
WELSH STATUTORY INSTRUMENTS

2001 No. 1033 (W.47)

ANIMALS, WALES

ANIMAL HEALTH

**The Foot-and-Mouth Disease
(Amendment) (Wales) (No. 4) Order 2001**

Made at - - - - 10.15 p.m. on 16th
March 2001
Coming into force at - - 11 p.m. on 16th
March 2001

The National Assembly for Wales and the Minister of Agriculture, Fisheries and Food, acting jointly in exercise of the powers conferred on them by sections 1, 7, 8, 15(4), 17(1), of the Animal Health Act 1981(1) and of all other powers enabling them in that behalf, make the following Order:

Title, extent and commencement

1. This Order may be cited as the Foot-and-Mouth Disease (Amendment) (Wales) (No. 4) Order 2001; it extends to Wales and shall come into force at 11 p.m. on 16th March 2001.

Amendment to the Foot-and-Mouth Disease Order 1983

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

(2) After paragraph (4) of article 3, the following paragraph is inserted—

“(5) Any approval, licence or notice under this Order shall be in writing, may be general or specific, may be subject to conditions and may be amended, suspended or revoked by notice in writing at any time, and in particular may be suspended or revoked if the issuing authority is reasonably of the opinion that the provisions of this Order are not being complied with.”

(3) Articles 31 to 37 are replaced by Schedule 1 to this Order.

(1) 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 Secretary of State for Scotland in relation to 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). Functions of “the Ministers”, so far as exercisable by the Secretary of State for Wales in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(2) S.I. 1983/1950, as amended by S.I. 1993/3119, S.I. 1995/2922 and, as regards Wales, S.I. 2001/572, S.I. 2001/658 (W.33) and S.I.2001/968 (W.46).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(4) After Schedule 4, Schedule 2 of this Order is added.

Transitional provisions

3. Any restrictions on access to land, common land, unenclosed or waste land, footpath or right of way imposed under Part IV of the Foot-and-Mouth Disease Order 1983 before it was amended by this Order shall continue to have effect until revoked by—

- (a) a declaration by the Minister, published in such manner as he sees fit; or
- (b) a declaration by the local authority, published in such manner as it shall see fit.

Signed at 22.15 on 16th March 2001

D. Elis-Thomas
The Presiding Officer of the National Assembly
for Wales

Signed at 8.20 p.m. on 16th March 2001

Helene Hayman
Minister of State Ministry of Agriculture,
Fisheries and Food

SCHEDULE 1

Article 2(3)

“PART IV

PROVISIONS TO APPLY IN CONTROLLED AREAS

31.—(1) Subject to the provisions of this article, no person shall—

- (a) move any animal from the premises on which it is, except under the authority of a licence issued by the Minister; or
- (b) move any animal into or out of the controlled area except under the authority of a licence issued by the Minister.

(2) An inspector may, by licence issued in the form set out in Schedule 5 to this Order, permit, for the purposes of slaughter, the movement of—

- (a) sheep, cattle or pigs direct to a slaughterhouse approved by the Minister to slaughter animals moved by licence issued under this article; and
- (b) sheep or cattle to a collecting centre, licensed by the local authority under article 35, for onward movement direct to a slaughterhouse approved under paragraph (a) above.

(3) For the purposes of this article, licences or approvals issued in Scotland or Wales operate as if granted in England.

(4) Where an animal is moved to a slaughterhouse under this article, the occupier of the slaughterhouse shall ensure that the animal is slaughtered at those premises in accordance with any condition relating to slaughter specified in the licence and in any event within 24 hours of arrival there.

(5) The person in charge of the vehicle in which animals are moved under this article shall ensure that it is thoroughly cleansed and disinfected in accordance with the requirements of paragraph 3 of Schedule 2 to this Order as soon as possible after the animals have been unloaded and, in any case, before the vehicle is moved from the delivery premises.

(6) The occupier of premises to which animals are moved under this article shall—

- (a) ensure that he or his representative is given the licence under which they have been moved before allowing the animals to be unloaded from the vehicle on which they have been transported;
- (b) forward that licence without delay to the local authority responsible for the area in which those premises are situated and, in the case of a slaughterhouse, provide a copy to the official veterinary surgeon appointed for those premises;
- (c) retain a copy of that licence for a period of 6 months and produce it upon request for inspection by an inspector;
- (d) provide adequate facilities, equipment and materials for the cleansing and disinfection in accordance with this article of the vehicle that delivered the animals to the premises; and
- (e) in the case of a collecting centre, ensure that sheep are marked or tagged so as to enable the identity of the collecting centre and the farm from which they were moved to be established throughout their onward movement to a slaughterhouse.

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Control of products from slaughterhouses and knacker's yards

32.—(1) No person shall move any carcase or animal product (unless intended for human consumption) or any manure, slurry or litter, out of a slaughterhouse or knacker's yard except—

- (a) under the authority of a licence granted by the Minister; or
- (b) for disposal under the Animal By-Products Order 1999⁽³⁾, the Specified Risk Material Order 1997⁽⁴⁾ or the Specified Risk Material Regulations 1997⁽⁵⁾.

(2) Anything moved under paragraph 1(a) above shall be moved in a drip-proof container or vehicle, and the owner or person in charge of that container or vehicle shall, as soon as possible after unloading and in any case before it is used again, cleanse and disinfect the container or vehicle in accordance with paragraph 3 of Schedule 2 to this Order.

(3) No person shall move anything under this article to premises on which there is an animal and any person moving or receiving anything under this article and the occupier of the premises to which it is moved shall ensure that it is not brought into contact with, or fed to, any animal.

Control of carcasses

33. No person shall move any carcase (other than the carcase of an animal slaughtered for human consumption or a suspect BSE or scrapie carcase destined for disposal) from premises other than a slaughterhouse or knacker's yard, except under the authority of a licence issued by the Minister.

Prevention of animals from straying

34. — The person in charge of an animal kept on any premises shall take all necessary steps to prevent that animal from straying from those premises.

Control of markets, sales and gatherings of animals

35.—(1) Subject to paragraph (2) below, no person shall use any premises for a fair, market, show or other gathering of animals.

(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.

Hunting and stalking

36. Hunting and stalking are prohibited.

Cleansing and disinfection of certain premises and vehicles

37. The occupier of a collecting centre, slaughterhouse or knacker's yard shall cleanse and disinfect the premises as soon as practicable after it has been emptied of animals and in any event before any animal, fodder, litter or thing is moved there again, at his own expense and in accordance with the provisions of paragraphs 1 and 2 of Schedule 2 to this Order together with any additional requirements notified by an inspector.

(3) S.I. 1999/646.

(4) S.I. 1997/2964 as amended by S.I. 2000/3234, S.I. 2000/3377 and S.I. 2000/3387/W/224.

(5) S.I. 1997/2965 as amended by S.I. 1997/3062, S.I. 1998/2045 itself amended by S.I. 1998/2431, S.I. 1999/539, S.I. 2000/656, S.I. 2000/2672, S.I. 2000/3381 and S.I. 2000/3387/W/224.

Power to close footpaths

37A.—(1) Subject to paragraph (2) below, and with the prior written consent of the Minister, an inspector may, notwithstanding the existence of any public footpath or right of way, prohibit the entry of any person—

- (a) onto any land (including any common, or any unenclosed waste land); or
- (b) into any agricultural building,

by displaying or causing to be displayed a notice to that effect at every entrance to that land or building.

(2) No person shall enter any land or building in respect of which a notice is displayed under paragraph (1) other than—

- (a) the owner of any animal on that land or in that building or the employee of any such owner or any other person authorised by him or her who enters for the purpose of tending to that animal; or
- (b) a person entering the land or building under the authority of a licence granted by an inspector.

(3) No person shall remove a notice except under the authority of a licence granted by an inspector.

Disinfection

37B Disinfection under this part shall be with a disinfectant approved for the purpose of foot and mouth disease under the Diseases of Animals (Approved Disinfectants) Order 1978⁽⁶⁾ at the concentration specified either for Foot and Mouth Disease or for “General Orders” whichever is higher.

Licences

37C.—(1) Except under articles 31, 35 and 37A above, licences under this Part may only be issued by the Minister.

(2) The Minister shall not issue licences under this Part except in accordance with the advice of the Chief Veterinary Officer.

(3) Where a local authority issues a licence under this Part, it shall retain a copy of the licence for a period of 6 months.

Enforcement

37D. — The provisions of this Part shall, in so far as they are to be enforced in slaughterhouses, be enforced by the Minister.”

(6) S.I. 1978/32 as amended by S.I. 1978/934, S.I. 1999/919 and as further amended in relation to England only by S.I. 2000/3195 and S.I. 2001/608.

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SCHEDULE 2

Article 2(4)

“SCHEDULE 5

ANIMAL HEALTH ACT 1981
 FOOT-AND-MOUTH DISEASE ORDER 1983
 LICENCE FOR THE MOVEMENT OF ANIMALS WITHIN THE CONTROLLED AREA FOR
 SLAUGHTER

PART I

I, the undersigned,

being an *Inspector of the Local Authority for the

..... of

*Inspector of the Ministry of Agriculture, Fisheries and Food (*delete as appropriate)

by this licence granted under the above Order hereby authorise the movement of the animals described in column 2 below to the place of destination specified in column 4 below, subject to the conditions set out below.

1	2	3 FROM	4 TO
Name and address of the person to whom this licence is granted	is hereby licensed to move (number and description of animals to be moved)	(Full address of premises from which the animals are to be moved (if different from 1))	(Full address of premises to which the animals are to be moved)

Specified Route

.....

If the destination specified in column 4 above is a slaughterhouse the animals to which this licence relates must be slaughtered within hours (specify⁽¹⁾) of arrival there.

This licence is granted subject to the conditions set out below. Failure to comply with such conditions may render a person liable to prosecution and heavy penalties on conviction. Your attention is also drawn to the Notes below.

Part II of this licence must be completed within.....days (specify⁽²⁾) including the day of issue.

This licence may be revoked at any time by a Notice served by an Inspector on the person to whom it was issued.

Signed

Dated

Official Address

CONDITIONS OF LICENCE

- Before being moved, animals to which this licence relates shall be marked as follows:-
 CATTLE -A broad arrow, 15 cm long, clipped on left hindquarter, and hair clipped off end of tail.
 SHEEP -A single red stripe, 30 cm long and 2 cm wide, painted with adhesive composition, or in such manner that it will remain legible for the entire length of the journey, down the centre of the sheep's back.
 PIGS -A single red stripe, 30 cm long and 2 cm wide, painted with adhesive composition, or in such manner that it will remain legible for the entire length of the journey, down the centre of the pig's back.

(1) The time specified here shall be less than 24 hours.
 (2) The number of days specified here is to be no more than 5.

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2. Where no time period is specified for the completion of this licence, it shall be completed within 5 days or such shorter period as may be specified by an inspector.
3. Where no time limit is specified for the slaughter of the animals, they shall be slaughtered within 24 hours of arrival at the slaughterhouse or such shorter period as may be specified by an inspector.
4. The animals to which this licence relates shall-
 - (a) while being moved, be kept separate from any animal not being moved under this licence;
 - (b) be moved by the most direct route available (unless a specified route has been inserted overleaf) to the place of destination specified in the licence only, the route taken and the place of destination chosen not being such as to require a scheduled stop; and
 - (c) be accompanied throughout their movement by this licence which shall be handed to the occupier of the premises to which they are delivered (or his representative) before the animals are unloaded.
5. The Declaration in Part II of this licence shall be completed on the day the animals are moved but before the animals leave the premises.
6. Where an animal is moved to a slaughterhouse under the authority of a licence granted by an inspector, it shall be slaughtered there in accordance with any condition relating to slaughter specified in this licence.
7. The vehicle transporting the animals to the slaughterhouse or collecting centre shall be thoroughly cleansed and disinfected before leaving those premises in accordance with the requirements of Schedule 2 to the Foot and Mouth Disease Order 1983.

NOTE:

Any person involved in the movement or slaughter of animals under Part IV of the Foot-and-Mouth Disease Order 1983 must comply with any provisions of the following legislation applicable to them:

- The Cattle Identification Regulations 1998 (as amended)
- The Cattle Identification of Older Animals Regulations 2000
- The Pigs Records, Identification and Movement Order 1995
- The Sheep and Goats Identification Order (England) 2000.

This licence shall be produced on demand to an inspector or other officer of the Ministry or local authority or to a constable, who may take a copy thereof or an extract there from, and may also require the person in charge of the animals to which this licence relates to furnish his name and address.

THIS LICENCE IS VALID FOR A PERIOD OF 5 DAYS FROM THE DATE OF ISSUE (OR SUCH SHORTER PERIOD AS MAY BE SPECIFIED BY AN INSPECTOR). HOWEVER, IT CANNOT BE USED UNTIL THE OWNER/ KEEPER DECLARATION HAS BEEN SIGNED AND THE MOVEMENT MUST BE COMPLETED ON THE DAY THE DECLARATION IS SIGNED

FAILURE TO COMPLY WITH ANY OF THESE PROVISIONS MAY RENDER A PERSON LIABLE TO PROSECUTION AND HEAVY PENALTIES ON CONVICTION.

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PART II

OWNER/ KEEPER DECLARATION

(This Part must be completed by the owner or keeper of the animals on the day they are to be moved but before they leave the premises on which they are kept)

I.....(full name of owner or keeper of animals to be moved)
of.....(address of owner or keeper)
declare that

- 1. I have inspected the animals to be moved and am satisfied that they are not displaying any symptoms of Foot and Mouth disease.
- 2. To the best of my knowledge, there are no animals with Foot-and-Mouth Disease or that I suspect might have that disease, on the premises on which the animals to be moved under this licence are kept.
- 3. I have made arrangements with the *licensed collecting centre/ approved slaughterhouse (delete as appropriate) for the animals to be received there today, theday of.....2001.
- 4. (Other than for collecting centres) The last date on which any animals were moved on to the premises from which the animals to be moved under this licence are kept was.....(insert date)

Signed.....
Print Name.....
(Owner/keeper) (*delete as appropriate) .
Dated...../.....

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which extends to Wales, amends the Foot-and-Mouth Disease Order 1983 (S.I.1983/1950, as amended) by replacing Part IV to that Order with modified restrictions and requirements.