



STATUTORY INSTRUMENTS.

S.I. No. 73 of 2013



EUROPEAN COMMUNITIES (SWINE VESICULAR DISEASE)
REGULATIONS 2013

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EUROPEAN COMMUNITIES (SWINE VESICULAR DISEASE)
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I, SIMON COVENEY, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) for the purpose of giving effect to Council Directive 92/119/EEC of 17 December 1992 (as amended by Council Directive 2002/60/EC of 27 June 2002¹, as amended by Commission Decision 2006/911/EC of 5 December 2006², Council Directive 2006/104/EC of 20 November 2006³, Commission Decision 2007/729/EC of 7 November 2007⁴ and Council Directive 2008/73/EC of 15 July 2008⁵) hereby make the following regulations:

PART 1

CITATION AND INTERPRETATION

Citation

1. These Regulations may be cited as the European Communities (Swine Vesicular Disease) Regulations 2013.

Interpretation

2. (1) In these Regulations—

“authorised officer” means—

- (a) an authorised officer within the meaning of section 17A (inserted by the Diseases of Animals (Amendment) Act 2001 (No. 3 of 2001)) of the Diseases of Animals Act 1966 (No. 6 of 1966),
- (b) a member of the Garda Síochána, or
- (c) an officer of Customs and Excise;

“Directive” means Council Directive 92/119/EEC of 27 June 2002, as amended by Council Directive 2002/60/EC of 27 June 2002, Commission Decision 2006/911/EC of 5 December 2006, Council Directive 2006/104/EC of 20 November 2006, Commission Decision 2007/729/EC of 7 November 2007 and Council Directive 2008/73/EC of 15 July 2008 as these apply to swine vesicular disease;

“Minister” means Minister for Agriculture, Food and the Marine;

¹ OJ No. L 192, 20.07.2002 p.27

² OJ No. L346, 09.12.2006, p. 41

³ OJ No. L363, 20.12.2006, p. 352

⁴ OJ No. L294, 13.07.2007, p. 294

⁵ OJ No. L219, 14.08.2008, p. 40

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 8th March, 2013.*

“premises” means a premises where pigs are kept (on a permanent or temporary basis) and includes land (including land under water), a building or other structure on the land;

“product” includes a by-product;

“register of pig premises” means the register established under the Diseases of Animals Act 1966 (National Pig Identification and Tracing System) Order 2002 (S.I. No 341 of 2002);

“slaughterhouse” means a premises or place used for slaughtering animals the flesh of which is intended for sale for human consumption, and includes a place used in connection with the confinement of animals while awaiting slaughter;

“vehicle” includes—

- (a) a trailer or other thing which is designed or adapted to be towed by another vehicle,
- (b) a detachable part of a vehicle, or
- (c) a container or other structure designed or adapted to be carried by or on a vehicle;

“virus” means Swine vesicular disease virus;

(2) A word or expression that is used in these Regulations and is also used in the Directive has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Directive.

PART 2

NOTIFICATION OF SWINE VESICULAR DISEASE

3. A person who is aware or suspects or who should reasonably be aware or suspect that a pig (including a feral pig) is or may be affected with swine vesicular disease shall immediately notify the Minister of the fact or suspicion by contacting the Department of Agriculture, Food and the Marine.

PART 3

MEASURES IN CASE OF SUSPICION OF OUTBREAK

Suspect premises or means of transport

4. (1) Where a pig on a premises or in a means of transport is suspected of being affected with swine vesicular disease, an authorised officer shall, by notice in writing, declare the premises or means of transport on which the pig is situated to be a suspect premises or a suspect means of transport.

(2) A person who owns or controls a pig on a suspect premises or a suspect means of transport shall, in accordance with a direction (if any) of an authorised officer—

- (a) assist the authorised officer in the examination of and the taking of samples from pigs on the premises or means of transport,
 - (b) co-operate with an authorised officer—
 - (i) in taking and maintaining a census of all categories of pigs on the suspect premises or suspect means of transport, and
 - (ii) in recording in respect of each category of pig, the number that are dead and suspected of being affected with swine vesicular disease,
 - (c) keep and maintain records of all pigmeat, pig products, semen, embryos, ova, slurry, manure and animal feed on the suspect premises, or the suspect means of transport
 - (d) ensure that—
 - (i) a pig does not enter or leave the suspect premises, or the suspect means of transport, and
 - (ii) all pigs on the suspect premises are isolated in their living quarters or another suitable place
 - (e) place and maintain appropriate disinfection facilities at the entrances and exits of buildings or places housing pigs and of the suspect premises itself.
- (3) Without prejudice to paragraph (2), an authorised officer may give a direction—
- (a) requiring that an animal (other than a pig) does not enter or leave a suspect premises or suspect means of transport,
 - (b) requiring that all pigs on a suspect premises or suspect means of transport are killed under the supervision of an authorised officer and in such a way as to avoid the risk of swine vesicular disease during transport and killing,
 - (c) requiring that the carcasses of pigs which die or which are killed on a suspect premises or suspect means of transport are processed without undue delay under the supervision of an authorised officer,
 - (d) requiring that the meat of pigs slaughtered on a suspect premises during the period between the probable introduction of swine vesicular disease and implementation of the measures provided for in these Regulations, and waste, feedstuffs and substances other than semen, ova and embryos, including single use materials used for slaughter, are treated or destroyed under the supervision of an authorised officer and in such a way as to ensure destruction of the virus and to avoid any risk of it spreading,

- (e) requiring a building used for housing a pig, the surroundings of the building, a vehicle used to transport a pig and other buildings or equipment likely to be affected with swine vesicular disease, are cleaned and disinfected in accordance with the Schedule under the supervision of an authorised officer, or
- (f) requiring that a person do or refrain from doing anything, that the authorised officer considers appropriate, to minimise the risk of the spread of swine vesicular disease, to control swine vesicular disease or to eradicate swine vesicular disease.

(4) A direction of an authorised officer may contain such incidental, supplementary and consequential matters as appear to the officer to be necessary for the purposes of the direction having full effect.

(5) A person shall not move or cause or permit the movement of an animal (other than a pig), a vehicle, pig carcasses, pigmeat, pig products, semen, embryos, ova, slurry, manure, animal feed, utensils, materials or anything likely to transmit Swine vesicular disease from or onto a suspect premises or a suspect means of transport except in accordance with an authorisation issued by an authorised officer.

(6) A person shall not enter or leave a suspect premises except in accordance with an authorisation issued by an authorised officer.

Temporary control zone

5. (1) The Minister may, by notice, establish a temporary control zone around a suspect premises and apply some or all of the measures provided for in Regulation 4 to premises within that zone.

(2) A premises or holding which lies partly in a temporary control zone is considered to lie totally within that temporary control zone.

(3) The Minister may, by notice, amend or withdraw the measures that may be introduced under paragraph (1).

PART 4

CONFIRMATION OF SWINE VESICULAR DISEASE

Infected premises

6. If, by reference to the criteria contained in Annex II.4 to the Directive, an outbreak of Swine vesicular disease is confirmed on a premises, an authorised officer shall declare by notice the premises to be an infected premises.

Measures to be applied on infected premises

7. (1) The following measures apply on an infected premises—

- (a) all pigs on the premises shall be killed under the supervision of an authorised officer and in such a way as to avoid the risk of swine vesicular disease during transport and killing,

- (b) the carcasses of pigs which have died on the premises or which have been killed in accordance with subparagraph (a) shall be processed without undue delay under the supervision of an authorised officer,
- (c) the meat of pigs slaughtered during the period between the probable introduction of the swine vesicular disease to the premises and implementation of the measures provided for in these Regulations shall be traced and processed under the supervision of an authorised officer,
- (d) all substances likely to be contaminated, such as feedingstuffs, shall be subjected to a treatment ensuring the destruction of swine vesicular disease virus,
- (e) all single use materials which may be contaminated, in particular those used for slaughter operations, shall be destroyed in accordance with the instructions of the official veterinarian,
- (f) the buildings used for housing pigs, their surroundings and the vehicles used for their transportation, as well as all other buildings, equipment, bedding, manure and slurry likely to be contaminated, shall be cleaned and disinfected or treated in accordance with the Schedule.

(2) An authorised officer may issue a direction in respect of the measures in paragraph (1).

(3) A person shall not re-introduce a pig to a premises following an swine vesicular disease outbreak unless authorised in writing by an authorised officer.

(4) A person shall not move pigs from a repopulated premises unless authorised in writing by an authorised officer.

(5) A person shall not re-introduce an animal other than a pig to an infected premises unless authorised in writing by an authorised officer.

Measures to be applied in case of an outbreak in zoos, etc.

8. (1) Where swine vesicular disease threatens to affect pigs in a laboratory, zoo, wildlife park or fenced area, or in bodies, institutes or centres approved in accordance with Article 13(2) of Council Directive 92/65/EEC of 13 July 1992 and where animals are kept for scientific purposes or purposes related to conservation of species or farm animal genetic resources, the owner or person in charge shall take all appropriate bio-security measures to prevent the animals from being affected with swine vesicular disease, including restricting access to the place or making access subject to special conditions.

(2) An authorised officer may issue a direction in respect of measures referred to in paragraph (1).

(3) A person to whom a direction is issued under paragraph (2) shall comply with the direction.

(4) Where swine vesicular disease is confirmed on a premises referred to in paragraph (1), an authorised officer may direct that animals need not be killed and destroyed if the officer is satisfied that all necessary measures are in place to prevent any risk of spreading swine vesicular disease virus.

Cleaning and disinfection

9. A person shall carry out cleaning and disinfection of an infected premises in accordance with the Schedule, under the supervision of and in accordance with any instructions given by an authorised officer.

PART 5

CONTACT PREMISES

Contact premises

10. (1) A premises is a contact premises where an authorised officer considers on the basis of an epidemiological enquiry that swine vesicular disease may have been introduced as a result of the movement of persons, animals, products of animal origin or vehicles from other premises onto or from a suspect or infected premises.

(2) An authorised officer may by notice declare a premises to be a contact premises and apply any or all of the provisions of Regulations 4 and 7 to the premises.

(3) A notice under paragraph (2) remains in effect until withdrawn by an authorised officer.

PART 6

PROTECTION AND SURVEILLANCE ZONES

Protection and surveillance zones

11. (1) The Minister shall, by notice establish around a premises where swine vesicular disease is confirmed—

(a) a zone with a radius of at least 3 kilometres (“protection zone”), and

(b) a zone with a radius of at least 10 kilometres, including the protection zone (“surveillance zone”).

(2) A premises which is partly in a surveillance zone and partly in a protection zone is deemed to be wholly in the protection zone.

(3) A premises which is partly in a surveillance zone and partly outside that zone (but not in a protection zone) is deemed to be wholly in the surveillance zone.

(4) If a protection zone or surveillance zone established in Northern Ireland abuts the State, the Minister shall establish such a zone in that part of the State.

Measures to be applied in a protection zone

12. (1) A premises with pigs located in a protection zone shall, if not already entered on the register of pig premises, be registered.

(2) A census of all pigs present on all premises within the protection zone shall be carried out and maintained under the supervision of an authorised officer.

(3) A veterinary inspection shall be carried out on all premises with pigs located in a protection zone which inspection shall include, in particular, documentation relating to the pigs and the measures applied to prevent the introduction or spread of the virus.

(4) A person shall not move a pig or other animal from the premises where it is kept, or onto a premises located in the protection zone except in accordance with an authorisation issued by an authorised officer.

(5) The owner or person in control of a premises located in a protection zone shall immediately notify the Minister of all dead or diseased pigs.

(6) A person shall not move a vehicle which has been used to transport pigs or other livestock or material likely to be infected with swine vesicular disease virus within a protection zone unless the vehicle is cleaned and disinfected in accordance with the Schedule.

(7) A person shall not move a vehicle which has been used to transport pigs from a protection zone unless the vehicle is cleaned and disinfected, inspected and authorised by an authorised officer.

(8) A person entering or leaving a premises located in a protection zone shall observe appropriate bio-security measures to reduce the risk of spread of the virus.

Movement of animals and their products in a protection zone

13. (1) A person shall not bring a pig into or move or transport a pig within a protection zone unless authorised under paragraph (2).

(2) An authorised officer may, in accordance with the criteria laid down in Annex II to the Directive, authorise the movement of pigs from a premises within a protection zone

(a) direct for slaughter, or

(b) in exceptional circumstances, directly to another premises within the same protection zone.

(3) The measures applied in a protection zone shall be maintained until withdrawn by notice by the Minister and

(a) cleaning and disinfection of the infected premises has been completed in accordance with the schedule, and

- (b) pigs on all premises situated in the protection zone have, no earlier than 28 days following the completion of preliminary cleaning and disinfection of infected holdings, undergone clinical and serological tests in order to detect the possible presence of the virus.

(4) The Minister may, by notice, authorise the transit of animals through a protection zone undertaken exclusively through national roads, motorways or mainline railways, and without unloading or stopping.

Measures to be applied in a surveillance zone

14. (1) The following measures apply in a surveillance zone-

- (a) any premises with pigs that is not already entered on the register of pig premises shall be registered and a census of all pigs present on all premises within the surveillance zone shall be carried out as soon as possible and be kept up to date,
- (b) the owner or person in charge of dead pigs or pigs suspected of being infected with swine vesicular disease on a premises within the surveillance zone shall immediately notify the Minister by contacting the Department of Agriculture, Food and the Marine,
- (c) a person shall not move a pig from a premises or transport a pig within a surveillance zone unless authorised, in writing, by an authorised officer in accordance with Annex II.8 to the Directive,
- (d) A vehicle which has been used to transport pigs or other animals or matter likely to be affected with swine vesicular disease virus may not leave the surveillance zone unless it has been cleaned and disinfected,
- (e) a person shall not enter or leave a premises situated in a surveillance zone without observing appropriate bio-security measures to reduce the risk of spread of the virus.

(2) The measures in a surveillance zone shall be maintained until withdrawn by notice issued by the Minister, and at least until—

- (a) cleaning and disinfection of all infected premises situated in the surveillance zone in accordance with the schedule is completed,
- (b) pigs on all premises situated in the surveillance zone have, in accordance with Annex II to the Directive, undergone clinical and serological tests in order to detect the presence of the virus.

(3) The Minister may, by notice, authorise the transit of pigs through the surveillance zone undertaken exclusively through national roads, motorways or mainline railways, and without stopping or unloading.

Additional measures to be applied in a surveillance zone

15. The Minister may, by notice, apply additional measures which are in his or her opinion necessary and proportionate to contain swine vesicular disease taking into account the particular epidemiological, animal husbandry, commercial and social conditions prevailing in a surveillance zone.

PART 7

SLAUGHTERHOUSES AND MEANS OF TRANSPORT

16. (1) Without prejudice to Regulation 7, if a case of Swine vesicular disease is confirmed in a slaughterhouse or in a means of transport, an authorised officer shall by notice require that-

- (a) all pigs in the slaughterhouse or the means of transport be killed without delay,
 - (b) the pig carcasses, other animal waste, including offal, affected or suspected of being infected with swine vesicular disease virus be processed under the supervision of an authorised officer in such a way as to avoid the risk of Swine vesicular disease spreading, and
 - (c) cleaning and disinfection of buildings, transport vehicles and equipment, shall take place under supervision of an authorised officer and in accordance with the instructions of an authorised officer.
- (2) (a) An authorised officer may, by notice, apply Regulation 4 to a premises or a vehicle from which pigs or carcasses affected with Swine vesicular disease were sourced or with which pigs or carcasses affected with Swine vesicular disease had contact.
- (b) An authorised officer may, by notice, apply Regulations 4, 7 or 10 to a premises from which pigs or carcasses affected with swine vesicular disease were sourced or with which pigs or carcasses affected with Swine vesicular disease had contact.
- (3) A person shall not introduce animals for slaughter, inspection or transport to a slaughterhouse or means of transport, referred to in paragraph (1) until at least 24 hours after completion of the cleaning and disinfection operations referred to in paragraph (1)(c).

PART 8

PROHIBITION ON VACCINATION

17. (1) A person shall not administer a swine vesicular disease vaccine to an animal except in accordance with a notice issued by the Minister (“vaccination notice”).

(2) A vaccination notice may be subject to any conditions that the Minister considers appropriate.

PART 9

COMPENSATION

Compensation

18. (1) The Minister may pay compensation for pigs or pig products destroyed under these regulations including pigs that have died before being killed, slaughtered or destroyed.

(2) Compensation shall not exceed the open market value of pigs, pig products as if not affected with swine vesicular disease.

(3) In the interest of controlling swine vesicular disease, minimising the risk of swine vesicular disease and curtailing the spread of swine vesicular disease, the determination of compensation or ownership of pigs or pig products shall not delay the killing, slaughter, destruction or disposal of the pigs or pig products which shall proceed under the direction of an authorised officer prior to the determination.

Valuers

19. (1) The Minister may appoint such and so many persons who, in his or her opinion, have experience in valuing pigs or pig products or knowledge of the current value of pigs or pig products to carry out valuations of pigs or pig products for the purposes of assessing compensation (“valuer”).

(2) An officer of the Minister may furnish a valuer with a warrant of his or her appointment and, if requested by a person affected, the valuer shall produce the warrant for inspection.

(3) The owner or person in charge of pigs or pig products subject to a claim for compensation under these Regulations, his or her employees, servants or agents shall give all assistance required and co-operate with a valuer.

(4) A valuer or an arbitrator appointed under these Regulations shall not act in a specific case if he or she considers that there is a conflict of interest, or the person seeking compensation—

- (i) is a member of the valuer’s or arbitrator’s family or other relative,
- (ii) is a person with whom the valuer or arbitrator has a business relationship, or
- (iii) is a person with whom the valuer or arbitrator has, or has had, a social relationship, the nature of which may call into question the valuer’s or arbitrator’s independence or objectivity.

(5) Subject to paragraph (9), a valuer or arbitrator is independent in the exercise of his or her functions.

(6) If a valuer (including a valuer to whom paragraph (8) refers) values pigs or pig products he or she shall immediately send a written report, in a form that the Minister may determine, to the owner and the Minister.

(7) If the owner of pigs or pig products or the Minister is dissatisfied with the determination of a valuer, he or she may within 7 days of the date of the report referred to in paragraph (6), request a second valuation.

(8) If a person requests a second valuation under paragraph (7), the valuation shall be carried out by a valuer chosen by the Minister.

(9) The Minister may issue guidelines, including guidelines relating to the maximum compensation payable, relating to valuations and a valuer or an arbitrator appointed under these regulations shall have regard to the guidelines.

Arbitration

20. (1) If the owner of a pig or pig product, or the Minister is dissatisfied with the determination of a valuer under Regulation 20(7), he or she may, no later than 14 days after the date of the valuer's report, request that the matter be settled by arbitration.

(2) An arbitrator shall be chosen by the person seeking compensation from a list of at least 3 persons furnished to him or her by the Minister.

(3) The Arbitration Act 2010 (No. 1 of 2010) applies to arbitration under this Regulation.

(4) The determination of an arbitrator is binding on both parties save that, on a point of law, either party may appeal to the High Court.

Abatement of compensation

21. The Minister may reduce or refuse to pay an amount of compensation established under these Regulations, if in his or her opinion-

- a. the applicant failed to take reasonable measures to alleviate the risk, or spread, of swine vesicular disease,
- b. the applicant failed to take appropriate bio-security measures including measures (if any) prescribed in an Order or specified in a notice under the Diseases of Animals Act 1966 (No. 6 of 1966),
- c. the applicant is not the owner of the pig to which the application relates,
- d. the applicant has obstructed or impeded, or failed to give assistance to, an authorised officer, valuer or arbitrator,
- e. the applicant is not the owner of pigs or pig products to which the application relates,
- f. the applicant in making an application for compensation, fails to give information required or gives information that is false or misleading in a particular respect,

- g. the applicant has contravened the Diseases of Animals Act 1966, these Regulations or regulations made under the European Communities Act 1972 relating to an animal, animal product or animal feed, or
- h. the pigs or pig products to which an application relates have been imported, sold, supplied, moved or otherwise dealt with in contravention of these Regulations or regulations made under the European Communities Act 1972.

Part 10

AUTHORISED OFFICERS, OFFENCES ETC.

Functions of authorised officer

22. (1) An authorised officer may—

- (a) enter and inspect, at all reasonable times, any premises of which he or she has reasonable grounds for believing that—
 - (i) an animal, animal product, animal feed or vector is, may be or has been present,
 - (ii) a record relating to an animal, animal product or animal feed is, may be or has been present, or
 - (iii) equipment or machinery used in connection with an animal, animal product or animal feed is, may be or has been present,
- (b) examine an animal, animal product or animal feed,
- (c) inspect a vehicle, vessel, aircraft, container, equipment, machinery or other thing used in connection with an animal and require a person in charge or control of such to refrain from moving it,
- (d) require the owner or person in charge of a premises to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person's possession or procurement, or under the person's control, as the officer may reasonably require,
- (e) demand the name and address of a person, including the owner or person in possession or control of an animal, animal product, animal feed or other thing,
- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,
- (g) set equipment to capture or restrain an animal, or
- (h) set traps for vectors.

- (2) Where an authorised officer has reasonable grounds for believing that—
- (a) there is a risk of swine vesicular disease,
 - (b) Swine vesicular disease is or may be present on a premises,
 - (c) an animal, animal product and or other thing may be affected by Swine vesicular disease,
 - (d) an offence is being or has been committed under regulations made under the European Communities Act 1972 relating animals or Swine vesicular disease, or
 - (e) evidence of Swine vesicular disease, or an offence or contravention to which paragraph (c) relates may be, is or has been on a premises,

the officer may, in addition to the powers exercisable by him or her under paragraph (1)-

- (i) search the premises,
- (ii) if necessary, stop and search or cause to have stopped, a vehicle, vessel, aircraft, container, equipment, machinery or other thing used in connection with an animal, and may require it to be moved for inspection to such places he or she directs,
- (iii) take, without making a payment, samples from an animal, animal product, animal feed or other thing relating to an animal, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient,
- (iv) give such direction to a person who has an animal, animal feed, animal product, a vehicle, vessel, container, equipment, machinery or other thing used in connection with an animal or animal product in his or her possession or under his or her control or information relating to such, as the authorised officer may reasonably consider necessary for the purposes of these Regulations,
- (v) seize and detain an animal, animal product, animal feed, vehicle, container, equipment, machinery, record or other thing, or
- (vi) mark or otherwise identify an animal, animal product, animal feed, vessel, vehicle, machinery, equipment or other thing used in connection with an animal or a sample taken under paragraph (iv).

(3) An authorised officer may enter, at all reasonable times, a premises to carry out surveys or programmes relating to animal welfare, animal health or Swine vesicular disease surveillance.

(4) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 24 other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 24, any evidence of an offence referred to in paragraph (2)(c) is being or is likely to be disposed of or destroyed.

(5) An authorised officer, when exercising a power under this Regulation, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the performance of the power.

(6) An authorised officer may use reasonable force, if necessary, in the exercise of his or her powers under this Regulation.

(7) If, in the course of exercising a power under this Regulation, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, it may be seized and retained for use in evidence in criminal proceedings for an offence under these Regulations.

(8) An authorised officer who is not a member of the Garda Síochána an officer of Customs and Excise in uniform, shall not stop a vehicle in a public place for the purposes of paragraph (2)(ii), unless he or she is accompanied by such a member.

(9) Nothing in these Regulations shall be construed as affecting a power conferred by another enactment to search, or to stop, seize or detain property, which may be exercised by a member of the Garda Síochána or an officer of Customs and Excise.

(10) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.

Assistance to authorised officer

23. A person who has pigs, pig products, animal feed, a vehicle, farm machinery, equipment or a document relating to anything to which these Regulations refer in his or her possession or under his or her control, the servant, agent or employee of the person shall give any assistance requested to an authorised officer or person who accompanies an authorised officer.

Search warrant

24. (1) If a judge of the District Court is satisfied by information on oath of an authorised officer that there are reasonable grounds for suspecting-

- (a) there are or were pigs, pig products or equipment or other thing made used or adapted for use (including manufacture and transport) in connection with pigs on a premises,

- (b) evidence of or relating to the commission or intended commission of an offence under these Regulations is to be found on a premises,
- (c) a document or other record related to a thing to which subparagraph (a) or (b) refers is or may be on a premises,

the judge may issue a search warrant.

(2) A search warrant under this Regulation shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers or other persons as the named authorised officer thinks necessary, at any time, within one month from the date of issue of the warrant, on production if so requested of the warrant, to enter (if necessary by use of reasonable force) the premises named in the warrant.

(3) If a premises is entered under a search warrant, an authorised officer so entering may exercise all or any of the powers conferred on an authorised officer under these Regulations.

Obstruction, etc.

25. A person shall not-

- (a) obstruct or impede an authorised officer (or a person who accompanies an authorised officer) in the exercise of his or her powers under these Regulations.
- (b) fail, without reasonable cause, to comply with a requirement or direction of an authorised officer under these Regulations,
- (c) fail, without reasonable cause, to give assistance to an authorised officer in accordance with these Regulations or
- (d) in purporting to give information to an authorised officer for the performance of the officer's powers under these Regulations,
 - (i) make a statement that he or she knows to be false in a material particular or recklessly make a statement which is false in a material particular, or
 - (ii) fail to disclose a material particular.

Forgery

26. (1) A person shall not forge or utter knowing it to be forged—

- (a) a notice, or
- (b) a direction or requirement of an authorised officer under these Regulations (if the requirement or direction is in documentary form),

(hereafter in this Regulation referred to as a “forged document”).

(2) A person shall not alter with intent to defraud or deceive, or to utter knowing it to be so altered—

(a) a notice, or

(b) a direction or requirement of an authorised officer under Regulation (if the requirement or direction is in documentary form),

(hereafter in this Regulation referred to as an “altered document”).

(3) A person shall not have, without lawful authority (the proof of which lies on him or her), in his or her possession or under his or her control a forged document or an altered document.

Offences, etc.

27. (1) A person who contravenes or aids or abets a contravention of—

(a) Regulation 3, 4(2), (5), (6) or (7), 7(3), (4), or (5), 8(1) or (3), 9, 12 (4), (5), (6), (7) or (8), 13(1), 14(1), 16(3), 17(1), 23 or 25,

(b) a notice under Regulation 13(2) or (3), 15 or 16(2),

(c) a direction of an authorised officer under Regulation 4(2) or (3), 7, 8(4) or 8(4),

commits an offence and is liable—

(i) on summary conviction, to a Class A fine, or to imprisonment for a term not exceeding 6 months, or to both, or

(ii) on conviction on indictment, to a fine not exceeding €250,000, or to imprisonment for a term not exceeding 12 months, or to both.

(2) If an offence under these Regulations is committed by a body corporate and is proven to have been so committed with the consent, connivance or approval of or to have been attributable to the willful neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate or a person who was purported to act in any such capacity, that person, as well as the body corporate, commits offence and is liable to be proceeded against and punished as if he or she is guilty of the offence.

(3) If the affairs of a body corporate are managed by its members, paragraph (2) applies in relation to the acts and defaults of a member in connection with the functions of management as if the member were a director or manager of the body corporate.

(4) An offence under these Regulations may be prosecuted in a summary manner by the Minister.

Evidence on certificate

28. (1) In proceedings for an offence consisting of a contravention of these Regulations, a certificate purporting to be signed by a person employed at a

laboratory named in the certificate stating the capacity in which that person is so employed and stating—

- (a) that the person received a sample submitted to the laboratory,
- (b) that, for such period as is specified in the certificate, the person had in his or her custody a sample so submitted,
- (c) that the person gave to such other person as is specified in the certificate a sample so submitted, or
- (d) that the person carried out any laboratory examination for the purpose of detecting the presence of Swine vesicular disease, in a sample so submitted, or that the sample was positive for Swine vesicular disease,

is, unless the contrary is shown, evidence of the matters stated in the certificate.

(2) A certificate purporting to be signed by an officer of the Minister and to certify that on a specific day or days or during the whole of a specified period—

- (a) a person was or was not the holder of a movement notice, or
- (b) that a particular movement notice was subject to a particular condition or conditions,

is, without proof of the signature of the person purporting to sign the certificate or that he or she is an officer of the Minister, evidence, unless the contrary is shown, of the matters stated in the certificate.

(3) In any proceedings, evidence of a notice may be given by producing a copy of the notice which has endorsed on it a certificate purporting to be signed by an officer of the Minister stating that the copy is a true copy is, without proof of the signature of the person purporting to sign the certificate or that he or she is an officer of the Minister, evidence, unless the contrary is shown, of the notice.

(4) In proceedings for an offence under these Regulations, the court may, if it considers that the interests of justice so require, direct that oral evidence of the matters stated in a certificate under paragraph (1), (2) or (3) be given, and the court may for the purpose of receiving oral evidence adjourn the matter.

(5) In any proceedings, evidence of an act of the institutions of the European Community may be given by production of a copy of the act certified by an officer of the Minister to be a copy of the act, and it is not necessary to prove the signature of the officer or that he or she is an officer of the Minister.

(6) Paragraph (5) is in addition to and not in substitution for the European Communities (Judicial Notice and Documentary Evidence) Regulations 1972 (S.I. No. 341 of 1972).

Notices and directions

29. (1) A notice, authorisation or direction issued under these Regulations, may be given—

- (a) generally by publishing notice of it in at least one newspaper published in the State and circulating in the area referred to which the notice or by such other means as the Minister considers appropriate, or
- (b) by giving it directly to a person or by leaving it at the premises concerned.

(2) Where not explicitly provided for in a Regulation, an authorised officer may, nevertheless, issue a direction to a person relating to a requirement in the Regulation, either verbally or in writing by giving it directly to the person concerned or leaving it at the premises or premises concerned or by any other method as the Minister considers appropriate.

(3) The Minister or an authorised officer may revoke or amend a notice, a direction or an authorisation issued under these Regulations.

(4) A notice or direction under these Regulations remains in force until it is amended or revoked by another notice or direction unless the notice or direction specifically states otherwise.

Service of documents

30. (1) A notice or other document required to be served on, sent or given to a person under these Regulations shall, subject to paragraph (2), be addressed to the person concerned by name, and may be served on, sent or given to the person in one of the following ways—

- (a) by delivering it to the person;
- (b) by leaving it at the address at which the person ordinarily resides or, in a case where an address for service has been furnished, at that address;
- (c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address;
- (d) where the address at which the person ordinarily resides cannot be ascertained by reasonable inquiry and the notice or other document relates to any lands or other place of business by affixing it in a conspicuous position at or near the lands or other place of business;
- (e) if the person concerned has agreed to service of notices by means of an electronic communication (within the meaning assigned by section 2 of the Electronic Commerce Act 2000), service by such means, provided that there is a facility for confirming receipt of electronic communication and that such receipt has been confirmed; or

(f) where there is a facility for receiving a facsimile of the notice, by electronic means at the address at which the person ordinarily resides or carries on business, by transmitting a facsimile of the notice, the receipt of which is confirmed by the sender's facsimile, by such means to that address.

(2) Where a notice or other document required or authorised under these Regulations to be served on, sent or given to a person who is the owner of lands or other place of business and the name of the person cannot be ascertained by reasonable inquiry, it may be addressed to the person by using the words "the owner" or, as the case may require, "the occupier".

(3) For the purposes of this Regulation, a company within the meaning of the Companies Acts is deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body is deemed to be ordinarily resident at its principal office or place of business.

(4) The Minister may authorise in writing an officer of the Minister to issue a notice under these Regulations.

Revocation

31. The Diseases of Animals Act 1966 (Notification and control of Animal Diseases) Order 2008 (S.I. No. 101 of 2008) is amended, in the Schedule by deleting the reference to "Swine vesicular disease".

SCHEDULE

PRINCIPLES AND PROCEDURES FOR CLEANSING AND DISINFECTION OF INFECTED
HOLDINGS**1. Procedure for preliminary cleaning and disinfection**

- (a) As soon as the carcasses of the pigs have been removed for disposal, those parts of the premises in which the pigs have been housed and any other parts of the premises which have been contaminated during slaughter should be sprayed with an approved disinfectant, at the concentration appropriate for swine vesicular disease. The disinfectant used should remain on the surface for at least 24 hours.
- (b) Any tissue or blood which may have been spilled during slaughter should be carefully collected and disposed of with the carcasses (slaughter should always be carried out on an impervious surface).

2. Procedure for further cleaning and disinfection

- (a) All manure, bedding, contaminated food, etc., should be removed from the buildings, stacked and sprayed with an approved disinfectant. Slurry should be treated by a method suitable for killing the virus.
- (b) All portable fittings should be removed from the premises and cleaned and disinfected separately.
- (c) Grease and other dirt should be removed from all surfaces by soaking with a degreasing agent and then washing with water under pressure.
- (d) A further application of disinfectant should then be made by spraying all surfaces.
- (e) Sealable rooms should be fumigated.
- (f) Repairs to damaged floors, walls etc. should be agreed following inspection by an official veterinarian, and carried out immediately.
- (g) Completed repairs should be inspected to ensure that they have been done satisfactorily.
- (h) All parts of the premises which are completely free of combustible material may be heat-treated using a flame gun.
- (i) All surfaces should be sprayed with an alkaline disinfectant having a pH greater than 12.5 or any other approved disinfectant. The disinfectant should be washed off after 48 hours.

3. Procedure for final cleaning and disinfection

Treatment with flame gun or alkaline disinfectant (point 2 (h) or (i)) should be repeated after 14 days.



GIVEN under my Official Seal,
28 February 2013.

SIMON COVENEY,
Minister for Agriculture, Food and the Marine.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations implement Council Directive 92/119/EC of 17 December 1992 as amended by Council Directive 2002/60/EC of 27 June 2002, Commission Decision 2006/911/EC of 5 December 2006, Council Directive 2006/104/EC of 20 November 2006, Commission Decision 2007/729/EC of 7 November 2007 and Council Directive 2008/73/EC of 15 July 2008 as these apply to specific measures for the control of Swine vesicular disease.

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