

Statutory Document No. 2005/0248

*Animal Health Act 1996***BLUETONGUE ORDER 2005¹**

Approved by Tynwald: 17 May 2005
Coming into Operation: 20 May 2005

In exercise of the powers vested in the Department of Agriculture, Fisheries and Forestry by sections 1, 5, 6(1), 12(4), 14(1), 18, 19, 24, 25, 26(1), 26(4), 27(1), 27(2), 27(5), 55(2) and 58 of the Animal Health Act 1996¹, and of all other enabling powers, the following Order is hereby made: —

1 Citation and commencement

This Order may be cited as the Bluetongue Order 2005 and shall come into operation on the 20th May 2005.

2 Interpretation

In this Order —

“**the Act**” means the Animal Health Act 1996;

“**animal**” means a ruminating animal;

“**carcase**” means the carcase of a ruminating animal;

“**Commission Regulation (EC) No. 1266/2007**” means Commission Regulation (EC) No 1266/2007 on 26 October 2007 on implementing rules for Council Directive 2000/75/EC as regards the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue², as amended from time to time;²

“**confirmation of disease**” means a declaration by the Chief Veterinary Officer that the bluetongue virus is circulating in a specific area;

“**control zone**” means a zone referred to in article 9 (measures on confirmation of the bluetongue virus);³

“**the Department**” means the Department of Agriculture, Fisheries and Forestry;

“**the disease**” means bluetongue;

¹ 1996 c.22

² OJL 283, 27.10.2007, p. 37.

- “**diseased**” means affected with the disease;
- “**embryo**” means the embryo of a ruminating animal;
- “**inactivated vaccines**” means vaccines that are not live attenuated vaccines;⁴
- “**keeper**” means any natural or legal person having ownership of, or charged with, keeping animals, whether or not for financial reward;
- “**live attenuated vaccines**” means vaccines that are produced by adapting bluetongue virus field isolates through serial passages in tissue culture or in embryonated hens’ eggs;⁵
- “**ovum**” means the ovum of a ruminating animal;
- “**premises**” includes land, vehicles, vessels and aircraft;
- “**semen**” means the semen of a ruminating animal;
- “**sentinel animals**” means animals which do not have antibodies to the disease and which are used for surveillance for it;
- “**thing**” includes a carcase, embryo, ovum, semen, fodder, litter, dung, straw, slurry, utensil, pen, hurdle, vehicle, equipment and clothing;
- “**vaccine**” means vaccine against bluetongue virus;⁶
- “**vector**” means an insect of the species *Culicoides imicola* or any other insect of the genus *Culicoides* which, in the opinion of the Chief Veterinary Officer, is capable of transmitting bluetongue;
- “**vessel**” has the meaning given to “ship” by the Merchant Shipping Registration Act 1991³.

3 Definition of “disease”

Bluetongue is specified for the purposes of section 58(a) of the Act.

4 Vaccination against the disease

No person shall vaccinate an animal against the disease unless authorised by the Department.

5 Initial requirements where disease is known or suspected to exist

- (1) Any persons who know or suspect that any animal or carcase in their possession, under their charge or being examined or inspected by them is diseased, shall –
- (a) immediately notify the Department; and
 - (b) refrain from moving any animal or carcase on or off the premises where the animal or carcase known to be or suspected as being diseased is located, except as authorised by an inspector.

³ 1991 c.15

- (2) Any persons who analyse samples from any animal or carcase and who find evidence of antibodies or antigens to the disease or to any vaccine for the disease shall immediately notify the Department.

6 Isolation of animals

The occupiers of any premises or any keepers who know or suspect that any animal or carcase in their possession or under their charge is diseased shall, where this is practicable, ensure that all animals on the premises are kept indoors.

7 Notification by inspectors

- (1) If an inspector knows or suspects that the disease exists on any premises, the inspector shall immediately serve a notice on the occupier of those premises or on the keeper of any animals on those premises requiring that —
 - (a) no animal, carcase, ovum, semen or embryo enters or leave the premises;
 - (b) an inventory of all animals on the premises is kept, recording, for such species —
 - (i) the number dead;
 - (ii) the number alive which appear to the occupier or keeper to be infected with the disease, and
 - (iii) the number alive which do not appear to the occupier or keeper to be infected with the disease;
 - (c) this inventory is kept up to date to take account of animals which are born or die and is produced to an inspector on request;
 - (d) all animals on the premises are kept indoors or as directed by an inspector;
 - (e) the premises and animals on them are subject to such vector control measures as an inspector may direct;
 - (f) carcasses are destroyed, buried or disposed of as an inspector may direct.
- (2) A veterinary inspector or an inspector acting under the direction of a veterinary inspector may also serve such a notice on the occupier of premises whose location, geographical situation or contacts with premises where the disease is known or suspected to exist (in the Island or elsewhere) provide grounds for suspecting the existence of the disease, exposure to it or the presence of vectors there.
- (3) Notices may be served under paragraphs (1) and (2) whether or not notification has been given under article 5.

8 Powers of veterinary inspectors and officers

- (1) A veterinary inspector may enter on any part of the premises in respect of which a notice has been served under article 7 and may —
 - (a) examine any animal, carcase or thing;
 - (b) require the detention, isolation, restraint or treatment of any animal;
 - (c) require the slaughter of any animal which is affected by the disease or which the veterinary inspector suspects may be affected by the disease or have been exposed to infection;
 - (d) make such tests and take such samples (including blood samples) from any animal, carcase or thing as the veterinary inspector may consider necessary for the purpose of diagnosis;
 - (e) mark for identification purposes any animal, carcase or thing;
 - (f) collect vectors and set traps for the collection of vectors;
 - (g) implement such other vector control measures as the veterinary inspector deems necessary;
 - (h) require the destruction, burial, disposal or treatment of any thing;
 - (i) require the cleansing and disinfection of any part of the premises or of any person, animal or thing on the premises;
 - (j) require the occupier, any veterinary surgeon who has attended any animal on the premises and any other person who has been in charge of or in contact with any such animal to inform the veterinary inspector of any other animal or other premises with which any such animal may have come into contact.
- (2) An officer authorised by the Department and acting under the direction of a veterinary inspector may enter on any part of premises in respect of which a notice has been served under article 7 and may —
 - (a) collect vectors and set traps for the collection of vectors; and
 - (b) implement such other vector control measures as a veterinary inspector may deem necessary.

9 Measures on confirmation of the bluetongue virus

- (1) On confirmation of the disease, by the Chief Veterinary Officer, the Department, on being satisfied on epidemiological, geographical, ecological or meteorological grounds that this is appropriate for disease control purposes, must declare an area to be a control zone.
- (2) The control zone must include the premises infected with the disease, and be of such size as the Department considers appropriate for disease control purposes.
- (3) A person must not move an animal to or from premises in a control zone.

- (4) A veterinary inspector, or an inspector acting under the direction of a veterinary inspector, must serve a notice on —
 - (a) each occupier of all the premises within the control zone; or
 - (b) each keepers of animals on those premises.
- (5) The notice must require those persons served with the notice to comply with —
 - (a) the requirements of this article;
 - (b) some or all of the requirements set out in articles 7 and 8; and
 - (c) any other requirement that the Department considers necessary.⁷

10 Restrictions in restricted, protection and surveillance zones

- (1) On declaring an area to be a control zone the Department —
 - (a) must declare an appropriate area to be a restricted zone;
 - (b) may, within a restricted zone, declare any area around a control zone to be a protection zone, and any area beyond such a protection zone to be a surveillance zone.
- (2) A person is prohibited from moving an animal within a restricted zone if the animal shows clinical signs of bluetongue on the day of transport.
- (3) A surveillance zone must not contain any land where animals have been vaccinated against bluetongue within the last 12 months.
- (4) Within a surveillance zone a person must not vaccinate against bluetongue using a live attenuated vaccine.
- (5) A person must not move an animal, semen, ovum or embryo out of a restricted zone except under the authority of a licence granted by an inspector.
- (6) A person must not move an animal out of a protected zone except as authorised by a licence issued by an inspector in accordance with the advice from the Chief Veterinary Officer.
- (7) An inspector must grant the licence if the movement is permitted under Commission Regulation (EC) No. 1266/2007, and the conditions of any licence must be such as to ensure that the movement is made in accordance with that Regulation.⁸

10A Restrictions on movements of animals, semen, ovum or embryos

- (1) If any animal, semen, ovum or embryo that has been in a restricted zone is moved on to premises outside the restricted zone, an inspector may serve a notice on the occupier of those premises, and on the occupier of any premises to which the animal, semen or ovum or embryo is subsequently moved, prohibiting its movement from those premises

except under the authority of a licence issued by an inspector in accordance with the advice of the Chief Veterinary Officer.

- (2) A person must not export any animal, semen, ovum or embryo to a third country unless it complies with Commission Regulation (EC) No. 1266/2007.
- (3) An inspector who has reasonable cause to suspect that a person intends to export any animal, semen, ovum or embryo in contravention of this article may by notice served on that person, that person's representative or the person appearing to be in charge of the animal, semen, ovum or embryo, prohibit that export and require the person on whom the notice is served to take the animal, semen, ovum or embryo to such places as may be specified in the notice and to take such further action in relation to it as may be specified in the notice.
- (4) For the purposes of this article, "third country" means any country that is not a Member State of the European Union.⁹

10B Restrictions when the disease is confirmed outside of the Island

If the disease is confirmed outside the Island, and the Department considers it appropriate for disease control purposes, the Department may declare in the Island a temporary control zone, a control zone, a protection zone, a surveillance zone or a restricted zone, (which may be made up of a protection zone and a surveillance zone).¹⁰

10C Use of vaccines

- (1) A person must not vaccinate an animal against the disease except in accordance with this article.
- (2) A person must not obtain an inactivated vaccine or live attenuated vaccine against the disease unless that person is —
 - (a) the holder of a marketing authorisation, a manufacturing authorisation or a wholesale dealers authorisation granted by the Secretary of State under the Veterinary Medicines Regulations 2013⁴;
 - (b) the holder of a wholesale dealers authorisation granted by the Department under the Veterinary Medicines Regulations 2019⁵; or
 - (c) licensed to permit the use of an inactivated or live attenuated vaccine against the disease in accordance with this article.
- (3) The Department may grant a specific or general licence permitting the use of inactivated vaccines or live attenuated vaccines in accordance with this article.

⁴ SI 2013 No. 2033

⁵ SD 2019/0028

- (4) The Department may declare a vaccination zone in which any occupier of land or premises, or keeper of animals, must ensure the vaccination of their animals with inactivated vaccines or live attenuated vaccines and comply with any other measures relating to either vaccination or vaccine specified in that declaration.
- (5) Where a zone is declared under paragraph (4), a veterinary inspector may serve a notice on the occupier of the premises or the keeper of animals on premises requiring that occupier or keeper to ensure the vaccination with inactivated vaccines or live attenuated vaccines of animals at the premises.
- (6) The Department may only grant a licence under paragraph (3) or declare a zone under paragraph (4) if —
 - (a) the decision to use the vaccine is based on the result of a specific risk assessment carried out by the Department; and
 - (b) the EU Commission is informed of that decision before such vaccination is carried out.
- (7) Whenever live attenuated vaccines are to be used, the Department must declare —
 - (a) a protection zone consisting of at least the vaccination area; and
 - (b) a surveillance zone extending beyond the limits of the protection zone in which no animals have been vaccinated with live attenuated vaccines against the disease within the last 12 months.
- (8) Within a surveillance zone declared under this article a person must not vaccinate against the disease using a live attenuated vaccine.
- (9) This article does not apply to a project licence issued under the Cruelty to Animals Act 1997.¹¹

11 Powers of inspectors and officers when the disease is confirmed

- (1) When the disease is confirmed in the Island, veterinary inspectors and officers authorised by the Department shall, in respect of all premises within the Island, have the powers they have under article 8.
- (2) A veterinary inspector may also —
 - (a) require the occupier of premises or the keeper of any animal in those premises to allow the vaccination of any animal kept there; and
 - (b) require the occupier or keeper to retain animals for use as sentinel animals or to allow the introduction of sentinel animals onto those premises.

12 Slaughter of animals

Section 24 of the Act (which relates to slaughter and compensation) shall apply to bluetongue.

12A Designation of slaughterhouses

- (1) The Department may designate a slaughterhouse for the purpose of slaughtering animals transported out of a restricted zone.
- (2) If an animal is transported from a restricted zone to a slaughterhouse outside that restricted zone in accordance with a licence issued in accordance with article 10(5), the operator of that slaughterhouse must slaughter the animal within 24 hours of arrival.
- (3) The operator of a slaughterhouse in a surveillance zone may only slaughter an animal from a protection zone if licensed to do so by the Department.¹²

13 General duties of occupiers and keepers

- (1) Unless otherwise authorised by a licence issued by an inspector or by the Department, occupiers of premises to which this Order applies and keepers of any animal on such premises shall –
 - (a) comply with requirements in notices served on them;
 - (b) allow an inspector to enter premises referred to in notices served on them;
 - (c) compile and maintain such records as an inspector may reasonably require and produce such records to an inspector on request;
 - (d) refrain from damaging, interfering with or removing any traps set for the collection of vectors;
 - (e) refrain from defacing, obliterating or removing any mark made by a veterinary inspector under article 8; and
 - (f) provide such reasonable assistance and information as any inspectors may reasonably require for the purpose of carrying out their functions under this Order.

14 Powers of inspectors in case of default

- (1) If a person served with a notice under this Order fails to comply with any requirement of such a notice, an inspector may, without prejudice to any proceedings for an offence arising out of such default, take all such steps as may be necessary to ensure that such requirement is met.
- (2) The amount of any expenses reasonably incurred by the inspector under paragraph (1) shall be recoverable on demand as a civil debt by the Department from the person in default.

15 General powers of inspectors

Any inspectors or officers of the Department who enter premises under this Order may take with them –

- (a) a vehicle (provided entry with such a vehicle is reasonably practicable;
- (b) such equipment as they consider necessary; and
- (c) such other persons as they consider necessary for any purpose in relation to the execution and enforcement of this Order.

16 Revocations

The Animal Health (Notification and Slaughter) Order 2003⁶ is revoked insofar as it applies to bluetongue.

MADE 13 APRIL 2005

⁶ SD 822/03

ENDNOTES

Table of Endnote References

- ¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.
- ² Definition of “Commission Regulation (EC) No. 1266/2007” inserted by SD2019/0350.
- ³ Definition of “control zone” inserted by SD2019/0350.
- ⁴ Definition of “inactivated vaccines” inserted by SD2019/0350.
- ⁵ Definition of “live attenuated vaccines” inserted by SD2019/0350.
- ⁶ Definition of “vaccine” inserted by SD2019/0350.
- ⁷ Art 9 substituted by SD2019/0350.
- ⁸ Art 10 substituted by SD2019/0350.
- ⁹ Art 10A inserted by SD2019/0350.
- ¹⁰ Art 10B inserted by SD2019/0350.
- ¹¹ Art 10C inserted by SD2019/0350.
- ¹² Art 12A inserted by SD2019/0350.