

**2007 No. 2809**

**ANIMALS, ENGLAND**

**ANIMAL HEALTH**

**The Movement of Animals (Restrictions) (England)  
(Amendment) Order 2007**

*Made - - - -at 1.00 p.m. on 25th September 2007*

*Coming into force - -at 3.00 p.m. on 25th September 2007*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 1 and 8(1) of the Animal Health Act 1981(a) and now vested in him(b).

**Citation and commencement**

1. This Order—

- (a) may be cited as the Movement of Animals (Restrictions) (England) (Amendment) Order 2007; and
- (b) comes into force at 3.00 p.m. on 25th September 2007.

**Amendment**

2.—(1) The Movement of Animals (Restrictions) (England) Order 2002(c) is amended as follows.

(2) For article 5, substitute—

**“Declaration of a temporary control area**

5.—(1) If the Secretary of State suspects that—

- (a) disease exists on any premises; or
- (b) animals on any premises may be or have been exposed to disease,

he may declare in writing an area to be a temporary control area.

(2) A temporary control area shall be of such size as the Secretary of State thinks necessary in order to prevent the spread of disease.

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(a) 1981 c. 22.

(b) Functions conferred under the 1981 Act on “the Minister” and “the Ministers” are now exercisable by the Secretary of State. Functions of “the Ministers” were transferred, so far as exercisable by the Secretaries of State for Scotland and Wales, to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141). Functions of the Minister of Agriculture, Fisheries and Food were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(c) S.I. 2002/3229.

- (3) Any premises which are partly inside and partly outside a temporary control area shall be deemed to be wholly within that area.
- (4) In a declaration under paragraph (1), the Secretary of State shall—
- (a) specify the disease which the Secretary of State suspects to exist, or, if no specific disease is suspected, state that the Secretary of State suspects disease to exist; and
  - (b) specify the species of animal to which the declaration applies.
- (5) The Secretary of State may specify in a declaration under paragraph (1)—
- (a) the biosecurity measures which shall be taken on premises in a temporary control area or in any part of that area; and
  - (b) such other measures which are to apply in the temporary control area, or in any part of that area, as the Secretary of State considers necessary in order to prevent the spread of disease.
- (6) The Secretary of State may prohibit in a declaration under paragraph (1) the movement of any animal or thing capable of spreading disease—
- (a) into or out of the temporary control area; and
  - (b) onto or from any premises in the temporary control area.
- (7) But a person may move any such animal or thing under the authority of a licence issued by a veterinary inspector or an inspector acting under the direction of a veterinary inspector.
- (8) A person to whom a requirement or prohibition in a declaration under paragraph (1) applies shall—
- (a) comply with the requirement or prohibition; and
  - (b) comply with any reasonable request which a veterinary inspector or an inspector of the local authority may make to ensure that the requirement or prohibition is complied with.
- (9) The Secretary of State may revoke or amend in writing a declaration under paragraph (1) at any time.
- (10) Such an amendment or revocation shall—
- (a) refer to the declaration; and
  - (b) state the date and time the revocation or amendment is to take effect.”.
- (3) Omit article 6.
- (4) In article 10, after paragraph (1) insert—
- “(1A) A licence under this Order may be general or specific.”.

1.00 p.m. 25th September 2007

*Jeff Rooker*  
Minister of State  
Department for Environment, Food and Rural Affairs

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Movement of Animals (Restrictions) (England) Order 2002, S.I. 2002/3229 (“the 2002 Order”).

Article 5 of the 2002 Order is replaced by a new article enabling the Secretary of State to declare a temporary control area in the event that the Secretary of State suspects that disease exists in any premises or that animals may be or have been exposed to disease. (By virtue of article 2(b) of the 2002 Order, “disease” means any disease of animals.)

Article 6 of the 2002 order is omitted.

Article 10 is amended so that a licence under the 2002 Order may be general or specific.

No impact assessment has been prepared for this Order.

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STATUTORY INSTRUMENTS

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