner of an affected or suspected animal or carcase, any veterinary surgeon or other person who, in the course of his duties, examines or inspects such an animal or carcase and any person who, following an analysis by him of a blood sample taken from an animal or carcase, has reasonable grounds for supposing that the animal or carcase is affected, shall, with all practicable speed, give notice of the fact—

(a) to an inspector or

(b) to a constable of the police force for the police area in which the animal or carcase is situated.

(2) An inspector, if he is not a veterinary inspector, or constable who receives notice under paragraph (1) shall immediately inform a veterinary inspector of the fact.

Preliminary restrictions on movement

6. The occupier of any premises on which there is an affected or suspected animal or carcase shall ensure that no animal, carcase or poultry moves from

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

the premises until a notice in form A is served in respect of the premises, whereupon the prohibition on movement contained in the notice shall replace the prohibition on movement contained in this article.

Declaration of infected place

7.—(1) If an inspector has reasonable grounds for supposing that the disease exists or has within 56 days existed on any premises he shall serve a notice in form A on the occupier of the premises declaring them to be an infected place.

(2) An infected place shall be subject to the rules mentioned in article 9.

(3) The rules mentioned in article 9 shall continue in force until the notice in form A is cancelled in accordance with article 8(5) or (6).

(4) A veterinary inspector may at any time alter the limits of an infected place by the service of a notice in form C on the occupier.

Veterinary inquiry as to the existence of disease

8.—(1) If a veterinary inspector has reasonable grounds for supposing that the disease exists or has within 56 days existed on any premises he shall with all practicable speed inquire as to the correctness of the supposition.

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

(a) examine any animal or carcase on the premises;

(b) take or cause to be taken from any such animal or carcase any sample he may require for the purposes of diagnosis; and

(c) mark or cause to be marked any such animal or carcase for identification purposes.

(3) The occupier of the premises, any person in his employment, any veterinary surgeon who has been attending or who has been consulted respecting any animal or carcase on the premises and any person who is or has been in charge of or in contact with any such animal or carcase, shall provide such information and facilities and render such assistance as may be required for the purposes of the inquiry.

(4) If on completion of the inquiry the veterinary inspector is of the opinion that the disease exists or has within 56 days existed on the premises his opinion to that effect shall be subject to confirmation by or on behalf of the Chief Veterinary Officer.

(5) If on completion of the inquiry the veterinary inspector is of the opinion that the disease does not exist and has not within 56 days existed on the premises, or if his opinion as to the existence of the disease on the premises is not confirmed by or on behalf of the Chief Veterinary Officer in accordance with paragraph (4), then the notice in form A served in respect of the premises shall be cancelled forthwith by the service of a notice in form B on the occupier by an inspector of the Ministry.

(6) If the veterinary inspector's opinion as to the existence of the disease on the premises is confirmed by or on behalf of the Chief Veterinary Officer in accordance with paragraph (4), then the notice in form A served in respect of the premises shall be cancelled by the service of a notice in form B on the occupier by an inspector of the Ministry when the veterinary inspector is satisfied that the disease no longer exists on the premises.

Rules to apply in an infected place

9.—(1) An infected place shall be subject to the following rules.

Rule 1 – Except under the authority of a licence issued by an inspector of the Ministry no person shall move any animal, animal product, poultry, carcase, feedingstuff, manure, slurry, litter, semen, animal embryo or ovum, vehicle, machine, equipment, pen, hurdle, sack or any thing used or intended to be used in connection with animals into or from an infected place.

Rule 2 – Except under the authority of a licence granted by an inspector of the Ministry no person shall enter any part of the infected place unless he is an inspector, the owner of any animal or poultry there or a person attending any such animal or poultry.

Rule 3 – No person shall allow any animal or poultry to stray into or from an infected place or come into contact with any animal or poultry on any other premises.

Rule 4 – (1) A receptacle, containing such disinfectant as shall be specified by a veterinary inspector, being a disinfectant for the time being listed in Schedule 1 or Schedule 2 of the Diseases of Animals (Approved Disinfectants) Order 1978 **(a)** as approved for use in respect of Fowl Pest orders, shall be kept in a convenient position, directed by the veterinary inspector, at every exit from the infected place.

(2) Fresh disinfectant shall be placed in the receptacle daily and whenever directed by an inspector of the Ministry.

Rule 5 – (1) Any person entering an infected place shall wear overall clothing and footwear which are capable of being disinfected or which are disposable.

(2) On leaving the infected place such a person shall thoroughly cleanse and disinfect his overall clothing and footwear, or, if his overall clothing and footwear are disposable, shall remove them and leave them on the infected place.

(3) Such a person shall also, on leaving the infected place, wash his hands.

Rule 6 – Notice of the death or slaughter of any animal in an infected place shall be given with all practicable speed to an inspector, who shall, if he is not a veterinary inspector, immediately inform a veterinary inspector of the fact.

Rule 7 – (1) A notice supplied by the Ministry stating that the premises are an infected place shall be exhibited at every entrance.

(2) No person shall alter, remove or deface such a notice.

(2) A veterinary inspector may, by notice served on the occupier of the infected place, direct that

(a) such additional rules as are specified in the notice shall apply to the infected place; or

(b) any of the rules mentioned in paragraph (1) or 2(a) shall cease to apply or shall be modified in the manner specified in the notice.

Restrictions on premises exposed to infection

10.—(1) If a veterinary inspector is satisfied—

(a) that the disease may spread to any premises; or

(a) S.I. 1978/32; relevant amending instruments are S.I. 1978/934, 1982/947 and 1983/32.

(b) that on any premises there is or has within 56 days been a swine which has been exposed to the infection of the disease,

he may serve or cause to be served a notice in form D on the occupier.

(2) Until the notice in form D expires or is cancelled in accordance with paragraph (3)—

(a) no person shall move any swine, or carcase, semen, embryo or ovum of a swine on to or from the premises except under the authority of a licence granted by an inspector of the Ministry;

(b) no person shall allow any swine to stray from the premises or come into contact with any swine on any other premises; and

(c) the premises shall be subject to such other provisions, specified in the notice, as the veterinary inspector may consider necessary for the purpose of preventing the spread of the disease.

(3) A notice in form D served in respect of any premises shall remain in force until such date as may be specified therein or until cancelled by the service of a notice in form E on the occupier by an inspector of the Ministry.

Power of veterinary inspectors to prohibit or control movement

11. If a veterinary inspector has reasonable grounds for supposing that the movement of any animal, animal product, carcase, poultry or other thing to or from any premises would give rise to the risk of the spread of the disease he may, for the purpose of preventing the spread of the disease,

(a) by notice served on the occupier of the premises, prohibit the movement of any animal, animal product, carcase, poultry or other thing to or from the premises, or

(b) by notice served on the owner of the animal, animal product, carcase, poultry or other thing, impose such conditions in respect of its movement as he considers necessary.

Marking of animals

12.—(1) An inspector of the Ministry may paint, stamp, clip, tag or otherwise mark, or cause to be marked, an animal.

(2) No person shall alter, remove or deface any such mark.

Cleansing and disinfection

13.—(1) An inspector may serve on the occupier of any premises on which there is or has within 56 days been an affected or suspected animal or carcase a notice requiring him to cleanse and disinfect in such manner and within such period as may be specified in the notice, and with such disinfectant as is specified in the notice, being a disinfectant which is for the time being listed in Schedule 1 or Schedule 2 of the Diseases of Animals (Approved Disinfectants) Order 1978 as approved for use in respect of Fowl Pest orders—

(a) all or any part of the premises;

(b) any apparatus, equipment or other thing used in connection with the animal or carcase.

(2) If the requirements of the notice are not complied with an inspector may, without prejudice to any proceedings for an offence arising out of the default, carry out or cause to be carried out the cleansing and disinfection, and any expenses reasonably incurred in doing so shall be recoverable by the

Minister or as the case may be by the local authority as a civil debt from the occupier.

Notice of intended slaughter

14.—(1) Where the Minister proposes to cause any swine to be slaughtered under the powers conferred on him by section 32 of the Act in its application to the disease a veterinary inspector shall serve a notice of intended slaughter on the owner of the swine informing him of the proposed slaughter and requiring him to surrender the swine for slaughter or to detain it pending surrender on such part of the premises on which it is kept as may be specified in the notice.

(2) A person on whom such a notice is served shall not move the swine or cause or permit it to be moved from the part of the premises on which it is required to be detained except under the authority of a licence granted by an inspector of the Ministry.

Declaration of infected area

15.—(1) If the Minister knows or suspects that the disease exists in any area he may, by special order, declare the area to be an infected area.

(2) An area shall remain an infected area until such date as may be specified in the special order or, if none, until the special order is withdrawn by the Minister.

(3) The provisions of article 16 shall apply in an infected area.

(4) Any premises which are partly inside and partly outside an infected area shall be deemed to be wholly inside the area.

Restrictions on movement of swine out of an infected area

16.—(1) No person shall move a swine out of an infected area—

(a) except under the authority of a licence granted by a veterinary inspector; or

(b) unless the swine is moved through the area without being unloaded from a place outside the area direct to another place outside the area—

(i) by railway, or

(ii) by motorway, provided the vehicle in which it is carried does not stop on or leave the motorway.

(2) A licence mentioned in paragraph (1)*(a)* shall permit the movement of the swine to which it relates to one of the following destinations—

(a) a slaughterhouse;

(b) premises for breeding or further rearing;

(c) a vessel or aircraft for immediate shipment to a place outside Great Britain, or to premises for detention until such shipment; or

(d) premises for examination.

Exemptions from Movement and Sale of Pigs Order 1975

17. Any swine moved to a slaughterhouse under the authority of a licence issued in accordance with rule 1 of article 9(1) or article 10(2)*(a)* shall be exempt from the following provisions of the Movement and Sale of Pigs Order 1975 **(a)**—

(a) S.I. 1975/203, amended by S.I. 1975/346.

(a) article 2(1) (which restricts the movement of swine from premises within the 21 days following a delivery of swine to those premises);

(b) article 3(1) (which regulates the movement of pigs from premises where waste food is kept); and

(c) article 7(1) (which requires the marking of pigs moved to slaughter-houses or slaughter markets).

General provisions as to licences

18.—(1) Any licence issued under this order may be revoked or varied by the issuing authority and may be issued subject to conditions.

(2) A licence issued under this order shall accompany whatever is being moved under its authority and the owner shall, on demand by an inspector or constable, produce the licence to him and allow him to take a copy of or an extract from it.

(3) The authority issuing a licence authorising a movement shall with all practicable speed send a copy of the licence to the local authority to whose area the movement is authorised.

Enforcement

19.—(1) The provisions of this order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

(2) A copy of any notice served under this order shall, with all practicable speed, be forwarded by the serving authority to the local authority for the area in which the premises, animals or other things which are the subject of the notice are situated and to the Divisional Veterinary Officer of the Ministry for that area.

Offences

20. A person shall be guilty of an offence against the Act who, without lawful authority or excuse, proof of which shall lie on him—

(a) contravenes any provision of this order or any provision of a licence or of a notice issued, served or exhibited under it; or

(b) fails to comply with any such provision, or with any condition of such a licence or notice; or

(c) causes or permits any such contravention or non-compliance.

Revocation

21. The Aujeszky's Disease of Swine Order 1982 **(a)** is hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 2nd March 1983.

L.S.

Peter Walker,
Minister of Agriculture, Fisheries and Food.

(a) S.I. 1982/608.

George Younger,
Secretary of State for Scotland.

3rd March 1983.

Nicholas Edwards,
Secretary of State for Wales.

8th March 1983.

SCHEDULE

FORM A

Ministry of Agriculture, Fisheries and Food

Department of Agriculture and Fisheries for Scotland

Welsh Office Agriculture Department

ANIMAL HEALTH ACT 1981

AUJESZKY'S DISEASE ORDER 1983 (ARTICLES 7(1) AND 9)

NOTICE DECLARING INFECTED PLACE

To .....

of .....

.....

I, the undersigned, being an inspector of the Ministry/..... .....Council*, give you notice as the occupier of the premises described below that, in accordance with the provisions of the above order, the premises are hereby declared to be an infected place and accordingly become subject to the rules printed on this notice. Any infringement of the rules may render you liable to prosecution under the above Act.

This notice remains in force until it is cancelled by a notice in form B served by an inspector of the Ministry on the occupier of the infected place.

Description of infected place,

PREMISES	PARISH	DISTRICT/BOROUGH* AND COUNTY

Dated .....19.....

Signed .....

Name in block letters .....

Address .....

.....

NOTE—The inspector is with all practicable speed to send copies of this notice to the local authority and to the Divisional Veterinary Officer.

* Delete as appropriate

RULES

Rule 1 – Except under the authority of a licence granted by an inspector of the Ministry no person shall move any animal, animal product, poultry, carcase, feedingstuff, manure, slurry, litter, semen, animal embryo or ovum, vehicle, machine, equipment, pen, hurdle, sack or any thing used or intended to be used in connection with animals into or from an infected place.

Rule 2 – Except under the authority of a licence granted by an inspector of the Ministry no person shall enter any part of the infected place unless he is an inspector, the owner of any animal or poultry there or a person attending any such animal or poultry.

Rule 3 – No person shall allow any animal or poultry to stray into or from an infected place or come into contact with any animal or poultry on any other premises.

Rule 4 – (1) A receptacle, containing such disinfectant as shall be specified by a veterinary inspector, being a disinfectant for the time being listed in Schedule 1 or Schedule 2 of the Diseases of Animals (Approved Disinfectants) Order 1978 as approved for use in respect of Fowl Pest orders, shall be kept in a convenient position, directed by the veterinary inspector, at every exit from the infected place.

(2) Fresh disinfectant shall be placed in the receptacle daily and whenever directed by an inspector of the Ministry.

Rule 5 – (1) Any person entering an infected place shall wear overall clothing and footwear which are capable of being disinfected or which are disposable.

(2) On leaving the infected place such a person shall thoroughly cleanse and disinfect his overall clothing and footwear, or, if his overall clothing and footwear are disposable, shall remove them and leave them on the infected place.

(3) Such a person shall also, on leaving the infected place, wash his hands.

Rule 6 – Notice of the death or slaughter of any animal in an infected place shall be given with all practicable speed to an inspector, who shall immediately inform a veterinary inspector of the fact.

Rule 7 – (1) A notice supplied by the Ministry stating that the premises are an infected place shall be exhibited at every entrance.

(2) No person shall alter, remove or deface such a notice.

FORM B

Ministry of Agriculture, Fisheries and Food

Department of Agriculture and Fisheries for Scotland

Welsh Office Agriculture Department

ANIMAL HEALTH ACT 1981

AUJESZKY'S DISEASE ORDER 1983 (ARTICLE 8)

CANCELLATION OF NOTICE DECLARING INFECTED PLACE (FORM A)

To .....

of .....

.....

I, the undersigned, being an inspector of the Ministry, hereby cancel the notice in Form A relating to the premises described below served on the day of 19 , and any notice amending it.

Description of premises		
PREMISES	PARISH	DISTRICT/BOROUGH* AND COUNTY

Dated .....19.....

Signed .....

Name in block letters .....

Address .....

.....

NOTE—The inspector is with all practicable speed to send copies of this notice to the local authority and to the Divisional Veterinary Officer.

* Delete as appropriate

FORM C

Ministry of Agriculture, Fisheries and Food

Department of Agriculture and Fisheries for Scotland

Welsh Office Agriculture Department

ANIMAL HEALTH ACT 1981

AUJESZKY'S DISEASE ORDER 1983 (ARTICLE 7(4))

NOTICE ALTERING LIMITS OF INFECTED PLACE

To .....

of .....

.....

I, the undersigned, being a veterinary inspector of the Ministry, give you notice as the occupier of the premises described below that, in accordance with the provisions of the above order, the limits of the infected place declared by the notice in form A served on the .....day of ...../ and amended by the notice in form C served on the .....day of.....*/are hereby altered so as to comprise the premises described below. The premises accordingly become subject to all the rules applicable to the infected place.

Description of premises

PREMISES	PARISH	DISTRICT/BOROUGH* AND COUNTY

Dated .....19.....

Signed .....

Name in block letters .....

Address .....

.....

NOTE—The veterinary inspector is with all practicable speed to send copies of this notice to the local authority and Divisional Veterinary Officer.

* Delete as appropriate

FORM D

Ministry of Agriculture, Fisheries and Food

Department of Agriculture and Fisheries for Scotland

Welsh Office Agriculture Department

ANIMAL HEALTH ACT 1981

AUJESZKY'S DISEASE ORDER 1983 (ARTICLE 10)

NOTICE IMPOSING RESTRICTIONS ON PREMISES EXPOSED TO INFECTION

To .....

of .....

.....

I, the undersigned, being a veterinary inspector of the Ministry/acting on behalf of a veterinary inspector of the Ministry*, give you notice as the occupier of the premises described below that in accordance with the provisions of the above order:

(a) no person shall move any swine, or carcase, semen, embryo or ovum of a swine, on to or from the premises except under the authority of a licence granted by an inspector of the Ministry;

(b) no person shall allow any swine to stray from the premises or come into contact with any swine on any other premises; and

(c) (other conditions)

This notice shall remain in force until midnight on the ..... day of ..... or until cancelled by a notice in form E served by an inspector of the Ministry on the occupier of the premises.

Description of premises

PREMISES	PARISH	DISTRICT/BOROUGH* AND COUNTY

Dated.....19...

Signed .....

Name in block letters .....

Address .....

.....

NOTE—The veterinary inspector is with all practicable speed to send copies of this notice to the local authority and to the Divisional Veterinary Officer. In these copies there should be added the name and address of any person whose premises have been declared an infected place and from which there is or has been a risk of the spread of Aujeszky's disease to the premises described above.

NAME ..... ADDRESS .....

.....

* Delete as appropriate

FORM E

Ministry of Agriculture, Fisheries and Food

Department of Agriculture and Fisheries for Scotland

Welsh Office Agriculture Department

ANIMAL HEALTH ACT 1981

AUJESZKY'S DISEASE ORDER 1983 (ARTICLE 10)

NOTICE WITHDRAWING RESTRICTIONS ON PREMISES EXPOSED TO INFECTION (FORM D)

To .....

of .....

.....

I, the undersigned, being an inspector of the Ministry, hereby cancel the notice in Form D relating to the premises described below served on the ..... day of .....19.....

Description of premises		
PREMISES	PARISH	DISTRICT/BOROUGH* AND COUNTY

Dated .....19.....

Signed .....

Name in block letters .....

Address .....

.....

NOTE—The inspector is with all practicable speed to send copies of this notice to the local authority and Divisional Veterinary Officer.

* Delete as appropriate

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order, which revokes the Aujeszky's Disease of Swine Order 1982—

(1) applies section 32 of the Animal Health Act 1981 (power to slaughter animals) to Aujeszky's disease ("the disease") (article 4);

(2) requires certain persons to give notice of the disease to an inspector or constable and to ensure that no animals, carcases or poultry move from premises on which there is an animal which is affected, or suspected of being affected, with the disease (articles 5 and 6);

(3) enables an inspector to declare certain premises as an infected place whereupon detailed rules concerning movement of persons, animals, poultry and things on to or off the premises apply. Restrictions may also be imposed on premises which are exposed to infection (articles 7, 9 and 10);

(4) requires a veterinary inspector to inquire into the existence of the disease and gives powers to examine, take samples from and mark animals or carcases for the purposes of such an inquiry (article 8);

(5) provides for the prohibition or regulation of the movement of animals, poultry and things; for the marking of animals and for the cleansing and disinfection of premises (articles 11, 12 and 13);

(6) enables the Minister to declare an area to be an infected area from which movement of swine is regulated (articles 15 and 16).

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