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WELSH STATUTORY INSTRUMENTS

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**2002 No. 2304**

**The Disease Control (Interim Measures) (Wales) (No. 2) Order 2002**

**Title, application, commencement and cessation**

1. This Order may be cited as the Disease Control (Interim Measures) (Wales) (No. 2) Order 2002; it applies to Wales, shall come into force on 6th September 2002 and shall cease to have effect on 1st February 2003.

**Interpretation**

2. In this Order—

“animals” (“*anifeiliaid*”) means cattle (excluding bison and yak), deer, goats, sheep, and swine;

“the Act” (“*y Ddeddf*”) means the Animal Health Act 1981;

“approved disinfectant” (“*dihentydd a gymeradwyir*”) means a disinfectant listed in schedule 1 to the Diseases of Animals (Approved Disinfectants) Order 1978(1), as being approved for use in respect of Foot-and-Mouth Disease Orders;

“breeding isolation facility” (“*cyfleuster ynysu ar gyfer bridio*”) has the meaning assigned to it in article 3(3)(g)(i);

“Cattle Identification Regulations” (“*Rheoliadau Adnabod Gwartheg*”) means the Cattle Identification Regulations 1998(2);

“cattle passport” (“*pasbort gwartheg*”) has the meaning it is given in the Cattle Identification Regulations save that it shall not include a calf passport as defined in those Regulations;

“collecting centre” (“*canolfan gasglu*”) means premises used for the intermediate reception of animals intended to be moved elsewhere and includes any place used, whether as a market or otherwise, for the sale or trading of animals but only where the animals being sold or traded are intended for immediate slaughter thereafter;

“controlled area order” (“*gorchymyn ardal a reolir*”) means any declaratory order made under article 30 of the Foot-and-Mouth Disease Order 1983(3);

“CPH number” (“*rhif daliad*” and “*rhif y daliad*”) means the farm holding number assigned from time to time to any premises or part of any premises by the National Assembly for Wales;

“disinfect” (“*diheintio*”) means disinfect with an approved disinfectant;

“hunting” (“*hela*”) means the use of hounds, beagles or other dogs for the purpose of hunting or coursing any deer, fox, mink, hare or rabbit or for hunting any drag or other trail;

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(1) S.I.1978/32 to which relevant amendments have been made by S.I. 1999/919 and, as regards Wales, by S.I.2001/641.

(2) S.I. 1998/871, as amended by S.I. 1998/1796, S.I. 1998/2969, S.I. 1999/1339 and as regards Wales by S.I. 2001/2360.

(3) S.I. 1983/1950, as amended by S.I. 1993/3119, S.I. 1995/2922 and further amended, as regards Wales, by S.I. 2001/572 (W.26), S.I. 2001/658 (W.33), S.I. 2001/968 (W.46), S.I. 2001/1033 (W.47) (itself amended by S.I. 2001/1234 (W.67)), S.I. 2001/1406 (W.93), S.I. 2001/1509 (W.106), S.I. 2001/1874 (W.134), S.I. 2001/2236 (W.162), S.I. 2001/2813(W.242), S.I. 2001/2981 (W.248), S.I. 2001/3145 (W.260), S.I. 2001/3706 (W.303), and S.I. 2001/4009 (W.335).

“individual identification number” (“*rhif adnabod unigol*”) has the same meaning as in the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Order 2002(4);

“keeper” (“*ceidwad*”) means any person having care and control of animals even on a temporary basis and includes, for the purposes of article 6(6)(a), any person transporting the animals;

“land” (“*tir*”) includes common or unenclosed land;

“premises” (“*safle*”) includes land, with or without buildings;

“qualified veterinary surgeon” (“*milfeddyg cymwysedig*”) means a fellow or member of the Royal College of Veterinary Surgeons;

“registered right of common” (“*hawl gofrestredig i gomin*”) means a right of common registered under the Commons Registration Act 1965(5);

“S Mark” (“*Marc S*”) has the same meaning as in the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Order 2002;

“Scottish Ministers” (“*Gweinidogion yr Alban*”) has the meaning it is given in section 44 of the Scotland Act 1998(6);

“slaughterhouse” (“*lladd-dy*”) has the meaning it is given in the Fresh Meat (Hygiene and Inspection) Regulations 1995(7);

“sole occupancy group” (“*grŵp meddianaeth unigol*”) means any group of premises in relation to which an authority has been issued by the Secretary of State permitting movements between each of the premises in the group;

“tack land” (“*tir tac*”) means land on to which animals belonging to another have been taken to be fed or pastured for reward by an agister; and

“veterinary treatment” (“*triniaeth filfeddygol*”) includes, in the case of goats, the collection of semen.

### Restrictions on the movement of animals

3.—(1) Subject to the following provisions of this article, no person shall move an animal from any premises (in this article referred to as the “premises of origin”) unless the following requirements are met—

- (a) the movement is made under the authority of a licence issued by the National Assembly for Wales, the Secretary of State or an inspector and in accordance with the conditions thereof; and
  - (b) no animal has been moved on to the premises of origin (or other premises in the same sole occupancy group) during the period of 20 days before the day on which the first mentioned animal is to be moved (such period being referred to in this article as “the standstill period”).
- (2) The requirement contained in paragraph (1)(b) shall not apply—
- (a) if the premises of origin are a market, collecting centre, artificial insemination centre, or place for veterinary treatment;
  - (b) if the movement is—
    - (i) of a pig—

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(4) [S.I. 2002/1357 \(W.133\)](#).

(5) [1965 c. 64](#).

(6) [1998 c. 46](#).

(7) [S.I. 1995/539](#), as last amended by [S.I. 2002/118](#).

- (aa) as referred to in article 8(3)(b) of the Pigs (Records, Identification and Movement) Order 1995(8); or
- (bb) to a market for pigs intended for immediate slaughter;
- (ii) of an animal direct to a slaughterhouse, or to a collecting centre for animals intended for immediate slaughter, provided that in the latter case—
  - (aa) the collecting centre premises have not been and will not be used on the same day for a show or exhibition or for the sale or trading of animals otherwise than for immediate slaughter; and
  - (bb) all animals moved to the collecting centre are moved from there direct to a slaughterhouse;
- (iii) of a calf less than 30 days old (for which a cattle passport has been issued and to which ear tags have been applied in accordance with article 3(3) of the Cattle Identification Regulations) from premises of origin which are either the premises on which the calf was born or other premises in the same sole occupancy group, save that this exemption shall not apply if—
  - (aa) any animal has been moved during the standstill period direct from a market on to the premises of origin or other premises in the same sole occupancy group;
  - (bb) the calf is being moved to a collecting centre or market; or
  - (cc) the calf is being moved to a show or exhibition;
- (iv) of a lamb or kid less than 7 days old from premises of origin which are either the premises on which it was born or other premises in the same sole occupancy group to any other premises not more than 10 kilometres by road from the premises of origin, where this is for the purpose of fostering that lamb or kid;
- (v) the return from tack land of a sheep to the premises from which it was originally moved or to other premises in the same sole occupancy group provided that the tack land was managed separately from and had a different CPH number from the remainder of any premises of which it was a part at all times during the period the sheep was there;
- (vi) of an animal between premises in a sole occupancy group in accordance with an authority issued by the National Assembly for Wales or the Secretary of State;
- (vii) of an animal to a show or exhibition from another show or exhibition;
- (viii) of an animal to a show or exhibition, otherwise than from another such event or in the circumstances referred to in paragraph (x), provided it has been isolated for the 20 days preceding the day of the movement from all other animals on the premises of origin and any other premises in the same sole occupancy group and has been identified, marked or tagged—
  - (aa) in the case of cattle in accordance with the requirements of the Cattle Identification Regulations;
  - (bb) in the case of a sheep or goat with an individual identification number; or
  - (cc) in the case of a deer in accordance with the requirements of the Tuberculosis (Deer) Order 1989(9);
- (ix) of an animal to a show or exhibition from premises to which it has been moved from another show or exhibition, providing no other animal has been moved onto those

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(8) S.I. 1995/11, as amended by S.I. 1995/2922 and, as regards Wales, by S.I. 2001/2662 and S.I. 2002/281.

(9) S.I. 1989/878, to which relevant amendments are made by S.I. 1993/2010.

- premises (or other premises in the same sole occupancy group) during the period of 20 days before the day on which the first mentioned animal is to be moved;
- (x) of an animal from a show or exhibition to anywhere other than another show or exhibition provided that for the 20 days following the movement from the show or exhibition—
- (aa) it is not moved from the new premises except to another show or exhibition; and
  - (bb) while on the new premises it is isolated from all other animals;
- (xi) of cattle from premises of origin in circumstances where—
- (aa) the only movement of animals on to the premises of origin has been of a calf less than 30 days old brought from the premises on which it was born or from other premises in the same sole occupancy group;
  - (bb) the premises of origin are authorised to be used as a specialist calf rearing unit by a notice issued by a veterinary inspector, the National Assembly for Wales or the Secretary of State; and
  - (cc) the cattle to be moved have been issued with cattle passports and tagged in accordance with the Cattle Identification Regulations;
- (xii) of an animal for direct export or to a collecting centre or assembly centre approved under regulation 12(2) of the Animal and Animal Products (Import and Export) (England and Wales) Regulations 2000<sup>(10)</sup> prior to such export;
- (xiii) of an animal which has been imported into the United Kingdom direct to any premises from its point of entry into the United Kingdom;
- (xiv) of an animal between land over which the owner or keeper of the animal has a registered right of common and—
- (aa) premises occupied by the owner or keeper of the animal and in relation to which the registered right of common is customarily exercised; or
  - (bb) premises occupied by any other person who has a registered right of common over that land and in relation to which the registered right of common is customarily exercised;
- (xv) of an animal between premises occupied by the owner or keeper of the animal and in relation to which a registered right of common over land is customarily exercised and premises occupied by any other person who has a registered right of common over that land and in relation to which the registered right of common of that other person is customarily exercised;
- (xvi) of pigs, cattle, or sheep to an artificial insemination centre, provided, in the case of sheep, that they have been isolated for the 20 days preceding the movement from all other animals on the premises of origin and any other premises linked to them in a sole occupancy group;
- (xvii) of pigs, sheep, goats, cattle or deer to a place for veterinary treatment provided (except in the case of pigs) that the animals will be isolated from all other animals there whilst the treatment is carried out;
- (xviii) of a bull or ram or a deer of either sex, otherwise than from a market, for breeding purposes, provided it is identified, marked or tagged—

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<sup>(10)</sup> S.I. 2000/1673, as amended by S.I. 2000/2266, S.I. 2000/2524, S.I. 2000/2900 and 2000/3128 and as regards Wales only, S.I. 2002/1039.

- (aa) in the case of a bull in accordance with the requirements of the Cattle Identification Regulations;
  - (bb) in the case of a ram with an individual identification number; or
  - (cc) in the case of a deer in accordance with the requirements of the Tuberculosis (Deer) Order 1989;
- and, in the case of a ram, has been isolated for the 20 days before the movement from all other animals on the premises of origin and any other premises linked to them in a sole occupancy group and provided further that immediately following the arrival of the bull, deer or ram at the premises to which it is moved, its owner or keeper signs a declaration that it is to be used for breeding purposes;
- (xix) of a goat of either sex, otherwise than from a market, for breeding purposes where the goat is identified with an individual identification number provided—
    - (aa) it has been isolated for the 20 days before the movement from all other animals on the premises of origin and any other premises in the same sole occupancy group; or
    - (bb) if it has been isolated on the premises of origin for less than that 20 day period, it is moving to other premises where it had previously been sent for breeding purposes and from which it was returned immediately prior to being so isolated,and provided further that a declaration is signed by its owner or keeper immediately following its arrival at the premises to which it is moved that the goat has been moved for breeding purposes;
  - (xx) of sheep returning from premises to which they were moved solely for the purposes of taking part in a sheep dog trial there; or
  - (xxi) of an animal being moved to a laboratory for diagnostic tests to be carried out to ascertain whether the animal is affected by or has been exposed to a disease; or
  - (c) if a permit disapplying the standstill period has been issued by a veterinary inspector in relation to the movement.
- (3) For the purposes of paragraph (1)(b) no account shall be taken of the movement on to the premises of origin or other premises in the same sole occupancy group of—
- (a) a pig—
    - (i) which is being returned to those premises from a place to which it had been moved for breeding, an artificial insemination centre or a place to which it had been moved for veterinary treatment provided it is isolated for 20 days after the date of its return from all other animals; or
    - (ii) where that movement is as referred to in article 8(3)(b) of the Pigs (Records, Identification, and Movement) Order 1995;
  - (b) an animal which is being moved to those premises direct from an exhibition or show provided that—
    - (i) the animal is isolated in accordance with the requirements of sub-paragraph (2)(b)(x)(bb); and
    - (ii) the attendance of the animal at that exhibition or show has been notified to the local authority;
  - (c) a bull or a deer of either sex for breeding purposes, provided it has not come from a market, has been identified, marked or tagged—

- (i) in the case of a bull in accordance with the requirements of the Cattle Identification Regulations; or
- (ii) in the case of a deer in accordance with the requirements of the Tuberculosis (Deer) Order 1989;

and provided further that its owner or keeper signs a declaration immediately after its arrival that it has been moved for breeding purposes;

- (d) a ram for breeding purposes which has not come from a market provided—
  - (i) it has been identified with an individual identification number;
  - (ii) a declaration that it has been moved for breeding purposes is signed by its owner or keeper immediately after its arrival at those premises; and
  - (iii) either no animals have been moved on to the premises from which it has come or other premises linked with them in a sole occupancy group during the 20 day period preceding the day of the movement or the ram has been isolated during that period from all other animals on such premises;
- (e) a goat of either sex for breeding purposes which has not come from a market, which has been identified with an individual identification mark provided—
  - (i) no animals have been moved onto the premises from which it has come or other premises linked with them in a sole occupancy group during the 20 day period preceding the day of the movement;
  - (ii) the goat has been isolated throughout that period from all other animals on such premises; or
  - (iii) the goat has been isolated from all other animals on such premises since being returned there from the premises of origin less than 20 days previously following a previous attempt at breeding,

and provided further that its owner or keeper has signed a declaration immediately after its arrival at those premises that the goat has been so moved for breeding purposes;

- (f) a goat of either sex which is being returned to those premises from a place to which it had been moved for breeding purposes provided it is isolated from all other animals there for 20 days after the date of its return unless it is sent back to that place for a further attempt at breeding having been so isolated since the date of its return;
- (g) any sheep or cattle which are intended to be used for breeding purposes to be carried out before 1st February 2003 or the expiry of one month from the date of the movement, whichever is the later provided—
  - (i) the sheep or cattle are moved immediately on their arrival at those premises and without coming into contact with any other animals already there into an isolation facility in respect of which all the requirements specified in paragraph (9) are met or are capable of being met at the applicable time (a “breeding isolation facility”) and are kept in that breeding isolation facility either—
    - (aa) until the expiry of a period ending at the start of the 21st day after the day of their arrival; or
    - (bb) if any other animal, other than any from those premises or other premises in the same sole occupancy group with which any of the cattle or sheep are to breed, is moved into the facility during that period, for a period expiring 20 days after the day on which that other animal is moved into the facility;
  - (ii) during the entire period in which the sheep or cattle are kept in the breeding isolation facility pursuant to sub-paragraph (i) all the requirements specified in paragraph (9) are met or are observed at all applicable times;

- (iii) the sheep or cattle are identified—
  - (aa) in the case of rams with an individual identification number or S Mark;
  - (bb) in the case of ewes with an individual identification mark or a clearly visible paint mark of a colour and design of sufficient distinctness to enable them to be readily differentiated from all other sheep on the premises including any others already in the breeding isolation facility; and
  - (cc) in the case of cattle of either sex, in accordance with the requirements of the Cattle Identification Regulations;
- (iv) a declaration is signed by or on behalf of their owner or keeper immediately after their arrival that they are to be kept solely for breeding purposes during the period before 1st February 2003 or the expiry of one month from the date of the movement, whichever is the sooner;
- (v) any other animals which—
  - (aa) are being kept in the breeding isolation facility when the sheep or cattle arrive, whether this is pursuant to this provision or otherwise; or
  - (bb) which are moved into that facility from elsewhere on those premises on or after the arrival of the sheep or cattle,are also kept in the breeding isolation facility until the expiry of 20 days from the date of the arrival of the sheep or cattle, irrespective of whether any other period during which those other animals would otherwise be required to be kept in that facility would expire during those 20 days;
- (vi) the cattle or sheep, together with any other animals referred to in paragraph (v)(aa), are inspected and, if necessary, examined for any signs of disease by a qualified veterinary surgeon during the period beginning with the fourteenth day after the day of their arrival and ending with the twentieth day thereafter;
- (vii) the qualified veterinary surgeon who has carried out the inspection and examination referred to in sub-paragraph (vi) signs a declaration confirming he has carried out that inspection and examination;
- (viii) no notice has been issued under paragraph (10) in respect of a facility intended to be used as a breeding isolation facility at those premises apart from any such notice which has been revoked under paragraph (11);
- (h) a ram or bull which has been returned unsold from a market to which it had been sent to be sold for breeding purposes provided—
  - (i) the ram or bull is moved immediately on its arrival at those premises and without coming into contact with any other animals already there into a breeding isolation facility and is kept in that breeding isolation facility either—
    - (aa) until the expiry of a period ending at the start of the 21st day following the day of its return; or
    - (bb) if any other animal, other than one from the same premises or other premises in the same sole occupancy group with which the ram or bull is to breed, is moved into the facility during that period, until the expiry of 20 days after the day that other animal is moved into the facility;
  - (ii) during the entire period in which the ram or bull is kept in the breeding isolation facility pursuant to sub-paragraph (i) all the requirements specified in paragraph (9) are met or observed at all applicable times;
  - (iii) the ram or bull is identified—

- (aa) in the case of ram with an individual identification number; and
- (bb) in the case of a bull, in accordance with the requirements of the Cattle Identification Regulations;
- (iv) any other animal which—
  - (aa) is being kept in the breeding isolation facility when the ram or bull returns, whether this is pursuant to this provision or otherwise; or
  - (bb) which is moved into that facility from elsewhere on the same premises or other premises in the same sole occupancy group on or after the return of the ram or bull,

shall also remain in that facility until the expiry of 20 days from the date of the return of the ram or bull, irrespective of whether any other period during which that other animal would otherwise be required to be kept there would expire during those 20 days;

  - (v) the ram or bull together with any other animal referred to in paragraph (iv)(aa) is inspected and, if necessary, examined for any signs of disease by a qualified veterinary surgeon during the period beginning with the fourteenth day after the day of its arrival and ending on the twentieth day thereafter;
  - (vi) the qualified veterinary surgeon who has carried out the inspection and examination referred to in sub-paragraph (v) signs a declaration confirming that he has carried out that inspection and examination; and
  - (vii) no notice has been issued under paragraph (10) in respect of a facility intended to be used as a breeding isolation facility at those premises apart from any such notice which has been revoked under paragraph (11);- (i) a sheep which is being returned to those premises from tack land provided the tack land has been managed separately from and had a different CPH number from the remainder of any premises of which it is a part during the period the sheep was there;
- (j) a calf less than 30 days old from the premises on which it was born or other premises in the same sole occupancy group, provided that the premises of origin are authorised to be used as a specialised calf rearing unit by a notice issued by a veterinary inspector, the National Assembly for Wales or the Secretary of State;
- (k) an animal from either—
  - (i) its point of entry into the United Kingdom following its import from another Member State; or
  - (ii) the premises to which it has been moved from its point of entry into the United Kingdom;
- (l) an animal which is brought on to those premises in a vehicle provided that—
  - (i) the animal is not unloaded from that vehicle at those premises, and
  - (ii) such movement is carried out in accordance with the conditions of a licence issued under paragraph (1)(a);
- (m) a lamb or kid less than 7 days old in the circumstances described in paragraph (2)(b)(iv);
- (n) cattle which are being returned to those premises from an artificial insemination centre;
- (o) sheep which are being returned to those premises from an artificial insemination centre provided they have been at that centre for the preceding 20 days;
- (p) sheep, goats, cattle or deer being returned to those premises from a place for veterinary treatment or of any offspring to which they have given birth whilst at that place provided those animals and such offspring have been isolated from all other animals whilst there; or



(q) an animal moved on to those premises for diagnostic tests to be carried out to ascertain whether it is affected by or has been exposed to disease.

(4) The requirement set out in paragraph (1)(a) above shall not apply in the case of any movement which is authorised under a licence issued under article 12 of the Pigs (Records, Identification and Movement) Order 1995.

(5) The requirements set out in paragraph (1) shall not apply in any case in respect of which a licence has been issued or granted after the coming into force of this Order under the Foot-and-Mouth Disease Order 1983 to authorise the movement of an animal to or from any premises.

(6) The requirements set out in paragraph (1) shall not apply to the movement of any animal to or from any zoo licensed under the Zoo Licensing Act 1981(11).

(7) Subject to paragraph (8) and except in the cases referred to in paragraphs 2(b) (xvii) and sub-paragraphs (3)(g), (h) and (p), where any animal, other than a pig, is required to be isolated for any purpose under this article, this means isolated in isolation facilities approved by notice by a veterinary inspector.

(8) No isolation facilities used for the purposes of sub-paragraphs (3)(g) or (h) may be used at the same time for isolating animals for any other purpose under this Order.

(9) For the purposes of paragraphs (10) and (11) and sub-paragraphs (3)(g) and (h), an isolation facility meets the requirements of this paragraph so as to be a “breeding isolation facility” provided—

- (a) all the requirements specified in Part I of the Schedule in relation to the facility are met or observed;
- (b) an inspection to ensure those requirements are met or can be observed at all applicable times has been carried out prior to the facility first being used for the purposes of sub-paragraphs (3)(g) and (h) by a qualified veterinary surgeon;
- (c) a report of that inspection substantially in the form set out in Part II of the Schedule has been completed and signed by the qualified veterinary surgeon who has carried out that inspection and by the person who will be the keeper of the animals to be kept in the facility and the report has been sent to the address indicated on that form;
- (d) the report referred to in sub-paragraph (c) does not indicate that the requirements set out in Part I of the Schedule are not met or will not be capable of being observed at all applicable times; and
- (e) every request by an inspector at any reasonable time—
  - (i) to enter the facility and any other part of the premises where the facility is located (other than any domestic dwelling)—
    - (aa) to ascertain whether the requirements specified in this paragraph or sub-paragraphs (3)(g) or (h) are or are capable of being met and observed at all applicable times; or
    - (bb) to inspect the animals in the facility or to examine them for signs of disease; or
  - (ii) to examine movement or identification records or the declarations referred to at paragraphs (3)(g)(vii) and (3)(h)(vi) for any of the animals contained in the facility, has been complied with in full and all necessary cooperation afforded to the inspector in carrying out such actions.

(10) If a veterinary inspector is of the opinion that a facility intended to be used as a breeding isolation facility does not meet the requirements of Part I of the Schedule, he shall serve a notice in writing on the occupier of the premises where the facility is located and on the owners or keepers of

all animals on those premises specifying the respects in which those requirements are not met and the steps, if any, that should be taken in order for them to be met.

(11) A notice issued under paragraph (10) may be varied or revoked at any time by a further written notice issued by a veterinary inspector or other officer of the Secretary of State or National Assembly served on the persons on whom the first notice was served.

(12) Where a licence has been issued or granted by the National Assembly for Wales, the Secretary of State, an inspector, or the Scottish Ministers under an order made under section 8 of the Act to authorise the movement of any animal from premises situated in England or in Scotland to premises situated in Wales or to premises situated in Scotland or England through any part of Wales, such provisions of that licence as are relevant shall apply in relation to that part of the movement which takes place in Wales as if that licence were a licence issued under paragraph (1)(a) and the provisions of this Order shall apply accordingly.

(13) Where a licence such as is referred to in paragraph (12) authorises movements of any kind between premises under the same management or control then, without prejudice to the provisions of that paragraph, it shall have effect as if it were also an authority issued for the purposes of making the premises a sole occupancy group under this Order and the provisions of this Order shall apply in respect of it accordingly.

#### **Restrictions on movements to slaughterhouses**

4. No person shall—

- (a) move any animal to a slaughterhouse save for the purpose of slaughter within 48 hours of its arrival there; or
- (b) receive any animal from a slaughterhouse unless, in the case of any animal other than a pig, under the authority of a licence issued by a veterinary inspector.

#### **Hunting**

5.—(1) Subject to the following provisions of this article, no person may take part in hunting.

(2) Nothing in paragraph (1) shall make it unlawful for—

- (a) the occupier of any land or any group of not more than three persons who are authorised by the occupier or are members of his or her 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; or
- (b) a person to take part in hunting under the authority of a permit granted by a veterinary inspector and subject to any conditions that may be specified therein.

(3) Paragraph (1) shall not apply to any person who takes part in hunting under the authority and in accordance with the conditions of a permit issued after the coming into force of this Order under article 36(2)(d) of the Foot-and-Mouth Disease Order 1983 but if such a permit shall cease to be valid by reason of the revocation of a controlled area order it shall instead continue to have effect as if it were a permit issued under paragraph (2)(b).

(4) In deciding whether to issue a permit under paragraph (2)(b) a veterinary inspector shall comply with any instructions which may have been issued by the National Assembly for Wales or the Secretary of State in relation to the issue of such permits.

(5) Subject to paragraph (6), where a permit is issued under paragraph (2)(b) as a general permit, a veterinary inspector may by notice prohibit any person from taking part in or organising hunting under the authority of that permit.

(6) A veterinary inspector may only issue a notice under paragraph (5) if he is of the opinion that—

- (a) the provisions of this Order or of the aforesaid general permit are or have not been complied with by the person on whom the notice is served or by persons taking part in any hunt which that person has organised; and
- (b) the service of such a notice is necessary to prevent a possible spread of disease.

### **Licences, authorities, permits and notices**

6.—(1) Subject to paragraph (8), any licence, authority, permit or notice issued or served under this Order shall be in writing, may be general or specific, shall be subject to such conditions as are specified in it and may be varied, suspended or revoked at any time by notice in writing issued—

- (a) by the the National Assembly for Wales or the Secretary of State, in the case of a licence, authority, permit or notice issued by the National Assembly for Wales, the Secretary of State or an inspector of any kind;
- (b) by a veterinary inspector, in the case of a licence, authority, permit or notice issued by a veterinary inspector or any other inspector of the Secretary of State;
- (c) by an inspector of the Secretary of State (other than a veterinary inspector), in the case of a licence, authority or notice issued by any such inspector; or
- (d) by an inspector of a local authority, in the case of a licence, authority or notice issued by an inspector of that local authority.

(2) A notice issued under paragraph (1) above shall—

- (a) be served, if the licence, authority, permit or notice to be varied, suspended or revoked is specific, on the person to or on whom that licence, authority, permit or notice was issued or served; or
- (b) be served or published, if the licence, authority, permit or notice to be varied, suspended or revoked is general, in such manner as the National Assembly for Wales, the Secretary of State or, as the case may be, the veterinary inspector or other inspector may reasonably consider most appropriate to bring it to the attention of those affected by it.

(3) In deciding whether to issue a licence under article 3(1)(a), a notice under article 3(2)(b)(xi), 3(7) or 3(10) or a permit under article 3(2)(c) or 5(2)(b), an inspector, or as the case may be, a veterinary inspector, shall comply with any instructions which may have been issued by the National Assembly for Wales or the Secretary of State in relation to any such licences, notices or permits.

(4) A licence issued under article 3(1)(a), an authority issued for the purpose of making two or more premises a sole occupancy group under article 3(2)(b)(vi), or a permit issued under article 3(2)(c) may specify requirements for the cleansing and disinfection of any vehicle used for moving animals additional to the requirements in relation thereto set out in the Transport of Animals (Cleansing and Disinfection) (Wales) Order 2001(12) and the person responsible for moving the animals shall ensure, except where the licence, authority, or permit provides otherwise, that all such requirements are met as soon as possible after the animals have been unloaded and, in any case, before the vehicle is moved from the premises to which the animals have been moved.

(5) Subject to paragraph (6), where a general licence has been issued under article 3(1)(a) above, the National Assembly for Wales or the Secretary of State may issue a notice prohibiting—

- (a) the movement under the authority of that licence of any animal from any premises specified in the notice; or

- (b) any person from moving animals under the authority of that licence either generally or to or from any premises specified in the notice.
- (6) No notice may be issued under paragraph (5) other than on the advice of an inspector who shall be of the opinion that—
  - (a) the provisions of this Order or of the aforesaid general licence are not or have not been complied with in relation to animals moved to or from the premises in question or in relation to the movement of any other animals of which the person on whom the notice is to be served is or has at any time been the keeper; and
  - (b) the service of a notice is necessary to prevent a possible spread of disease.
- (7) A notice issued under paragraph (5)(a) shall be served on the occupiers of each of the premises specified in the notice and a notice issued under paragraph (5)(b) shall be served on the person prohibited from moving animals thereunder and on the occupiers of any premises individually named on the notice.
- (8) Paragraph (1) shall not apply in the case of a notice issued under article 3(10).

#### **Change of occupation of premises affected by the provisions of this Order**

- 7.—(1) Where, on the termination of his or her right of occupation of any premises, the owner of any animal on those premises is unable to remove it therefrom by reason of any restriction imposed by or under the foregoing provisions of this Order, the person entitled to the occupation of those premises on such termination shall—
- (a) afford the owner of that animal and any person authorised by him or her for the purpose, all such facilities as may be necessary for feeding, tending or otherwise using that animal (including selling it) as the owner may reasonably require; or
  - (b) where the owner of that animal is unable or unwilling to avail himself or herself of such facilities, take all such steps as may be necessary to ensure that the animal is properly fed, tended and kept.
- (2) The provisions of paragraph (1) shall continue to apply until the expiration of a period of 7 days from the date on which any restriction on the movement of the animal off the premises ceases to apply and the owner of the animal shall be liable to pay to the person who affords any facilities or feeds, tends or otherwise keeps that animal, in accordance with those provisions, such sums by way of remuneration and reimbursement of expenses as may be just and reasonable in all the circumstances.

#### **General provisions as to licences**

- 8.—(1) Subject to paragraph (4), every animal which is moved under the authority of a licence granted under this Order shall—
- (a) be kept separate throughout such movement from any animal which is not being moved under the authority of that licence;
  - (b) be moved by the most direct route available to the place of destination specified in the licence only, and to no other place, and
  - (c) be accompanied throughout the movement by the licence.
- (2) The person in charge of any animal to which a licence issued under this Order relates shall, on demand made by a constable or by an inspector or other officer of the National Assembly for Wales, the Secretary of State or of a local authority, produce the licence, and allow a copy thereof or an extract therefrom to be taken, and shall also, if so required, furnish his or her name and address.
- (3) Subject to paragraph (4) and the provisions of any licence issued under this Order imposing a contrary requirement on the person moving the animals, the occupier of premises to which animals are moved under that licence shall—

- (a) ensure that the occupier or his or her 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; and
- (d) provide adequate facilities, equipment and materials for any cleansing and disinfection required by a licence under this Order.

(4) The provisions of paragraphs (1)(b) and (c), (2) (insofar as it relates to the production and copying of a licence) and (3)(a) to (c) shall not apply in any case where animals are moved under a general licence.

(5) Where an inspector of a local authority issues a licence under article 3(1)(a), he or she shall retain a copy of the licence for six months.

#### **Powers of officers of the National Assembly for Wales, the Secretary of State and inspectors of local authorities in case of default**

9.—(1) If any person to whom a licence, authority, permit or notice issued or served under this Order applies fails to comply with the requirements of that licence, authority, permit or notice, an officer of the National Assembly for Wales, the Secretary of State or an inspector of a local authority may, without prejudice to any proceedings for an offence arising out of such default, take all steps as may be necessary to ensure that the requirements of the licence, authority, permit or notice are complied with and in default of such compliance the officer or inspector will cause them to be carried out.

(2) The amount of any expenses reasonably incurred by an officer of the National Assembly for Wales, the Secretary of State or by an inspector of a local authority in the exercise of any power conferred by paragraph (1) shall be recoverable on demand as a civil debt by the National Assembly for Wales, the Secretary of State or by the local authority, as the case may be, from the person in default.

#### **Offences**

10.—(1) Subject to paragraph (2), it shall be an offence under the Act for any person without legal authority or excuse, proof of which shall lie on him or her—

- (a) to contravene any provision of this Order or any provision of a licence, authority, permit or notice issued or served under it; or
- (b) to cause or permit any such contravention or non compliance.

(2) Paragraph (1) shall not apply to a notice issued under article 3(10).

#### **Local authority to enforce Order**

11.—(1) Subject to paragraph (2) the provisions of this Order shall be executed and enforced by the local authority.

(2) The National Assembly for Wales 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 it and not by the local authority or that this Order shall be executed and enforced jointly by it and by the local authority.

### **Revocation of the Disease Control (Interim Measures) (Wales) Order 2002**

12. The Disease Control (Interim Measures) (Wales) Order 2002 is revoked<sup>(13)</sup>.

### **Amendment of the Animal Gatherings (Interim Measures) (Wales) Order 2002**

13. In article 1, paragraph (2) of the Animal Gatherings (Interim Measures) (Wales) Order 2002<sup>(14)</sup>, for the words “1st December 2002”, there shall be substituted the words “1st February 2003”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(15)</sup>

at 2:30pm on 4th September 2002

*Jane Davidson*  
Minister for Education and Lifelong Learning

Department for Environment,  
Food and Rural Affairs  
at 11:20 am on 5th September 2002

*Whitty*  
Parliamentary Under-Secretary of State,

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<sup>(13)</sup> S.I. 2002/280 (W.32).

<sup>(14)</sup> S.I. 2002/283 (W.34).

<sup>(15)</sup> 1998 c. 38.