

STATUTORY INSTRUMENTS

1982 No. 234

ANIMALS

ANIMAL HEALTH

The Warble Fly (England and Wales) Order 1982*Made* - - - - - 25th February 1982*Coming into Operation* 15th March 1982

The Minister of Agriculture, Fisheries and Food, in relation to England, and the Secretary of State, in relation to Wales, in exercise of the powers conferred on them by sections 1, 8(1), 15(4), 17(1), 23, 25, 28 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 Warble Fly (England and Wales) Order 1982 and shall come into operation on 15th March 1982.

Interpretation

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

“the Act” means the Animal Health Act 1981;

“affected” means, in relation to an animal or carcase, an animal or carcase in which the warble fly is present;

“animals” means cattle other than calves aged less than twelve weeks;

“appropriate Minister” means the Minister in relation to England and the Secretary of State in relation to Wales;

“appropriate officer” means—

(a) in relation to premises in England an inspector appointed by the Minister for the purposes of the Act or another officer of the Ministry;

(b) in relation to premises in Wales an inspector appointed as aforesaid or an officer of the Secretary of State;

“autumn period” means the period from 15th September to 30th November inclusive in any year;

“carcases” means the carcases of cattle, and includes parts of carcases;

“certificate of exemption” means a certificate issued by a veterinary inspector in accordance with the provisions of article 15(2);

(a) 1981 c.22.

“declaration of treatment” means a declaration in Form B signed by the owner or person in charge of the animal to which the declaration relates or by his duly authorised agent;

“dressing” means a product for which there is a valid product licence granted under the Medicines Act 1968(a) permitting its sale and supply for systemic use to kill the warble fly;

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

“premises” includes land and buildings;

“spring period” means the period from 15th March to 31st July inclusive in any year;

“suspected” means, in relation to an animal or carcase, an animal or carcase which is suspected of being affected;

“to treat” means to apply a dressing according to its manufacturer’s instructions, and related expressions shall be construed accordingly;

“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(b) or the supplementary veterinary register kept under section 8 of that Act;

“warble fly” includes the warble fly in any stage of its life cycle.

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

Extension of “disease”

3. For all the purposes of the Act the definition of “disease” in section 88(1) of the Act shall be extended to include the infestation of cattle with the warble fly.

Notification of disease and restrictions on movement

4.—(1) An owner or person in charge of any affected or suspected animal or carcase shall—

- (a) with all practicable speed give notice of the fact to the veterinary inspector appointed for the time being by the Minister to receive such information in the area in which the animal or carcase is situated (in this article referred to as “the appropriate veterinary inspector”); and
- (b) as soon as he becomes aware of the fact take all steps necessary to ensure that—
 - (i) if the animal or carcase is situated in a market or slaughterhouse, no affected or suspected animal or carcase in his ownership or charge moves or is moved from the market or slaughterhouse, or
 - (ii) if the animal or carcase is situated on premises other than a market or slaughterhouse, no animal or carcase in his ownership or charge moves or is moved from those premises.

(a) 1968 c.67.
(b) 1966 c.36.

(2) The prohibition on movement arising under paragraph (1)(b) above shall not apply to any animal in relation to which—

- (a) a certificate of exemption or licence has been issued in accordance with the provisions of this Order,
- (b) a certificate, authority, licence or declaration has been issued or made in accordance with the provisions of the Warble Fly (Scotland) Order 1982(a), or
- (c) a declaration in Form C has been made,

provided that in each case the animal is accompanied by the document respectively relating to it.

(3) The prohibition on movement arising under paragraph (1)(b) above shall cease—

- (a) in the case of an animal,
 - (i) when a notice in Form A is served on the owner or person in charge, whereupon the prohibition on movement contained in the notice shall replace the prohibition on movement arising under that paragraph, or
 - (ii) when he is informed in writing by the veterinary inspector that no such notice is to be served; and
- (b) in the case of a carcase, when the veterinary inspector has completed his inquiry under article 5(1).

(4) Any veterinary surgeon who suspects that an animal in his care or under his charge is affected shall, with all practicable speed, give notice of the fact to the appropriate veterinary inspector.

(5) Any person who, when inspecting meat under the Meat Inspection Regulations 1963(b) or for any other purpose, inspects an affected or suspected carcase shall, with all practicable speed, give notice of the fact to the appropriate veterinary inspector.

Veterinary inquiry and service of notices

5.—(1) When by reason of information received under article 4 or otherwise a veterinary inspector has reasonable grounds for suspecting that an affected animal or carcase is present or within 56 days has been present on any premises he shall with all practicable speed inquire as to the correctness of that information and may examine any animal or carcase on the premises.

(2) For the purposes of such an inquiry a veterinary inspector may take such samples as may be required for the purpose of diagnosis from any animal or carcase on the premises.

(3) If on completing the inquiry the veterinary inspector is satisfied that an affected animal or carcase is present or within the previous 56 days has been present on the premises he may serve a notice in Form A on the owner or person in charge of any animal on the premises.

(a) S.I. 1982/207.

(b) S.I. 1963/1229; the relevant amending instruments are S.I. 1966/915 and 1981/454.

(4) If on completing the inquiry the veterinary inspector is satisfied that an affected animal or carcase is not present and within the previous 56 days has not been present on the premises he shall inform in writing the owner or person in charge of any animal on the premises that a notice in Form A is not to be served on him.

Contents and effects of notices

6.—(1) A notice in Form A—

- (a) shall require the person upon whom it is served to treat or to have treated any animal to which the notice applies, unless it is exempted from treatment under article 15, within 10 days of service or, in the case of a notice served under article 7, within the autumn period;
- (b) may require that person to give to the veterinary inspector at his official address shown on the notice written notification of the date and time on which the treatment is to be applied, such notification to be delivered or sent by post so as to be received at least 3 days before the treatment is to be applied;
- (c) shall require that person to deliver or send by post to the veterinary inspector at his official address shown on the notice a declaration of treatment within 7 days of the application of the treatment;
- (d) shall prohibit the movement of any animal to which the notice applies except under the authority of a licence issued by the veterinary inspector and in accordance with the terms and conditions (if any) subject to which the licence is issued;
- (e) may require the treatment to be carried out in the presence of, and to the satisfaction of, an appropriate officer.

(2) The notice in Form A shall apply to any animal which is:—

- (a) in the ownership or charge of the person upon whom the notice is served and which is present, at the time of the service of the notice, on the premises on which the veterinary inquiry under article 5(1) was undertaken, or
- (b) specified by the veterinary inspector in the notice.

Autumn treatment

7. If a veterinary inspector knows or has reasonable grounds for suspecting that, at any time during the current calendar year before the beginning of the autumn period,

- (a) any animal was affected, or
- (b) an affected animal was present on any premises,

he may, at any time after the end of the spring period and before the end of the autumn period in that year, serve a notice in Form A on the owner or person in charge of the animal, or any animal on the premises, as the case may be; and in this case the notice shall require the treatment to be carried out during the autumn period.

Movement of treated animals

8. No animal which has been treated and in which the presence of the warble fly can be seen or felt shall be moved unless accompanied by a declaration in Form C or declaration in accordance with the provisions of the Warble Fly (Scotland) Order 1982 made in respect of it.

Detention of animals

9.—(1) When an inspector has reasonable grounds for suspecting that any animal being moved is affected and the animal is not accompanied by a certificate of exemption, licence, declaration in Form C or document referred to in article 4(2)(b) he may detain the animal until it has been examined by a veterinary inspector; and where the veterinary inspector determines that the animal is affected he shall allow it to proceed under the authority of a licence issued by him in Form D either—

- (a) direct to a slaughterhouse where—
 - (i) the licence shall be handed to the person in charge of the slaughterhouse who shall retain it for 6 months from the time of arrival of the animal and produce it to an inspector on demand at any reasonable time, and
 - (ii) the animal shall be slaughtered with all practicable speed, and in any case within 72 hours of its arrival; or
- (b) direct to other premises specified in the licence where the animal shall be treated with all practicable speed and in any case within 72 hours of its arrival; and in this case a declaration of treatment shall be completed by the owner or person in charge of the animal and delivered or sent by post to the veterinary inspector at his official address within 7 days of the application of the treatment.

(2) In the case of a licence issued under paragraph (1)(b) above the veterinary inspector may require the treatment to be carried out under the supervision of a veterinary surgeon or an inspector of the Ministry.

Unenclosed land, highways, etc.

10. No person shall move or permit to be moved, or keep or permit to be kept, any affected or suspected animal onto or on—

- (a) common or unenclosed land, or
- (b) a field or other place which is not so fenced as to prevent the straying of animals,

until it has been treated.

Facilities and provision of information

11.—(1) Where an animal is detained under article 9 the owner or person in charge of it shall comply with any reasonable request for information made by an inspector about the animal and any other animal which is or has been in his ownership or charge; and if the animal is at the time of its detention being moved from a market then the person operating or in charge of the market shall comply with any reasonable request for information about the animal made by an inspector including in particular a request for the name and address of the previous owner of the animal.

(2) Where an animal is being moved and is required by the provisions of this Order to be accompanied by a certificate of exemption, licence, declaration in Form C or document referred to in article 4(2)(b) the person in charge of the animal shall, on demand being made by an inspector or appropriate officer, produce the certificate, licence, declaration or document and allow a copy or extract to be taken from it, and shall also, if required, furnish his name and address.

(3) When a veterinary inspector is undertaking an inquiry on any premises in accordance with article 5 the occupier of the premises, his employees, servants and agents and the owner or person in charge of any animal or carcase on the premises shall give all reasonable facilities for the purposes of both the inquiry and the taking of samples in accordance with article 5(2); and any such person shall, if so required by an inspector of the Ministry, give such information as he possesses as to any animal or carcase which is or has been on the premises and as to the location and movements of any other animal or carcase which is or has been in his ownership or charge.

Cancellation of notices, licences, etc.

12.—(1) A notice in Form A shall be cancelled by the service of a notice in Form E on the owner or person in charge of the animals to which the notice in Form A applied.

(2) A notice in Form E shall be served—

- (a) when the veterinary inspector has received the declaration of treatment and is satisfied that all the conditions of the notice in Form A have been met or,
- (b) if the veterinary inspector considers the continued application of the prohibition on movement contained in the notice in Form A to be necessary for the purpose of preventing the spreading of the infestation of cattle with the warble fly and he informs the owner or person in charge accordingly, at the end of the autumn period, provided he is satisfied that all the conditions of the notice have then been met.

(3) A veterinary inspector may, where he considers it to be necessary for the purpose of preventing the spreading of the infestation of cattle with the warble fly, revoke any certificate of exemption or licence issued in accordance with the provisions of this Order by a notice in writing served on the person to whom the certificate or licence was issued.

Marking of animals

13.—(1) An inspector may, if he considers it to be necessary for the purpose of preventing the spreading of the infestation of cattle with the warble fly, mark any animal for the purposes of identification.

(2) No person shall or shall attempt to deface, obliterate or remove any such mark on any animal.

Default procedures

14. If any person shall fail to carry out any action or treatment required to be carried out by him under this Order or any notice served under it then, without prejudice to any criminal proceedings arising from such failure, that action or treatment may be carried out by or on behalf of the appropriate Minister and any reasonable expense incurred in connection therewith shall be recoverable as a civil debt by the appropriate Minister.

Exemptions from treatment

15.—(1) Any requirement to treat arising under this Order or any notice served under it shall not apply in respect of any animal if—

- (a) it is not reasonable and has at no time since the requirement to treat the animal arose been reasonable to treat it on account of sickness, treatment other than for warble fly or other veterinary reason,
- (b) a veterinary inspector has issued a certificate of exemption in respect of it, or
- (c) it is at a slaughterhouse.

(2) A veterinary inspector may issue a certificate of exemption exempting any animal from any requirement to treat arising under this Order or any notice served under it if the veterinary inspector is satisfied that it is impracticable or inexpedient to treat the animal in question.

Offences

16. Any person who, without lawful authority or excuse, proof of which shall lie on him,

- (a) contravenes or fails to comply with any provision of this Order or any condition, term or requirement of any licence, certificate of exemption or notice issued or served under this Order, or
 - (b) causes or permits any such contravention or non-compliance,
- commits an offence against the Act.

Local authority to enforce Order

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

Application of Order in relation to the Importation of Animals Order 1977

18. The provisions of this Order shall not apply to approved premises within the meaning of article 2(1) of the Importation of Animals Order 1977(a) or to animals on approved premises.

(a) S.I. 1977/944.

Revocation

19. The Warble Fly (England and Wales) Order 1978(a) and the Warble Fly (England and Wales) (Amendment) Order 1981(b) are hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 22nd February 1982.

Peter Walker,
Minister of Agriculture, Fisheries and Food.

Nicholas Edwards,
Secretary of State for Wales.

25th February 1982.

(a) S.I. 1978/1197.
(b) S.I. 1981/1190.

SCHEDULE

FORM A

ANIMAL HEALTH ACT 1981
WARBLE FLY (ENGLAND AND WALES) ORDER 1982

(Article 6)

TREATMENT NOTICE

To

of

I,, being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food, hereby give you notice in accordance with the provisions of the above Order that, as the owner/person in charge of the animals to which this notice applies, you are required—

- (a) to treat or to have treated the animals to which this notice applies (other than those exempted from treatment under article 15 of the Order) by using a dressing licensed for systemic use against warble fly, such treatment to be carried out within ten days*/during the period 15th September to 30th November inclusive*/in the presence, and to the satisfaction, of an appropriate officer*;
- (b) to give to the veterinary inspector at his official address shown below written notification of the date and time on which the treatment is to be applied, such notification to be delivered or sent by post so as to be received at least 3 days before the treatment is to be applied*;
- (c) to deliver or to send by post to the veterinary inspector at his official address shown below a Declaration of Treatment in Form B within 7 days of the treatment being applied.

The animals to which this notice applies are:

all cattle in your ownership or charge present on the premises specified below at the time of service of this notice other than calves aged less than 12 weeks*/the cattle specified in the table below*.

Premises	Parish	District
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Official identity number	Description of cattle—e.g. age, breed, sex
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*Delete as appropriate

IMPORTANT: NO ANIMAL TO WHICH THIS NOTICE APPLIES MAY BE MOVED EXCEPT UNDER THE AUTHORITY OF A LICENCE ISSUED BY THE VETERINARY INSPECTOR UNTIL THE NOTICE HAS BEEN CANCELLED BY A NOTICE IN FORM E; AND THEREAFTER NO ANIMAL WHICH HAS BEEN TREATED AND IN WHICH THE PRESENCE OF THE WARBLE FLY CAN BE SEEN OR FELT SHALL BE MOVED UNLESS ACCOMPANIED BY A DECLARATION IN FORM C OR DECLARATION OF TREATMENT UNDER THE WARBLE FLY (SCOTLAND) ORDER 1982 (OR ANY ORDER REPLACING IT) MADE IN RESPECT OF IT.

Dated Official Address

Signed
(Veterinary Inspector)

NOTES

- 1. *Before applying the treatment you must give written notification to the veterinary inspector of the date and time on which the treatment is to be applied. This notification must reach the veterinary inspector at least 3 days before the application of the treatment.
- 2. The Declaration of Treatment (Form B) must be sent to the veterinary inspector at his official address within 7 days of the treatment being applied.
- 3. Animals are exempted from treatment under article 15 of the Order if:—
 - (a) it is not reasonable to treat them because of sickness, because treatment other than for warble fly has been administered to them or because of some other veterinary reason *and* it has not been reasonable to treat them at any time since the requirement to treat them arose;
 - (b) a veterinary inspector has issued a certificate of exemption under article 15(2) in respect of them; or
 - (c) they are at a slaughterhouse.

*Delete if inapplicable.

FORM B

ANIMAL HEALTH ACT 1981

WARBLE FLY (ENGLAND AND WALES) ORDER 1982

(Articles 6 and 9)

DECLARATION OF TREATMENT

I (name).....

of (address).....

.....

being the owner or person in charge of the animals to which this declaration applies, or his duly authorised agent, hereby declare that in accordance with the requirements of a

treatment notice (Form A)/licence in Form D* served on me on (date)the animals have been treated with a systemic warble fly dressing on (date).....

Signed..... Date

The animals to which this Declaration applies are all those cattle which were required to be treated by the notice/licence*.

*Delete as appropriate

This form must be completed and sent to the veterinary inspector at his official address shown on the notice or licence, as the case may be, within 7 days of the application of the treatment.

MAKING A FALSE DECLARATION MAY RENDER YOU LIABLE TO PROSECUTION UNDER THE ANIMAL HEALTH ACT 1981.

FORM C

ANIMAL HEALTH ACT 1981

WARBLE FLY (ENGLAND AND WALES) ORDER 1982

(Article 8)

DECLARATION OF TREATMENT FOR WARBLED ANIMALS TO BE MOVED

I (name).....

of (address).....

.....

being the owner or person in charge of the animal(s) specified below, or his duly authorised agent, hereby declare that it has/they have been treated with a systemic warble fly dressing on (date of treatment).....

Signed.....Date

Official identity number(s) of animal(s)

MAKING A FALSE DECLARATION MAY RENDER YOU LIABLE TO PROSECUTION UNDER THE ANIMAL HEALTH ACT 1981.

FORM D

ANIMAL HEALTH ACT 1981

WARBLE FLY (ENGLAND AND WALES) ORDER 1982

(Article 9)

MOVEMENT LICENCE

I, (name), being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food, by this licence authorise the movement of the animals described below from the place and to the destination described below.

Name of owner/person in charge.....

Address.....

.....

1	2	3	4
Official identity number	Description of animals (eg breed, sex)	Place from which to be moved	Destination to which to be moved for treatment/slaughter

.....

Dated.....

Signed Official Address

(Veterinary Inspector)

.....

.....

NOTES

1. If the destination given in column 4 is not a slaughterhouse—
 - (a) the animals identified in column 1 must be detained there until treatment is completed;
 - (b) treatment of the animals (other than those exempted from treatment under article 15 of the Order) must be carried out with all practicable speed and in any case within 72 hours of arrival of the animals at the premises;
 - (c) the treatment must be carried out under the supervision of a veterinary surgeon/inspector of the Ministry;*
 - (d) a Declaration of Treatment (Form B) must be completed and delivered or sent by post to the veterinary inspector at his official address shown above within 7 days of the treatment being applied; and

*Delete as appropriate

- (e) - no animal which has been treated and in which the presence of the warble fly can be seen or felt shall be moved unless accompanied by a declaration in Form C or declaration of treatment under the Warble Fly (Scotland) Order 1982 (or any order replacing it) made in respect of it.
2. If the destination given in column 4 is a slaughterhouse—
- (a) this licence must be handed to the person in charge of the slaughterhouse who shall retain it for 6 months;
- (b) the animals must be slaughtered with all practicable speed and in any case within 72 hours of their arrival.
3. This licence must accompany the cattle during their journey to the destination given in column 4 and must be produced for inspection on demand being made by an inspector or appropriate officer.
4. Animals are exempted from treatment under article 15 of the Order if:—
- (a) it is not reasonable to treat them because of sickness, because treatment other than for warble fly has been administered to them or because of some other veterinary reason *and* it has not been reasonable to treat them at any time since the requirement to treat them arose;
- (b) a veterinary inspector has issued a certificate of exemption under article 15(2) in respect of them.

FORM E

ANIMAL HEALTH ACT 1981

WARBLE FLY (ENGLAND AND WALES) ORDER 1982

(Article 12)

CANCELLATION OF TREATMENT NOTICE

To

of

I,, being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food, hereby cancel, from the day of 19....., the treatment notice (Form A) signed by and served on you on the day of 19

Signed Official Address

(Veterinary Inspector)

.....

.....

Dated

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order revokes and replaces the Warble Fly (England and Wales) Order 1978 as amended. The main provisions are:—

1. If cattle become infected with the warble fly, or are suspected of being infected, the owner or person in charge of them is required to notify the area veterinary inspector with all practicable speed. Veterinary surgeons and meat inspectors are also required to notify cases of infection. (Article 4).
2. The movement of cattle from premises where infected cattle are situated is restricted. (Article 4).
3. Veterinary inspectors are empowered to investigate suspected cases of infection on any premises. If the investigation reveals the existence of the warble fly a notice can be served requiring the treatment of cattle on the premises and prohibiting the movement of those cattle except under the authority of a licence. In addition such notices can be served requiring treatment in the autumn, without the necessity of first undertaking an investigation, if the cattle or premises are known or suspected to have been infected earlier in the year. (Articles 5, 6 and 7).
4. Infected cattle being moved in contravention of the Order can be detained until examined by a veterinary inspector. He may then require that they proceed directly to a slaughterhouse, or to other specified premises for treatment. (Article 9).
5. The movement of infected or suspected cattle onto commons or inadequately fenced fields is restricted. (Article 10).
6. Powers are given to the Minister and the Secretary of State to carry out the treatment of cattle in cases of default by the owner or person in charge and to recover any reasonable costs incurred in this respect. In addition, powers are given to inspectors to mark cattle if they consider it necessary. (Articles 13 and 14).
7. Provision is made to exempt certain cattle from the treatment requirements. (Article 15).
8. Obligations are included concerning the giving of information, the production of documentation and the provision of facilities to enable veterinary inspectors to carry out their investigations. (Article 11).

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