

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;

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

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

“**the disease**” means bluetongue;

“**diseased**” means affected with the disease;

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

“**keeper**” means any natural or legal person having ownership of, or charged with, keeping animals, whether or not for financial reward;

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

“**premises**” includes land, vehicles, vessels and aircraft;

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

¹ 1996 c.22

“**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;

“**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 1991².

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.

(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 –

² 1991 c.15

- (a) no animal, carcass, ovum, semen or embryo enters or leaves 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, carcass 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, carcass or thing as the veterinary inspector may consider necessary for the purpose of diagnosis;
 - (e) mark for identification purposes any animal, carcass 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 Notices when the disease is confirmed

- (1) On confirmation of disease, a veterinary inspector or an inspector acting under the direction of a veterinary inspector shall serve notices on the occupiers of all premises or on the keepers of animals on those premises within such area as the Chief Veterinary Officer may decide, having regard to epidemiological, geographical, ecological and meteorological factors.
- (2) Such notice shall require the occupier to comply with some or all of the requirements set out in articles 7 and 8 and with any other requirement which the Chief Veterinary Officer considers necessary.

10 Restrictions when the disease is confirmed

Where a notice has been served on the occupiers of premises or on the keepers of animals on those premises under the provisions of article 9(1), no person shall, except as authorised by a licence issued by an inspector in accordance with the advice of the Chief Veterinary Officer —

- (a) move any animal, carcase, ovum, semen or embryo from the premises on which they are kept; or
- (b) move any animal, carcase, ovum, semen or embryo on public or private roads (other than the service roads of such premises).

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.

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 2003³ is revoked insofar as it applies to bluetongue.

MADE 13 APRIL 2005

³ 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.