

2001 No. 3722
ANIMALS, ENGLAND
ANIMAL HEALTH
The Foot-and-Mouth Disease (Amendment) (England)
(No. 13) Order 2001

Made - - - - - *16th November 2001*

Coming into force - - - *19th November 2001*

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on her under sections 1, 8(1) and 23 of the Animal Health Act 1981() and of all other powers enabling her in that behalf, makes the following Order:

Title, application and commencement

1. This Order may be cited as the Foot-and-Mouth Disease (Amendment) (England) (No. 13) Order 2001; it applies to England, and shall come into force on 19th November 2001.

Amendment of the Foot-and-Mouth Disease Order 1983

2.—(1) The Foot-and-Mouth Disease Order 1983() in so far as it applies to England is amended in accordance with the provisions of this article.

(2) In article 3(1) immediately after the definition of “embryo” there shall be inserted the following—

““falconry” means the use of falcons, hawks or other birds of the family Falconidae to hunt for game or other wildlife whether or not involving the use of dogs;”.

(3) After article 3(5) there shall be inserted the following—

“(6) References in paragraph (5) above and in articles 41(2), 42(1) and 45(c) and (d) to licences shall be taken to include reference to a permit issued by a veterinary inspector under article 29A(2)(d).”.

(4) After article 27 there shall be inserted the following—

“Ultrasound scanning of sheep in an infected area

27A.—(1) Subject to paragraph (2) below, no person shall carry out or cause to be carried out ultrasound scanning of sheep except in accordance with the conditions of a licence issued by the Minister.

(2) Paragraph (1) shall not apply to the occupier of any premises or his employee (other than a person employed by him primarily for the purposes of carrying out ultrasound scanning of sheep) in respect of the carrying out of ultrasound scanning of sheep kept on those premises using ultrasound scanning equipment of which the occupier is the owner or keeper.”.

(a) 1981 c. 22. See section 86(1) for the definitions of “the Ministers” and “the Minister”. Functions of “the Ministers”, so far as exercisable by the Secretaries of State for Scotland and Wales, were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141).

(b) S.I. 1983/1950, as amended by S.I. 1993/3119, S.I. 1995/2922 and further amended, as regards England, by S.I. 2001/571, S.I. 2001/680, S.I. 2001/974, S.I. 2001/1078, S.I. 2001/1407, S.I. 2001/1514, S.I. 2001/1862, S.I. 2001/2238, S.I. 2001/2735, S.I. 2001/2814, S.I. 2001/2994 and S.I. 2001/3140.

- (5) In article 29A—
- (a) for paragraph (1)(a) there shall be substituted the following—
“(a) hunting and falconry;”;
 - (b) in paragraph (2)(b) the word “or” where it appears after the words “may be specified therein;” shall be deleted;
 - (c) in paragraph (2)(c) the word “or” shall be added after “specified therein;” and
 - (d) after paragraph (2)(c) there shall be added the following—
“(d) a person to take part in falconry under the authority of a permit issued by a veterinary inspector and in accordance with the conditions specified therein.”.
- (6) For article 29B there shall be substituted the following—

“Markets, fairs, shows or other gatherings of animals and sales

- 29B.**—(1) No person shall—
- (a) use any premises for a fair, market, show or other gathering of animals or collect or distribute animals for such an event; or
 - (b) hold a gathering of people on any premises in connection with the sale of any animal on those premises at which more than two people (other than the owner or person in charge of the animal and his representatives) are present, except under the authority of a licence issued by the Minister.
- (2) Notwithstanding the prohibition in paragraph (1) above, the use of premises as a collecting centre may be permitted by licence issued by an inspector of the local authority, in accordance with the advice of the Chief Veterinary Officer.”.

- (7) In article 29C
- (a) in paragraph (3) the words “Subject to paragraph (4) below,” shall be deleted and for the words “by virtue of this Part” there shall be substituted the words “by virtue of article 29D(3) below”; and
 - (b) paragraph (4) shall be deleted.
- (8) In article 29D the following shall be added after paragraph (2)—
“(2A) Article 29A(2)(d) shall not apply to a restricted infected area.”.
- (9) In article 36 the following paragraph shall be substituted for paragraph (2)—
“(2) Nothing in paragraph (1) shall make it unlawful for—
- (a) the occupier of any land, or for a member of a shooting party consisting of not more than three persons who are authorised by the occupier or are members of his household or who are persons employed by him as beaters to shoot or attempt to shoot any deer found on that land;
 - (b) a person to cull deer under the authority of a licence granted by an inspector and subject to any conditions set out therein; or
 - (c) the occupier of any land or any group of not more than three persons who are authorised by occupier or are members of his household to use any dog in connection with the killing on that land of any fox, hare, mink or rabbit found thereon provided that this shall not be taken to authorise the pursuit of any such quarry using dogs outside the boundaries of that land.”.
- (10) After article 37C there shall be inserted the following—

“Ultrasound scanning of sheep in a controlled area

37CC.—(1) Subject to paragraph (2) below, no person shall carry out or cause to be carried out ultrasound scanning of sheep except in accordance with the conditions of a licence issued by the Minister.

(2) Paragraph (1) shall not apply to the occupier of any premises or his employee (other than a person employed by him primarily for the purposes of carrying out ultrasound scanning of sheep) in respect of the carrying out of ultrasound scanning of sheep kept on those premises using ultrasound scanning equipment of which the occupier is the owner or keeper.”.

Transitional provisions

3. Declaratory Orders made under Parts III, IIIA or IV of the 1983 Order before this Order comes into force shall have effect so that the provisions of Parts III, IIIA or IV of the 1983 Order after amendment by this Order apply in the areas declared to be infected areas, restricted infected areas or controlled areas by those Declaratory Orders.

Signed on 16th November 2001

Elliot Morley
Parliamentary Under-Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends, as regards England, the Foot-and-Mouth Disease Order 1983 (S.I. 1983/1950) as last amended as regards England by S.I. 2001/3140, (the “1983 Order”).

The principal amendments made to the 1983 Order are as follows—

(1) new articles 27A and 37CC are inserted to require the licensing of ultrasound scanning of sheep in infected and controlled areas (articles 2(4) and (10));

(2) article 29A is amended to allow falconry to take place under permit in infected areas (article 2(5));

(3) article 29B is replaced so as to permit the use of premises as a collecting centre in an infected area, under licence issued by an inspector of the local authority in accordance with the advice of the Chief Veterinary Officer (article 2(6));

(4) article 29C is amended so as to provide that premises subject to requirements and prohibitions imposed under notices served under articles 5 and 13 of the 1983 Order (respectively Form A and Form D notices) continue to be subject to such those requirements and prohibitions in place of any which would otherwise apply by virtue of article 29D(3) of the 1983 Order on the declaration, under Part IIIA of that Order, of a restricted infected area encompassing those premises (article 2(7)); and

(5) article 36(2) is replaced so as to allow the occupier of any land in a controlled area or a group of not more than three persons who are authorised by that occupier or are members of his household to use dogs in connection with the killing on that land of any fox, hare, mink or rabbit found thereon (article 2(9)).

A regulatory impact assessment has not been prepared for this Order.

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