



National Assembly for Wales

STATUTORY INSTRUMENTS

2001 No. 2813 (W.242)

ANIMALS, WALES

ANIMAL HEALTH

**The Foot-and-Mouth Disease (Amendment) (Wales)
(No. 9) Order 2001**

Made 3rd August 2001

Coming into force on 4th August 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(1), 17(1), 23, 25, 83(2) and 87(2) of the Animal Health Act 1981(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Title, application and commencement

1. This Order may be cited as the Foot-and-Mouth Disease (Amendment) (Wales) (No. 9) Order 2001; it applies in relation to Wales and shall come into force on 4th August 2001.

Amendment of the Foot-and-Mouth Disease Order 1983

2.-(1) The Foot-and-Mouth Disease Order 1983(b), in so far as it applies in relation to Wales, shall be amended in accordance with the provisions of this article.

(2) In article 3(1) the following definition shall be inserted:

"restricted infected area" means an infected area declared by special order of the Minister (made under article 29C (1) of this Order) to which the provisions of Part IIIA of this Order, or such of those provisions as may be specified in that order apply;"

(3) In article 8(4)(b) the words "or a restricted infected area" shall be inserted after the words "an infected area".

(4) In article 17(2) the words "subject to article 29C(2)" shall be inserted after the words "an infected area shall".

(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 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). 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).

(b) S.I. 1983/1950 as amended by S.I. 1993/3119, S.I. 1995/2922, and, as regards Wales, by S.I.s 2001/572 (W. 26), 2001/658 (W. 33), 2001/968 (W. 46), 2001/1033 (W.47) (itself amended by S.I. 2001/1234 (W. 67), 2001/1406 (W. 93), 2001/1509 (W.106), 2001/1874 (W. 134) and 2001/2236 (W. 162).

- (5) In article 18(1) the words "or the Minister" shall be added after "an inspector".
- (6) For article 29A(2) there shall be substituted the following paragraph-
 - " (2) Nothing in paragraph (1) above shall make it unlawful for-
 - (a) the occupier of any land, or for the member of a shooting party consisting of not more than three persons who are members of the occupier's household or persons employed by him as beaters, to shoot or attempt to shoot any game or other wildlife or any deer found on that land;
 - (b) a person to shoot or attempt to shoot grouse, pheasant or partridge under the authority of a licence issued by a veterinary inspector and subject to any conditions that may be specified therein; or
 - (c) a person to cull deer under the authority of a licence of the Minister and subject to any conditions that may be specified therein."
- (7) The following articles shall be inserted after article 29(B):

"Part IIIA

29C. -(1) Where by Order, the Minister declares an area to be an infected area to which the provisions of this Part of this Order apply, the provisions of this Part save as expressly varied or excepted by any such Order, shall apply to and have effect in that area (in this Part of this Order referred to as a "restricted infected area").

(2) Any premises which are partly in and partly outside a restricted infected area shall be deemed to be wholly within that area.

(3) Subject to paragraph (4) below, any premises falling within the restricted infected area (or deemed to be within that area by virtue of paragraph (2) above) in respect of which a notice in Form A or Form D has already been served under Article 5 or 13 of this Order shall continue to be subject to the requirements and prohibitions applying by virtue of such notices in place of any requirements or prohibitions which would otherwise apply to those premises by virtue of this Part.

(4) Paragraph (3) above shall not operate so as to exclude the requirements and prohibitions of articles 25 and 26 of this Order so far as they would apply by virtue of article 29D(1) below.

29D.-(1) Subject to the following provisions of this article, the provisions of Part III of this Order shall apply to a restricted infected area as if that area had been declared an infected area under article 17 of this Order save that references in that Part to an "infected area" shall be construed for this purpose as references to a "restricted infected area".

(2) Article 18 shall apply to a restricted infected area as if for paragraphs (1) to (3) thereof there were substituted the following paragraphs-

"(1) No person shall move or cause or permit to be moved any animal from the premises on which the animals are kept except under the authority of a licence issued by the Minister or an inspector and in accordance with the conditions thereof.

(2) No person shall permit any animal to come into contact with any other animal except for one kept on the same premises except under the authority of a licence issued by the Minister or an inspector and in accordance with the conditions thereof.

(3) No person shall move any animal on public or private roads (other than the service roads of premises) except under the authority of a licence issued by an inspector or the Minister and in accordance with the conditions thereof but it shall not be unlawful under this provision for an animal to be moved in transit through the restricted infected area by motorway, trunk road or railway."

- (3). The following additional provisions shall apply to a restricted infected area:
 - (a) no person shall drive or move any vehicle or machine into or out of any relevant premises without having first cleaned its exterior, interior and undersides so as to remove all visible traces of mud, slurry, animal faeces, dropping or excretions or other similar matter and without, at the point of entry to and exit from those premises, having cleansed and disinfected the tyres (including the whole circumference of their treads), wheel arches, mudguards and mudflaps of the vehicle;
 - (b) no person shall enter or leave any premises on which animals are kept wearing clothing or boots which are visibly contaminated with mud, slurry, animal faeces, droppings or excretions or any other similar matter or without cleansing and disinfecting the outer surfaces of their footwear on entering or leaving those premises;

- (c) any person who tends any animal shall not leave the premises on which the animal is kept wearing the outer clothing and footwear worn whilst tending the animal unless that clothing and footwear have been thoroughly cleansed and disinfected after the last occasion on which the animal was tended;
- (d) the owner or occupier of any premises where animals are kept shall maintain a footbath containing an approved disinfectant in some convenient place at every exit from those premises and renew the disinfectant as frequently as is necessary to maintain a clean solution and whenever so directed by an inspector;
- (e) no person shall discharge slurry originating from any animal by means of equipment which produces a jet or spray, except under the authority of a licence granted by an inspector of the Minister and in accordance with such conditions as may be specified therein; and
- (f) no person shall move or cause or permit to be moved onto or from any relevant premises any milk, silage, fodder or other animal feed except under the authority of a licence granted by an inspector of the Minister, and in accordance with such conditions as may be specified therein.

(4) In this Part "relevant premises" means any premises, the predominant use of which is not as a domestic dwelling, on which animals are kept or have been kept at any time within the period of 56 days before the declaration of the restricted infected area."

(8) In article 30(2) for the words "article 17(2) above" there shall be substituted the words "articles 17(2) and 29C(2) above".

(9) In article 31(1)(a) the words "or the Minister" shall be added after "an inspector".

(10) In article 32(1)(a) after the words "by the Minister" there shall be inserted the words:

"(or, in the case of a knacker's yard an inspector)".

(11) For article 36(2) there shall be substituted the following paragraph-

" (2) Nothing in paragraph (1) above 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; or
- (b) a person to cull deer under the authority of a licence granted by an inspector and subject to any conditions set out therein."

(12) In article 37A after paragraph (3) there shall be inserted the following paragraph:

"(4) Any prohibition on access to land or buildings imposed under this Article may be revoked in whole or in part by-

- (a) the removal of all relevant notices in accordance with paragraph (3) above; or
- (b) a declaration of the Minister, published in such manner as he sees fit."

(13) For article 38 there shall be substituted the following article-

"General powers of veterinary inspectors to take action to prevent the spread of disease

38-(1) The powers conferred on a veterinary inspector by the following provisions of this article are without prejudice to any power conferred on an inspector by the foregoing provisions of this order.

(2) A veterinary inspector may, for the purpose of preventing the spread of disease, by notice in writing served on the occupier of any place-

- (a) prohibit the movement of any person into, within or out of that place;
- (b) prohibit the movement of any animal, poultry or thing into, within or out of that place;
- (c) require the detention or isolation of any animals, poultry or things in that place or require animals or poultry to be kept separate from other animals or poultry;
- (d) require the destruction, burial, disposal or treatment of any thing in that place;
- (e) require the cleansing and disinfection of that place or of part of it or of any thing in that place or require any person to disinfect himself; or
- (f) impose any other requirements with respect to that place or any animal, poultry or thing in that place,

in such manner and subject to such conditions as may be specified in the notice.

(3) A veterinary inspector may, for the purpose of preventing the spread of disease, by notice in writing served on the owner or person in charge of any animal, poultry or thing-

- (a) prohibit or require the movement of any animal, poultry or thing;
- (b) require the detention or isolation of any animals, poultry or things or require animals or poultry to be kept separate from other animals or poultry;
- (c) require the destruction, burial, disposal or treatment of any thing;
- (d) require the cleansing and disinfection of any thing or require any person to disinfect himself; or
- (e) impose any other requirements with respect to any animal, poultry or thing,

in such manner and subject to such conditions as may be specified in the notice.

(4) If, by virtue of any notice served under paragraph (2) or (3) above, any cleansing or disinfection is required to be carried out, it shall, unless the notice otherwise requires, be carried out by and at the expense of the person on whom the notice is served.

(5) For the purposes of this article-

"animal" means any kind of four-footed beast;

"thing" includes an animal product, carcase, embryo, ovum, semen, poultry carcase, milk, milk product, fodder, litter, dung, straw, slurry, utensil, pen, hurdle, vehicle, equipment and clothing."

(14) For article 46 there shall be substituted the following article-

" 46.-(1) Subject to paragraph (2) below and subject as may otherwise be expressly provided, the provisions of this order shall be executed and enforced by the local authority.

(2) The Minister may direct, in relation to cases of a particular description, or in relation to a particular case, either that this order shall be executed and enforced by him and not the local authority or that this order shall be executed and enforced jointly by him and the local authority."

Effect of amendments to Part III of the 1983 Order

3. The reference to the provisions of Part III of the 1983 Order in article 29D(1) shall be construed as a reference to that order as amended hereby.

Effect of certain licences issued before the date of this Order

4. Licences issued by the Minister before the coming into force of this Order to authorise the movement of animals from premises in an infected area shall have effect from the coming into force of this Order as if so issued under article 18 of the 1983 Order as amended hereby.

Signed on behalf of the National Assembly for Wales

on 3rd August 2001

D. Elis Thomas

Presiding Officer

Signed on 3rd August 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 the Foot-and-Mouth Disease Order 1983 (the "1983 Order") (S.I. 1983/1950 as last amended, in relation to Wales by S.I. 2001/2236 (W. 162))

The principal amendments to the 1983 Order are as follows -

1) Article 29A(2) is amended -

- (a) so as to make it clear that the number of permitted persons who may make up a shooting party allowed to shoot game, wildlife or deer in an infected area declared under Part III of the 1983 Order (in accordance with that paragraph and as an exception to certain of the prohibitions set out in paragraph (1) of that article) shall include any beaters employed by the person on whose land the shoot takes place; and
- (b) to allow the shooting (or attempted shooting) in an infected area (declared under Part III of the 1983 Order) of grouse, pheasant or partridge under a licence issued by a veterinary inspector. (article 2(6))

(By virtue of article 3 of this Order, these amendments will also apply in relation to the equivalent provisions applying in a restricted infected area declared under Part IIIA of the 1983 Order)

2. Article 36(2) is amended to make it clear -

(a) that the number of permitted persons who may make up a shooting party which is allowed to shoot game, wildlife or deer in a controlled area declared under Part IV of the 1983 Order (in accordance with that paragraph and as an exception to certain of the prohibitions set out in paragraph (1) of that article) shall include any beaters employed by the person on whose land the shoot takes place; and

(b) that licences to cull deer (as a further exception to prohibitions set out in paragraph (1) of that article) may be granted by inspectors. (article 2(11))

3. A Part IIIA is inserted, including new articles 29C and D, under which the Minister of Agriculture, Fisheries and Food ("the Minister") may declare an area to be an infected area (a "restricted infected area") to which the provisions set out in that part will apply (article 2(7)).

The provisions which will apply to a restricted infected area are the same as those which apply in the case of an infected area declared under Part III of the 1983 Order but subject to the variations set out in new articles 29C and D and any variations and exceptions provided for in the order declaring that restricted infected area. In particular there are additional cleansing and disinfection requirements (new article 29D) in relation to the movement of people onto and off premises where animals are kept and cleansing and disinfection requirements on persons who tend animals. The owner or occupier of premises where animals are kept is also required to maintain disinfectant footbaths at every exit from the premises. Additional cleansing and disinfection requirements apply in relation to vehicles moving onto and off premises which are not predominantly used as domestic dwellings where animals are kept and movements of milk, fodder and other animal feed onto and off such premises can only be made under the authority of a licence issued by an inspector of the Minister and in accordance with its terms.

4. The Order amends article 32 of the 1983 Order (article 2(10)) so as to permit an inspector to license movements of carcasses, manure, slurry and litter out of a knacker's yard in a controlled area declared under Part IV of the 1983 Order. In addition article 37A of the 1983 Order is amended (article 2(12)) so as to permit the Minister to revoke by declaration a prohibition on access to land or buildings which has been imposed under that article.

5. Article 38 is revoked and replaced so as to extend the power of veterinary inspectors to impose restrictions on the occupier of premises or on the owner or person in charge of any animal, poultry or thing for the purpose of preventing the spread of disease. The new article 38 enables a veterinary inspector to prohibit the movement of persons into, within or out of a place; to prohibit or require the movement of animals; to require the detention or isolation of animals, poultry or things or the separation of animals and poultry; to require the destruction, burial, disposal or treatment of any thing; to require the cleansing and disinfection of any place or thing or to require any person to disinfect himself; or to impose other requirements with respect to any animal, poultry or thing (article 2(13)).

6. Article 46 is amended so as to enable the Minister to direct that he or she rather than the local authority should execute and enforce certain descriptions of cases or particular cases under the 1983 Order (article 2(14)).

7. A regulatory appraisal has not been prepared for this Order.

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ANIMALS, WALES

ANIMAL HEALTH

The Foot-and-Mouth Disease (Amendment) (Wales)
(No. 9) Order 2001

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